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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 40TH SESSION SWEDEN, COMBINED 6TH AND 7TH REPORT 25 JANUARY 2008

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Information submitted to the Committee

On 14 September 2007 Sweden submitted its combined sixth and seventh periodic report to the Committee on the Elimination of Discrimination against Women (the Committee) regarding its implementation of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention).¹ Sweden ratified the Convention on 2 July 1980 with no reservations. The 57-page report responded to the concluding observations of the Committee on Sweden's fourth² and fifth³ periodic reports and focused on issues related to violence against women, combating trafficking and prostitution, and measures to eliminate discrimination of women in the public and private spheres.

The Committee provided the State party with a list of issues on 4 September 2007.⁴ The list posed questions regarding the constitutional, legislative, and institutional framework. Further clarification was requested concerning political participation and decision-making, violence against women, prostitution and trafficking, stereotypes and education, and minority, immigrant and refugee women. Sweden submitted its written reply to the list of issues on 30 November 2007.⁵

¹ CEDAW/C/SWE/, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

² CEDAW/C/SWE/4, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

³ CEDAW/C/SWE/5, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

⁴ CEDAW/C/SWE/Q/7, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

⁵ CEDAW/C/SWE/Q/7/Add.1, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

The Swedish CEDAW-Network and the Swedish Women's Lobby, an umbrella organisation of 45 national non-governmental organisations (NGOs), submitted a joint alternative report on Sweden's implementation of the Convention, where certain articles had been singled out as the most urgent with regards to Sweden.⁶ The comprehensive report highlighted the need for gender budgeting,⁷ for taking measures against multiple discrimination and for eliminating stereotyped patterns in the public space. It challenged the Government to modernise the National Constitution to render it less gender neutral, and criticised the lack of effective strategies and routines to follow up how the legislation and regulations are implemented in practice and the absence of sanctions for those who break and do not implement the legislation. A second alternative report from the Swedish Association of Visually Impaired and other organisations of persons with disabilities in Sweden became available to the Committee at a late stage.⁸ It expressed particular concern over multiple discrimination with regards to the health care system, violence against women with disabilities and that women are not seen as women first but merely referred to as 'persons'.

Themes and Issues

The Swedish delegation was headed by Mr Christer Hallerby, State Secretary at the Ministry of Integration and Gender Equality. Mr Hans Dahlgren, Ambassador at the Permanent Mission of Sweden to the United Nations Office at Geneva, and Ms Cecilia Bergman, Director-General for Administrative and Legal Affairs at the Ministry of Integration and Gender Equality were the alternate heads of the delegation. The delegation was further composed of representatives from various Ministries.⁹

Mr Hallerby opened by proclaiming that all forms of discrimination were obstacles to democracy. The Government's objective was to counteract and change systems that preserved the unequal distribution of power and resources between women and men. He noted with concern that although considerable advances have been made in promoting gender equality, there still remains much to do; a gap between women and men's opportunities to shape society and their own lives still persisted. Mr Hallerby then presented the developments that have taken place in Sweden since 2001. He highlighted the Government's first-year¹⁰ initiatives for gender mainstreaming, including a tenfold increase of the budget for gender equality, the adoption of a new action plan to combat violence against women and in the name of honour, and an amendment in the abortion law to allow abortions for non-Swedish residents. An effective legal framework to combat all forms of discrimination is presently being put forward, and Mr Hallerby promised 'a more cohesive patchwork of laws in the near future.'

Throughout the review the Committee members almost unanimously commended Sweden as a role model for many countries for its gender equality work and achievements since the 1970s. However, several Committee members noted with disappointment that the high expectations on gender equality in Sweden in practice turned out not to have been met: the highly praised advancements with regards to women in positions of power in the public and private sphere and the closing of the wage gap appear to have stagnated. It was

⁶ 'Submission to the United Nation's Committee on the Convention on the Elimination of All Forms of Discrimination Against Women 2007,' available at <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/SwedishNSWL.pdf>

⁷ Gender budgeting is an instrument and method for achieving equality in economic matters and in the allocation of public resources.

⁸ 'Statement by Kicki Nordstrom, Sweden, representing the Swedish Association of Visually Impaired and other organisations of persons with disabilities in Sweden,' available at <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/srfsweden.pdf>.

⁹ Ministry of Justice, Ministry of Integration and Gender Equality, Ministry for Foreign Affairs, Ministry of Health and Social Affairs, Ministry of Employment, Ministry of Education and Research, and the Permanent Mission of Sweden to the United Nations Office at Geneva.

¹⁰ Elections have been held in Sweden since the report was submitted and a new government came into office in October 2006.

inquired whether this was due to the mentality of Swedish men, the sexualisation of the public sphere¹¹ or lack of governmental special measures. Other issues of particular interest included the incorporation of the Convention in the national Swedish legislation; violence against women; priorities and punitive measures with regards to prostitution and trafficking for sexual purposes; what prevented women from reaching leading positions in the private and public sphere; and measures to counteract multiple discrimination against vulnerable groups.

Status of the Convention in domestic law

Constitutional and legislative framework

The first issue to be examined by the Committee concerned the constitutional and legal framework within which the Convention is implemented. Some Committee members asked about the visibility and implementation of the Convention and the definition of discrimination in the new *Prohibition against Discrimination Act* (2003).¹² It was Committee member Flinterman's impression that the women's Convention is largely unknown within Swedish society, and wondered whether this may have something to do with the Convention not being incorporated into national law. In that respect, Mr Flinterman wanted to know if there is a mechanism to review existing and new draft legislation on its compatibility with the Convention,¹³ and requested evidence that the Convention is being used in practice in the courts. After urging the delegation to rethink the possibilities for incorporating the Convention into Swedish legislation, he brought up the fact that the National Constitution is gender blind. He further asked what the Government is intending to do in order to make the Constitution more gender sensitive.

On a related point, the Committee Chair Ms Simonovic asked the delegation if education is provided for the judiciary legal system and those involved in the protection of human rights of the Convention in general, and the Convention's Optional Protocol¹⁴ in particular. The head of the delegation, Mr Hallerby, explained that Sweden is a dualistic State, in which international treaties do not automatically become part of national law. For international treaties to become directly applicable, they must be either transformed¹⁵ or incorporated at the national level. He affirmed that although none of the international human rights treaties are incorporated into Swedish law, the essence of the treaties is reflected in the existing national laws. Responding to Mr Flinterman's comment, Mr Hallerby acknowledged that there might be some positive consequences from incorporating the Convention into the national legislation but asserted that Sweden has not felt the need for this, as no substantial conflict has arisen between national law and the Convention. Another delegate added that if a court sees a conflict between the treaty and the law, the court shall seek to interpret the law in conformity with the treaty, so as to avoid the conflict. She noted that when a treaty is to be transformed, a law committee scrutinises whether the international obligations are fulfilled. No one in the delegation could recall a verdict where the Convention had been used.

Referring to the question on the Constitution as being gender neutral, the delegation assured the Committee members that there is a cross-party committee considering an overview of the Constitution, adding that it has not yet seen the report of the committee but that it believes there will be a change in the Constitution, rendering it more gender sensitive. With regards to the definition of discrimination in relation to the proposed *Prohibition against Discrimination Act*, the State party responded that the definition closely follows the

¹¹ Research points to images and language in media, advertising and other public spheres having become coarser over the past ten years, and this trend has been called 'sexualisation of the public sphere' (State party report, para. 126).

¹² During spring 2008, this anti-discrimination bill will be put forward to the Parliament. All previous laws regarding discrimination will merge into one single law, covering discrimination on seven grounds: sex, sexual orientation, gender identity, ethnic background, religion or other religious beliefs, disability, and age.

¹³ Committee Chair Ms Simonovic posed a follow-up question on the same issue, wondering if there is any governmental body in charge to assess constant compatibility with the national legislation with the Convention.

¹⁴ Sweden ratified the Optional Protocol to the Convention on 24 April 2003.

¹⁵ Transformation means that the treaty in question is transformed into one or more national laws or that the provision of the treaty is inserted as provision into an existing law.

European Union and the European Court's model on equal treatment directives, with a ban on direct and indirect discrimination, harassment, sexual harassment and instructions to discriminate.

In its concluding observations, the Committee expressed concern that the Constitution is gender-blind and therefore called upon the State to conduct a thorough gender-sensitive review of the Constitution to ensure that it is in accordance with the provisions of the Convention.¹⁶

Institutional framework

Mr Hallerby explained that a new ministry was formed after the new Government came to power, the Ministry of Integration and Gender Quality, which is responsible for integration, human rights, democracy and national minorities. Gender mainstreaming is the Government's main strategy for achieving gender equality. Each ministry and higher education institution has to develop an annual action plan and a steering document for gender equality. Throughout the session, a number of Committee members inquired after a central national machinery or national human rights agency that monitors implementations of these, and other action plans, and assesses its achievements. The head of the delegation gave a firm answer in the negative: the new Ministry would be good enough for accountability and implementations, particularly as it works closely with the county municipalities and the Ombudsmen.¹⁷

Committee member Dairiam said that Sweden could not be faulted for lack of intention for promoting gender equality, referring to the numerous policies, approaches, plans and the legislation, but clearly expressed her disappointment over the absence of visible actual success in accordance with expectations. She asked for further clarifications with regards to the guidelines and normative standard framework for quality provided for the ministries and institutions, if these guidelines are based on the standards of the Convention, and finally wondered what the consequences are when there is failure to comply or achieve progress. The delegation's response outlined the overall governmental gender plan and highlighted that it is mandatory for each ministry to create their own gender plan. The Division for Gender Equality makes an annual evaluation of the achievements, and a large evaluation is planned for 2010.

Committee member Shin joined her colleague in expressing disappointment, pointing out that much is expected from Sweden, as Sweden has been looked to as *the* model country, but that stagnation in the progress can be clearly seen. In the true sense of constructive dialogue, she then asked the delegation what difficulties and challenges it encounters in achieving actual gender equality. The head of the delegation acknowledged that the present Government shares these feelings, which is also why it decided to put much more money into the process; this money is being used for education, prevention and to finance new measures.¹⁸

In its concluding observations, the Committee called upon the State to introduce effective monitoring and accountability mechanisms at all levels in the context of its system for gender mainstreaming, and that such mechanisms include sanctions for non-compliance.

Women's participation in the public and private sphere

Women's political participation

¹⁶ CEDAW/C/SWE/CO/7, available at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.SWE.CO.7.pdf>.

¹⁷ The Government has proposed that the current four Ombudsmen are merged into one single national authority, called the Ombudsman against Discrimination. The new Ombudsman will exercise supervision of all anti-discrimination legislation, in order to ensure more effective and powerful monitoring of compliance with the proposed *Prohibition against Discrimination Act*.

¹⁸ The budget for gender equality increased from 4 million Euros to 40 million Euros yearly.

Several Committee members commended Sweden for the progress made in ensuring gender equality in women's political participation. Committee member Zerdani spoke enthusiastically about female political representatives at national, county and municipal levels, where women are practically in parity with men, and even thanked the delegation for what Sweden had done for women in its country. She wondered if there are any female role models in the Parliament who are of non-Swedish origin. With a smile, the head of the delegation responded: 'One remarkable woman named Ms Nyamko Sabuni was born in Congo, grew up in Burundi, came to Sweden – and she is now my boss.' Referring to the gender equality progress in women's political participation, a State party delegate pointed out that the high number of women involved is due to big responsibilities taken by the political parties in this respect, not to quotas. Commenting on a broad, general question posed by the Committee on what prevents a woman from reaching a high position in the Swedish society, Mr Hallerby mentioned the high costs of household-related services and the limited opening hours in the day-care system as possible obstacles for women's careers. A tax credit¹⁹ has been introduced by the new Government to make it less expensive to hire household help.

Women and education

The existence of gender-based segregation at all levels of the educational system was another area of concern for the Committee. Most questions involved the few numbers of women in higher education institutions. Committee member Neubauer dismissed the State party report with regards to education, as it, in her view, does not provide a true picture of education. She reiterated a previous question by requesting what specifically it was that prevented women from reaching high posts in higher education when Sweden is such a role model of elected women. Mr Hallerby replied that he believed that equality in higher education is improving. He firmly stated that he would not personally be surprised if the university world is the next sector to be gender transformed in a couple of years. A representative from the Ministry of Education and Research further stated that the recruitment process in higher education institutions has indeed been criticised for informality and non-transparency. She reassured the Committee that proposals to improve the process are under consideration.

Another delegate elucidated the issue of low numbers of women in higher education positions, or 'the leaking pipeline', as she referred to it. She believed the academic culture itself is to blame. Without further developing this line of thought, she said that it is a well-known problem and many universities work actively to become more gender-oriented. Every institution must provide annual reports on gender mainstreaming achievements and also comment on why goals are not met.²⁰ She ended by pointing out the importance of AIDAS, a network project created by university colleges themselves to promote women in the academia, and noted that it is mainly because of AIDAS that the number of vice chancellors (36 per cent) is as high as it is.

Labour market participation and temporary special measures

Quite a few Committee members lamented the lack of actual progress with regards to women's representation in the private economic sector as well as in local and municipal boards. Despite new strategies announced, the number of part-time working women has continued to increase since Sweden was last examined by the Committee in 2001. Also, the wage gap has not narrowed, due to the persistence of gender segregation in the labour market; nor has the pay discrimination been eliminated for the same reason. Some Committee members criticised the under-representation of women as heads of public agencies and were displeased with

¹⁹ This tax credit has been highly criticised and debated in Sweden, however, as it is said to further exploit under-paid non-Swedish domestic workers and create even higher numbers of women who are forced to remain in part-time work. The Government claims to have created 107.000 new jobs since October 2006; critics emphasise that most of these new jobs are low-paid and part-time, thus making few improvements in the labour market.

²⁰ The annual reports must report on various issues, such as traditional carrier roles and gender-biased fields. There is no punishment, no fines if requirements are not met. There is, however, the shame factor, as the reports are made public.

the lack of data on women in the judiciary and in the diplomatic services.²¹ The Committee asked the delegation to break down the unemployment rate into numbers regarding immigrant women and other vulnerable groups.

Committee member Schöpp-Schilling fought to get a full answer to her questions on the Government's plan to address women's under-representation on the boards of privately owned companies. Although understanding the reasons for not legislating private sector quotas, Ms Schöpp-Schilling noted with some sadness that the Government wants to abstain from legislating goals and quotas for the private sector. Conversely, Mr Hallerby clarified that there should be a balance in how much the Government should interfere in private organisations and other economic actors. He reiterated that other measures than quotas should be used, such as dialogue, information and debate. Ms Schöpp-Schilling continued her line of questioning by wondering if the Government is planning to offer incentives to the private sector in order to make action plans to recruit and promote women so that women can finally end up in a board on a voluntary basis. She observed that those action plans could be goal-oriented, which is different to establishing quotas. The delegation replied by stating that measures, incentives, goals and other actions are under discussion with Swedish enterprises, and affirmed that temporary special measures for employers will be established.

Furthermore the Committee wanted to know why so many women work part-time and what actions are being taken to promote full-time work. The delegation clarified that part-time work in Sweden in general means a 6-hour day. Part-time work is usually due to family reasons and the fact that many women are often only offered part-time jobs. The Government tries to counteract this by offering incentives to businesses, by reducing the part-time unemployment benefit and by offering tax credits.

In its concluding observations, the Committee urged the State to strengthen its efforts to encourage an increase in the number of women in high-ranking posts, particularly in academia, and encouraged the State to effectively implement temporary special measures and accountability mechanisms to accelerate the realisation of women's *de facto* equality with men in all areas.

Women's health

The issue of women's health was briefly touched upon towards the end of the session. The Committee found it worrying that women's life expectancy is improving less than the life expectancy of men, and queried whether this was due to inequalities within the social community. Committee member Gabr expressed her surprise to see inequalities in health, health care, access to health care and treatments in Sweden. A gender perspective to health care was seen to be lacking. Ms Gabr ended by hoping that all this information was indeed exaggerated. The Committee inquired after financial and health packages for immigrant persons and also a mechanism to prevent problems in rural areas.²² Committee member Schöpp-Schilling feared that privatisation might have a negative effect on health care and Ms Gabr asked who would pay the bill if the privatisation continues. Other issues of concern were the high rates of suicide, teenage abortions and divorce, and young women's deteriorating mental health.

The head of the delegation explained that he too had experienced great surprise with regards to the findings that men are better treated than women, adding that this must be a deep pattern, not a problem that is specific to Sweden. He further said that his country is in a premature phase in recognising the problem. As a part of the gender equality policy, research on women's health and mapping women's particular needs will be carried out and the municipal authorities will strive to gender mainstream the national health care sector. On the

²¹ Figures of women in high-ranking positions in the judiciary were later enumerated. Regarding women working in the international service, a representative from the Ministry for Foreign Affairs answered that the Government has given priority to appoint female ambassadors, thereby increasing the numbers from 16 per cent to 34 per cent.

²² However, the Committee later granted the delegation's request for permission to present information on the current rural development programme in written form during the following week.

privatisation of health care, Mr Hallerby maintained that an opening up of the private sector was necessary, as more competition and creating a new base for entrepreneurs were needed.

A representative from the Ministry of Justice clarified that access is based on residence for a year, not nationality. All adult asylum seekers have rights to dental and emergency care, abortions, treatments for infectious diseases, etc; their children have the same rights as Swedish children. Another delegate responded to the concerns raised on teenage abortions and announced that abortion rates had been lowered in recent years. The delegation caused some consternation and amusement among the Committee members when it stated that the emotional consequences of divorces are harder for men, as women more often take initiatives to divorce; thus a divorce makes men feel worse whereas women might have less money but feel good with themselves. Few words were said in response to the other areas of concern.

The Committee reiterated in its concluding observations that it was concerned about the reported shortcoming in gender equality in the health services. It called upon the State party to conduct further surveys and research to discern the scope of the problem and to take necessary measures to strengthen mental health programmes.

Sexualisation of the public sphere and the freedom of expression

Committee member Tavares da Silva drew attention to concerns relating to cultural aspects, stereotypes and behaviour. She reminded the delegation that this matter was merely touched upon in specific terms with regards to education in the last discussion, but in general terms regarding the society as a whole. She briefly mentioned some positive elements, but focused on reflected negative features, particularly in the media. Ms Tavares da Silva illustrated this by citing strong statements in the State party report and the alternative reports on the media's role in cementing a trend where the public sphere is continually being sexualised.²³ She wanted to know the delegation's views on this information that, if true, was incompatible with the commitment to create gender equality. Although acknowledging her awareness of the great attachment of Sweden to freedom of expression, Ms Tavares da Silva called upon the Government to review the legal provisions of the freedoms of the press and expression.

Mr Hallerby appeared surprised and offended. He explained that there is 'absolutely no intention' of changing these laws; they are such fundamental laws in the Swedish society. Committee member Tavares da Silva replied that she fully shares the delegation's view on these freedoms as fundamental values of a democratic society. Her line of thought was rather on what to do when the freedom of expression offends the freedom and dignity of women; would dialogue and debate really suffice? Mr Hallerby clarified that some restrictions naturally exist, about children and pornography. He then reiterated the use of an open dialogue as the best way to counteract the problems, and by using the platform that an open media can provide to discuss these matters. Disagreeing with the severity of the situation as proclaimed by Ms Tavares da Silva, he maintained that Sweden has not reached a point in time to take legal action to interfere with the freedom of expression.

In its concluding observations, the Committee called upon the State to take proactive and sustained measures to eliminate stereotypical attitudes about the roles of women and men, and to ensure that media production and coverage are non-discriminatory.

Violence against women

Violence and punishment

²³ Ms Tavares da Silva further reiterated that the media is expressing some hidden social norms that are conveyed and are reflected in many aspects of women's life in society, in the traditional choices in school, in the different forms of men's violence against women, in the disadvantages in the labour market, and in the difficulty in participating in the media themselves.

Since the last dialogue with the Committee in 2001, Sweden has reformed its legislation on sexual crimes and recently presented an action plan to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships. Many of the Committee's questions addressed the question of violence against women. Along with several other Committee members, Ms Kaddari lamented that data is not being broken down into gender in relation to crime victims, and stated frankly that it is not possible to know how many of the reported crimes involved women and violence against women. Using notably clear language, she expressed her dissatisfaction with the 'grave lacuna in statistics' and enumerated some of the vital data that was missing, including statistics of convictions and the level of punishment, incidences of domestic violence, protection orders, honour-related violence, and female genital mutilation.

Ms Kaddari also noted with concern that the new wording in the definition for rape is not in line with feminist critiques of criminal law. It still involves the need for violence, threats or the force used and does not mention the lack of consent. She suggested that the fact that the rape numbers are *de facto* not decreasing might have something to do with the low levels of punishment. Clarification was requested regarding the contradictory figures on the clearance rate for rape. With respect to the rape definition, the answer from the delegation was very straightforward; the requirement of force has been lowered in the new rape provision and the victim's physical resistance is not required; the lack of consent is essential but there must be some sort of force when adults are concerned.²⁴ In response to the suggestion by Ms Kaddari on low punishment and deterrence, the delegation explained that in comparison with other countries is considered as a low punishment is in fact seen as quite high in Sweden.

One delegate from the Ministry of Justice enumerated some of the statistics that was missing, such as numbers of applications for protection orders, reported crimes against women and the actual clearance rates for rape (18 per cent rather 5 per cent, as was stated in the alternative report). She added that it is difficult to find data on honour-related crimes, as the grounds for violence is not noted in the statistics. Mr Hallerby ensured that Stockholm University is carrying out a study until April 2008 on finding methods to establish how large the problem of female genital mutilation is in Sweden. In response to questions on victim support and spousal rapes, the delegation referred to the action plan and several of its measures that focus on counteracting domestic violence and supporting the victims.

The Committee Chair cited the report of the Special Rapporteur on violence against women, its causes and consequences, in which the discrepancy between the apparent progress in achieving gender equality and the reports of continued violence against women in Sweden is addressed.²⁵ The Chair wanted to know if the Special Rapporteur's recommendations on violence and access to safe shelters have been incorporated into the action plan. The Committee further asked for clarifications on the proposed treatment programmes for all perpetrators, wondering whether or not it will be obligatory and if there will be an incentive. One representative from the Ministry of Justice offered an inadequate response to the comment on the Special Rapporteur's recommendations; she noted only in passing that the Special Rapporteur is highly valued in Sweden. After affirming that an offering is indeed necessary in the treatment programmes, Mr Hallerby cursorily said that the Government is discussing various incentives.

In its concluding observations, the Committee calls upon the State to ensure that comprehensive measures are in place to address all forms of violence against women and to collect comprehensive statistical data disaggregated by sex, age and type of violence and the relationship of the perpetrator to the victim.

²⁴ In order to be convicted of rape, it is now sufficient if the offender has forced the victim to engage in a sexual act through assault, violence or the threat of a criminal act. Even slight violence, such as the tearing of clothes, separating someone's legs, pushing without results of pain or injuries, is enough for liability for rape. An argument against introducing 'lack of consent' into the provision was recent evidence from England showing that it focuses too much on the victim, how she behaved and reacted in connection with the criminal act.

²⁵ A/HRC/4/34/Add.3, 6 February 2007. Available at:
<http://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/106/53/pdf/G0710653.pdf?OpenElement>

Prostitution and trafficking

The unique prohibition against purchase of sexual services was a matter of great interest throughout the session. Sweden was commended for criminalising the demand side of prostitution.²⁶ The Committee recommended many other States to join its efforts. Interestingly, in response to a question on the law's efficiency and impact, the head of the delegation frankly admitted that no one knows the outcomes of the new law thus far.²⁷ The head of the delegation could only offer his personal impression: that it was obvious and visible to all that prostitution in public spaces had decreased and, as far as he knew, the law had also affected trafficking. Some Committee members felt compelled to express their concern at this response. Committee member Flinterman said that he appreciated the frank assessment but that he was deeply worried by the lack of comprehensive data, especially on the law's impact of clandestine prostitution. The delegation replied that Sweden has a problem with clandestine prostitution, as do all other countries, and promised to evaluate the effects of the prohibition against purchase of sexual services.

With regards to trafficking, the Committee questioned the reasons as to why Sweden has not yet ratified the *European Convention on Trafficking in Human Beings* (2005). It was further asked about the support assistance and protection systems available to victims of trafficking, in particular to those who are residing illegally in Sweden and decide not to report the trafficking. Furthermore, it stressed the importance of including the whole cycle of trafficking in a comprehensive action plan against trafficking in human beings and suggested that existing guidelines should be used. Mr Hallerby explained that a finalised action plan on trafficking and prostitution will be presented in spring 2008. The penal legislation on trafficking in human beings is under review until April 2008. As soon as the review is done, a possible ratification of the Convention will be looked into.

In its concluding observations, the Committee requested that the State party provide full information and data on the exploitation of prostitution and the results of the evaluation of its policy with respect to prostitution. It also called upon the State to strengthen the legislation allowing the prosecution of Swedish citizens involved in sexual exploitation of girls abroad.

Violence against vulnerable groups and support

The Committee welcomed the amendment of the *Aliens Act* in 2006, whereby refugee status is granted to persons claiming fear of persecution on grounds of gender and sexual orientation. Criticism was however directed at the delegation for the insufficient attention given both in the report and otherwise to vulnerable groups subjected to violence and support for these in terms of shelters, protection and awareness-raising. In response, the delegation explained that, along with the social services, 290 municipalities must ensure that all in their municipality receive the support and assistance that they need, in particular to victims of violence. Women with disabilities and other vulnerable groups (elderly women, women with foreign background, minority women) were highlighted. The quite strong independence of the municipalities was stressed, and also that, apart from offering guidance, the Government can interfere little in how obligations are being implemented. The delegation added that important commissions have been given to some involved actors²⁸ and the Government has also given funds to shelters and municipal support. Specific shelters designed for all

²⁶ In relation to the legislation on purchasing sexual services, Committee member Chutikel referred to instances that had come to her attention where Swedish embassies have issued new passports to Swedish citizens involved with sexual exploitation abroad whose passports have been confiscated, making it possible for the men to leave without prosecution. She demanded clarification with regards to these cases and a follow-up on the recommendation made by the Committee on the rights of the child in 2001 to strengthen the national legislation. This issue was never responded to and no further clarification was given.

²⁷ This answer was particularly interesting as it was clearly stated in the delegation's oral presentation that 'the law is an important factor to combat the demand for trafficking and sexual exploitation of women and children.'

²⁸ The National Board of Health and Welfare is tasked to draft guidance to support the application of the Social Services Act concerning women subjected to violence, while paying specific attention to vulnerable groups, and the Institute for Evidence-Based Work and Practices is developing instruments which can be used in the work with women subjected to violence.

vulnerable women everywhere would of course be desirable, but this is not the case in all municipalities. Responding to a comment on the requirement to attain an identity card only in company with a close relative, the delegation affirmed its recognition of the problem and said that changes are being proposed in the governmental office. Mr Hallerby asserted that these changes must be done quickly.

Multiple discrimination against minority and immigrant women and women with disabilities

Minority and immigrant women

Committee member Simms noted that it is difficult to find a balance between respecting culture and indigenous rights, and she was interested to hear how Sweden handles it. After citing the introduction in the State report that says that the gender policy applies to all persons, Committee member Tavares da Silva criticised the lack of information on more vulnerable categories of women, the lack of focus on Sami and Romani women and the gender-neutral answers in the report as well as in the responses to the list of issues. She posed a question on the outcome of the regional seminars about Romani women and wondered if the concerns in previous concluding comments on multiple discrimination were justified? As there were no such answers to such concerns, Ms Tavares da Silva ironically guessed that they were indeed unjustified.

In response to the comments on the lack of data, Ms Bergman explained that minority women are mentioned as a group that can be more vulnerable in the action plan but that all measures are of course general. She illustrated her statement by highlighting new strategies and actions taken since 2001, mentioning a package of reforms for immigrant women, a bonus for municipalities that welcomes immigrants, and a planned bonus for individuals who learn Swedish in a short time-span. Mr Hallerby answered the posed question on the outcome of the Roma conference. He confirmed that Sweden has a big problem with the Roma minority and then went on to outline the Government's work, along with the European Council, to improve the situation. Another delegate asserted that the Sami Parliament decided on a plan of action regarding gender equality in 2004 and has since then achieved a number of their goals, such as gender distribution in the Parliament and its Secretariat. All Sami organisations that apply for funding from the Government must have gender equality plans; the Government will also allocate resources in order to promote Sami women movements and increase Sami women's influence in their own community.

In its concluding observations, the Committee continued to be concerned about immigrant, refugee and minority women's human rights situation and that they continue to suffer from multiple forms of discrimination. It encouraged the State to be proactive in its measures to prevent discrimination against those women, both within their own communities and in society at large, and to familiarise them with legal remedies and their human rights.

Women with disabilities

Committee member Shin was one of the few who took up the issue of women with disabilities. She criticised the fact that women with disabilities are regarded as sexless, not as women. Their special needs are not attended to and the Government's measures and attention is not enough. There are shelters for women but nothing for women with disabilities. She inquired after more examples of actions taken to bring equality also to women with disabilities and wondered if regular consultations were held with these women. Ms Shin ended by asking if the Government has any intentions of ratifying the *Convention on the Rights of Persons with Disabilities* (2006). In response, Mr Hallerby said that discussions and dialogues are ongoing with people concerned and that the Ministry is currently considering ratifying the Convention.

The Committee reiterated its concern in its concluding observations that women with disabilities suffer from multiple discrimination with regards to access to education, employment, health care, shelters and protection

from violence, and that they are not seen as a particular group with particular needs. It called upon the State party to integrate women with disabilities into the labour market and to conduct regular and comprehensive studies on discrimination against them.

Conclusions and next steps

As the session ended, the Committee Chair thanked the delegation for the frank and constructive dialogue. She reminded it to take into consideration that Sweden has ratified the Optional Protocol and that this should be incorporated into the national law. Mr Hallerby thanked the Committee in return for the interesting day and the good remarks and discussion. He emphasised that his delegation would use the Committee's experiences well.

A number of UN treaty bodies made previous concluding recommendations and observations on the same issues addressed by the Committee. The Committee on Economic, Social and Cultural Rights recommended that the State intensify efforts with respect to gender equality and take necessary measures to ensure women's full and equal participation in the Swedish labour market, particularly in terms of equal pay for work of equal value. It also expressed concern about the privatisation of health care.²⁹ On minority and immigrant women, the Committee on the Elimination of Racial Discrimination noted with concern the difficulties that the Roma minority continue to experience in exercising their rights.³⁰ The Human Rights Committee recommended Sweden to continue efforts to prevent and eradicate harmful practices (early marriages, female genital mutilation and 'honour crimes').³¹

Recent visits to Sweden by Special Rapporteurs resulted in two relevant reports on violence against women and women's health. The Special Rapporteur on violence against women, its impact and consequences called on the Government to reinforce its institutional framework on gender equality and observed that owing to the survival of hidden social norms, there are still significant levels of violence against women.³² The Special Rapporteur on the right to health urged the Government to incorporate international and regional treaties into domestic law. He was also concerned at the problems that a range of marginalised communities face in accessing health-care services on account of discrimination, costs of services, or because services do not respond adequately to cultural considerations.³³ Notably, all above-mentioned Committees and Special Rapporteurs expressed similar concerns over the fact that disaggregated data on other discrimination grounds than sex and age, such as ethnicity and race, is not routine.

The Committee invited Sweden to submit its combined eighth and ninth periodic report by September 2014.

Last revised and updated: 26 February 2008.

²⁹ E/C.12/1/ADD.70 (CESR 2001), para. 30 and 40.

³⁰ CERD/C/304/ADD.103 (CERD 2001), para. 11.

³¹ CCPR/CO/74/SWE (HRC, 2002), para 8.

³² A/HRC/4/28/Add.3 (SR on violence against women), para. 68 to 70.

³³ A/HRC/4/28/Add.2 (SR on health), para. 110-120.

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