



## Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General  
8 April 2008

Original: English

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### Committee on the Elimination of Discrimination against Women

Fortieth session

14 January-1 February 2008

#### Concluding observations of the Committee on the Elimination of Discrimination against Women: Sweden

1. The Committee considered the combined sixth and seventh periodic report of Sweden (CEDAW/C/SWE/7) at its 827th and 828th meetings, on 25 January 2008 (see CEDAW/C/SR.827 and 828). The Committee's list of issues and questions is contained in CEDAW/C/SWE/Q/7 and the responses of the Government of Sweden are contained in CEDAW/C/SWE/Q/7/Add.1.

#### Introduction

2. The Committee commends the State party for the submission of its combined sixth and seventh periodic report, which followed the Committee's guidelines for the preparation of periodic reports and took into account the Committee's previous concluding observations. The Committee also commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee commends the State party for its delegation headed by the State Secretary of the Ministry of Integration and Gender Equality, which included representatives of various Government ministries and departments. The Committee expresses its appreciation for the frank and open constructive dialogue held between the delegation and the members of the Committee.

4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental human rights and women's organizations to the preparation of the State party's report.

5. The Committee notes with appreciation that the State party ratified the Optional Protocol to the Convention in April 2003.

#### Positive aspects

6. The Committee welcomes the establishment of the Ministry of Integration and Gender Equality on 1 January 2007 as well as the Division for Gender Equality under the Ministry, charged, *inter alia*, with a coordinating role within the Government offices overseeing gender mainstreaming.

7. The Committee welcomes the adoption of a national human rights plan of action for the period 2006-2009, which focuses on protection against discrimination and the appointment of the Delegation for Human Rights, both of which contribute to the protection of women's human rights. The Committee also welcomes the adoption, in May 2006, of new gender equality priorities.

8. The Committee notes with appreciation the tenfold increase in the State party budget for gender equality policy and the adoption of the plan for gender mainstreaming in Government offices 2004-2009 to promote gender mainstreaming throughout all governmental bodies.

9. The Committee commends the State party for the adoption, in November 2007, of the action plan to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships.

10. The Committee welcomes the amendment of the Swedish Aliens Act in 2006, which provides for the granting of refugee status to persons claiming fear of persecution on grounds of gender and sexual orientation and which will be of benefit to women refugees.

11. The Committee also welcomes the amendment of the Abortion Act in November 2007 to remove the requirement that a woman must be a Swedish citizen, or resident in Sweden, to have an abortion.

12. The Committee congratulates the State party for its bilateral cooperation programmes designed to promote and protect women's rights in its international assistance. The Committee notes with satisfaction that the State party's official development assistance to developing countries has exceeded the international target of 0.7 per cent of the gross national product (GNP) and recently reached 1.0 per cent of the GNP.

#### **Principal areas of concern and recommendations**

**13. The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament and to the judiciary, so as to ensure their full implementation.**

14. The Committee is concerned that a recent commission of inquiry concluded that the instrument of Government of the Swedish Constitution is gender-blind, and not gender-sensitive, and that the concept of equality in the Constitution is not in line with the Convention. In addition, the Committee notes with concern the lack of judicial reference to the Convention.

**15. The Committee calls upon the State party to conduct a thorough gender-sensitive review of all four acts forming its Constitution to ensure that it is in accordance with the provisions of the Convention. The Committee encourages the State party to consider using its future Anti-Discrimination Act as, inter alia, a transformation of the Convention into domestic law, including the concept of substantive equality. The Committee requests the State party to report on progress made in this regard in its next periodic report, including whether the Convention has been invoked by women before domestic courts.**

16. While welcoming the recent initiative of the Government to merge the current anti-discrimination legislation into one single Anti-Discrimination Act that will cover seven grounds of discrimination, including discrimination on the grounds of sex and will be applied to most areas of society, in addition to information that the damages for discrimination will be substantially increased in that Act, the Committee is concerned that the issue of discrimination against women, including its cross-cutting nature, might lose some of its visibility and therefore receive less attention.

**17. The Committee recommends that the State party should use the new Anti-Discrimination Act to strengthen the national legislative framework for the promotion, protection and fulfilment of the human rights of women in Sweden and calls upon the Government to ensure that the issue of discrimination against women, including its cross-cutting nature, is given adequate visibility and attention.**

18. While noting that the State party has supported the production of a handbook on the Convention, the Committee is concerned at the lack of awareness, in general, of the Convention and its Optional Protocol in the State party, especially in the municipalities.

**19. The Committee recommends that the State party increase its efforts to raise awareness of the Convention and its Optional Protocol and the Committee's general recommendations among judges, prosecutors and lawyers to ensure that the spirit, objectives and provisions of the Convention become well-known and regularly used in judicial processes. The Committee also recommends that the State party disseminate the handbook on the Convention more widely.**

20. While acknowledging the State party's elaborate system of gender mainstreaming at the municipal, regional and governmental level, including under the plan for gender mainstreaming in Government offices 2004-2009, the Committee is concerned that the plan lacks effective monitoring and accountability mechanisms, including sanctions for non-compliance.

**21. The Committee calls upon the State party to introduce effective monitoring and accountability mechanisms at all levels in the context of its system for gender mainstreaming, including in the context of the plan for gender mainstreaming in Government offices 2004-2009, and that such mechanisms includes sanctions for non-compliance.**

22. While welcoming the State party's efforts to address stereotypical attitudes and behaviours that discriminate against women and perpetuate inequality between women and men, the Committee is concerned about the persistence of stereotypical attitudes towards women which threaten to undermine their rights. The Committee notes with concern that such attitudes are particularly prevalent in the media, where women and men are often depicted in a stereotyped manner and that a process of mainstreaming pornography, also known as "sexualization of the public sphere", is occurring in the State party.

**23. The Committee calls upon the State party to take proactive and sustained measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. The Committee recommends that the State party continue to encourage the mass media to promote cultural changes with regard to the roles and tasks considered suitable for women and men, as required by article 5 of the Convention. The Committee calls upon the State party to strengthen its strategies to combat sexualization of the public sphere and to take proactive measures to ensure that media production and coverage are non-discriminatory and increase awareness of these issues among media proprietors and other relevant actors in the industry. The Committee urges the State party to**

**undertake in-depth research and studies on the impact of gender-role stereotypes on the implementation of the Convention. It also calls upon the State party to undertake an assessment of the impact of current measures in this context in order to identify shortcomings and to adjust and improve these measures accordingly.**

24. The Committee remains concerned at the low percentage of women in high-ranking posts, particularly in academia, where the presence of women has been declining as they move up the academic ladder and where they currently hold only 17 per cent of professorships. While noting the information provided by the delegation that the Government will develop a strategy on gender mainstreaming in the labour market and business sector, the Committee continues to be concerned at the low representation of women in top management positions and on boards of private companies. The Committee regrets that, although temporary special measures are provided for in legislation, they are not systematically employed as a method of accelerating the achievement of de facto substantive equality between women and men in all areas of the Convention and, in particular, within the private sector.

**25. The Committee urges the State party to strengthen its efforts to encourage an increase in the number of women in high-ranking posts, particularly in academia. It recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts and encourages the State party to employ and effectively implement temporary special measures in accordance with article 4, paragraph 1, of the Convention, and with the Committee's general recommendation No. 25, in order to accelerate the realization of women's de facto equality with men in all areas. It also recommends that the State party further include in its gender equality legislation provisions to mandate the use of temporary special measures, including goals or quotas, enhanced by a system of incentives, in both the public and private sectors. The Committee recommends that the future strategy on gender mainstreaming in the labour market and business sector should include effective monitoring and accountability mechanisms, including sanctions for non-compliance by employers and other relevant groups. The Committee requests that the State party monitor developments with regard to women's participation in top management positions with a view to further supporting such participation through legislative or policy initiatives and to provide information on results achieved, including relevant disaggregated statistical data.**

26. The Committee notes women's continued high level of participation in the labour market and measures taken by the State party in support of such participation, which enable both women and men to reconcile work and family life through extended maternity and paternity leave schemes. While noting recent initiatives undertaken by the State party, including the introduction in 2007 of an earned income tax credit, a tax credit for the purchase of household-related services and the introduction in the budget bill for 2008 of a gender equality bonus in the context of parental insurance, the Committee remains concerned that fewer than 20 per cent of parental leaves are taken by fathers and that women largely dominate part-time positions. Notwithstanding the amendment of the Equal Opportunities Act to introduce a definition of the term "work of equal value" into that Act, the Committee remains concerned at significant occupational segregation and the persistence of a wage gap between women and men.

**27. The Committee urges the State party to prioritize the realization of women's de facto equality with men in the labour market, so as to achieve full compliance with article 11 of the Convention. It calls upon the State party to monitor trends, including through the collection and analysis of data disaggregated by sex, skills and sectors in part-time versus full-time work, as well as the impact of measures taken and results**

achieved, and to take the necessary corrective steps. The Committee recommends that the State party continue its efforts to ensure reconciliation of family and professional responsibilities and for the promotion of equal sharing of domestic and family tasks between women and men, including by increasing the incentives for men to use their right to parental leave. The Committee urges the State party to take proactive concrete measures to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men.

28. While commending the State party for the range of efforts made to eliminate violence against women since the submission of its previous periodic report, including the 2007 action plan on violence, new legislation on sexual crimes from 2005 and the extension of the provisions of the Act on Restraining Orders, the Committee remains concerned at the high prevalence of violence against women and girls, particularly domestic violence and crimes committed against women in the name of honour. The Committee is also concerned at the low prosecution and conviction rates relating to violent crimes in the State party and regrets that the Swedish crime statistics are not broken down by the sex of the victims. Furthermore, the Committee is concerned at the conclusions of the inquiry on social services support that the provision of such services vary between municipalities and that some municipalities are unable to offer sheltered housing to all women victims of violence, including women with special needs, such as women with disabilities. In addition, the Committee regrets the lack of statistical information on the number of women and girls living in Sweden who have been genitally mutilated.

29. **In accordance with its general recommendation No. 19, the Committee urges the State party to ensure that comprehensive measures are in place to address all forms of violence against women, including domestic violence and crimes committed in the name of honour. The Committee calls upon the State party to allocate sufficient financial resources to ensure the effective implementation of the 2007 action plan on violence, to study and analyse all cases of violence against women, particularly those that result in murders of women, and to implement policies in order to prevent such violence, provide protection, support and services to the victims and punish and rehabilitate offenders. The Committee also calls upon the State party to collect comprehensive statistical data disaggregated by sex, age and type of violence and the relationship of the perpetrator to the victim. The Committee urges the State party to provide statistical information in its next periodic report on the number of women and girls living in Sweden who have been genitally mutilated. The Committee also urges the State party to take the necessary measures to ensure greater cooperation between the central Government, the regional county administrative boards and the municipalities. The Committee further urges the State party to monitor the provision of social services with a view to ensuring the availability of a sufficient number of shelters equipped to accommodate women with disabilities throughout the territory of the State party and making sure that they are adequately financed.**

30. While noting a number of measures undertaken by the State party to address the issue of trafficking, including the ratification on 1 July 2004 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the 2002 amendment of the Penal Code to introduce a provision criminalizing trafficking in human beings and the possibility of issuing time-limited residence permits to victims or witnesses of trafficking, the Committee notes with concern the incidence of trafficking of women and girls into Sweden and is concerned that insufficient data on the prevalence of trafficked women and girls were provided to the Committee. The Committee is also concerned at the occurrence of trafficking in girls, prostitution and related issues committed by Swedish citizens abroad.

31. **The Committee urges the State party to take all appropriate measures to suppress all forms of trafficking in women. The Committee requests the State party to provide in its next report comprehensive information and data about trafficking in women and girls and information on the impact of measures taken and results achieved, including under the future national action programme for combating trafficking in human beings. It encourages the State party to take proper account of the recommendations of the Special Rapporteur on violence against women, its causes and consequences, following her visit to Sweden (A/HRC/4/34/Add.3), when formulating the national programme. The Committee calls upon the State party to strengthen the legislation allowing the prosecution of Swedish citizens involved in sexual exploitation of girls abroad, including by prohibiting the reissuance of passports for persons freed after posting bail. The Committee recommends that the State party continue its bilateral, regional and international cooperation so as to further curb this phenomenon, including in the context of the State party's strategy on poverty and trafficking in human beings.**

32. While noting the information provided by the delegation that an evaluation of the prohibition of prostitution, including the effects of the 1999 Law on Purchase of Sexual Services, is scheduled for 2008, the Committee regrets the lack of information and data on the prevalence of prostitution in the State party, including clandestine prostitution.

33. **The Committee requests the State party to provide full information and data on the exploitation of women and on prostitution in its next periodic report, including clandestine prostitution. The State party should also provide information on the results of the upcoming evaluation of its policy with respect to prostitution, including the impact of the policy on women in prostitution as well as on the demand side of the sexual services, and should provide information on the measures taken to follow up on the results of the evaluation. The State party is encouraged to continue formulating strategies and programmes to prevent women from entering prostitution and to establish programmes of rehabilitation and support for women and girls who wish to leave prostitution, including information on and support in relation to alternative livelihood options.**

34. The Committee expresses its concern at the outcome of recent reports from the National Board of Health and Welfare indicating that there are shortcomings in gender equality in health services and that this can involve differing access to advanced medical treatment for women and men, and can also involve the formulation of standard diagnoses used by the health services. The Committee is also concerned that women suffer to a greater extent from stress-related illness and use the health services, consume medication and go on sick leave considerably more than men. In addition, the Committee expresses its concern at the deteriorating mental health situation of young girls, including increased alcohol and drug consumption and an increase in attempted suicides and other forms of self-inflicted harm.

35. **The Committee calls upon the State party to conduct further surveys and research to discern the scope of the problem and understand the causes and also calls on the State party to continue its efforts to improve health services and integrate a gender perspective into all health sector programmes, services and reforms in line with the Committee's general recommendation No. 24, so that all women and men in every part of the territory have equal access to appropriate and adequate health services. The Committee urges the State party to take the necessary measures to address the deteriorating mental health situation of young girls, to prevent and combat the abuse of alcohol and use of drugs, to prevent suicide and to strengthen**

**mental health programmes, both preventive and interventional, and to allocate adequate financial resources for the effective implementation of such programmes.**

36. The Committee is concerned that the State party's current legislation on distribution of property upon divorce may not adequately address gender-based economic disparities between spouses resulting from the existing sex segregation of the labour market and women's greater share in unpaid work.

**37. The Committee calls upon the State party to undertake research on the economic consequences of divorce on both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis of their full-time and un-interrupted career pattern. The Committee recommends that the State party review its current legislation in light of the outcome of the research and include information to this effect in its next periodic report.**

38. While noting the measures taken with the aim of enhancing integration of immigrant, refugee and minority women into the Swedish society and of including the women in the labour market, the Committee continues to be concerned about their human rights situation and the fact that they continue to suffer from multiple forms of discrimination. The Committee notes that the 2007 action plan on violence recognizes women of immigrant or foreign origin as a particularly vulnerable group requiring special protection, but remains concerned at the violence and discrimination on the grounds of sex that they face in their own communities. The Committee is also concerned about a 2007 regulation demanding that a foreign national be accompanied by a close relative when obtaining identification documents, which may negatively affect abused foreign women, but notes the statement by the delegation that this regulation will be reviewed. While noting the appointment of a Delegation for Roma Issues, the Committee continues to be concerned at the remaining forms of discrimination experienced by Saami and Roma women in various contexts.

**39. The Committee urges the State party to intensify its efforts to eliminate discrimination against immigrant, refugee and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against those women, both within their communities and in society at large, to combat violence against them, and to increase their awareness of the availability of social services and legal remedies as well as to familiarize them with their rights to gender equality and non-discrimination. The Committee also urges the State party to take effective measures to integrate them into the Swedish labour market. The Committee further urges the State party to review the 2007 regulation on identification documents. In addition, the Committee calls upon the State party to conduct regular and comprehensive studies on discrimination against immigrant, refugee and minority women, to collect statistics on their situation in employment, education and health and on all forms of violence that they may experience, and to submit such information in its next periodic report.**

40. Notwithstanding the establishment on 1 January 2006 of a new public agency to ensure effective short-term and long-term implementation of national disability policy, the Committee is concerned that women with disabilities suffer from multiple forms of discrimination, including with respect to access to education, employment, health care and protection from violence, and that they are not seen as a particular group with particular needs. The Committee regrets the absence of sufficient information and data, including statistical data, on the impact of legislation and policies in the social sector on women with disabilities, as well as the lack of data on violence against those women.

**41. The Committee urges the State party to intensify its efforts to eliminate discrimination against women with disabilities, to combat violence against them and**

to recognize them as a particular group with particular needs. The Committee calls upon the State party to take effective measures to integrate them into the Swedish labour market and to conduct regular and comprehensive studies on discrimination against them, collect statistics on their situation in employment, education and health and on all forms of violence that they may experience and submit such information in its next periodic report.

42. The Committee urges the State party to continue to utilize, in implementing its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

43. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

44. The Committee notes that States' adherence to the nine major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Sweden to consider ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

45. The Committee requests the wide dissemination in Sweden of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

46. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its eighth periodic report, which is due in September 2010, and its ninth periodic report, which is due in September 2014, in a combined report by September 2014.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.