

SWEDEN: STATEMENT TO THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 18 OCTOBER 2021

-CHECK AGAINST DELIVERY-

Honourable Chairperson,

Honourable Committee members,

Thank you for this opportunity to speak to you today.

Amnesty International welcomes the adoption of the new law on sexual crimes in 2018, criminalising intercourse and comparable sexual acts with someone who does not participate voluntarily as rape, which has resulted in a significant increase in convictions.ⁱ In reality, most rapes still go unreported but more prosecutions and convictions could increase the level of trust in the justice system and empower rape survivors to speak out and seek justice.

Amnesty International has called on the police authority to ensure that rape and other sexual crimes are prioritized and allocated sufficient investigative resources, both human and financial.ⁱⁱ In June 2019, the police authority made the welcomed decision to strengthen its work related to “particularly vulnerable crime victims”, including victims of rape.ⁱⁱⁱ

Amnesty International recommends that the government of Sweden:

- Intensify efforts to analyse and address the causes of underreporting of rape;
- 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.

Secondly, Amnesty International is concerned that the support, psychological counselling and trauma treatment offered survivors of sexual violence, including rape, do not always meet their needs. Only a few cities have specialized emergency clinics for victims of rape. A recent national survey^{iv} 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. According to the survey, support and care must 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.

Amnesty International recommends that the government of Sweden:

- 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.

Thirdly, we are also concerned about the lack of access to healthcare services for homeless EU migrants from Eastern Europe, most of whom are Roma, living in destitution in Swedish cities and towns.^v In most parts of the country, they have been denied affordable subsidized healthcare, including contraceptive care, maternity care and childbirth, due to the discriminatory implementation of regulations that fail to take into account their vulnerable and precarious situation. Difficulties in accessing abortion services have also been reported.^{vi}

Amnesty International recommends that the government of Sweden:

- 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.

Finally, as stated by the CEDAW committee, the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, including gender identity.^{vii} Self-determined gender is a cornerstone of a person's identity. The High Commissioner for Human Rights has 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.^{viii} The Swedish Gender Affiliation Act from 1972 do not fulfil these requirements and since 2018 the government has promised to reform this law.

Amnesty International recommends that the government of Sweden:

- 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.

Thank you for your attention.

ⁱ 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

ⁱⁱ *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/>

ⁱⁱⁱ 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.

^{iv} 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>

^v *Sweden: A Cold Welcome: Human Rights Of Roma And Other "Vulnerable EU Citizens" At Risk*, (Index: EUR 42/9403/2018), November 23, 2018, <https://www.amnesty.org/en/documents/eur42/9403/2018/en/>

^{vi} 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.

^{vii} 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

^{viii} 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>