

Get to know the KeyNotes at NSfK Research Seminar 2021



May-Len Skilbrei. Photo: Per Jørgen Ystehede, UiO

[May-Len Skilbrei](#), professor, Department of Criminology and Sociology of Law, Oslo University

Click here for the keynote on NSfK Youtube channel: **[The continued existence of sexual violence as a gender equality paradox](#)**

The Nordic countries receive international attention for the way gender equality has been integrated as a principle in most areas of society and has impacted how key institutions operate. At the same time sexual violations, including rape, have a continuing high presence in the media and crime statistics.

As sexual violations in the region typically are interpreted as a result of and resulting in lack of gender equality, the coexistence of strong gender equality norms and increases in reported incidents of rape appear paradoxical. An increase in visibility in media and statistics is, of course, also reflective of how increased awareness and high level of attention impact public debates and willingness to report to the police, but it is worthwhile delving into what this coexistence entails.

This paper addresses the relationship between the standing of gender equality norms and the continued existence of sexual violence across the region, with a particular focus on whether the apparent paradox above seems to shift how sexual violence is interpreted and addressed.

Stina Holmberg, researcher at the National Council for Crime Prevention (Brå) in Stockholm and associate professor (docent) in criminology.

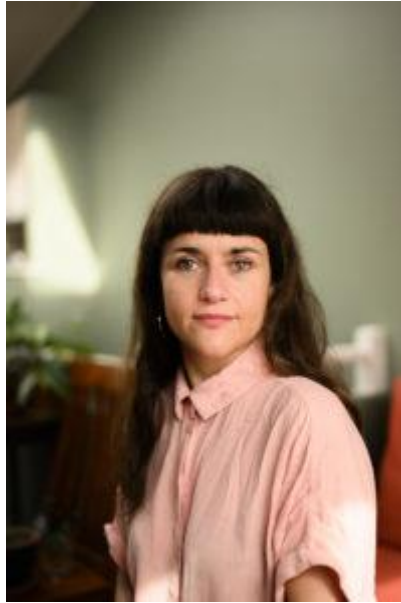
Click here for the keynote on NSfK Youtube channel: **[Consequences of the New Consent Law in Sweden](#)**

After many years of discussion, the legislation concerning rape in Sweden was changed on 1 July 2018, meaning that the law is now based upon the absence of consent instead of the occurrence of violence, threats or a particularly vulnerable situation. The new law was welcomed by many as constituting an important societal signal, but there were also concerns (particularly from judges, for instance in the so called Lagrådet, and from lawyers) that it would be difficult to apply.

The Swedish National Council for Crime Prevention (Brå) was commissioned to review the application of the new legal rules. We looked at all 362 court judgements from 2019 that involved the consummated rape of a woman, as well as 37 judgements from courts of appeal, and one judgement from the Supreme Court. We also studied crime statistics and have obtained opinions about how well the new rules have been applied from representatives of the legal system and from voluntary organisations. The study was published in June of 2020 ([Link to Brå report 2020:6 here](#)).

In this key note I will present the main results from the study. The main questions are:

- What impact has the change in the law had on the level of prosecutions and convictions?
- What kind of new cases have led to conviction?
- How well does the new paragraph about “negligent rape” work?
- How do different occupational groups within the legal system regard the consequences of the changes in the law? What are the views of voluntary organizations that work with issues of rape?



Hildur Fjóra Antonsdóttir. Photo: Sigtryggur Ari Jóhannsson

[Hildur Fjóra Antonsdóttir](#), Postdoctoral Researcher, [EDDA Research Center, University of Iceland](#).

Click here for the keynote on NSfK Youtube channel: [Decentring Criminal Justice: A Plural Approach to Survivor-Centred Justice](#)

Within the Nordic countries, and beyond, the dominant paradigm for thinking about justice in cases of sexual violence is, arguably, within the framework of criminal justice. Much effort has been put into making the criminal justice system work for victim-survivors of sexual violence including legislative reforms, enhanced social and legal services, and specialised training of professionals within the criminal justice system. Despite of these efforts attrition rates remain high and conviction rates low across the Nordic jurisdictions. Therefore, if we believe that high levels of education, strong belief in adherence to the rule of law, relatively strong health and welfare services coupled with high levels of gender equality are the ingredients it takes to ensure higher conviction rates in cases of sexual violence, the Nordic countries largely disprove that hypothesis.

Given this lack of gender justice, increasingly, some feminist scholars have argued for a shift from a narrow conception of justice for victim-survivors of sexual violence solely based on punitive state actions, to a broader approach reflecting an enhanced victim-centred justice. This research agenda entails gaining a better understanding of the meaning of justice for survivors of sexual violence and exploring the justice potential of different formal and informal procedures and practices within different paradigms of justice, including civil justice, administrative justice, restorative justice and transformational justice. In this context, I will discuss the justice potential of stand-alone civil tort lawsuits from the perspective of victim-survivors in Iceland and how such an approach can be further developed to better meet their justice interests.



Heini Kainulainen and Daniela Alaattinoğlu

[Heini Kainulainen](#), Professor of Criminal Law, Faculty of Law, University of Turku
[Daniela Alaattinoğlu](#), Senior Researcher, Faculty of Law, University of Turku

Click here for the keynote on NSfK Youtube channel:

[From the Perpetrator's Coercion to the Victim's Lack of Consent? Lessons Learnt from the Finnish Sexual Crimes Legislative Review](#)

Last years' public discussions concerning gender and sexual violence have led to the scrutinisation of criminal law and its shortcomings in many countries, such as the Nordics. The Finnish Government is currently reviewing its legislation on rape and other forms of sexual violence to bring it in line with international human rights standards. As a part of the review, a working group at the University of Turku, appointed by the Finnish Ministry of Justice, has empirically examined attrition regarding rape and other cases of sexual violence in the Finnish criminal legal process.

The keynote, delivered by the two main researchers of this investigation, ponders upon its main findings. The presentation seeks to evaluate what types of sexual violence come to the attention of Finnish authorities and how effective the Finnish criminal legal process is when it comes to the investigation, prosecution and sentencing of sexual violence. It also seeks to investigate why the cases are closed and how victims' rights are – or are not – safeguarded. Moreover, the presentation raises the question of whether standards based on the lack of victim's consent, rather than the perpetrator's coercion, would decrease the high attrition rates and better guarantee that victims' harms are effectively remedied.

The keynote then takes a comparative look at the other Nordic countries, their legislative definitions of rape and ongoing discussions about the tension between coercion and consent. This comparison aims to deepen and discuss the lessons learned from the Finnish review process. Finally, the presentation raises a word of warning about overemphasising legislative

amendments that are not accompanied by holistic reforms to protect and remedy victims of rape and sexual violence in an inclusive manner.

Katrine Bindsbøl Holm Johansen, MSc and PhD*, special consultant at the organisation [Lev Uden Vold](#) , Denmark

Click here for the keynote on NSfK Youtube channel:
[Debunking a Danish value narrative – a strategy to prevent sexual violence?](#)

The past decades Denmark has continued to have national prevalence studies that shows sexual violence to be both a significant and a gendered problem. Yet, this has until recently not taken much space as a gender equality issue neither in politics nor in public discussions. Even during the first wave of the MeToo-movement in 2017 skepticism and new concepts such as “violation-readiness” seemed to take up more space in the public debate compared to the problem itself. However, with a new consent-based rape law from January 2021 and a significant shift in reporting and public support to the second wave of the MeToo-movement during the 2020 fall, it seems that the Danish value narrative is under scrutiny. So, where does this leave us in terms of primary prevention of sexual violence?

In this presentation I want to discuss the discrepancy between a Danish value narrative of gender equality, trust and sexual liberal-mindedness and young people’s actual gendered experiences related to the sexual domain by drawing on findings from my PhD research on sexual violence among young people in Denmark. Based on fieldwork from 2015 to 2016, where I did participant observations, focus group interviews and individual interviews with all together more than 80 young people, I have explored what may condition Danish young people’s perceptions and experiences with different forms of sexual violence. Hence, what may be conducive for the persistence of a significant gendered problem.

In the presentation I want to unfold two key findings. Firstly, how gendered values, perceptions and norms related to (hetero)sexuality may be conducive to young people’s unwanted sexual experiences. Secondly, how the mechanisms that may enable sexual violence also depends on our emotional reason and our needs and vulnerabilities as sentient social beings. Based on these two findings, I want to discuss where this may leave us in terms of strategies for primary prevention of sexual violence.

* I defended my PhD dissertation Gender, power and sexual Violence – An anthropological exploration of young people’s perceptions and unwanted sexual experiences April 24, 2019 at The National Institute for Public Health, University of Southern Denmark.