

4 Keeping Sweden on top

Rape and legal innovation as nation-branding

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For several decades, Sweden has taken great pride in being considered at the forefront of gender-equality policies, and the current government has declared itself to be the world's first feminist government (Regeringskansliet, 2019). While this means that feminist insights are to guide the government in all matters, one policy area has for several decades already been guided by feminist analysis and aims: sexual violence. Sexual violence is linked to gender equality both in the sense that it is deemed to exist because of lack of such equality and because its existence is defined as being a barrier to gender equality. Sexual violence thus becomes not just an important policy area, but also one that serves as a barometer for the state of the nation in an area that is important to Sweden: gender equality. This chapter explores how rape legislation has been used as nation-branding to keep Sweden on top, and how the desire to remain a norm entrepreneur impacted on legal revisions. Sweden's legislation on gender and violence has been presented as an important political achievement, but it has also partly led to an increase of reported rapes. This chapter discusses this paradox, and how the paradox influences the branding of Sweden.

Legislation as inspiration

In the platform for the 'first feminist government in the world', the Swedish government stated that gender equality is a given in a 'modern welfare society', and that one of the instruments for achieving it is to put an end to men's violence against women (Regeringskansliet, 2019). Sweden has prioritized bringing an end to men's violence against women, including sexual violence, for several decades, and the issue has been put at the top of the agenda by various white papers and, not least, a series of legislative changes. As in many countries, sexuality has been an important issue for Swedish feminism, and as a policy issue it has been marked by changes in how the balance between sexual freedom and the protection of sexual integrity has been struck. Since the middle of the 1980s, Sweden has made several major revisions to its legal framework that have expanded the reach of the criminal law into acts and situations previously considered private and/or non-intrusive.

In the 1980s, the most important debates concerning gender and violence in a broad sense were on domestic violence and sexual abuse of minors – the so-called incest debates – but sexuality per se came to the fore from the 1990s onwards, which turned out to be a decade in which criminal laws on sexuality multiplied. This was possible because sexual integrity had become a central social value in Swedish society, and sex-crime legislation has been enacted, and subsequently revised, to protect sexual integrity. Through a series of white papers, matters considered to be about gendered harms were placed at the top of the political agenda, and debates about rape law formed part of this movement towards greater governmental intervention. Several policy steps and processes led to the issuing of the 1998 Act on Violence Against Women (Government Bill 1997/1998: 55), which established a continuum-of-violence perspective (Kelly, 2012) within Swedish law in the sense that it addressed sexual harms in a broad way, criminalizing breaches of personal and sexual integrity in the small and the large, the public and the private. The package of reforms that made up the Act on Violence Against Women marked a radical shift that brought a broad range of acts within the same legal and analytical framework (for an analysis of this package, see Leander, 2005). Female genital mutilation, stalking, domestic violence, rape and prostitution were addressed as part of the same phenomenon – as expressions of gendered power relations and as crimes that men systematically commit against women. Several of the components of the law package were considered legal innovations, such as the 1999 unilateral ban on the purchase of sex and the 2000 ban on ‘gross violation of a woman’s integrity’. These innovations, as well as the larger law package of which they formed a part, attracted national and international attention and played a part in branding the nation and creating Sweden’s reputation as a women-friendly nation and, not least, a country where law, including criminal law, is used as a key instrument for achieving gender equality (Svensson and Gunnarsson, 2018). The legislative package was intended to communicate acceptable norms and acts to the population and to broaden the police’s reach into domains and acts that were previously considered private.

Subsequent revisions of Sweden’s Criminal Code have also followed shifts in the normative climate on gender, sexuality and violence. Proponents of legal revisions argued that these would serve to push social norms further, making law serve as a vehicle for social transformation (Burman, 2010). Criminal law thus serves not just instrumental purposes but also more expressive ones, and this has been an explicit aim of legislative change on sex crimes in Sweden. That criminal law is intended to be both instrumental and expressive is not exclusive to Sweden, but Swedish criminologist Henrik Tham (2001) has argued that such an approach is considered more legitimate in Sweden than elsewhere. This type of approach means that laws are not just understood as having expressive characteristics; they are explicitly designed with that intent. Particularly important here is how criminal law in Sweden is considered a means of achieving gender equality (Burman, 2010).

As previously mentioned, sex crimes are viewed in Sweden as something that both stems from and produces gender inequality, so combating sex crimes is a way of both protecting individual victims and ensuring the gender equality of all. But the audience for legal revisions is not just domestic. In the case of the revisions to the law made in the late 1990s, Swedish politicians stated that their progressiveness would also serve as an inspiration to other countries (Kulick, 2003). It is this ambition that I hone in on in this chapter. In order that it might serve as an example to the rest of the world, a particular development has to contribute to the impression that the Swedish way leads to success. In the last few years, however, Sweden has seen a steep increase in the number of cases of rape reported to the police (see, for example, Amnesty International, 2019), which gives rise to something of a paradox: If Sweden is the gender-equality haven that various international rankings and Sweden itself have claimed it is, why is it that rape is on the rise? While there are good reasons to not just take the figures on reported cases of rape at face value, it is also not entirely easy to discard them. And while the figures seem to have had little effect on Sweden's image of itself, they do represent a challenge to Sweden's position as a gender-equality role model for others.

In the summer of 2018, Sweden amended its legislation on rape to criminalize sexual activities conducted 'with someone who is not participating voluntarily'. The new law replaced an act that criminalized forcing someone to undertake sexual activities 'by assault or other violence or by threat of a criminal act'.¹ The new law was intended to contribute towards both expressive and instrumental aims, in the sense that it was intended to shift social norms about sexuality and power and to improve Swedish authorities' ability to prosecute in cases of rape. I argue that moving from a coercion-based definition of rape to one based on non-voluntariness was branded by those engaged in the debate surrounding the change as something that built on and strengthened Swedish values. However, making the new rape act into a part of the Swedish brand, an innovation to be exported to other countries, was not a straightforward process, as parallels to the new way in which the harm and crime of rape was formulated within Sweden already existed in many countries and had done so for hundreds of years. But, as I will demonstrate, the trick of making something 'Swedish' is not about establishing it in Sweden, but about establishing it as a particularly Swedish thing. I will demonstrate the steps that were taken to achieve precisely this goal during the presentations of and debates on the new revision to the law on rape in the Swedish parliament and the media. I particularly focus on how the desired role as a norm entrepreneur emerged during these presentations and debates. While the content of the new rape law did not constitute a legal innovation – such provisions already existed in jurisdictions on three continents – I find that key Swedish players still presented it as ground-breaking. I apply branding as an analytical lens to discern the patterns and logics involved in the presentation of the law revision as 'first'

and/or ‘best’, and I view the recent revision of the rape legislation as an example of a contemporary case of ensuring the continuation of the Swedish brand. To have a distinct identity and value – that is, a brand – matters not just for the level of visibility enjoyed by a state but also for the traction it has in international forums (Viktorin et al., 2018). Small countries can ‘punch above their weight’ if their brand establishes them as particularly important to pay attention to. Having an established reputation as a nation that can protect its citizens from harm, including sexual harm, grants a degree of superiority in an international political climate that increasingly emphasizes protection of rights. Gender equality has been a policy area in which many international harmonizing efforts have been made (Houge et al., 2015), and to be the one to set the example, rather than the one who has to follow suit – that is, to be disciplined by other countries or the international community – can play a role in establishing a nation as a leader. In this way, feminism becomes useful to power, and the relationship between feminism and governance in Sweden may serve as an example of what Janet Halley (2018) has termed ‘governance feminism’, where feminism not only becomes incorporated into governance structures but also becomes part of, the performativity of state power. Feminism is indeed so ingrained in ruling in Sweden that the goals of feminism are now the goals of the ‘first feminist government in the world’.

In the following sections, I will first describe the way statements regarding the extent and nature of rape were discussed in relation to Sweden’s reputation as a gender-equality haven, before turning to how debates about the revisions of the rape legislation can be understood as a response to the harm done to this reputation.

Bad at rape: harming the reputation of gender-progressive Sweden

Rape is a topic that receives a lot of attention in Sweden. Information about the extent and character of rape, especially with a focus on individual cases, is integrated into debates on what policies should be applied to remedy the situation (Nilsson, 2019). The background to the attention the phenomenon has received in recent years is the fact that cases of rape reported to the police in Sweden have increased over a long period, and the numbers are among the highest per capita in Europe (Aebi et al., 2014). The high numbers of reported rapes, however, might not mean that numbers of incidents are indeed increasing. Crime statistics are sensitive to changes in reporting practices, increasing awareness in the population and increasing pressure on victims to report to prevent future crimes. That the number of reported rapes is high and increasing in Sweden may thus be interpreted to mean that the country is particularly good at raising awareness on the issue. Also, the legal definitions have changed over time, which means that acts that would not previously have been considered rape are now included, and international

comparisons of crime statistics are made difficult by the fact that different jurisdictions may use the same term but apply wider definitions and thus lower thresholds. However, there are also findings that support the claim that there is indeed something happening in Sweden. One factor that indicates that the rise in registered cases is representative of rising incidence is that population-based victimization surveys also find that numbers of incidents have steadily risen, at least until 2017 (Swedish National Council for Crime Prevention, 2019a).

As mentioned above, one reason why the rape figures in Sweden are so high is that the legal thresholds are lower than in many other places, and public awareness and the legitimacy of reporting higher. Still, these figures nationally and internationally appear to represent a worsening of the Swedish authorities' ability to protect especially women from sexual harm. Being considered a country with many incidents of rape is uncomfortable for a country that depicts itself as being one of the most gender-equal in the world (Jeziarska and Towns, 2018). Further, the high numbers alone are not the only characteristic of rape that has attracted attention in the case of Sweden. Many of the most attention-grabbing cases are multi-perpetrator rapes performed by male migrants (Nilsson, 2019). This has fuelled anti-immigrant sentiments and is something the radical right party the Sweden Democrats has been able to capitalize on (Skilbrei, 2020). In many instances, this party is trying to dismantle many rights structures that are considered key to Swedish gender-equality policies (Martinsson et al., 2017), but at the same time it takes gender equality as a core norm and has made the issue of rape a matter of national identity and protection. The party seems to start from the assumption that to be Swedish is to be gender-equal (Martinsson et al., 2017), a type of rhetoric that is facilitated by the way in which gender equality is ingrained in Swedish national identity (Grip, 2012; De los Reyes, 2017). Such a position seems to lead to two political consequences: first, that further gender-equality policies are not needed since Sweden 'has arrived' as a gender-equal society; second, that non-Swedes are what threatens the established gender and sexuality order, which enables the Sweden Democrats to argue that immigration should be curbed because it undermines the 'Swedishness' of Swedish society, including in relation to how it protects women from sexual violence. Immigration has come to be strongly associated with crime in general over the last few years (Heber, 2014), with debates on the relationship between immigration and crime typically focusing on sex crimes. Fighting immigration thus comes to be about fighting sexual violence.

The Sweden Democrats are the key proponents in domestic debates of the argument that Sweden has become 'bad at rape' because Swedish society has allowed another concern, that of being tolerant and generous towards migrants, to come before the interests of Sweden and the safety of Swedish women and girls. This is a position that can also be found in discussions of Sweden's high rape figures in the international arena. In the UK, for

example, the leader of the right-wing party UKIP, Nigel Farage, famously stated that ‘Malmö is now the rape capital of Europe, and some argue, perhaps the rape capital of the world’ (Lusher, 2017). In 2016, the Turkish newspaper *Günes*, often presented as a communication channel for the Turkish government, warned Turkish citizens against travelling to Sweden on their front page, under the heading ‘Sweden, a Country of Rape’, as well as via the hashtag #DontTravelToSweden on their Twitter account (*Local*, 2016). Shortly after, a poster apparently funded by *Günes* was hung at Istanbul Atatürk Airport (*Middle East Eye*, 2016). The poster included a picture of the front page mentioned above with the additional text ‘Travel warning! Did you know that Sweden has the highest rape rate worldwide?’ (see Figure 4.1).

The extent of rape is not the only challenge to the Swedish brand as a gender-equality haven. The accusation that Swedish authorities are unable to deliver justice to victims is equally problematic. Very few reported cases of rape end in a conviction, and this is spoken of as the ‘justice gap’ that is considered an expression of how ‘laws may have been stripped of their most blatantly misogynistic manifestations, but the processing of rape cases through the criminal justice system remains problematic’ (Temkin and Krahe, 2008: 1). As previously mentioned, the number of reported cases of rape in Sweden is high and increasing every year, at the same time as prosecution and conviction rates are dropping (Swedish National Council for Crime Prevention, 2019b), which means that the discrepancy between reported cases and convictions is increasing. Taken together, high numbers and high attrition



Figure 4.1 Travel Warning Poster, Istanbul Atatürk Airport, 2016.
Source: Anadolu Agency (AA).

rates seriously threaten the image of Sweden as a moral authority, as this image relies on Sweden's capacity to provide gender equality and protection of sexual integrity. Other problems, such as long delays throughout the criminal justice process, have also been critiqued. A blow was delivered to Sweden's reputation, for example, when the UN special rapporteur on violence against women in 2007 concluded that Swedish gender-equality policies were not effective in addressing issues related to gender and power (see Edgren, 2019). In 2019, Sweden's poor performance in securing convictions was also highlighted by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO, 2019), the control body for the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly referred to as the Istanbul Convention. Taken together, these developments make Sweden look like a country that is unable to provide justice to victims and is marked by a lack of gender equality.

There are thus several different aspects involved in current attacks on Sweden's position as an authority on gender equality generally, and on the protection of women against sexual violence specifically. The fact that these developments undermine the message that Sweden wants to convey about itself means that the role the Swedish government has had in international forums in the field of sexual violence may suffer. Sweden has been considered a driving force in shifting European and global agendas (for example, by making the fight against violence against women and girls a priority in its foreign policy; see Tham et al., 2011), and the Swedish authorities also take their country's global reach and impact into consideration when designing policies (Towns, 2002; Holmström and Skilbrei, 2017). Poor performance on these issues at home is something that may reduce Swedish traction abroad, and thus harm the nation brand's legitimacy on this point (see the chapters by Hellum and Erlingsdóttir in this volume for the potential ramifications of pushing norms abroad that one is not performing particularly well on domestically).

The critique of how Sweden approached rape came from several directions at the same time, involving both a critique of the government for prioritizing tolerance towards migrants over the safety of its citizens and a critique from a more traditional feminist position that victims of rape are not provided with adequate justice. In the light of the strong reactions this threat to the image of Sweden as a gender-equality haven has generated in Sweden, it would not be surprising if this critique was one of the reasons why a legislative proposal that had not moved forward since it was issued in 2016 was once again back on the table in 2018.

Taking charge of Sweden's image so that the world looks to Sweden

To be presented as a country unable and unwilling to protect its citizens from rape, and unable to deliver justice if they are subjected to rape, is

something that is difficult to combine with building a brand as the ‘first feminist government in the world’. There had been ongoing debates in Sweden about whether to revise the rape law for some time, especially after the 2016 white paper, but the issue gained momentum during the various critiques the government was subjected to. There are also other valid explanations for why the revision to the law occurred when it did, but I will not go into these now. What I am interested in here is to identify what in these debates can be interpreted as key strategies for reinstating the value of the Swedish brand as a gender-equality haven to the world. There have been two discernible strategies for alleviating the threat to the brand posed by the problematic situation regarding rape in Sweden.

The first strategy was for politicians to argue that there is no reason to problematize rape in Sweden by rejecting the whole premise that Sweden was experiencing a large increase in the numbers of rapes. I have credible reports of several incidents where Swedish politicians have commented on the figures off-camera in supranational forums. One example is when a representative of the government of a European country contacted me to inquire whether Swedish claims that the number of rapes in Sweden had consistently decreased over several years were correct. One such incident was also caught on-camera, and this episode ended in a public retraction. This was when Swedish Minister for Employment and Integration Ylva Johansson was interviewed by BBC Newsnight in 2017. During the interview, Johansson was confronted with the increasing levels of reported rapes in Sweden. She responded, ‘We can see that the level is going down, and going down, and going down’ – a statement she would later have to retract (Local, 2017). That a representative of the Swedish government would argue that rape was on the decline during a period in which crime statistics showed a steep increase may give us some idea of just how much is at stake. It is also interesting that high rape figures in Sweden attract so much attention that that the BBC considered the matter worth covering. That Johansson was caught in a lie brought fuel to the fire for anti-immigrant debaters that were already arguing that the Swedish government was lying to its own population about the consequences of migration for society.

The second strategy in debates leading up to 2018 was to shift the attention from the actual situation to the planned revision to the law, thus changing the narrative on rape. Instead of discussing what it had *not* done, the Swedish government was instead able to direct attention to what it was doing. What it was doing might not be very radical, but key debaters presented the law revision as a progressive and brave move. One aspect of this was the way the ‘Swedish approach’ to rape was represented as social norms that the legal norms had to ‘catch up’ with. The existing legislation was thus considered out of sync with the progressive views and practices of the population. The new rape law of 2018, which establishes that voluntariness is the premise for ‘just sex’ (a term from Cahill, 2016), not non-force, was intended not just to align with but also to strengthen social norms

about sexuality and power (Andersson et al., 2019: 3). A key argument in Swedish debates about law is that laws need to be in alignment with prevailing social norms; not only that, they should also express what the values are to fortify them. Tham (2001: 416) has identified this as a key component of the expressive character of law in Sweden, whereby laws should be ‘demonstrating (perceived) central social values’. This point is important in the context of the present discussion, as the value of expressing Sweden’s emphasis of the protection of sexual integrity is intended to reach far beyond Sweden. The claim that the law revision was a response to the progressiveness of the population under-communicates two discernible contexts to the law. First, few mentions are made in debates to the fact that similar laws already existed in many jurisdictions, including jurisdictions that are normally not considered progressive or gender-equality-minded. While the 2016 white paper on rape law makes references to the fact that consent-based rape laws exist in many countries, the failures and successes of those examples did not inform discussions about whether Sweden should introduce a similar law either in that document or in subsequent debates. Whether Sweden should revise its rape law was generally not discussed in terms of the country following in the footsteps of other countries, but instead in terms of leading the way. Possible benefits of and problems with different formulations were discussed with reference to particular Swedish cases and hypothetical situations, instead of through an examination of how penal codes in other countries are formulated and seem to work. That experiences elsewhere were not a natural frame of reference was noticeable throughout the debates (Nilsson, 2019), as well as after the law revision was in place. At that point, several powerful actors presented the revision as a legal innovation and a *new* way of addressing rape born from the fact that Sweden is one of the most gender-equal countries in the world.

Perhaps the most noteworthy example of this is how leading Swedish legal scholar Madeleine Leijonhufvud (2017) discussed the upcoming law revision in a TED talk published on 25 May 2017:

Remember when Neil Armstrong stepped out of the lunar module, that day in July 1969, and stepped onto the moon? A small step for a man, a giant leap for mankind, Armstrong said. Well, a giant leap for mankind, at least for the part of it here in Sweden, it’ll mean when we change our rape law to a consent based law”.

While Leijonhufvud towards the end here modifies the claim by mentioning that this is an approach new to Sweden, implicating that she is well aware that this way of defining rape is not new to the world, she goes on to describe consent-based rape law as a radical legal innovation, as “a rethinking of the whole issue of sexual behaviour”, one that departs from the “outlook that has guided mankind” (2017).

Leijonhufvud is not just anyone. She has been one of the main proponents of a consent-based law in Sweden for 20 years (see, for example, Leijonhufvud, 2008) and was a force to be reckoned with in public debates in Sweden.

That a country that undertakes brave moves to address sexual harm might link this to taking a strong position on sexual integrity and gender equality is very understandable, but what was under-communicated here was the fact that Sweden was very far from being the first country in the world to introduce a consent-based definition of rape in penal law. In Anglo-American jurisdictions, this is the norm, which means that England and Wales, and many of the England's former colonies, already have such legislation. Rape legislation elsewhere is addressed briefly in the white paper that preceded the revision, which states that the committee has assessed the experiences of a handful of countries (Regeringskansliet, 2016), but references to the success – or lack thereof – of prosecution of rape in countries such as England and Wales, Luxembourg, Belgium, India, Ireland, Scotland, Germany, Cyprus, Canada, parts of Australia (at least Canberra) and Mexico were not included in debates. Further strengthening the impression that the law was presented as 'a first' is some of the media coverage of its introduction. For example, *Svenska Dagbladet* (2018), one of Sweden's largest newspapers, in the coverage of the introduction of the new act, stated that 'the [Swedish] consent law has both been criticized, heralded and attracted attention abroad'. I would argue that the absence of references to experiences elsewhere is notable, and that there is reason to believe that it speaks to a need to be seen as 'the first', even when this was not the case.

The second context of the law that was under-communicated in debates was its relationship to international obligations. The fact is that European jurisdictions are under pressure from NGOs and others to revise their rape laws to explicitly criminalize non-consensual sex. It is notable that debaters did not draw on such obligations to build the argument that Sweden should follow suit. This is particularly relevant in relation to the obligations Sweden has under the Istanbul Convention. Several NGOs active in the Nordic region have argued that the Convention mandates a consent-based definition of rape, and this has been a key argument in debates about law revisions in neighbouring Norway (Amnesty International, 2019). As available arguments are not applied, one may suspect that framing the matter as stemming from national values and 'Swedishness', rather than as a response to international obligations, serves a purpose (see, for example, Holst, 2018: 113).

When branding is viewed as an issue of representation (Clerc and Glover, 2015), the question of whether the revised rape act really represents something new becomes unimportant. Similar acts already existed, but this way of defining rape had not been branded 'Swedish' previously, which means that the definition was transformed from an old relic of common-law countries, typically in England and Wales and former English colonies, to a modern feminist law representing the modern and progressive will of the

people. A discernible difference between rape laws that were already in place elsewhere and the Swedish rape law was also established by terminology. While the law was explicitly intended to address acts where ‘consent’ was not present, the law uses the term ‘voluntariness’. The two terms have the same meaning in this context, and they are also used interchangeably in the white paper. The same document also acknowledges that the new law is indeed a consent-based law (Regeringskansliet, 2016: 45): ‘The legislation we propose is usually referred to in the public debate as consent-based legislation.’ In preparatory works, it is stated that this is meant to encompass situations where there has been an ‘expression of voluntariness’ and ‘an expressed choice to participate voluntarily’ (Regeringskansliet, 2016: 48), and consent must be assumed to be equal to ‘an expression of voluntariness’. The main reason why the Swedish authorities chose to replace the more common term ‘consent’ with a formulation that serves as a synonym is expressly technical: there is already a concept of consent in the Swedish Criminal Code that should not be confused with the one applied in rape law, but the change of term has the effect of causing the rape act to appear unique to Sweden.

Conclusion

The example discussed here is a case of a strong brand being under threat from both national and international actors, and the chapter presents and discusses efforts that through their effects, and perhaps also by intention, reinstate Sweden as ‘best’ on protecting its citizens from sexual harm, and ‘first’ in the sense that policies in Sweden are assumed to be followed by others.

Experiences from other countries have shown that consent-based rape law is not inherently feminist. Rape laws are difficult to prosecute in countries with and without consent-based laws. The active referencing and reception of the new rape law as ‘Swedish’ contributed to establishing a situation where this particular way of formulating the crime of rape *became* feminist by being appropriated in Sweden, as feminism is understood as guiding all policy developments in that country. By introducing a law revision that *can* be represented as feminist, and therefore innovative, feminism has aided the Swedish state in its desired performance as a trailblazer (Halley, 2018).

Referring to Valaskivi’s (2016) study of nation-branding in Finland and Sweden, Jezierska and Towns (2018) note that Sweden’s efforts to market itself internationally valorize being ‘first’. In the particular case under examination here, the law revision could have been presented as a case of Sweden looking to other countries for examples and adopting a policy that existed elsewhere, but this did not happen. Both at home and internationally, it has been under-communicated that this was not a revolutionary law. The Swedish rape law thus takes on the appearance of being yet another Swedish legal innovation in the area of sexual violence, and this may contribute to branding consent-based law as Swedish. Indeed, as Sweden is often regarded as

a model for others to emulate (Jeziarska and Towns, 2018), a consent-based definition of rape might not have been considered the ultimate feminist solution until it was adopted by Sweden. As consent-based rape law comes to be presented as Swedish and feminist, Sweden in a sense becomes the ‘first’ country to introduce consent-based rape law for ‘the right reason’, based on a modern gender-equality argument. The Swedish rape law in this way may take the form of a ‘political myth’, in Della Sala’s (2010) sense, representing Sweden as an innovator also in the field of rape. I have already found formulations in international blogs and media that contain encouragements to ‘follow Sweden’ in this area (see, for example, Skovira [2018] for a petition to the Danish prime minister to ‘follow Sweden’s lead’), which indicates that Sweden has already claimed or been given ownership of a policy that already existed elsewhere – in countries, however, that others are less eager to emulate.

The international negative attention to the levels and characteristics of sexual violence in Sweden and the lack of justice for victims cannot alone explain why Sweden made a major revision to its rape law at the time it did, but how that revision is represented may in part be a response to such negative attention.

Note

- 1 The first formulation is from Brottsbalk (the Swedish term for the Penal Code) 6: 1, Law 2018: 618, the second from the former version of Section 1 of Brottsbalk 6.

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