

**Submission to the United Nations Committee
on the Convention on the Elimination of All Forms
of Discrimination Against Women**

Written submission
regarding the combined eight and ninth periodic review of Sweden
Response to CEDAW/C/SWE/Q/8-9/Add.1

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Introduction

1. This report provides response from civil society organizations to the replies submitted by Sweden to the list of issues and questions in relation to the combined eighth and ninth periodic reports of Sweden. The coalition of organizations submitting this report include NGOs working with human rights of people with disabilities, gay, bisexual, transgender and queer people (LGBTQ) as well as sexuality education and sexual and reproductive health and rights. The report follows the structure of the document provided by Sweden and comments only on relevant paragraphs.

Constitutional, legislative and institutional framework

Issue 1

Recommendation 1

National efforts towards gender equality should also include transgender people, as for guaranteeing equality and non-discrimination for all women. Even more since, in Sweden, transgender persons may be abused as a punishment for violating traditional norms of masculinity or femininity. Likewise, girls are exposed to both gender and age structures. The specific situation of the group of young people who identify as girls should therefore be lifted in gender equality work. Young people's voices, ideas and opinions must be listened to and young people should be obvious actors in gender equality work.

Access to justice

Issue 2

2. The coalition submitting the response is concerned that the issues addressed by Sweden focus in majority on the law rather than also its implementation. However, it is crucial to acknowledge that there are significant challenges and problems when it comes to the implementation of the existing laws. As a concrete example, a study shows that judges and law student are largely influenced by non-legal factors in their assessment of the evidence. In one case a testimony of an 11-year-old girl who said she had been abused was judged less credible if the judges were aware of the fact that she had ADHD/high-functioning autism. Such a situation may have a serious impact on the legal rights of persons with disability.¹

Recommendation 2

More studies need to be conducted about the intersection of sex, disability, ethnic background and its effect on supposed legitimacy of a testimony. Actions and measures should be taken according to the results.

3. Sexual offense is an important aspect when it comes to domestic violence. Consent should be regarded as the core of any sexual activity. Consent should be prioritized when analyzing sexual violence. Sweden is currently investigating whether consent requisite should be introduced in the Law.

¹ <http://www.brottsoffermyndigheten.se/nyheter/samre-rattstrygghet-for-barn-med-funktionsnedsattning>

Meanwhile, Swedish judiciary does not utilize the existing law with the support of knowledge of gender-based violence. All judges, law students, prosecutor etc. need to get education, in for instance power structures, gender based violence and on victims' reactions.

Recommendation 3
Criminal law of sexual assaults, as well as training programs to judicial operators – including law students – should be revisited, as for combatting social stereotypes leading to violence against women.

4. Moreover, effective measures to stopping violence against all women, including women with disabilities, lesbian, bisexual, transgender and queer women, should consider the different circumstances and structures involved in such a phenomenon. The men’s violence against women cannot be seen as the only structural problem to be addressed in policies or strategies.

Recommendation 4
To combat violence against all women, including women with disabilities, lesbian, bisexual, transgender persons and queer women, strategies must take into account a) violence in close relationships, including same-sex relationships; b) circumstances and structures connected to violence against women with disabilities; c) circumstances and structures connected to violence and hate crimes against women that wear veil and women that are being subject to racial or ethnic stereotyping; d) violence targeted against transgender persons, when victims of such violence are perceived as breaking traditional gender norms.

5. Transgender persons are especially exposed to different types of violence, including domestic violence and violence in close relationships. In the experience coming from the coalition of NGOs, it has been shown that transgender women face serious difficulties in accessing shelters or support centers due to their gender identity and/or expression. This further exposes them to violence, discrimination and exclusion.

Recommendation 5
There must be a policy response to how to ensure that all who are exposed to domestic violence receive the same quality of support as well as a concrete strategy for its implementation must be in place.

6. The coalition of NGOs welcomes the Government’s commitment to strengthening work related to anti-discrimination as well as to provide increased resources for the Equality Ombudsman (DO) and for local services to address discrimination.

7. At the same time, it should be stressed that Swedish anti-discrimination law should be revised in order to ensure its full potential. The anti-discrimination law presently prohibits discrimination grounded on disability, gender identity and gender expression, however, certain legal loopholes undermine its effectiveness. For instance, the Swedish Constitution does not expressly prohibit discrimination and negative treatment of transgender women or women with disabilities. Furthermore, the Swedish criminal code does not consider disability; gender identity and gender expressions as motivation for hate crimes.

Recommendation 6

Domestic anti-discrimination law should to be harmonized with national and international anti-discrimination law as it would enable better data-collection on hate crimes against, as well as the state's possibilities to effectively prosecute such crimes.

National machinery for the advancement of women

Issue 3

8. Paragraph 18 of the response presented by the Government indicates that the Gender Equality Inquiry should, among other issues, investigate the development of equality between women and men born abroad. In this light, the coalition would like to notice that already existing reports show that regardless of place of birth, women are more likely to become victims of ethnical or religious discrimination than men. For instance, Roma women experience deficient access to health care and social services such as protected housing.² Likewise, systematic harassment against Muslim women wearing veil in Sweden restricts their freedom of movement in public spaces according to risk assessments.³ Women not born in Sweden meet dual thresholds on the labor market and have a lower employment rate compared to women that are born in Sweden, as well as compared to men that are born in Sweden and men not born in Sweden.⁴

Recommendation 7

The Gender Equality Inquiry should investigate development of equality between men and women from an intersectional perspective in order to present a comprehensive picture of the situation in Sweden. There is a need of disaggregated data according not only to gender but also gender identity, disability, age, sexual orientation, ethnicity and religion.

Issue 4

9. It is commendable that around 90 percent of relevant government bills contain a gender equality analysis (para. 20 of the response document). However, due to the fact that other aspects of one's identity have a significant impact on the person's position within the society, gender should not be the only aspect included in gender equality analysis. For instance, from what is known the differences between men and women are often larger if one looks at men and women with disabilities. The data available on labor market shows that there are more men than women who are employed (77% men vs. 75% women). However, if one analyzes numbers related with men and women with disabilities, the discrepancies are much larger (64% men with disabilities vs. 53% women with disabilities).⁵

Recommendation 8

Data regarding gender equality should be disaggregated, especially on grounds of disability. Analysis of the data should be critical and take into account structural barriers faced by various types of women.

² County Administrative Board Stockholm (Länsstyrelsen Stockholm) Nulägesbeskrivning av hinder och möjligheter för romers rätt, Rapport 2014:22.

³ Oxford research, Forskning om diskriminering av muslimer i Sverige, 2013.

⁴ County Administrative Board Stockholm (Länsstyrelsen Stockholm) Välkommen in! - Utrikes födda kvinnor på den svenska arbetsmarknaden och som företagare, Rapport 2014:4.

⁵ Public Health Agency of Sweden/Folkhälsoinstitutet, Uppdrag om delmål m.m. inom ramen för "En strategi för genomförande av funktionshinderspolitiken 2011- 2016" Delrapportering av regeringsuppdrag Dnr 599/2014 (page 27-28). URL: <http://www.folkhalsomyndigheten.se/amnesomraden/livsvillkor-och-levnadsvanor/funktionsnedsattning/>.

Issue 5

10. In the context of the adoption of the historical Agenda 2030 for sustainable development, it is imperative that Sweden implements its commitments according to the idea of “leaving no one behind”. The Agenda 2030 will be crucial for improving lives of *all* women, and that includes LGBTQ women and women with disabilities. Moreover, Sustainable Development Goals are to ensure that *all* women and girls have access to sexual and reproductive health and rights (SRHR).

Recommendation 9

Domestic policies and strategies on implementation of the Agenda 2030 must ensure that they are explicitly inclusive of the most marginalized and excluded women, including women with disabilities, LGBTQ women, migrant women as well as women on intersection of these identities.

Temporary special measures

Issue 6

11. It is worth noticing that the Government planned to conduct a communication campaign to address and counteract discrimination against people with disabilities. Even though the project is to run between 2015 and 2017, there has not been much communication seen within its framework. There is a concern that there is neither visible plan for the project to start nor specific target groups identified, which could hinder the project as well as achieving its set goals.

Recommendation 10

The Swedish Agency for Participation, responsible for the communication campaign to counteract discrimination against people with disabilities should create a specific, detailed and timely plan of action for its implementation. It should also include clear indication of target groups addressed by the campaign. Finally, the campaigns and training courses need to be continuous in accordance with the recommendations of the Committee on the Rights of Persons with Disabilities.

Violence against women

Issue 9

12. According to the Government, the Ministry of Health and Social Affairs together with the Ministry of Justice coordinate program for ending men’s violence against women. Although crucial in addressing violence against women, it has to be remembered and acknowledged that violence against women reflects also other power structures than only gender power structures. For instance, according to the Swedish Agency for Participation, 18 percent of women with disabilities between 16-29 years old have suffered violence or threats of violence, compared to 8 per cent of women without disabilities. In the same age category, around 42 percent of women with disabilities are afraid of going out alone, compare to about 7 per cent of men with disabilities.⁶ These figures indicate flaws in public investigation on harassment and possible hate crimes against persons with disabilities.

⁶ Swedish Agency for Participation (Myndigheten för delaktighet), Samlad uppföljning av funktionshinderspolitiken - Hur är läget 2015? A 2015:12.

Recommendation 11

Programs and policies designed to end men's violence against women should acknowledge various power structures. It will ensure that they address real-life situations and work towards eliminating all possible root causes of violence against all women.

13. It was indicated that the input from the National Coordinator on Domestic violence would be incorporated in the upcoming national strategy to address men's violence against women. This is going to be a useful tool, however, it is problematic when domestic violence is investigated and analyzed only from heteronormative perspective. It consequently leaves out a number of women out of studies, such as LBTQ women or women with disabilities who fall outside of gender or sex norms.

Recommendation 12

There is a need for investigation and research on domestic violence specifically experienced by people with disabilities and LGBTQ people, which does not exist presently.

Issue 10

14. The coalition welcome the Government's commitment in the Budget Bill 2016 to support organizations working to develop crime victim services aimed at lesbians, gay, bisexual and transgender people who are victims of violence in a close relationship.

15. There is concern that trainings for judges offered by the Courts of Sweden Judicial Training Academy addressing on honor problems, sexual offences as well as violation of integrity offences are merely voluntary. It was reported that in 2013 only 20 out of 576 judges took the course related to sexual offences.⁷ It may have significant negative impact on cases.

Recommendation 13

Training to raise capacity of judges and other authorities in regards to sexual offences should be obligatory in order to ensure that these sensitive cases are dealt with highest level of consideration and judges are aware of specificities of sexual offences cases.

Trafficking and exploitation of prostitution

Issue 12

16. Under Article 6, Sweden committed itself to take all appropriate measures, including legislative, to suppress all forms of trafficking in women and exploitation of women in prostitution. Since 1998 Sweden has legislation prohibiting the purchase of sexual acts. Before enacting the legislation the Government made statements in the proposition 1997/98:55 that the legislation would not solve the problem of prostitution, but should be regarded as complementary to social support to those in prostitution.

17. At the same time, it has to be acknowledged that social support and efforts for people who have experienced sex for pay and victims of human trafficking are insufficient and directed to the three largest cities in Sweden. Support and reaching youths on the Internet (a common area for many people and youth who have experienced sex for pay) is very poor.

⁷ <https://feministisktperspektiv.se/2014/03/06/stort-ointresse-bland-domare-for-utbildning-om-sexualbrott/>
http://www.riksdagen.se/sv/Dokument-Lagar/Kammaren/Protokoll/Riksdagens-snabbprotokoll-2013_H10973/

18. Many sex workers give testimonials that they avoid contacts with authorities, police and healthcare professionals, which results in lack of access to necessary services, protection and welfare they are entitled to.

Recommendation 14

Measures to address all forms of discrimination and stigma experienced by sex workers must be taken. More state investment in the social efforts for people with experience of sex for pay is necessary.

Education

Issue 15

19. According to Swedish law it is compulsory for each school to have an updated equal treatment plan. However, it is common that the plan is not updated or implemented in schools in a sufficient way, making way for discriminatory treatment of female, transgender, and students breaking gender norms, which may result in drop-outs and poor mental health.

Recommendation 15

There should be a working mechanism in place for ensuring that equal treatment plans are up-to-date and implemented properly. It is imperative for an inclusive and safe environment for students.

Recommendation 16

There is a need for access to good quality sex education based on norm criticism. It should focus on consent and mutuality in sexual and close relationships as one of the necessary factors in reducing sexual violence.

Employment

Issue 16

20. When discussing access to labor market in the context of gender equality, it is important to draw attention to the fact that access to labor market is limited for transgender people. There is no guarantee that school certificates, diplomas and certificates from employers will be changed retroactively for those who changed legal gender, which in practice means that there is a discrepancy between one's legal ID and other relevant documents. Consequently, personal records may expose the person to unwanted attention on the legal gender change, which in turn usually is an additional obstacle to access the labor market.

Recommendation 17

There must be measures in place, which would facilitate access to labor market by transgender people. This must include legal avenues ensuring that legal name and gender data on school certificates, diplomas and other relevant documents can be changed and correspond with one's ID.

Health

Issue 18

21. Sweden is currently unclear about the right to abortion and contraceptives for Roma girls and women from other EU countries. Each County Council handles this matter differently,

which leads to an unequal care and huge consequences for the individual woman. In some County Councils Roma women and girls from another EU-country are being rejected and in others they get help with abortion and contraceptives.

Recommendation 18

Medical professionals should be further trained in how to inform Roma women and girls about SRHR. Sweden needs to take measures to ensure that not only Roma women and girls but also migrant and refugee women and girls have access to SRHR.

Marriage and family relations

Issue 21

22. There have been no prosecutions and no convictions of child marriages due to the legislation of forced marriages and child marriages. There are shortages in knowledge and inadequate procedures in the judicial system, social services and the police.

Recommendation 19

Sweden needs to take measures to ensure that there is sufficient capacity and competence in dealing with cases of child marriages among authorities, judiciary, policy as well as social services.

Sweden should also take concrete measures to ensure that all children still can be and remain children until they become adults.

23. Many children suffered an increased risk to be exposed to child marriage during migration process to Sweden. Also, it has been reported an increase in child marriages among refugees coming to Sweden to seek asylum. Swedish municipalities lack guidelines in this area. Therefore, the married child is often placed together with the adult spouse upon arrival to Sweden. As an effect of the exception in the Act Sweden are facing a situation where some children are protected by law whilst other are not, which is not acceptable.

Recommendation 20

Sweden must ensure that efforts against child marriage and forced marriage are coherent and sustainable in the long-term. Moreover, the preventive work in Sweden against child marriage and forced marriage needs to be prioritized, both in the political agenda and resource allocation.