



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

Distr.: General
5 September 2001

Original: English

**Committee on the Elimination of Discrimination
against Women**
Twenty-fifth session

Summary record of the 511th meeting

Held at Headquarters, New York, on Thursday, 5 July 2001, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.15 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth and fifth periodic reports of Sweden (continued) (CEDAW/C/SWE/4-5; CEDAW/C/PSWG/2001/II/CRP.1/Add.4; CEDAW/C/PSWG/2001/II/CRP.2/Add.4)

1. *At the invitation of the Chairperson, the delegation of Sweden resumed their places at the Committee table.*

2. **Ms. Feng Cui** commended Sweden for its efforts to eliminate the inequality experienced by women and said that the participation of Swedish women in the political sphere had attracted favourable attention throughout the world. First, she would like to know what was the division of labour between men and women in high-level Government positions and in Parliament, in particular to what extent women continued to be responsible for subject areas traditionally dominated by men. Second, since the mastery of knowledge and skills determined participation in the labour market, she wondered what had been the result of new Government policies to encourage female students to major in sciences.

3. **Ms. Livingstone Raday** inquired whether gender policy plans were mandatory for public and private employers, whether employers were penalized for failure to institute such plans, and, once such a plan was instituted, whether action could be taken against them for breach of that contract. Sweden had indicated that it did not apply special measures in selecting university professors because professorships were awarded solely on the basis of merit. And yet, in her view, special measures, by eliminating discrimination, promoted merit. She would welcome clarification of the practice. She inquired further what action had been taken to address the persistent pay gap between the public and private sectors.

4. It would be useful to know whether the unfavourable decision of the Labour Court regarding equal pay for equal work had been taken before or after enactment of the new law defining equal work, and whether, in the view of the delegation, that new law would have altered its decisions.

5. Nowhere in the world could trade unions be considered pioneers in the struggle for equality in the workplace. The Swedish trade unions had indicated that the problem was not wage discrimination but the segregated job market. She would like to know whether women could bring legal action against unions on the grounds that collective wage agreements violated the principle of equal pay for equal work.

6. She wanted to know how parental leaves were funded, and in particular, whether individual employers bore the financial responsibility. She would also like to know whether there were benefits provided under law for persons caring for older or sick relatives, since in Sweden the burden of caring for older family members normally fell to women.

7. Turning to the matter of violence against women, she inquired why only 4 per cent of rape complaints resulted in convictions, what was the current legal definition of rape, and what provisions governed the collection of evidence, in particular whether corroborative evidence was permitted and whether rape victims could be interrogated about their past experiences.

8. Finally, she wondered whether the minimum legal age for marriage was enforced. In its reply, the delegation should address the matter of Swedish girls sent abroad to marry.

9. **Ms. Bergh** (Sweden) said that the judiciary had traditionally been dominated by men but that 23 per cent of Sweden's permanent judges and 60 per cent of its non-permanent judges were now women. Sweden hoped that the latter would ultimately qualify as permanent judges.

10. With regard to sex trafficking, she noted that an estimated 200 to 500 women were trafficked into Sweden yearly. The Government was working hard to evaluate and address this new phenomenon.

11. The Government had a responsibility to disseminate information on gender equality at the regional and local levels. There were regional experts responsible for promoting gender equality, and the Swedish Association of Local Authorities and the Federation of County Councils were working towards that goal. In addition, the Government was working closely with non-governmental organizations (NGOs), which, inter alia, conducted studies and research on violence against women.

12. People were often surprised by the high level of such violence in Sweden, although in fact the rate was not higher than that of other countries. The Government had endeavoured to improve the relevant statistics in order better to comprehend and cope with the situation, and steps had begun to be taken, including the introduction of the Bill on Violence against Women, the recent creation of the National Council on Violence against Women chaired by the Minister for Gender Equality with a membership including Government officials, NGOs and university researchers. Its task was to assist in the implementation of new measures. It would also address issues not covered by the Bill, such as violence against disabled persons, violence against immigrants, and the treatment of men who committed violent acts against women.

13. Gender mainstreaming provided a better basis for special measures to remedy discrimination against women. As yet there had been no noticeable impact on social structures to effect the necessary changes. The national government machinery included the Ministry for Gender Equality, the Division for Gender Equality, which operated as a Government watchdog, the Equal Opportunities Ombudsman, the Equal Opportunities Commission, and the Council on Equality Issues, a body of NGOs concerned with gender issues. In addition, there were the regional experts on gender equality that sat on the county administrative boards.

14. **Ms. Jabali** (Sweden) said that as a result of significant demographic changes that had occurred in Sweden, new emphasis was being placed on the situation of older men and women. Women lived longer than men and therefore required additional health and care services. The National Action Plan included proposals to improve access to services, to address the income gap between older men and women, to increase housing allowances, and to provide taxi services to older people. In 1998, the pension system had been reformed, taking into consideration women's longer active professional life and lifespan. Sweden, incidentally, had the highest rate in Europe of professionally active women between the ages of 55 and 64. The National Council on Violence against Women had also been requested to take up the issue of violence specifically against elderly women.

15. **Ms. Bergh** (Sweden) said that Sweden had not raised the issue of prostitution during its presidency of the European Union because it was not an agenda item. Moreover, European Union legislation had to be

adopted by unanimous decision and there appeared to be no possibility of arriving at a common position on the issue. However, her Government addressed the problem at the bilateral level as often as the situation permitted. In February 2001, a conference on the closely-related issues of prostitution and trafficking in women had been held in Stockholm under the auspices of a non-governmental organization (NGO), with government support.

16. Her Government had recently adopted a national action plan to combat racism, xenophobia, homophobia and discrimination on grounds of ethnicity or gender and was undertaking a study to determine whether the national legislation on discrimination should be amended and whether the mandates of State authorities should be widened to deal with that problem. The plan also provided support for anti-discrimination offices at the local level, for the victims of discrimination-based crimes, for individuals wishing to leave nationalist or racist organizations and for instruction in democracy and democratic values in the schools.

17. The plan focused on protecting the cultures and languages of the five recognized minorities: the Sami (the indigenous people of Sweden), Swedish Finns, Tornedalers (who lived in the north of the country), Roma and Jews. Women belonging to the Sami minority were in a special situation since reindeer herding, the Sami's principal activity, was governed by long-standing legislation that incorporated a heavy gender bias. However, that legislation was currently under review. The Sameting was the elected administrative authority of the Sami people; 30 per cent of its members were women and the State could do little to increase those numbers.

18. Issues of importance to the Roma included the education of young people and adults, efforts to preserve their language and the promotion of cooperation between their organizations and the central Government. The State had established a working group to study the matter.

19. Women chaired not only the traditionally-female parliamentary Standing Committees on Social Insurance, Health and Welfare and Cultural Affairs, but also the Committees on Justice; Civil Law; and Transport and Communications. Moreover, the Social Insurance Committee was active in promoting gender equality. It was time to reconsider the custom of labelling committees since certain so-called "women's

areas” were of major importance to the nation as a whole.

20. **Ms. Ytterberg** (Sweden) said that the Government had been successful in increasing the number of girls and young women in the scientific and technical programmes of secondary schools and universities; however, boys and young men had showed little willingness to train as teachers, nurses or caregivers. A government study had concluded that an appropriate gender perspective had not been incorporated into those curriculums; in contrast, recruitment efforts in the scientific and technical fields had resulted in increased enrolment of women and other groups not previously represented in higher education.

21. The School Act, which applied to both public and private schools, mandated equal access to education regardless of social or economic status, place of residence or sex. All children had an opportunity to attend pre-school. One of the educational system’s tasks was to inculcate the democratic values on which society was based by preventing bullying, harassment, violence, xenophobia and other forms of discrimination by offering a clearly-defined curriculum. In principle, boys and girls received the same education; however, they could be segregated by sex for instruction at their teachers’ discretion.

22. The Sami language and culture were taught in the schools to a certain extent and some universities offered teacher training in that language.

23. **Ms. Trost** (Sweden) said that procurement had long been a criminal offence under chapter 6, section 8 of the Penal Code and was punishable by a maximum of four years’ imprisonment. Anyone who knowingly granted the use of premises for commercial sexual transactions was subject to the same sentence. Gross procurement, which was defined as a procurement on a large scale or through ruthless exploitation, was subject to a two- to ten-year term of imprisonment. Recent enactment of the Prohibition on the Purchase of Sexual Services Act, which was independent of the Penal Code, had made it a crime to purchase sexual services.

24. The right of victims of sexual or violent offences to legal representation at no cost during both the police investigation and the trial had been established through an amendment to legislation enacted in 1988. Prior to 1 July 2001, that provision had applied only to acts covered by the Penal Code; it had now been extended

to include other offences for which the penalties included imprisonment, such as violation of a restraining order. Other legislative amendments had improved the quality of support available to victims.

25. **Ms. Bergh** (Sweden) said that gender equality plans were mandatory in both public and private sector employment. Employers who failed to prepare an annual plan of action or whose plan was not in keeping with the intent of the legislation could be summoned by the Equal Opportunities Ombudsman to appear before the Equal Opportunities Commission, which could order them to fulfil their obligation or pay a fine. A recent amendment had established that trade unions supported by the Ombudsman could also lodge complaints. However, individuals could not initiate legal action in such cases.

26. The wage gap between men and women was most evident in the public sector, where the highest number of women were employed. Most cases brought before the Labour Court sought to establish women’s right to equal pay for work of equal value; however, the comparison with male workers must be carried out in the same workplace and under the same employer. In a recent case, the Labour Court had ruled that midwives’ work was equal to that of male hospital technicians, an important decision which would provide guidelines for future collective bargaining. However, in the case in question, the Court had accepted the grounds adduced for the wage disparity. The Labour Court’s decisions were not subject to appeal.

27. She agreed that the trade unions were not pioneers in the field of gender equality, in part because few women occupied decision-making posts in the unions. That situation had been improving in recent years, and some trade unions were headed by women. It was too soon to determine whether the new legislation would be used to combat wage discrimination and, in any case, women workers could not take legal action against a trade union for failing to represent them adequately.

28. **Ms. Jabali** (Sweden) said that parental leave benefits were financed through the income tax, administered by the National Social Insurance Board and paid by local social insurance offices. There was also provision for the care of seriously ill close relatives and older persons, through payment of up to 80 per cent of a caregiver’s income for a maximum of 60 days.

29. **Ms. Trost** (Sweden) explained that under chapter 6, section 1 of the Swedish Penal Code, a person who by violence or threat forced another person to have sexual intercourse or to engage in a comparable sexual act, had committed rape and was liable to a term of imprisonment of from two to six years. In cases of gross rape, sentences of up to 10 years could be imposed. A parliamentary law committee on sexual offences had considered sexual crimes under the Penal Code over a period of three years and had submitted its report to the Government in March of the current year. The report had been sent to authorities and non-governmental organizations for their comments. The committee had not focused in its recommendations on the consent or lack thereof to the sexual act, as it deemed it important to avoid focusing on the sexual history or behaviour of the victim prior to the rape. On the other hand, one of its proposed amendments was that rape could be said to have occurred if the sexual act severely humiliated the victim. Rape could also involve taking advantage of a person's incapacitation, including intoxication. The committee also proposed that it should be expressly stated under the Code that if rape was committed by more than one perpetrator, it should be considered a gross crime.

30. Under the Swedish legal system, all kinds of evidence was admissible in court in connection with rape cases. It was up to the court to evaluate such evidence. The prosecutor had to prove the existence of threats or violence. The low rate of convictions for rape could be attributed to the fact that one person could be reported for a number of crimes, and that some rape offences were also mistakenly categorized as other crimes. Moreover, not all incidents of rape were reported and victims were often reluctant to talk about the alleged crime in court. However, the prosecutor could still prosecute the case, although it would be extremely difficult to secure a conviction. In that regard, efforts on the part of the police as well as the social and medical services were very vital to ensuring that rape victims felt safe enough to go through with a trial. The medical centre for battered and raped women in Uppsala was also working hard to provide better protection and support for such women.

31. Regarding marriages performed outside Sweden, especially of young women, she noted that in certain circumstances, a marriage entered into in another country might be considered illegal in Sweden. Such circumstances included forced marriages or marriage to

girls under the age of 15. The problem was being considered by the relevant authorities with a view to improving the legislation.

32. **Ms. Taya** expressed appreciation for the high level of gender equality attained in Sweden, but felt that much remained to be done. She was particularly concerned about the wage gap between men and women, which had clearly widened since 1990. That trend indicated that many Government efforts aimed at dealing with the problem had been unsuccessful. The wage gap could be attributed to globalization, which put pressure on employers to acquire a cost-effective labour force. A job evaluation programme launched by the Government in 1994 had concluded that many female occupations remained underrated. The Government had accordingly organized several conferences to raise consciousness of the situation, but without result. More drastic methods were needed to enforce a fair and equitable evaluation of jobs.

33. She suggested that the minimum wage could be decided proportionately on the basis of wages of equal value that were paid in male-segregated occupations. She suggested that her Government follow the example of Finland, where a job evaluation programme had been introduced to reduce the wage gap or take even stronger measures.

34. **Ms. Shin** hailed the Government's genuine efforts to achieve gender equality and ensure gender mainstreaming. As a new member of the Committee, she had not become familiar with previous reports and would appreciate a brief synopsis as a prelude to future reports.

35. She welcomed the new policy trend towards focusing greater attention on changing male behaviour and attitudes, ranging from encouraging greater participation of men in child-rearing activities to the treatment of male aggressors or support for the male network against male violence. She inquired about the results of a two-year project on men and gender equality at work, which was supposed to have ended in June 2001. She wondered about the effectiveness of the treatment of male perpetrators of violent behaviour.

36. She asked how many men had been punished under the new law on prostitution since its enactment in January 1999 and wondered about the reaction of Swedish men to the law. Prostitution was quite widespread, especially in her own region and there were conflicting positions on whether or not to legalize

it. She would appreciate more information on whether the new law really worked for women. She also wondered whether there were any problems in Sweden of sexual violence in cyberspace or the dissemination of child pornography via the Internet.

37. **Ms. Manalo** welcomed the Government's efforts to comply with the provisions of the Convention and wondered what measures had been taken to protect handicapped women against violence. One of the many forms of exploitation of women was the recruitment of domestic labour from developing countries to work in developed countries. There was an insidious practice on the part of many European countries to recruit young women to do domestic work through the so-called *au pair* system which, in its current form, was nothing but a means of exploiting the young women, in flagrant violation of current European legislation as well as of the laws of the countries of origin of the young women. Only one of the Nordic countries, Denmark, had announced an official policy against the *au pair* system. She wondered what had been done to protect such young women and whether the Swedish delegation could bring the matter to the attention of the Nordic Council even though Norway was not a member of the European Union. She also wondered whether in the future an official policy could be announced by the member countries of the Union to stop the circumvention of the immigration laws of the Nordic countries by bringing in domestic labour that is not afforded any protection whatsoever.

38. **Ms. Achmad** noted that, while the fourth report had mentioned the establishment of science centres as part of the strategy for achieving gender equality, there had been no reference to those centres in the fifth report. She wished to know the extent to which they had been used to encourage girls to study science and technology and to convince women of the importance of those disciplines as tools for improving their lives. They would also go a long way towards eliminating stereotyping and the negative portrayal of women in the mass media.

39. Referring to the statement in the fifth periodic report that in 1994 the Government decided that all individually based official statistics were to be divided along gender lines unless there were special reasons for not doing so, she asked what the special reasons could be. She welcomed the idea of launching a "common basic values" project, since such values underpinned a change in attitudes and resulted in gender

mainstreaming. Despite the progress achieved by Sweden in education, equality was still lacking in areas such as employment and decision-making. In her view, Sweden needed to conduct further studies to determine the reason for that situation. Women candidates and employers might not be mentally and psychologically ready for the access of women to decision-making positions.

40. **Ms. Myakayaka-Manzini**, referring to the place of the national mechanisms for the achievement of gender equality, in the organizational chart of the Government, suggested that the best practice might be to move it around the various ministries or to place it in the Office of the Prime Minister.

41. **Ms. Regazzoli**, referring to the telephone hotline for migrants, asked what services were offered to women callers, whether there was a special refuge for women and their children and whether they were received in family surroundings. Throughout its presentation, the delegation had noted how difficult it was to determine cases of violence within the family. In that connection, she wondered why only migrant women — not abused children, youth at risk or old women — had access to the crisis line.

42. With regard to prostitution, she wished to know whether it was practised mainly by Swedish women or only by migrant women. Noting that Sweden was a country of destination for trafficking in women, she wanted to know who committed violence against children — the parents, certain sectors of society or the schools — and how the aggressors were punished. While she welcomed the arrangements for senior citizens, she was concerned that since women pensioners earned less than men but had longer lifespans, they would become burdens on other family members. Was there any programme or policy that applied to them, apart from certain subsidies? She also wondered whether the various municipalities had arrangements for implementing the Convention.

43. **Ms. Bergh** (Sweden) said, with regard to the question raised about the wage gap between women and men in Sweden, that her Government felt that the social partners in the employment market were the best equipped to deal with wage norms and that there was, therefore, no plan to introduce minimum wage legislation. The existing provisions were constantly being evaluated and changes would be made if and when they seemed warranted. A first evaluation of the

ongoing two-year project organized by the Ministry of Gender Equality would appear in August 2001. The project was thought to be useful and it would no doubt be continued, with perhaps some adjustment of its targets. On the question regarding prostitution and protecting the human rights of sex workers, her Government felt it could best protect those rights by punishing those purchasing sexual services rather than the providers. The health and other needs of prostitutes were very much a concern of the Government, even though it preferred that women not pursue that profession. A number of men had been punished under the new law against purchasing sexual services and the police had found the law helpful in reducing prostitution, even more concealed forms of prostitution.

44. **Ms. Trost** (Sweden) said, with regard to the new law against purchasing sexual services, that 29 men had been punished under that law in 2000. With regard to child pornography and cyberspace, she said that the regular laws prohibiting child pornography applied to cyberspace as well. There was a specific law on child pornography that criminalized all aspects, including mere possession of images. There had been 29 convictions under that law in 2000. The national criminal investigation authorities had a special unit on child pornography with a large database. Swedish authorities were also cooperating with Interpol as crimes in cyberspace often had international dimensions. There was also a law on the criminal liability of those maintaining electronic bulletin boards under which such persons were responsible for preventing messages with child pornographic content from being more widely distributed. During its presidency of the European Union Sweden had worked on the pending framework decision on child pornography and it was hoped that under the coming Belgian presidency a political decision would be taken. Sweden was also involved in the preparation of the Council of Europe's convention on crimes in cyberspace, which would also deal with child pornography.

45. **Ms. Mansnérus** (Sweden) said that the problem of violence against women with disabilities was seen as rooted in attitudes towards disabled persons. The Government had therefore adopted a national action plan on disability that focused on educating the public and especially staff of public agencies and persons involved in the care of the disabled, who could be

trained to prevent such violence and protect the disabled against it. Disabled women formed a group of special concern. With regard to the nationality of prostitutes in Sweden, she knew of no data that would provide such information. Their vulnerability derived mainly, in her view, from their susceptibility to drug and alcohol abuse. Telephone help-lines for abused women were one of many measures taken to prevent such abuse, and they were complemented by a large staff speaking many languages designed to assist migrant women who often felt unable to benefit from the regular measures for language reasons. The question of identifying those who committed child abuse was under study by a specific committee.

46. **Ms. Bergh** (Sweden) said that she would forward to the Nordic Council of Ministers the question about the status and protection of au pair domestic workers. With regard to the science centres, she assured the Committee that they were gender-aware and sought to encourage women to study and pursue careers in science and technology. It was also intended that the project on common basic values should continue. With regard to the umbrella agency overseeing the national mechanism for fighting discrimination and best practice in the gender equality field, her Government had found that the sharing of responsibility for gender equality among several ministries worked well in Sweden. Whatever arrangement a particular country adopted, it had to be backed up by budgetary resources and political power.

47. She assured the Committee that all the questions raised, especially those for which only partial answers had been given, would be forwarded to the appropriate authorities in her Government for discussion in the next report.

48. **The Chairperson**, speaking in her capacity as an expert, said that she hoped the next report of Sweden would include further discussion of the wage gap problem and the unequal participation of men and women in the judiciary and in academic posts. She thanked Ms. Bergh and the other representatives of the Swedish Government for their detailed report and answers. Sweden was seen as a model in social matters and it aroused high expectations.

Report of the Pre-session Working Group
(CEDAW/PSWG/2001/II/CRP.1 and Add.1-5)

49. **Ms. Corti**, speaking as Chairperson of the Working Group, said that the Working Group had chosen to present its questions in a new form, grouping them by issues rather than by Convention article. In reviewing the country reports presented for the current session, the Working Group had been concerned to see the persistence of stereotypical attitudes towards gender roles, especially in the developed countries, including Europe. Other problems remained, such as violence against women, trafficking in women, prostitution, unemployment and underemployment of women, job segregation and the wage differential. With the exception of Sweden there continued to be under-participation of women in political and economic decision-making. The Working Group also noted widespread feminization of poverty in all countries. In closing she drew attention to the general failure to make adequate use of temporary special measures to benefit women, as called for under article 4.1 of the Convention.

50. **The Chairperson** said that, if she heard no objection, she took it that the Committee wished to adopt the Working Group's report.

51. *It was so decided.*

The meeting rose at 5:50 p.m.