



SWEDEN

SUBMISSION TO THE UN COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

80TH SESSION, 18 OCTOBER-12 NOVEMBER 2021

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INTRODUCTION

Amnesty International submits this briefing to the UN Committee on the Elimination of Discrimination against Women in advance of the review of the tenth periodic report of Sweden during its 80th session in October 2021.

In this submission, Amnesty International sets out its concerns about the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention) by Sweden with a focus on violence against women and girls, the right to health for destitute EU migrants and legal gender recognition for transgendered people. It should not be seen as an exhaustive list of concerns.

VIOLENCE AGAINST WOMEN

Preventing and eradicating gender-based violence against women have long been a key goal of government policy on gender equality. In 2017, the government launched a 10-year *National strategy to prevent and combat men's violence against women*, as part of *Power, goals and agency - a feminist policy for a gender equal future*.¹ The stated aim of the strategy was to move from a reactive to a proactive approach and promoting effective preventive measures.

Despite a manifest political will, strategies and resourced action plans over the past decades, gender-based violence against women and girls in Sweden remains pervasive. According to an annual survey on exposure to crime, 2,7 percent of the female population between 16- 84 years stated that they had been subjected to physical abuse during 2019.²

Although the number of crimes against women in intimate relationships reported to the police continues to increase, the crime statistics only represent the tip of the iceberg, as most victims never report the crime to the police. Still, in 2019, 28 400 cases of abuse against women were reported to the police. In 31 percent of these cases the alleged

¹ *Fact sheet: National strategy to prevent and combat men's violence against women.*

<https://www.government.se/information-material/2016/11/fact-sheet-national-strategy-to-prevent-and-combat-mens-violence-against-women/>

² *Swedish Crime Survey 2019*. English summary of Brå report 2019:11.

https://www.bra.se/download/18.150e014616e16776004cfd/1614334230431/2019_11_Swedish_Crime_Survey_2019_Summary.pdf

perpetrator was a current or former partner and in 22 percent a relative or family member.³ The same year 1718 cases of gross violation of a woman's integrity were reported to the police.

Young women seem to be particularly exposed. Studies have shown that 23 per cent of young women aged 16–24, have been subjected to repeated humiliating and degrading treatment, attempts to curtail their freedom, threats, harassment, physical abuse or sexual offenses by a current or former partner.⁴ The government has tasked the Swedish National Council for Crime Prevention (hereafter Brå) to undertake research about measures to counteract violence in close relationships among young people.⁵ This is in line with earlier recommendations by Amnesty International to Sweden on rape against teenage girls.⁶

RESPONSIBILITY OF THE MUNICIPALITIES

Despite the responsibility laid down by law - many municipalities are not doing enough to address violence against women in intimate relationships.

More than 15 years ago Amnesty International raised concern about differences in access, quality and effectiveness of the work at the municipal level to support and protect women subjected to intimate partner violence.⁷ Amnesty International called for a change in the law that clarifies the municipalities' responsibility and obligation to provide support and protection. Such an amendment was made in 2008.

Subsequent oversight reviews of the municipalities' support to women subjected to violence and their children, have identified shortcomings in most municipalities under review, including inadequate competence, knowledge and quality.⁸ One recent review showed that only one of the 14 municipalities examined fully met the legal and regulatory requirements. Some shortcomings were of such a nature that they may jeopardize a legally secure handling of cases of violence in close relationships and risk adversely affecting the abused women's access to support and protection.⁹

Amnesty International is concerned that the level of support and protection offered to survivors is still partly determined by their place of residence, rather than by the individual woman's situation and needs.

RAPE AND SEXUAL VIOLENCE

For over a decade Amnesty International has identified the failure to prevent rape and other forms of sexual violence, protect women and girls from such crimes and ensure justice for all rape survivors, as a serious challenge to the protection of human rights of women and girls in Sweden.¹⁰

³ *Official crime statistics on intimate partner violence* (in Swedish) <https://www.bra.se/statistik/statistik-utifran-brottstyper/vald-i-nara-relationer.html>

⁴ *Intimate partner violence among youth*, Brå short analysis 6/2018 (in Swedish) https://www.bra.se/download/18.c4ecee2162e20d258c4a9ea/1553612799682/2018_Brott_i_nara_relationer_bland unga.pdf

⁵ *Government Assignment to study measures against violence in close relationships among young people*. Diary number: Ju2020/03036/KRIM (in Swedish):

<https://www.regeringen.se/4a58c5/contentassets/4ab3a98ece924727a92a8a9e3b4c99a8/uppdrag-att-studera-atgarder-mot-vald-i-nara-relationer-bland-unga.pdf>

⁶ *Sweden: Submission to the UN Committee on the Elimination of Discrimination Against Women* (Index: EUR 42/3305/2016, 25 January 2016, <https://www.amnesty.org/en/documents/eur42/3305/2016/en/>) (Hereafter *CEDAW submission 2016*)

⁷ In 2004/2005 Amnesty International conducted surveys of the work of Swedish municipalities to combat men's violence against women, which revealed systematic failures in many municipalities. Amnesty International called for further legal clarification of the responsibility of the municipalities in the Social Services Act, in order to safeguard the right to access to adequate support and protection of women subjected to violence - no matter where in the country they live.

⁸ *Women subjected to violence and children who have witnessed violence - The responsibility of all municipalities. Final report from a national inspection 2008–2009*, by the National Board of Health and Welfare and the County Administrative Boards, (in Swedish):

<https://gendertruce.files.wordpress.com/2014/04/socialstyrelsen-vc3a5ldsutsatta-2008-2009.pdf>

Women subjected to violence and children who have witnessed violence, Final report from a national inspection 2012–2013, by the National Board of Health and Welfare and The Health and Social Care Inspectorate. (in Swedish):

<https://www.ivo.se/globalassets/dokument/publicerat/rapporter/rapporter-2014/valdsutsatta-kvinnor-och-barn-som-bevittnat-vald.pdf>

⁹ *Review of municipalities' work with violence in close relationships 2018. A report with the Social Care Inspectorates' observations from 14 municipalities' work, 2019* (in Swedish) <https://www.ivo.se/globalassets/dokument/publicerat/rapporter/rapporter-2019/rapport-ivo--granskning-av-vald-i-nara-relationer-2018-reviderad.pdf>

¹⁰ *Case Closed - Rape and human Rights in the Nordic Countries* (Index: ACT 77/001/2010), 2010, 8 March 2010, <https://www.amnesty.org/en/documents/act77/001/2010/en/>

See *CEDAW submission 2016*.

Time for Change: Justice for Rape Survivors in the Nordic Countries (index: EUR 01/0089/2019) 2 April 2019, <https://www.amnesty.org/en/documents/eur01/0089/2019/en/> (Hereafter *Time for Change*)

Sweden: Rights for All? The Case of Rape Survivors And "Vulnerable Eu Citizens": Amnesty International Submission to The UN Universal Periodic Review, 35th Session of The UPR Working Group, 20-31 January 2020 (Index: EUR 42/0974/2019), 30 June 2019, <https://www.amnesty.org/en/documents/eur42/0974/2019/en/>

In 2018 Sweden took a significant step in this regard by adopting a new law on sexual crimes which criminalizes and defines intercourse and comparable sexual acts with someone who does not voluntarily participate as rape.¹¹ It also introduced a new offence of negligent rape.¹²

In 2020 an evaluation of the implementation of the new law showed a significant increase in convictions: from 190 in 2017 to 333 in 2019, which is an increase of 75 percent.¹³

Despite the positive trend, most rapes are never reported to the police.¹⁴ In 2019, the police received 8 581 reports of rape, including gross (aggravated) rape against people aged 15 and over. In addition, 237 cases of negligent rape were reported. Rape is predominantly a crime perpetrated by men on women. According to official crime statistics, 93 percent of the reported rapes involved women or girls above 15 years, while 98 percent of the suspects were men or boys.¹⁵

POLICE INVESTIGATIONS

Low prosecution rate may affect confidence among rape survivors and the public in the will and ability of the authorities to prosecute these crimes. In its Baseline Evaluation Report on Sweden, GREVIO concluded that there is an urgent need to significantly reinforce the investigative capabilities of law enforcement authorities to ensure prompt and appropriate investigations in cases of rape.¹⁶

In 2010-2012, the Prosecution and Police Authority jointly developed a best practice working method for the investigation of sexual offences against adults. However, this model is not always implemented, which has a negative impact on the quality of the investigations and hampers prosecution. A 2019 joint inspection by the Prosecution Authority and the police found that interviews of suspects are sometimes held after a long delay or not at all.¹⁷ Although sexual crimes should be investigated by “serious crimes” units or units specializing in violence in intimate relationships, a third of such crimes in the sample were investigated by local police without the necessary experience or expertise. Representatives from both the police and the Prosecution Authority also expressed concern that “serious crimes” units deprioritized sexual crimes in favour of other types of crimes. Producing results of DNA analyses at the National Forensic Centre can take several months, which also impacts negatively on rape investigations.¹⁸

In June 2019, the police authority announced measures to strengthen its work related to “particularly vulnerable crime victims”, including victims of rape. The measures included implementation of best practice working methods, focus on securing evidence at an early stage and reinforcing resources.¹⁹ Some 350 new police investigators were to be recruited by the end of 2019, designated to work on rape, violence in intimate relations and sexual crimes against children.²⁰

It is too early to draw any conclusions about whether and how the quality of the investigations and prosecution statistics have been affected. At the turn of the year 2020/2021, Amnesty International contacted five of the country's seven police regions and was then informed that all of them had recruited new staff but that certain training initiatives had been partly hampered by the COVID-19 pandemic.

¹¹ Chapter 6, On sexual offences, in the official translation of the Swedish Criminal Code.

<https://www.government.se/49f780/contentassets/7a2dcae0787e465e9a2431554b5eab03/the-swedish-criminal-code.pdf>

¹² For further details on the rape legislation, see *Sweden: Criminalization and Prosecution of Rape in The Sweden – Submission to the UN Special Rapporteur on Violence Against Women, Its Causes and Consequences* (Index: EUR 42/2426/2020), 1 June 2020.

<https://www.amnesty.org/en/documents/eur42/2426/2020/en/>

¹³ The new consent law in practice. An updated review of the changes in 2018 to the legal rules concerning rape. English summary of Brå report 2020:6.

https://www.bra.se/download/18.7d27ebd916ea64de53065cff/1614334312744/2020_6_The_new_consent_law_in_practice.pdf

¹⁴ See *Time for Change*.

¹⁵ Official crime statistics on reported crimes, The Swedish National Council for Crime Prevention, Brå (in Swedish):

www.bra.se/statistik/kriminalstatistik/anmalda-brott.html As the legal age to consent is 15, Amnesty International only includes statistics on victims aged 15 years or above. Rape against a child under 15 is a specific crime.

¹⁶ *GREVIO Baseline Evaluation Report Sweden*, 2019. <https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686> (Hereafter *GREVIO Baseline Evaluation Report Sweden*)

¹⁷ For example, the inspection showed that there were recordings of only 17% of the interviews with the suspect and that in 26% of the sample the suspect was not interrogated at all. *Violent crimes in close relationships and sexual crimes against adults - A joint review of the police and the prosecutor's handling*. Review report 2019, dnr A252.474/2018 (in Swedish):

www.aklagare.se/globalassets/dokument/rapporter/tillsynsrapporter/tillsynsrapport-2019-1.pdf

¹⁸ See *Time for Change*.

¹⁹ The Police Authority, Decision Protocol RPC 112/2019. Record number / case A299.222 / 2019. Amnesty International received a copy of the decision at a meeting with the National Police Chief on 17 June 2019.

²⁰ Measures focusing on particularly vulnerable crime victims. Press release from the Police authority (in Swedish)

<https://polisen.se/aktuellt/nyheter/2019/juni/satsning-mot-sarskilt-utsatta-brottsoffer/>

LACK OF SUPPORT TO RAPE SURVIVORS

Access to comprehensive support is crucial to enable rape survivors to heal and to participate with confidence throughout the legal process. While the right to legal aid was further clarified by the 2018 legal reforms,²¹ access to psychological counselling, psychosocial support and trauma care remains a concern.

In its Baseline Evaluation Report on Sweden, GREVIO warned that the collection of evidence is a lengthy process which can be traumatizing and invasive if carried out by medical staff who are not properly trained, including in crisis intervention.²² However, only a few cities, including Stockholm, have specialized emergency clinics for victims of rape.

Exposure to sexual violence can cause psychological damage, trauma and long-term suffering if left untreated. GREVIO expressed concern that “mid- and long-term psychological counselling, psychosocial support and trauma care and other services (...)” are not generally available across the country and strongly recommended that the authorities ensure that sexual violence counselling services are available to all victims.²³

In June 2020, the Swedish Association of Local Authorities and Regions, SALAR, published a national survey on how the health care system meets the needs of adults who have been subjected to sexual violence.²⁴ SALAR identified several shortcomings, including the failure by health care providers to detect exposure to sexual violence, despite prolonged contact with the health services; a lack of clarity about what care is available and offered, both for patients, healthcare professionals and others, as well as limited availability and accessibility, particularly to trauma treatment. SALAR concluded that there is a need for specific skillsets to better meet the needs of patients with complex problems and trauma. The support and care must also be adapted to meet the needs of particularly vulnerable groups, such as LGBTQI+ people, people with disabilities and those living in social vulnerability or with substance abuse.

The GREVIO and SALAR analysis largely resonates with the findings of Amnesty International’s 2019 report. Some service providers interviewed by Amnesty were NGOs founded by women who had experienced sexual violence themselves. Many people seeking their support had often had contact with psychiatric health services without ever being asked about experience of sexual violence or receiving adequate treatment.²⁵ Other service providers expressed concern that the psychiatric services do not always meet the needs of the individual due to lack of knowledge of interpersonal violence and/or the limited appropriate long-term trauma treatment available within the public health care system.²⁶

RECOMMENDATIONS

Amnesty International recommends that Sweden:

- Ensure that all municipalities fulfil their legal obligation to provide adequate support and protection to women subjected to gender-based violence;
- Develop a comprehensive, long-term preventive strategy against sexual violence, particularly targeting young people;
- Give long-term priority to combatting widespread sexual violence and provide adequate, sustainable resourcing to ensure that the police and Prosecution Authority have the capacity to conduct thorough, timely investigations of high quality into all cases of rape;
- Intensify efforts to analyse and address the causes of underreporting of rape;
- Ensure access to comprehensive support to all survivors of sexual violence throughout the country, including to those who do not report the crime to the police;
- Ensure that mid and long-term psychological counselling, psychosocial support, trauma care and other necessary services are available and accessible to all survivors of rape and other forms of sexual violence, regardless of age, gender, sexual orientation, gender identity, ethnicity or social background;
- Ensure that such services are affordable, available and accessible to all rape survivors irrespectively of whether they have reported the crime to the police or not and regardless of where in the country they live;

²¹ Law (1988:609) on Complainant’s counsel (in Swedish): www.riksdagen.se/sv/dokument-lagar/dokument/svenskforfattningssamling/lag-1988609-ommalsagandebitrade_sfs-1988-609

²² See GREVIO Baseline Evaluation Report Sweden.

²³ See GREVIO Baseline Evaluation Report Sweden.

²⁴ *Health care in cases of sexual violence. Current situation and ways forward. The Swedish Association of Local Authorities and Regions, 2020* (in Swedish): <https://skr.se/tjanster/merfranskr/rapporterochskrifter/publikationer/vardenvidsexuelltvald.33436.html>

²⁵ See *Time for Change*.

²⁶ See *Time for Change*.

DENIAL OF SUBSIDIZED HEALTHCARE FOR EU MIGRANT WOMEN

Homeless EU migrants from Eastern Europe, most of whom are Roma, living in destitution in Swedish cities and towns, are falling between the cracks of the Swedish healthcare system.²⁷ In most parts of the country they have been denied affordable subsidized healthcare due to the discriminatory implementation of regulations that fail to take into account their vulnerable and precarious situation. For example, in August 2020 a Bulgarian woman was billed over 10,000 EUR for maternity care and childbirth; Swedish citizens, residents as well as undocumented persons would have had to pay a maximum 400 EUR.²⁸ Roma EU migrants have also been denied contraceptive care and have met difficulties in accessing abortions in Sweden.²⁹ Sweden's government has insisted that the responsibility to safeguard the rights of all persons within its jurisdiction does not include EU migrants in vulnerable situations,³⁰ contrary to human rights law and standards.³¹

RECOMMENDATION

- Ensure that all EU migrants in vulnerable situations can access health care and treatment, including maternity care, contraceptives and abortion services, on the same basis, including appropriate subsidies, as Swedish residents.

²⁷ Sweden: A Cold Welcome: Human Rights Of Roma And Other "Vulnerable EU Citizens" At Risk, Amnesty International. 2018. <https://www.amnesty.org/en/documents/eur42/9403/2018/en/>

²⁸ Op Ed by Amnesty International Sweden: Why are the poorest and most vulnerable billed with the maximum amount for care? Gefle Dagblad, 9 September 2020.

<https://www.gd.se/artikel/debatt-varfor-faktureras-de-fattigaste-och-mest-utsatta-med-maxbelopp-for-varld>

²⁹ See, for example Lawless in the subway, Ottar, 7 December 2017, <https://www.ottar.se/r-ttsl-s-i-rulltrappan/>, Médecins du Monde: Give all women in Sweden the right to subsidized contraception, maternity care and abortion care, 8 March 2017, https://www.mynewsdesk.com/se/lakare-i-varlden/blog_posts/ge-alla-kvinnor-i-sverige-raett-till-subventionerade-preventivmedel-moedravaard-och-abortvaard-55103, and testimonies from SRHR and social outreach organisations.

³⁰ See, for example, "Response from the Swedish government regarding UPR recommendations", responding to recommendation 156.257 on right to health care for vulnerable EU citizens in Sweden, June 2020. <https://www.regeringen.se/49be62/contentassets/49b69f19914542d2ab6c00d1e2ed56b2/response-from-the-swedish-government-regarding-upr-recommendations.pdf>.

³¹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20, para. 30.

LEGAL GENDER RECOGNITION

The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, including gender identity.³² According to a 2017 state public inquiry the lack of understanding, prejudice and an internalized fear of non-conforming identities and expressions in society has led to extensive mental health and social problems among transgender people in Sweden. The prevalence of suicide among transgender people is significantly higher than in other groups.³³

In 2018, the Swedish government proposed to replace the current Gender Affiliation Act³⁴ with two new laws in order to separate the process of changing one's legal gender from the medical process.³⁵ According to the proposal, a lengthy process of medical investigations and diagnosis by specialized medical teams and a formal decision from the National Board of Health and Welfare (Judicial Council) would no longer be required to change legal gender. Instead, an administrative process, based on self-determination of gender was proposed.³⁶ The draft law also proposed to change the minimum age for changing legal gender from 18 to 15 years.

After criticism in 2018 from the Council on Legislation, which scrutinizes draft bills which the Government intends to submit to Parliament, the government pledged to revise the proposal, but three years on, no proposal has been presented.

Self-determined gender is a cornerstone of a person's identity. The resulting obligation of States is to provide access to gender recognition in a manner consistent with the rights to freedom from discrimination, equal protection of the law, privacy, identity and freedom of expression. In their 2015 report (A/HRC/29/23), the High Commissioner for Human Rights articulated what this means in practical terms and recommended that the process of legal recognition of gender identity should be based on self-determination, be a simple administrative process, accessible and, to the extent possible, cost-free and without abusive medical or legal requirements.³⁷

Amnesty International has urged the government to keep its promise and present a bill to the parliament before the end of the current term of office.

RECOMMENDATION

- Replace the current Gender Affiliation Act in order to separate the process of changing one's legal gender from the medical process. Ensure that the process of legal recognition of gender identity is based on self-determination and made simple and accessible.

³² General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/28&Lang=en

³³ A stronger status and improved living conditions for trans people in Sweden, SOU 2017:92, (in Swedish):

<https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2017/11/sou-201792/>

³⁴ Act 1972:119 on determination of gender in certain cases (in Swedish) <https://lagen.nu/1972:119/konsolidering/2009:411>

³⁵ Government draft bill to the Council on Legislation, 30 August 2018: Certain surgical procedures in the genitals and change of gender as shown in the population register (in Swedish):

<https://www.regeringen.se/rattsliga-dokument/lagradsremiss/2018/08/vissa-kirurgiska-ingrepp-i-konsorganen-och-andring-av-det-kon-som-framgar-av-folkbokforingen/>

³⁶ The individual's gender is registered in the population register. The gender marker is apparent in the individual's social security number, which is widely used, including in all identity documents.

³⁷ UN High Commissioner for Human Rights, Discrimination and violence against individuals based on their sexual orientation and gender identity, (A/HRC/29/23) <https://undocs.org/A/HRC/29/23>

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