Check for updates

Article

European Journal of Criminology

European Journal of Criminology
1–17
© The Author(s) 2020

Article reuse guidelines:
sagepub.com/journals-permissions
DOI: 10.1177/1477370820952686
journals.sagepub.com/home/euc

Same, same but different: A comparative study of the Swedish and German support systems for young victims of crime

Sara Thunberg
Örebro University, Sweden

Diana Willems
Annemarie Schmoll
Annalena Yngborn
Deutsches Jugendinstitut e.V., Germany

Abstract

Sweden and Germany are often compared, which suggests that much can be learned from each country. One aspect that needs further investigation concerns support for young victims of crime. The study therefore compares the Swedish and German welfare systems' handling of young victims who need support after victimization, to see what can be learned from each respective country. The comparisons make it clear that both countries' support systems developed out of similar social movements in the 1970s. However, there are differences between the two welfare states' approaches to supporting young people. The reasons for the similarities and differences are discussed, along with practical implications for social policy.

Keywords

Sweden, Germany, support, young people, victims of crime

Introduction

The need to support victims of crime is a growing issue, gaining more and more attention around the world. However the discussions are not new. As early as in 1985, the United

Corresponding author:
Sara Thunberg, School of Law, Psychology and Social Work, Örebro University, 701 82 Örebro, Sweden.
Email: sara.thunberg@oru.se

Nations (UN) issued its (non-binding) *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, which stresses the responsibility of each member state to prevent crime, prosecute those who have committed a crime, and make sure that those affected by crime receive help and assistance. In the same year, the Council of Europe Committee of Ministers also recommended the governments of member states to review their legislation and practice concerning the position of the victim in the framework of criminal law and procedure (Recommendation No. R (85) 11). This Recommendation was adopted in June 1985 and established legal obligations across Europe, including in Sweden and Germany. Nearly three decades later, the European Parliament and Council (2012) decided upon Directive 2012/29/EU, which replaced the Council Framework Decision 2001/220/JHA (European Council, 2001), to set a minimum standard of support for victims of crime that each member state must provide. The Directive states, for example, that a suitable public authority should be responsible for ensuring that victims receive information on financial compensation and support. Also, the victims have a right to receive support if they need it. Each member state can choose to go further in its national legislation and to give crime victims more rights; the Directive sets only the bare minimum. With (non-binding) Directives from the UN and the European Parliament and Council in force, victims' rights should be quite similar between European countries, enabling parallels to be drawn between countries and new knowledge to be generated on victims' needs across borders. Sweden and Germany are two countries in the European Union that are often compared, because they collaborate within several different sectors, and politicians in both countries argue that the other country's development should be viewed as a positive example.

Being a crime victim is often associated with being weak and passive (see Christie's, 2001, concept of the ideal victim). From this perspective, victims of crime, and especially young crime victims, need to receive support – mostly emotional support in the form of talking about the victimizing event to learn to handle the experience and be able to move on from it (for example, Capella et al., 2016; Schonbucher et al., 2014; Surko et al., 2004). This view can be problematic, because not all victims need support, at least not professional support, and not all of them need to talk about the experiences; some might need other types of support instead, such as information (for example, Burcar, 2005; Burcar and Åkerström, 2009; Thunberg et al., 2016). Another issue concerns who is to be considered a victim of crime, because legislation differs between countries and an individual might feel like a victim even though he or she is not classed as such from a judicial standpoint. In this study, the focus will be on young people who have been the victim of crime, which means that a narrow understanding of the concept is used (Kiefl and Lamnek, 1986: 27 ff.; Sautner, 2014: 13 ff.). There are wider definitions than just having been subjected to a crime, such as being a victim of discrimination or of other events such as natural disasters (Sautner, 2014: 14). However the focus of the present study is criminal victimization. This definition of victimhood refers to the norms in the Criminal Code and depends on what the legislation declares to be punishable (Sautner, 2014: 15). This enables us to make comparisons between the two countries as long as both legal systems understand similar things to be punishable.

Swedish crime statistics from 2018 show a greater number of crimes reported to the police than the year before, with 291,000 reports of crimes against a person (for example,

assault, sexual offences, and harassment) (Brå [The Swedish National Council for Crime Prevention], 2019). Concerning young people specifically (15–17 years of age), 7410 cases of assault, 1200 cases of rape, and 1520 cases of sexual harassment were reported to the police. Other types of crime (for example, robbery) reported in the official criminal statistics do not differentiate victims by age. Because of this, the recurring school survey is also of importance for understanding young people's experiences of crime. From this survey, which builds on self-reported data, Brå (2018a) reports that around half (51 percent) of all young people in ninth grade (15–16 years of age) have been the victim of property crime, assault, sexual assault, threats, or robbery, and the most common arena for crime is the school. However, exposure to crime and other violations to a large extent takes place on the Internet. The report concludes that the crimes have had severe consequences, for example in the form of victims avoiding certain locations afterwards, especially when they have been the victim of sexual assault (Brå, 2018a). Young people are also commonly victims of multiple crimes, or have experiences of committing offences as well (that is, victim–offender overlap) (for example, Cater, Andershed and Andershed, 2014; Thunberg and Källström, 2018). This suggests that exposure to crime and other violations has hindering effects on young people, which calls for support services to help them handle their victimization, but also for crime prevention, to make sure that fewer young people become victims of crime and to reduce the risk of their also becoming offenders.

As in Sweden, young people in Germany are at high risk of victimization. German police statistics show that girls and women report a high percentage of sexual offences, whereas boys and young men are more often registered as victims of violent offences such as robbery and criminal assault (Bundeskriminalamt, 2020). The picture is similar when looking at the victim-load factor (victims per 100,000 inhabitants of each group of age and sex). Apart from sexual offences, male children and adolescents run about twice the risk of being victimized in a violent offence as female children and adolescents. Victim surveys supply additional information to complement the police data, because they also capture non-registered offences. In Germany – until now – only surveys conducted on a non-regular basis are available, though in the future the German Victim Survey is planned to be conducted regularly (see Birkel et al., 2019: 3; Obergfell-Fuchs, 2017: 23f.). School surveys, such as the longitudinal survey in Lower Saxony conducted in 2013, 2015 and 2017, show that about one in five juveniles had been the victim of a violent crime in the previous year (see Baier et al., 2009: 38; Bergmann et al., 2017: 42; Bergmann et al., 2019). Studies also show that young people in general are more often victimized than elderly people (see Bergmann et al., 2017: 48; Birkel et al., 2019: 20; LKA Niedersachsen, 2015). The victim–offender overlap is also important to keep in mind, because, particularly among young people, there is a certain amount of role-switching between being an offender and being a victim of violent crime (see Baier, 2015).

With all this in mind, it is important to study victim policy and how it has developed over time, to determine whether or not changes need to be made to better take care of young victims of crime. The present study therefore aims to investigate how both the Swedish and German welfare systems handle young victims who need support post-victimization, to see what can be learned from each respective country.

Theory

The model of the various welfare regimes developed by Esping-Andersen is intended to serve as a theoretical construct for examining the support systems for young victims in a comparative perspective. Two of Esping-Andersen's categories, the social democratic (Swedish) and the conservative (German) welfare regimes, will be briefly presented in order to see whether they can provide further insight into the Swedish and German support systems for young victims of crime.

In developing the conception of the welfare state regime, Esping-Andersen distinguished between three different types of welfare state: the liberal, the conservative, and the social democratic (Esping-Andersen, 1990: 9ff.). The concept postulates that all three types of country have similar basic institutions, but nevertheless differ at the level of the social and institutional arrangements of the welfare state (see Mau, 1997:11). Esping-Andersen's concern was to create a conception of the welfare state that reveals not only the social rights of citizens, but also the roles played by the state, the family and the allocation of public funds (see Esping-Andersen, 1990: 21). For him, the UK is the ideal prototype of the liberal welfare state, Germany is the epitome of the conservative welfare state, and the Nordic countries – especially Sweden – are models of the social democratic welfare state (see Esping-Andersen, 1990). In the following we will focus on the social democratic and conservative models.

According to these two models, the social democratic welfare state regime is characterized by its so-called universalist principle of citizenship, which in this respect stands in contrast to the conservative type, in which social welfare benefits are linked to employment and thus are status and contribution oriented. One principle of the social democratic regime is 'not to wait until the family's capacity to aid is exhausted, but to preemptively socialize the costs of familyhood' (Esping-Andersen, 1990: 28). Thus, the integrative potential of the social democratic welfare state, according to Esping-Andersen, is remarkable in that it supports the individual regardless of his or her social status and family, in order to guarantee a sufficient degree of independence. This can be applied to assistance to victims insofar as it is to be provided to the person concerned regardless of possible framework conditions (such as the social status of the victim, the criminal offence within the personal environment, and so on).

In practice, this political orientation in the social democratic countries results in large-scale welfare state benefits being guaranteed and considered as wage-independent transfers, including the whole population as a target group. Basic protection of the citizens, which is based solely on citizen status and is not connected with, for example, family structures, is taken for granted by the social democratic type. Social or welfare rights are individualized by this approach and cover children, old people and people in need, as well as higher earners.

By contrast, the conservative welfare state is status and contribution oriented. Though it is well recognized that people have social rights, these rights do not lead to social mobility, because they are linked to gainful employment and therefore consolidate people's positions in society rather than loosening them. Social benefits are thus linked to corresponding advance payments, for example to the amount of contributions made during employment. This model is based on the notion that livelihoods are initially covered

by gainful employment and that social benefits are not an alternative to employment. The principle of subsidiarity, which is based on self-determination, self-responsibility and the development of individual abilities, prevails here. According to this social principle, state institutions should intervene only where the possibilities of the individual or of a small group (for example the family) are insufficient to satisfy the existential needs of the individual. When state intervention becomes necessary, help with self-help should take priority over the direct assumption of tasks by the state. When it comes to assistance to victims, the principle of subsidiarity lacks the universalistic character of the Swedish system. This may result in offers of assistance not automatically being made to the victim; instead, some degree of personal initiative may be required from the person concerned, and it may take some time.

Comparing Sweden's and Germany's welfare policies, Meidner and Hedborg state regarding Sweden: 'Welfare provided by society relies more on the life situation in which one lives . . .. The services are not results of decisions that are made in the market, but are determined in the political process' (Meidner and Hedborg, 1984: 56). Characterizing Sweden and Germany in terms of Esping-Andersen's welfare regimes makes it possible to assign the support systems for young victims in the two countries to a certain political tradition of culture and society, from which conclusions can be drawn about the practices. Before doing so, however, the two systems need to be presented.

Results – comparing two countries

In this section, the Swedish and German systems for supporting young victims of crime are presented. The legislation and policies presented mainly concern all victims of crime, and therefore it will be specified in the text whether a particular piece of legislation concerns young people specifically. The section ends with a comparison of the two countries.

The Swedish support system

During recent decades, several changes have been made in policy concerning support to victims of crime (*brottsoffer*) in general, and to young victims in particular. To better understand these changes, some insight is needed into the Swedish governance system. On a national level, it is the parliament and government that have the authority to make legislative changes. Below them is the level of regional governance, focusing, for example, on health care. Lastly, the municipal level is the governance level closest to the citizens. The municipal council is responsible for the well-being of all citizens in the municipality, including social services, child care, the school system and elderly care, among other things. Each municipality is independent in relation to other municipalities and can establish local rules and regulations, as long as they do not contradict national legislation. When it comes to victims of crime, the parliament and government set the legislation and policies concerning the rights and obligations that victims of crime possess, but the actual responsibility for support services lies with the social services (*socialtjänsten*) at the municipal level. This means that there is a risk that the availability of support services will differ between municipalities, depending on how prioritized the

group is in relation to other groups of people in need of help from the social services (see Gallo and Svensson, 2019; Ljungwald, 2011; Ljungwald and Svensson, 2007; Thunberg et al., 2016).

Regarding Sweden, it is important to note that the term 'victim of crime' (*brottsoffer*) does not appear in the 1942 Code of Court Proceedings (1942:740, *Rättegångsbalken*) or the 1947 Code of Crime Procedure (1947:948, *Förundersökningskungörelsen*); instead the term 'injured party' (*målsägande*) is used (Kim and Gallo, 2019). This means that, judicially, the term 'victim' does not exist within the judicial system, and as a result the status of a person subjected to a crime depends on whether or not the crime has been reported to the police. The injured party, according to chapter 20 §8 of the Code of Court Proceedings, is the person who has been subjected to a crime or who because of the crime has been offended or suffered injury. The term 'victim' has no judicial definition in Swedish legislation, although it is used in chapter 5 §11 of the 2001 Social Services Act (2001:453, *Socialtjänstlagen*).

Since the 1970s, there have been many changes in the Swedish welfare system as a whole. At that time, various social movements were pointing to problems with certain groups of people not being fully included in society, or not having their problems taken seriously. One of these movements concerned domestic violence against women, and, as the problem became increasingly acknowledged, shelters were established for women and children to protect them from violent partners/parents, and lobbying organizations were founded as part of the women's liberation movement. The work of these organizations also constitutes the foundation for support to victims of crime in general (see Ljungwald, 2011). In the 1980s, Victim Support Sweden (Brottsofferjouren), a non-governmental organization, was founded by a police officer and a deaconess who felt that victims of crime were left without any type of support – something the founders wanted to change (Säfström, 2018). They started a small organization that over time grew into a national organization, with several sister organizations around the country (Gallo and Svensson, 2019). Victim Support Sweden supports all victims of crime, witnesses and relatives of those directly affected by the crime, for example by providing information and emotional support with the help of volunteers. Victim Support Sweden is not a professional organization; if professional support is needed, they refer the victim to an appropriate organization such as health care services (for example for medical or psychiatric support) or the social services (for example for counselling or financial assistance). It was during the 1970s and 1980s that the term 'victim of crime' began to be used in debates and in society in general (see Gallo and Svensson, 2019; Kim and Gallo, 2019; Thunberg, 2020).

The women's shelter and lobbying organization, together with Victim Support Sweden and other organizations, managed to change public policy. For example, in 1988 Sweden legislated that in some cases (for example, serious sexual assault) the injured party should receive legal assistance through a legal counsel (*målsägandebiträde*) (Gallo and Svensson, 2019). The introduction of the 1988 Act on Counsel for the Injured Party (*Lag 1988:609 om målsägandebiträde*) was seen as progressive at the time, because it strengthened the rights of the injured party in the judicial process. The legislation has also served as an example for legislators in other countries in their work with victims' rights. Since the introduction of the Act, it has been repeatedly modified – to include all

types of sexual crimes in 1991, and to include all crimes where the injured party could need a legal counsel – thereby broadening who is entitled to a legal counsel (see Ljungwald and Elias, 2010; SOU, 1998).

The continuous lobbying for victims' rights by Victim Support Sweden also resulted in the establishment of the Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) in 1994 (Gallo and Svensson, 2019). The authority focuses, among other things, on financial compensation to victims of crime (*Brottsskadeersättning*); on managing the crime victim fund (*Brottsofferfonden*), which finances research on crime victims and organizations working with crime victims in different ways; and on serving as a centre for knowledge (*Kunskapscentrum*) about victimization (Brottsoffermyndigheten, 2019). The difference between the authority and Victim Support Sweden, other than Victim Support Sweden being a non-governmental organization, is that the authority does not directly offer emotional support to victims of crime. It is more of a knowledge centre that focuses on spreading knowledge about victims of crime and informing victims of their rights. For that reason, it is not part of the direct support system for victims of crime.

In the late 1990s and early 2000s, a new section (chapter 5 §11) was added to the Social Services Act (2001:453). This states that crime victims have a right to receive support. The term 'crime victim' is used in this section but not further defined. When proposed, this addition faced protests from public authorities and organizations, especially the social services, because they feared it would prohibit them from working holistically with families where violence was a problem (Wendt Höjer, 2002, cited in Ljungwald, 2011). Despite the objections, the social services were made, and remain, the public authority mainly responsible for ensuring that victims of crime receive the help and support they need, with a special focus on female victims of domestic violence (unless another organization has the responsibility instead). The policy has changed over time, and in 2013 the section was changed to specify that the social services are responsible for ensuring that young victims of crime receive the help and support they need. This change also resulted in some municipalities starting to develop their own support services for young victims of crime, for example offering counselling provided by social workers or establishing support centres for young victims of crime (*Stödcentrum för unga brottsoffer*) (Thunberg, 2020)). During the same period, the 1999 Act on Special Representatives for Children (*Lag 1999:997 om särskild företrädare för barn*) was passed. The legislation focuses on situations where a child's legal guardians are unable to fulfil their duties as guardians and representing the child, for example in cases where one or both guardians are the offender(s) and the child is the victim. The legislation aims to ensure that an involved party has the best interests of the child in mind and, in cases where the guardians for some reason cannot fulfil this duty, a special representative (*särskild företrädare*) will take over the responsibility when it comes to judicial matters.

Today, Sweden has legislation stating that young victims of crime have a right to receive support to handle their victimization if they feel they need it (see chapter 5 § 11 Social Services Act 2001:453). The introduction of rights of this kind and the increasing orientation towards young people occurred during the 2000s, when the crime-victim field in Sweden became increasingly specialized to help specific vulnerable groups such as children and young people, the elderly, and people with disabilities (Gallo and

Svensson, 2019). Support for victims of crime in general is provided through various channels, ranging from governmental organizations such as the social and health care services to non-governmental organizations, such as Victim Support Sweden, that rely on volunteers with various backgrounds. However, support to young victims seen as a specific group is a bit more sparse. For example, several local offices of Victim Support Sweden do not feel they have the competence to help young victims of crime (Gallo and Svensson, 2019). Instead, young victims should receive professional support from, for example, the social services. The social services in several municipalities have established centres specializing in providing victim support to young people (*Stödcentrum för unga brottsoffer*); these offer emotional support, information and practical help. It is not known how many municipalities have these kinds of centres, but they are not available everywhere. Because of that, not all young victims have an opportunity to receive specialized support for their age group. In addition, the organizations that offer support to victims in general are often located in cities, meaning that people living in rural areas might have to travel to receive support, or receive support by telephone, for example. The injured party also has a right to receive information about support services and about the judicial system (for example, about what is happening during the police investigation) (see §13a Code of Crime Procedure, 1947:948), which should be given by the police or other judiciary agents. With the injured party's consent, the police can also send contact details to a support organization, which in turn can contact the injured party to offer support. The injured party may bring a support person to the police interview and to court, as long as this does not interfere with the judicial process. Support should also be available at all courts in Sweden in the form of a volunteer who informs injured parties/victims and witnesses about the court proceedings (Brottsoffermyndigheten, 2017). This means that, from a policy perspective, Sweden seems to meet the requirements of the UN (1985) declaration as well as the European Parliament and Council (2012) Directive. However, several studies show that young victims do not feel that they receive the information or support they need (for example, Burcar, 2005; Thunberg, 2020; Thunberg et al., 2016; see also Brå, 2018b; Thunberg and Källström, 2018). For this reason, there seems to be a discrepancy between policy and practice, and further knowledge is needed about how to bring them into alignment.

The German support system

Like Sweden, Germany has gone through several changes regarding the role and position of young victims of crime in the last decades. Before analysing these changes, the German governance system will be briefly described. Germany is a federal democratic state, with 16 federal states each containing a number of municipalities. Because the concrete implementation of laws can be different in each federal state, and even on a municipal level, laws on the rights of victims have been implemented on a national basis in the Code of Criminal Procedure (*Strafprozessordnung*), among other places.

In the 1970s, support initiatives emerged from the women's movement with a focus on certain groups, especially women. Crisis lines for women, women's shelters and support for sexually victimized girls and women were established all over Germany, and are still the most important support institutions for female victims of (especially male)

violence (Leuschner, 2018: 57). In the 1970s, the non-profit organization *Weisser Ring* was founded by a former TV journalist in close cooperation with police officers (many retired) to support victims of crime and to prevent crime. The support focused on victims of crime in general, not young victims specifically. Mainly based on volunteer work, and active all over Germany, it is currently the largest organization of its kind in the country (Leuschner, 2018: 57; Weisser Ring, n.d.).

In the mid-1980s support structures for victims of crime were also established by the state. These began with support for victim-witnesses at federal courts. In some places the support was available to all witnesses, but only in connection with the main trial, and no further consultations were offered (Fastie, 2008, cited in Leuschner, 2018: 57). Since the late 1980s, victim support has increasingly become institutionalized all over Germany. Support for (young) victims was and still is predominantly organized by non-profit organizations and volunteers.

Around the same time, professional, state-financed organizations for victim support were also founded (today organized within the *Arbeitsgemeinschaft der Opferhilfen*). Starting in larger cities (and still situated in cities more than in rural areas), advisory centres for victims and witnesses were established, focusing predominantly on adult victims but also offering support to young victims and their families. These include *Hanauer Hilfe* (the first, in 1984), *Wiesbadener Hilfe, Gießener Hilfe, Kasseler Hilfe, Zeugenhilfe Limburg*, and *Opferhilfen* in Frankfurt am Main, Bremen, Hamburg, Berlin, and *Land* Brandenburg (see Baurmann and Schädler, 1996: 80; Kirchhoff, 1996: 44; Leuschner and Schwanengel, 2014: 1).

More than in other parts of Germany, support centres for victims of right-wing violence can be found in East Germany. The professionals working at all these institutions have developed and implemented methods and professionalized themselves during recent decades, and we find more specialized education and multi-professional teams. There are several institutionalized collaborations in the form of umbrella organizations (for example, *Arbeitskreis der Opferhilfen*; Leuschner and Schwanengel, 2014: 15). Alongside these support structures, therapeutic offerings have been established for young people who are traumatized by their victimization. The spectrum ranges from trauma counselling and trauma ambulances to trauma therapy in specialized clinics and medical or psychotherapeutic practices. These psychological treatment programmes are made available particularly to people who have experienced sexual violence.

At police stations, victim liaison officers are available, especially in cases of (sexual) violence against children and/or women. Furthermore, state compensation is possible for victims, and some foundations also offer compensation (Leuschner and Schwanengel, 2014: 15, Leuschner, 2018). There are official reports on victim protection in selected federal states, though it does not occur on a regular basis.

To give an initial overview, the support system in Germany is very 'diverse and heterogeneous' (Leuschner and Schwanengel, 2014: 15) and (young) victims of crime have very diverse support options at their disposal, even though these are often not triggered automatically, as in Sweden, but require the initiative of the person in question.[1] Research shows that support for young people focuses on the following offences (in order of prevalence): sexual violence, domestic/family violence, violence, (cyber)bullying, assault, theft, political violence, school violence, homophobic violence (Schmoll and Willems,

2016). Alongside voluntary support structures, professionals organize the overall victim support structure. Three main patterns of supportive structures could be established, based on how the professionals work (see Schmoll and Willems, 2016). *People-oriented support* focuses on victims themselves and their social environment. Such structures are solution oriented and often offer systemic psychosocial support. Their main aims are the learning and practising of coping strategies and self-defence. They offer ambulant, inpatient or crisis intervention in safe settings, both single settings and group settings. Therapeutic offerings are also available. Secondly, there is *procedure-oriented support*, which is characterized by help and assistance during lawsuits, psychosocial assistance during the criminal investigation and trial, and assistance for witnesses. Thirdly, support can be *referral oriented*; such support structures provide emergency aid and necessary information, before cooperating with other organizations to refer victims to more specialized institutions.

Alongside these and other developments, important legal changes have been established. Regarding the following patchwork of legislation, it should also be noted that the Code of Criminal Procedure (*Strafprozessordnung*) and the Criminal Code (*Strafgesetzbuch*) rarely contain or define the term 'victim' (*opfer*); instead, the terms 'injured' and 'injured persons' (*verletzt, geschädigt, Verletzter, Geschädigter*) are mostly used. Two landmark legal reforms were a 1976 law on compensation for victims (*Opferentschädigungsgesetz*) and a 1986 law on improving the status of the injured person in criminal proceedings (*Opferschutzgesetz*). Particularly noteworthy is another law from 1994 (*Verbrechensbekämpfungsgesetz*), whereby victim–offender mediation found its way into the German criminal law as an optional mitigation ground. In 1999, another law further anchored victim–offender mediation in the German criminal procedural law (*Gesetz zur strafverfahrensrechtlichen Verankerung des Täter-Opfer-Ausgleichs*). One year earlier, in 1998, a law came into force that introduced, among other things, electronic recording of testimonies as well as audio-visual interviews with witnesses (*Zeugenschutzgesetz*) (Schroth and Schroth, 2018: 6 ff.). In its Framework Decision of 2001 (2001/220/JI), the Council of the European Union drew up a detailed list of demands for improving the role of victims in criminal proceedings. That was one of the most important impulses for the German legislature to create new victim protection regulations. In Germany, in the 2000s, further victims' rights reform acts were introduced containing even more far-reaching protection and information obligations. The possibilities to have a co-plaintiff (*Nebenklage*) for injured persons for certain violent offences and to grant free legal assistance to the victim have been further extended (*Opferrechtsreformgesetz*, 2004; *2. Opferrechtsreformgesetz*, 2009; Haverkamp, 2015: 54; Schroth and Schroth, 2018: 13 ff.). As already mentioned, in 2012 the European Parliament and Council decided upon Directive 2012/29/EU, which replaced Council Framework Decision 2001/220/JHA and strengthened the harmonization of the rights of victims of crime. Although this Directive provides a definition of victim of crime, this is not reflected in German legislation. In 2015 the Third Victim Rights Reform (*3. Opferrechtsreformgesetz*) was used to implement this Directive in national law (Schroth and Schroth, 2018: 24 f.). Regulations have been added to inform the injured person about his or her rights within criminal proceedings. The injured person must be informed of his or her rights as early as possible, normally in writing and, as far as possible, in a language he or she can

understand. Basically the police are responsible for this first contact; otherwise, and in the further investigation, the prosecutor and later the court are responsible. In addition, the victim should be advised of the options of filing a (criminal) complaint ('*Anzeige* or *Strafantrag*), of joining the criminal proceedings as a co-plaintiff, and of requesting that legal aid be ordered free of charge or that legal aid can be granted. If minors are injured, they and their representatives must also be advised of the regulations serving to protect them in a suitable way. Furthermore, regulations have been added to inform the injured person about his or her rights outside of criminal proceedings. The information requirements relate to the options for asserting property rights claims under civil law, unless these have already been asserted through the adhesion procedure (*Adhäsionsverfahren*). It should also be pointed out that legal aid can be applied for in the case of legal assistance. In addition, there are information requirements for possible arrangements under the Violence Protection Act (*Gewaltschutzgesetz*), for claims under the Victim Compensation Act (*Opferentschädigungsgesetz*) and for advice and help from victim support organizations. All of these provisions are intended to counteract injured persons' lack of knowledge regarding their rights within and outside of criminal proceedings. Nevertheless, the information for injured persons appears in practice to be given too seldom (Haverkamp, 2015; Schroth and Schroth, 2018: 81 ff.).

The introduction of the regulations for Psychosocial Support in Criminal Trials (*Psychosoziale Prozessbegleitung*) in 2017 is said to be the greatest milestone in victim protection legislation in Germany. These regulations will now ensure that victims of serious crimes, such as acts of violence or offences against sexual self-determination, and their relatives, can receive support under certain conditions. It is possible to obtain initial information about support from the police or the prosecutor, but they are not obliged to provide this information. The support is available before, during and after the trial. It includes support and information in connection with the conduct of the criminal proceedings. The aim of Psychosocial Support in Criminal Trials is to reduce the individual burden on the victims (BMJV, n.d.). Especially vulnerable groups, such as children and young people who are the victim of violent or sexual offences, are entitled to this new form of support; adults and victims of other crimes are eligible only under certain conditions (for further information, see BMJV, n.d.). If a victim wishes to receive Psychosocial Support in Criminal Trials, he or she must formally request that the court provide it. If all the necessary conditions are fulfilled and the court agrees to the request, the support is provided without cost to the victim. If the necessary conditions are not fulfilled and victims still make use of the support, they must bear the costs themselves (BMJV, n.d.).

Looking at the German system today, there is no nationwide standardized support structure for victims of crime (Leuschner, 2018: 58). Instead, the support structures for (young) victims of crime are more of a patchwork of programmes than a set of uniform nationwide offerings. This situation may, on the one hand, be seen as positive, because it affords the possibility of making individual choices or selections according to each individual's needs after experiencing a crime (Leuschner, 2018: 58). On the other hand, it may have negative implications, because there are strong regional disparities – with quite good support structures in the cities and fewer options in the rural areas. We find insufficient support for young adults (over 18 years) and especially for male victims. Research finds that support offerings are only rarely sensitive to issues of gender, culture, sexual

orientation and disability. Evaluations of the projects and offerings are mainly lacking, but in the discourse are seen as necessary.

Discussion

The various systems, offerings and legal changes regarding support for (young) victims of crime described above can be summarized as follows. Although Sweden and Germany are defined as different welfare systems, they do share similarities when it comes to support after victimization. In Sweden, the victim support movement started in the 1970s, along with the women's movement, although the first organization to focus primarily on support to all victims of crime was founded in the 1980s by a police officer and a deaconess as a non-governmental organization (Victim Support Sweden). Similarly, starting already in the 1970s the women's movement in Germany was central to the establishment of victim support for women and children, and at the same time the *Weisser Ring* was founded as a private initiative and made use of the knowledge and skills of former police officers who worked there after retiring. These organizations are non-governmental and depend mainly on the work of volunteers from a variety of backgrounds. The support organizations also seem mostly to be located in cities, meaning that people in rural areas need to travel to receive support face to face. It is important to note that people in rural areas in Sweden often have longer distances to travel than people in Germany. If the victims cannot travel, the support is provided by telephone, email or chat. The first initiatives for support to victims of crime in general came about through private schemes in both countries. Then, as a result of these organizations' efforts, legislative changes began to happen, especially during the 1980s in Sweden and the 1990s in Germany. Still, neither of the two countries focused specifically on young people initially. This group began to be prioritized in legislation around the 2000s.

In practice, according to Sweden's Code of Crime Procedure §13a, every police officer must be able to inform the injured party (*målsägande*) about the judicial process and where they can receive support, and is required to ask if the injured party wants this kind of information. Although Germany has similar legislation, there does not seem to be an equivalent to this in practice, with the injured person receiving information systematically from the police. However, Germany has focused on providing support directly after the crime has taken place, for example through the use of specialized trauma ambulances, of which no equivalent exists in Sweden. Instead, support is generally offered a few days or weeks after the victimization. An interesting aspect of this is that, although neither Sweden nor Germany uses the term 'victim' in their legislation concerning procedural justice, the term is central in the legislation concerning support, though even it is not defined there. Directive 2012/29/EU (European Parliament and Council, 2012) defines a victim as a person who has suffered physically, psychologically/emotionally or financially owing to the crime, or as a family member of a person who has died because of the crime, and who has suffered a result. This definition is similar to that of the (Swedish) injured party, but not exactly the same. In contrast, there are still no legal definitions of the terms 'victim', 'injured' or 'injured person' in the (German) Code of Criminal Procedure or the Criminal Code. Rather, the meaning is to be derived and determined from the respective functional and systematic relationships. Where

necessary, however, people are considered to be injured in accordance with the EU Directive (Weiner, 2020). Legislative changes have been made in both countries to comply with the Directive, but it may be problematic not to use the same definition, because it might result in some people receiving rights as an injured party/person, whereas others fall outside that definition and thereby do not have the same rights in accordance with national legislation. This could, for example, concern the right to information, which focuses on the injured party/person in both countries. Even though Directive 2012/29/EU and the national legislation in Sweden and Germany harmonize fully when it comes to the use of victim/injured party/person, the Directive has further developed victims' rights during the 21st century. By going from a Recommendation to a Directive, the EU states that this is an area that all member states must consider, and that all victims, regardless of country, have rights. All legislative changes made after the Directive came into effect must be shaped in relation the Directive, because it is mandatory for every member state, including Sweden and Germany, to follow it.

When the first sections declaring that crime victims have a right to support were added to the Social Services Act (2001:453) in the late 1990s/early 2000s, Sweden was seen as a kind of pioneer when it comes to rights for broader groups of victims. Although the first laws regarding victims emerged in Germany in the 1970s, the main developments happened in the 2000s, when the German legislature intensified its efforts to further expand and strengthen victims' rights in criminal proceedings. As already stated in the introduction, both countries follow the Directive from the European Parliament and Council and the non-binding UN Directive. This should lead to similarities. From a Swedish perspective, the Directives have been incorporated into national legislation in the form of the right for crime victims/injured parties to receive support (see chapter 5 § 11 Social Services Act) and information (§13a Code of Crime Procedure). In practice, however, this does not mean that all young victims of crime receive support (see Brå, 2018b; Thunberg and Källström, 2018). In Germany, the legislation seems to have focused more on victim support during criminal trials, and the support is available to specific groups of people in certain circumstances. This means that, unlike in Sweden, the support offered is not available to all victims of crime.

What, finally, can be concluded from the above comparison between the systems in Sweden and Germany? Do they appear the same at first glance but different on closer examination? The support system in Sweden is institutionalized to a greater extent than that in Germany and is governed by formal procedures. An example of this is that, when filing a police report, each police officer should ask if the victim has any interest in or need for assistance. Such a procedure does not exist in Germany.[2] Nevertheless, the regulations on Psychosocial Support in Criminal Trials (2017) show that Germany is also on the way to institutionalizing victim support in criminal proceedings. In this respect, Sweden is following what Esping-Andersen (1990) describes as a universalist principle, according to which every victim should have the possibility of support regardless of whether he or she really needs it, or accepts it later. However, according to statistics, few victims actually receive support (see Brå, 2018b; Thunberg and Källström, 2018). Germany's approach appears to be more specialized in this regard. Anyone who has become a victim of a crime should have the opportunity to seek help, but this help is not necessarily or automatically offered. Instead, it is up to each individual to seek the

assistance he or she needs, after which it is up to the support provider to assess whether the victim has a legitimate claim. In relation to which welfare regime each country has, Sweden and Germany differ in how and to whom support for victims is offered. In Sweden, a large portion of the responsibility lies with the state and its institutions, whereas in Germany it up to the individual victim to seek support. Germany also places greater emphasis than Sweden does on support to specific vulnerable groups of victims (children and women) and certain offences (especially serious sexual or violent crimes).

The help system for victims in Germany is furthermore, as mentioned above, 'multi-layered and heterogeneous'; it includes support from 'institutions within the youth welfare services . . . support from the justice system to victims and witnesses, foundations that offer compensation services, and even trauma ambulances' (Leuschner and Schwanengel, 2014: 15). In Sweden, this system is organized more centrally and homogeneously, due to the universalistic perspective whereby each victim has a right to support and should be offered it. However, there are some problems in practice when it comes to actually offering support, because each municipality can organize its support provision differently. Considered in the context of Esping-Andersen's conception of the three welfare regimes, the principle of subsidiarity is noticeable in Germany's support system. Help is not delegated by state institutions; instead it is up to the individual to seek help among the various offerings and organizations. According to the principle of 'help for self-help', these organizations are often (at least partially) financed by the state, but the state does not take on any further responsibility for supporting victims.

In sum, we conclude that, although the Swedish and German welfare systems are built upon different ideologies, with Sweden having a more universalist perspective and Germany focusing more on individual responsibility, there are things to be learned on both sides. On the one hand, Germany needs more inclusive legislation to make sure that all young crime victims receive support if needed. Sweden, on the other hand, needs more specialized types of support services adapted to the needs of the victim. Ideally all young victims of crime should receive the help and support they need. However, this is not the case in either Sweden or Germany. Both countries are on a path where the need for support to young victims of crime is increasingly recognized and talked about, which is a first step towards change, but there is room for improvement in the support systems.

According to Swedish law, support should be offered to all young victims of crime, but the statistics (see Brå, 2018b; Thunberg and Källström, 2018) indicate that this is not the case in practice. In Germany, even though there is legislation focusing on specific groups of victims, it is still too early to draw any conclusions about the consequences of the legislation, because it has been in effect only since 2017. In both countries, however, the consequences for practice of national legislation need to be evaluated, to make sure that the purpose of the legislation is being fulfilled.

Author's Note

Affiliation research conducted at Örebro University, School of Law, Psychology and Social Work, and Deutsches Jugendinstitut e.V, Arbeitsstelle Kinder- und Jugendkriminalitätsprävention.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

ORCID iD

Sara Thunberg https://orcid.org/0000-0002-1406-2064

Notes

1. Leuschner established the victim atlas for Germany: https://www.odabs.org/. Victims of crime can use it to find the victim support centre nearest to their home.
2. There is an exception in some cities for victims of domestic violence.

References

Act on Counsel for the Injured Party (1988) *Lag 1988:609 om målsägandebiträde*.

Act on Special Representatives for Children (1999) *Lag 1999:997 om särskild företrädare för barn*.

Baier D (2015) Viktimisierung von Kindern und Jugendlichen außerhalb des sozialen Nahraums. In: Guzy N, Birkel C and Mischkowitz R (eds) *Viktimisierungsbefragungen in Deutschland. Band 1. Ziele, Nutzen und Forschungsstand*. Wiesbaden: Bundeskriminalamt, 249–279.

Baier D, Pfeiffer C, Simonson J and Rabold S (2009) *Jugendliche in Deutschland als Opfer und Täter von Gewalt: Erster Forschungsbericht zum gemeinsamen Forschungsprojekt des Bundesministeriums des Innern und des KFN*. KFN-Forschungsbericht Nr. 107. Hannover: Kriminologisches Forschungsinstitut.

Baurmann MC and Schädler W (1996) Opferbedürfnisse und Opfererwartungen. In: Bundeskriminalamt (ed.) *Das Opfer und die Kriminalitätsbekämpfung. Vorträge und Diskussionen der Arbeitstagung des Bundeskriminalamts vom 14. bis 17. November 1995*. Wiesbaden: Bundeskriminalamt, 67–101.

Bergmann MC, Baier D, Rehbein F and Mößle T (2017) *Jugendliche in Niedersachsen. Ergebnisse des Niedersachsensurveys 2013 und 2015*. KFN-Forschungsbericht, Nr. 131. Hannover: Kriminologisches Forschungsinstitut.

Bergmann MC, Kliem S, Krieg Y and Beckmann L (2019) *Jugendliche in Niedersachsen. Ergebnisse des Niedersachsensurveys 2017*. KFN-Forschungsbericht Nr. 144. Hannover: Kriminologisches Forschungsinstitut.

Birkel C, Church D, Hummelsheim-Doss D, Leitgöb-Guzy N and Oberwittler D (2019) *Der Deutsche Viktimisierungssurvey 2017. Opfererfahrungen, kriminalitätsbezogene Einstellungen sowie die Wahrnehmung von Unsicherheit und Kriminalität in Deutschland*. Wiesbaden: Bundeskriminalamt.

BMJV (Bundesministerium der Justiz und für Verbraucherschutz) (n.d.) Psychosocial support in criminal trials. URL (accessed 10 August 2020): https://www.bmjv.de/DE/Themen/OpferschutzUndGewaltpraevention/Prozessbegleitung/Merkblatt_Prozessbegleitung_Englisch.pdf?__blob=publicationFile&v=1.

Brå [The Swedish National Council for Crime Prevention] (2019) *Kriminalstatistik 2018. Anmälda brott - Slutlig statistik*. Stockholm: Brottsförebygganderådet.

Brå [The Swedish National Council for Crime Prevention] (2018a) *School Survey on Crime 2017. On Crime Victimization and Participation in Crime. English Summary of Brå Report 2018:15*. Stockholm: The Swedish National Council for Crime Prevention.

Brå [The Swedish National Council for Crime Prevention] (2018b) *Stöd till brottsoffer. En analys utifrån Nationella trygghetsundersökningen 2006–2017*. Stockholm: The Swedish Brottsförebygganderådet.

Brottsoffermyndigheten (2017) Vittnesstöd [Witness support]. URL (accessed 10 August 2020): https://www.brottsoffermyndigheten.se/om-oss/vittnesstod.

Brottsoffermyndigheten (2019) Om oss [About us]. URL (accessed 11 August 2020): https://www.brottsoffermyndigheten.se/om-oss.

Bundeskriminalamt (eds) (2020) *PKS [Polizeiliche Kriminalstatistik 2019] – IMK-Bericht*. URL (accessed 20 August 2020): https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/PolizeilicheKriminalstatistik/2019/FachlicheBroschueren/IMK-Bericht.html.

Burcar V (2005) Gestaltningar av offererfarenheter: Samtal med unga män som utsatts för brott. PhD thesis, Lund University, Sweden.

Burcar V and Åkerström M (2009) Negotiating a victim identity: Young men as victims of violence. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 10(1): 37–54.

Capella C, Lama X, Rodríguez L, Águila D, Beiza G, Dussert D and Gutierrez C (2016) Winning a race: Narratives of healing and psychotherapy in children and adolescents who have been sexually abused. *Journal of Child Sexual Abuse* 25(1): 73–92.

Cater Å, Andershed AK and Andershed H (2014) Youth victimization in Sweden: Prevalence, characteristics and relation to mental health and behavioral problems in young adulthood. *Child Abuse & Neglect* 38(8): 1290–1302.

Christie N (2001) Det idealiska offret. In: Åkerström M and Sahlin I (eds) *Det motspänstiga offret*. Lund: Studentlitteratur, 46–60.

Code of Court Proceedings (1942) *Rättegångsbalken*, 1942:740.

Code of Crime Procedure (1947) *Förundersökningskungörelsen*, 1947:948.

Council of Europe Committee of Ministers (1985) *Recommendation No. R (85) 11 of the Committee of Ministers to Member States on the Position of the Victim in the Framework of Criminal Law and Procedure*.

Esping-Andersen G (1990) *The Three Worlds of Welfare Capitalism*. Cambridge, MA: Princeton University Press.

European Council (2001) *Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings*.

European Parliament and Council (2012) *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*.

Gallo C and Svensson K (2019) *Victim Support and the Welfare State*. New York: Routledge.

Haverkamp R (2015) Im Labyrinth des Opferschutzes – Zum Entwurf eines Dritten Opferrechtsreformgesetzes. *Zeitschrift für Rechtspolitik* 48(2): 53–56.

Kiefl W and Lamnek S (1986) *Soziologie des Opfers. Theorie, Methoden und Empirie der Viktimologie*. München: Fink.

Kim M and Gallo C (2019) Victim compensation: A child of penal welfarism or carceral policies. *Nordisk Tidsskrift for Kriminalvidenskab* 106(1): 54–67.

Kirchhoff GF (1996) Das Opfer und die Kriminalitätsbekämpfung aus viktimologischer Sicht. In: Bundeskriminalamt (eds) *Das Opfer und die Kriminalitätsbekämpfung. Vorträge und Diskussionen der Arbeitstagung des Bundeskriminalamts vom 14. bis 17. November 1995*. Wiesbaden: Bundeskriminalamt, 37–66.

Leuschner F (2018) Die Entstehungsgeschichte institutioneller Opferhilfe. Die Möglichkeit, das heterogene Feld von Unterstützungsangeboten zu überblicken durch ODABS.org. *Sozial Extra* 42(4): 56–59.

Leuschner F and Schwanengel C (eds) (2014) *Hilfen für Opfer von Straftaten. Ein Überblick über die deutsche Opferhilfelandschaft*. Wiesbaden: Kriminologische Zentralstelle.

Ljungwald C (2011) The emergence of the crime victim in the Swedish Social Services Act. PhD thesis, Stockholm University, Sweden.

Ljungwald C and Elias R (2010) The emergence of crime victims as a target group in the Swedish Social Services Act. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 11(2): 170–188.

Ljungwald C and Svensson K (2007) Crime victims and the social services: Social workers' viewpoint. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 8(2): 138–156.

LKA [Landeskriminalamt] Niedersachsen (2015) *Befragung zu Sicherheit und Kriminalität in Niedersachsen. Abschlussbericht zur ersten Befragung im Frühjahr 2013*. Hannover: Landeskriminalamt.

Mau S (1997) *Ungleichheits- und Gerechtigkeitsorientierungen in modernen Wohlfahrtsstaaten. Ein Vergleich der Länder Schweden, Großbritannien und der Bundesrepublik Deutschland*. Discussion Paper FS-III 97-401. Berlin: Wissenschaftszentrum Berlin.

Meidner R and Hedborg A (1984) *Modell Schweden. Erfahrungen einer Wohlfahrtsgesellschaft*. Frankfurt a. M., New York: Campus.

Obergfell-Fuchs J (2017) Overview of existing victim surveys. In: Leitgöb-Guzy N, Birkel C and Mischkowitz R (eds) *Victimisation Surveys in Germany. Vol. 3. English Summaries*. Wiesbaden: Bundeskriminalamt, 23–25.

Säfström A (2018) Så startade kvarterspolisen och diakonissan första brottofferjouren. *Tidningen Brottsoffer* (1): 13.

Sautner L (2014) *Viktimologie. Die Lehre von Verbrechensopfern*. Wien: Verlag Österreich.

Schmoll A and Willems D (2016) Angebote für junge Menschen mit Opfererfahrung(en). Ergebnisbericht. Deutsches Jugendinstitut. URL (accessed 10 August 2020): https://www.dji.de/veroeffentlichungen/literatursuche/detailansicht/literatur/23755-angebote-fuer-junge-menschen-mit-opfererfahrungen.html.

Schonbucher V, Maier T, Mohler-Kuo M, Schnyder U and Landolt MA (2014) Adolescent perspectives on social support received in the aftermath of sexual abuse: A qualitative study. *Archives of Sexual Behavior* 43(3): 571–586.

Schroth K and Schroth M (2018) *Die Rechte des Verletzten im Strafprozess*. 3rd edn. Heidelberg: CF Müller.

Social Services Act (2001) *SoL* [Socialtjänstlagen] *2001:453*.

SOU [Ministry of Justice] (1998) *Brottsoffer: Vad har gjorts? Vad bör göras?* [Victims of Crime – ?]. SOU 1998:40. Stockholm: Ministry of Justice.

Surko M, Ciro D, Carlson E, Labor N, Giannone V, Diaz-Cruz E, Peake K and Epstein I (2004) Which adolescents need to talk about safety and violence? *Social Work in Mental Health* 3(1–2): 103–119.

Thunberg S (2020) Victimization, positioning, and support – Young victims' experiences of crime. PhD thesis. Örebro University, Sweden.

Thunberg S and Källström Å (2018) Does professional or social network support meet the needs of victimized and polyvictimized youths in Sweden? *Victims & Offenders* 13(3): 390–408.

Thunberg S, Ahonen L and Degner J (2016) Crime victims in limbo: The importance of collaboration between the municipal social services and victim support organisations. *Nordic Social Work Research* 6(1): 53–68.

United Nations (1985) *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. A/RES/40/34.

Weiner B (2020) § 406d StPO. In: Graf J-G (eds) *Beck'scher Onlinekommentar StPO mit RiStBV und MiStra*. 36th edn. München: C H Beck.

Weisser Ring (n.d.) Home page. URL (accessed 10 August 2020): https://weisser-ring.de.