SWEDEN

1. Discriminatory family code

Under Chapter Two of the Marriage Act, the legal age of marriage for both women and men in Sweden is 18 years old. Minors may marry with authorization from the country administrative board given “special reasons” based on “narrow circumstances.”

A 2004 law established that early or forced marriages that have been entered into abroad are not valid or recognised in Sweden. Forced marriage is illegal in Sweden under Penal Code provisions against unlawful coercion, illegal threats, sexual crimes, and trafficking. However, no law specifically addresses forced marriage. In 2011, the Government issued an Action Plan against forced marriage aimed at coordinating activities to combat the practice and disseminating information amongst young people regarding who to contact for help if they feel they are being forced into marriage. The Plan also called for launching an official commission to investigate “the occurrence of traditional and marriage-like ceremonies, including betrothal and the existence of dowries or other conditions.”

In March 2014, the Council on Legislation proposed civil and criminal legal amendments to strengthen protection against forced marriages and early marriages. In civil matters, it was proposed that the possibility of marriage dispensation for minors should be removed, which means that children will no longer be able to marry at all. It is further proposed that the ability to recognise foreign early marriage and forced marriage should be limited to cases where there are “serious” reasons.

In criminal law it was proposed that two new offenses should be included in the Criminal Code. A new, stricter understanding of the concept forced marriage was proposed, it is not understood as anyone who, by duress or abuse of a position of vulnerability induces another person to marry or enter into a marriage-like relationship. The legislation is considered to be very important when it comes to children, since children often find themselves in a position of vulnerability relative to adults who expose the child to a pressure to marry. The punishment is liable to imprisonment do not exceed four years. Also, attempts and preparation for marriage coercion will be punishable. In the new legislation on forced marriage it is considered an offence to force someone to travel to another country in order to get married. This means that if family members or other relatives put pressure on someone to go abroad in order to get married against her/his will, this will be considered an offence and it is proposed that the penalty shall be imprisonment not exceeding two years.

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3 Ertürk (2007) p. 17
4 Ministry of Education and Research (2011)
These legislative amendments came into force on 1 July 2014.\(^5\)

While it is difficult to measure the number of forced marriages in Sweden, a study by the Migration Board, reported in a Swedish newspaper, uncovered, in the last four months of 2010, 53 cases concerning marriages of minors, forced marriages, and marriages by proxy (where one of the spouses is illegally represented by someone else, which is an indicator of forced marriage).\(^6\)

Married parents are automatically granted joint parental authority over their children under the Children and Parents Code.\(^7\) If the parents of the child are not married, custody is given to the mother, unless the couple petitions for joint custody by a joint notice to the Social Welfare Committee, in conjunction with the committee approving an acknowledgement of paternity. For cases in which the parents cannot decide on the residency of the child, the court is instructed to issue a decision in the best interest of the child. Parents are responsible for maintenance on the basis of their financial capacity and the needs of the child.\(^8\)

No discrimination on the basis of sex was found with regards to inheritance rights in Sweden. Sons and daughters are entitled to the same inheritance shares under the Inheritance Code. Husbands and wives are entitled to the same rights of inheritance under the Code.\(^9\)

More

No discrimination on the basis of sex was found with regards to divorce rights in Sweden. Since 1973 it had been possible for a spouse to obtain divorce on demand. In certain cases, the divorce application must be preceded by a reconsideration period of six months. These provisions are currently codified under Chapters 5 and 14 of the Marriage Code (1987).\(^10\)

According to a 2006 report by the UN Special Rapporteur on Violence against Women, divorce may be stigmatized within the community of indigenous Saami people. Saami women are reportedly unlikely to seek divorce even if they are seeking to escape a violent relationship.\(^11\)

According to the 2007 NGO Convention on the Elimination of all forms of Violence against Women (CEDAW) Shadow Report, women in Sweden still bare the main responsibility for childcare and unpaid domestic work, and take out about 80% of the parental insurance.\(^12\)

2. Restricted physical integrity

Domestic violence is criminalized in Sweden. Legislation in the 1980s removed the possibility of a woman withdrawing an allegation of violence once made, in order to counter threats to women who lodged complaints.\(^13\) In 1998, the offence of “gross violation of integrity” was introduced into the Penal Code. Under this provision, anyone inflicting repeated violence against a current or former intimate


\(^6\) The Local (2011)

\(^7\) Children and Parents Code, Chapter 6, Section 3, Paragraph 1

\(^8\) Council of Europe (2009)

\(^9\) Inheritance Code, available: [http://www.notisum.se/rnp/sls/lag/19580637.htm](http://www.notisum.se/rnp/sls/lag/19580637.htm)


\(^12\) The Swedish CEDAW-Network and the Swedish Women’s Lobby (2007) p. 10, 13

\(^13\) Sweden.se (2013)
partner, in a way that severely damages the victim’s self-confidence, is liable to between six months’ and six years’ imprisonment.\(^{14}\)

The Act on Restraining Orders allows a woman at risk to obtain a court order prohibiting a potential perpetrator from approaching or otherwise contacting her. Given special circumstances indicating a clear risk to the victim, the order may be applied against a cohabiting partner or spouse, who will then be prevented from entering the shared home.\(^{15}\) In certain cases, authorities help victims protect their identities or obtain new identities and homes.\(^{16}\) A special provision of the Aliens Act allows a woman whose residence status is tied to her Swedish partner or spouse to obtain a residence permit in cases where the relationship ended due to substantial violence by the partner against her or her children.\(^{17}\)

The Swedish Government provides funding on an annual basis for women’s shelters and organisations working to prevent violence against women. The Government also supports crisis centres where men who have problems with aggressive or violent behaviour may receive professional counselling.\(^{18}\)

According to a 2007 report by the UN Special Rapporteur on Violence against Women, many shelters in Sweden have to operate under severe budget constraints, because a large number of municipalities fail to fund the non-governmental institutions they use in order to fulfill their own legal responsibilities to provide shelters.\(^{19}\) According to the Special Rapporteur, women who are immigrants, asylum-seekers, or from refugee backgrounds are especially vulnerable to domestic violence. They may face obstacles to seeking remedies due to a lack of familiarity with the Swedish language, institutions, and law, coupled with a general distrust of State authorities.

In 2014, a legislative change required Sweden to accede to the Council of Europe Convention on preventing and combating violence against women and domestic violence.\(^{20}\)

In Sweden, Men for Gender Equality involves men and boys in violence prevention, focusing on shifting social norms and masculinities. It does so through advocacy, networking, public-awareness and training, as well as through developing and delivering services and programmes targeted at men and boys. A new prevention programme called Freedom from Violence was established in 2010.\(^{21}\)

**Rape** is criminalized in Sweden under Chapter 6 of the Penal Code, and in 1962, Sweden became one of the first countries in the world to declare rape within marriage a crime. Prison terms for rape depend on the severity of the crime. Rape is generally punishable by two to six years’ imprisonment, but the sentence may be lower for “less aggravated” cases and higher (up to ten years’ imprisonment) for aggravated cases. “Sexual coercion,” defined as cases in which the violence or force used or the sexual act was not considered serious enough to constitute rape, is punishable by up to two years’

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\(^{14}\) Ertürk (2007) p. 15

\(^{15}\) Ertürk (2007) p. 17

\(^{16}\) U.S. Department of State (2013) p. 10

\(^{17}\) Ertürk (2007) p. 20

\(^{18}\) CEDAW (2006) p. 13

\(^{19}\) Ertürk (2007) p. 18

\(^{20}\) Government Offices of Sweden (2013), Stronger protection against forced marriage and child marriage, and access to Council of Europe Convention on Violence against Women, [http://www.regeringen.se/sb/d/18312/a/233944](http://www.regeringen.se/sb/d/18312/a/233944), (SOU 2012:35)

imprisonment. Given aggravated circumstances, the sentence may range from six months to two years. Attempted rape and sexual coercion are also punishable.\(^{22}\)

The 2005 Sexual Offences Act expanded the definition of rape to include all uses of violence or coercion to force the victim to perform sexual acts that are comparable to intercourse with respect to “the nature of the violation or the prevailing conditions.” It also removed the requirement of resistance on the part of the victim and included exploitation of the “helpless state” of the victim as constituting rape.\(^{23}\) According to the UN Special Rapporteur on Violence against Women, “The latter amendment facilitates the prosecution of rapes using so-called date-rape drugs, because the prosecution no longer has to prove that the perpetrator himself administered the drug to render his victim helpless.”\(^{24}\)

In addition, the 2005 Act introduced special provisions concerning the rape of children. The requirement for coercion to be present has been abolished with respect to the rape of children under the age of 15, the age of consent in Sweden. Contact with children under 15 years of age for sexual purposes is also prohibited, including internet contact intended to lead to a sexual assault. Penalties range from fines to one year’s imprisonment.\(^{25}\)

The Government of Sweden has carried out programs to combat rape and other forms of violence against women. According to its 2006 report to Convention on the Elimination of all forms of Violence against Women (CEDAW) Committee, the National Police Board and the Swedish Prosecution Authority carried out a hearing on how rape investigations can be improved, and the police were given special training to strengthen its capacity to investigate and prevent rape. As of the 2006 report, 70% of municipalities had action plans to combat violence against women, and the number had grown steadily over the prior years.\(^{26}\)

According to a 2010 report by Amnesty International (AI) on rape in Nordic countries, a particular concern in the case of Sweden is that most rape cases never come to trial. “Only a small number of reported rapes results in a prosecution, with an even smaller number resulting in a conviction.” Lack of evidence is usually cited as the reason for closing rape cases. AI expressed its concern that “in practice, many perpetrators enjoy impunity.”\(^{27}\) In addition, AI criticized Swedish rape law for requiring the use of violence or threats in an act of rape, rather than basing rape provisions on the requirement of consent to sexual activities.\(^{28}\) And it encouraged measures to strengthen the legal, medical, and psychosocial support for victims of rape.\(^{29}\)

The UN Special Rapporteur on Violence against Women stated in 2007 that situations of lack of evidence in rape cases in Sweden could be avoided if the police or medical personnel who have first contact with victims are better trained in gathering and recording evidence of sexual violence.\(^{30}\) Similarly, according


\(^{24}\) Ertürk (2007) p. 16


\(^{26}\) CEDAW (2006) p. 14-18

\(^{27}\) Amnesty International (2010) p. 45

\(^{28}\) Amnesty International (2010) p. 50

\(^{29}\) Amnesty International (2010) p. 87

\(^{30}\) Ertürk (2007) p. 16
to the 2007 NGO Shadow Report to the CEDAW by the Swedish CEDAW-Network and the Swedish Women’s Lobby, “Poorly conducted preliminary investigations are one reason for this low number of [rape] convictions.” It also noted that in rape cases, women are often asked offensive questions about their clothing and sexual activity. 31

**Sexual harassment** is illegal under Swedish civil law, though not defined in its penal law. In the Discrimination Act (2008), Chapter 1, Section 4, sexual harassment is defined as a form of discrimination that is sexual in nature and violates a person’s dignity. Section 2 contains rules on the obligation to investigate and take measures against harassment in the workplace, educational institutions, and in the military and civil services. Chapter 3, Section 6 obliges employers in particular to take measures to prevent and hinder sexual harassment. The employer may be required to pay damages. Other legal measures may be taken under the Employment Protection Act. The offender responsible for the harassment may be transferred or dismissed from work.

According to the Work Environment Survey, carried out by the Swedish Bureau of Statistics, in 2009 18% of women and 7% of men reported experiencing gender harassment at work during the previous year. However, the rates of sexual harassment were lower at 2% for women and 1% for men. Prevalence rates of sexual harassment were highest for young women in the white collar sector (7% reported experiencing it in the previous year), as well as for women in traditionally male-dominated sectors, including the police force and the military. According to a 2011 report, since 2009 there had been 129 cases of sexual harassment reported to the Equality Ombudsman. Only five were arbitrated, and one led to a conviction in the Labour Court. 32

According to the Swedish National Council for Crime Prevention (Brå), in 2012, 16,700 sexual offenses were reported and reported cases of rape (6,200) decreased by 5% from the previous year. The vast majority of victims are women with 26% of all reported cases occurring inside the home of the victim or perpetrator. Statutory rape is also an issue with one third of all rape victims being under that age of 15. 33

The number of reported cases of violence against women has increased over time; however, the police estimate that reported cases represent only 10-20% of call sexual offences committed in the country. To some extent, the increase in reported cases of violence against women is due to more cases actually being reported as such, especially since the law was changed in the early 1980s so that abused women could no longer withdraw their complaints. According to other larger Swedish surveys, this increase is mainly due to reports from particularly vulnerable groups: single mothers who are primarily exposed to violence by family members and women who are exposed to violence in their professional life. 34

In 2010, over 1,300 individuals were prosecuted for sexual crimes; however, only 30% of were sentenced to imprisonment. 35

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34 Brå, Assault against women, http://www.bra.se/bra/brott-och-statistik/kvinnomisshandel.html  
Female genital mutilation (FGM) is criminalized by a 1982 law, regardless of the consent of the victim or her parents. The law was strengthened in 1999 to allow prosecution in a Swedish court of someone who carried out FGM in another country, even in one where the act is not a criminal offense. In 2005, the Government arranged four regional conferences on preventive and supportive work regarding FGM. As of a 2013 report by the European Institute for Gender Equality, there have been two convictions in Sweden for FGM, both in 2006, resulting in prison sentences of two and three years.

FGM is liable to up to four years of imprisonment. If the offence has endangered the life of the person, caused serious illness or involved a highly reckless conduct, the penalty may be brought up to ten years of imprisonment.

More

The Government’s 2006 report to the CEDAW Committee reported regarding honour-related crimes that between 1,500 and 2,000 girls and young women were subjected to threats and violence from their close relatives, and that 10-15% were in need of shelter housing. According to a 2007 report, the National Police Board calculates that about 400 cases of honour-related violence had come to the attention of authorities every year. According to the NGO CEDAW Shadow Report, thousands of young women live under some degree of honour-related oppression. The Government funds programs to combat this form of violence.

In 2007, the government of Sweden adopted a national action plan to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships. Over SEK 1 billion was allocated to implement the plan with a focus on six action areas: better protection and support for people subjected to violence; enhanced preventive work; enhanced quality and efficiency in the legal system; development of measures directed at the perpetrators of violence; increased collaboration; and better knowledge. In 2011 and 2013 the government carried out programs to establish healthcare guidelines for addressing the needs of victims of sexual violence and honor crimes.

Women who have been trafficked for commercial sexual exploitation or forced labour can be found in Sweden. Authorities report that organized crime groups are increasingly involved in leading trafficking schemes. In 2004 a new provision was introduced into the Aliens Acts that allows victims of trafficking to obtain a temporary residence permit for the duration of the criminal process. The victim is also entitled to social security benefits. According to the NGO CEDAW Shadow Report, few perpetrators are

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36 European Institute for Gender Equality (2013), p. 451-462
37 CEDAW (2006), p. 18
38 European Institute for Gender Equality (2013), p. 455-456
40 CEDAW (2006), p. 19
42 The Swedish CEDAW-Network and the Swedish Women's Lobby (2007), p. 8
44 Government of Sweden (2007)
45 Government commissions NCK (2013)
46 U.S. Department of State (2013b), p. 348
47 Ertürk (2007), p. 20
convicted of trafficking, and trafficking victims face difficulties during and after the police investigation and court proceedings.48

The Abortion Act (1975) gives women the legal right to an abortion without giving a reason up to the eighteenth week of pregnancy. However, between 12 and 18 weeks of gestation, a woman must discuss her decision with a social worker. After eighteen weeks, abortions are only permissible to save the life or physical health of the mother, and permission must be obtained from the National Board of Health and Welfare. Abortion is subsidized by the Government of Sweden.49 It must be performed in a general hospital or approved healthcare establishment, except in case of emergency.50

3. Son bias
The male-to-female sex ratio at birth in 2013 is 1.06 and for the working age population (15-64 years old) is 1.02.51

There is no evidence to suggest that Sweden is a country of concern in relation to missing women. More

Based on 2008-2012 UNICEF data, there is virtually no gender gap in terms of education in regards to pre-primary, primary and secondary school enrolment in Sweden. All participation rates are close to 100%.52 These data suggest that Sweden is not a country of concern in relation to son preference in early childhood care or access to education.

4. Restricted resources and entitlements
Women and men have equal rights to land under the Constitution of Sweden and the Marriage Act.53 No discrimination on the basis of sex was found with regards to property rights. Men and women are granted equal rights under the Swedish Constitution.

Women and men enjoy equal access to financial services. About 99% of both men and women hold accounts at formal financial institutions.54 As of 2011, about one in three individually-owned businesses in Sweden is owned by a woman.55 The Government undertakes programs to strengthen women’s entrepreneurship, including business advisory services oriented towards women.56

5. Restricted civil liberties
Women and men enjoy equal access to public space in Sweden. No barriers to women’s collective action were found in Sweden, where there are many active women’s NGOs.

51 CIA (n.d.)
52 UNICEF
53 Constitution of Sweden, Chapter 2, Articles 16 and 18; Marriage Act, Chapter 7
54 World Bank (2011)
55 OECD (2011)
56 CEDAW (2006), p. 45
There are no quotas for women at the national or sub-national levels in Sweden. However, some of the major political parties have adopted a 50% quota for women or a “zipper” system with one sex alternating the other on the party lists. Since the 2010 elections, 44.7% of Swedish parliament is female, the same ratio as in 2002, amounting to one of the world’s highest participation rates of women in the national legislature. As of 2014, more than half of ministers are women. The current Minister of Defense is a woman, but no woman has ever served as Prime Minister. There are 56% of women ministers and 62% of women in County councils. In addition, there are 49% of women permanent judges, and 57% of women judges in general administrative courts.

According to the 2006 Government report to the CEDAW Committee, 44% of county councils are female. Women are underrepresented in the judiciary. In 2005, they accounted for 28% of permanent judges in general courts and 33% of judges in general administrative courts.

More

The NGO Convention on the Elimination of all forms of Violence against Women (CEDAW) Shadow Report states that the media in Sweden, including the news media, reproduces gender stereotypes that conflict with gender equality objectives.

A 2011 survey of six newspapers, two television stations, and one radio station in Sweden by the International Women’s Media Foundation found about an equal number of male and female employees and gender parity in top-level management and the junior and senior professional levels—ranks where news is defined and reported. However, women comprised only a third of those in company governance and top-management. In terms of salaries, pay scales for women and men were found to be roughly equal at the average-low pay ranges of most occupational levels, but men earned considerably greater at the average-high pay ranges. While the majority of women and men held full-time jobs in the companies surveyed, more women were found in part-time, seasonal, or project employment. All the companies adopted policies on gender equality, sexual harassment, and maternity and paternity leave.

Discrimination on the basis of sex in the workplace is prohibited under Swedish law. The Discrimination Act (2009) requires employers with more than 25 employees to maintain an updated plan for gender equality. The Discrimination ombudsman is responsible for investigating complaints of gender discrimination in the labour market. There were 244 discrimination complaints from 2009 to 2012 related to parental leave.

57 Quota Project (2010)
59 OECD (2013)
60 The Local (2013)
61 Dagens Juridik (2014)
63 CEDAW (2006) p. 32
64 The Swedish CEDAW-Network and the Swedish Women’s Lobby (2007), p. 6
67 U.S. Department of State (2013), p. 11
Mothers and fathers are entitled to 480 days of **paternal leave** for the birth or adoption of a child. 60 days are allocated specifically to each parent and cannot be transferred to the other parent. The remaining days can be divided between the two parents as they choose. In addition, there is a daily allowance for each parent. Starting in 2008, Sweden instituted a “gender equality bonus” that provides extra pay benefits to couples with joint custody who share the parental leave equally between the mother and father. When parents finish their parental leave, they are entitled to return to their previous position or a similar one. In terms of parental leave, as of November 2012, women took up to 75.6% of the insurance, while men took up to 24.4%.

The Government reported in 2003 that it reached its target of 40% women on boards of state-owned companies, which is significant considering that the state is the largest company owner in Sweden. According to a 2011 OECD study, Sweden has one of the highest labour force participation rates of women amongst OECD countries, but motherhood still pushes many women to seek part-time employment. Women are less likely than men to progress to senior management positions and are under-represented as business-owners. The gender pay gap is barely below the OECD average and higher than in many countries with comparable labour force participation rates of women. The gap is even larger among parents.

The OECD report showed that while Swedish girls outperform their male counterparts, at university, they are overrepresented in traditionally female subjects like health, while males are over-represented in traditionally male subjects like computer science. The gap in academic pursuits leads to similar segregation in the labour market, contributing to the gender pay gap.

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70 CEDAW (2006), p. 30
71 OECD (2011)
72 OECD (2011)
Sources


Dagens Juridik (2014), Women have overtaken men in the judiciary - 57% of Sweden's judges are women, http://www.dagensjuridik.se/2014/02/kvinnorna-har-gatt-om-mannen-i-domarkaren [Statistics feb 2014 from Courts of Sweden, reported to the Deartment of Justice, portrayed in Swedish media on feb 28th].


