



Quality in Gender+ Equality Policies

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Erika Björklund

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Review of Equality Policies and Responsible Institutional Structures in Sweden

History of equality law and policy

The Swedish equality terminology differentiates between gender equality ('jämställdhet') and class equality ('jämlighet'). Borchorst states that there "is little doubt ... that efforts made in the name of gender and class equality have not enjoyed equal measures of political attention, and class inequalities have been perceived as a far more urgent matter than gender inequalities." However, this does not mean that political attention to matters of gender inequality has been scarce. There is a strong political support for gender equality in Sweden. What actions that it motivates in individual issues is, however, subject of extensive debate and gender discrimination still exists. Furthermore, although controversial, preferential treatment of women or of the underrepresented sex is sometimes allowed, for instance if a workplace has unusually few women or if an education draws unusually few men. Preferential treatment is allowed if it takes place in the shape of planned action with a view to promoting equality.

Sweden joined the EU on January 1, 1995 but decided however in 2003 to refrain from joining the EMU. Being a member of the EU has influenced Swedish gender equality work and policies but Sweden has also been party in influencing the European and international gender equality work and policies. Some, both politicians and researchers, argue that Sweden has led the field regarding 'mainstreaming' by "putting this strategy to work, among other things by means of mechanism to make equality issues more visible, comprehensible and mandatory" . Besides "leading the field", Sweden has also been influential in the formulation of the international organizations' objectives, for example concerning 'mainstreaming', which has been recommended by the Council of Europe, the UN and EU . Sweden continually raises the issue of a gender equality perspective in consultation groups and in negotiating the various areas of politics within the EU (Proposition 2005/06:155).

Correspondingly, the EEC/EU directives have had impact on national gender equality legislation. For instance, since Sweden (along with the other Nordic countries) is continually rated highly in gender equality internationally and in Europe, this puts pressure on Sweden to maintain this position and to participate in international collaborations. These collaborations are simultaneously an arena for exchange of experiences which in turn is perceived as significant for the continued development of the national gender equality work (Proposition 2005/06:155).

Gender equality "is part and parcel of a considerable number of policy areas in [Sweden]" and *all* legislation, policies, initiatives and public bodies are expected to take gender equality into consideration. To limit the legislation, policies and public bodies addressed here and in the next section, the focus in this presentation will be on those whose aim it is explicitly and primarily to work for equality in any of the intersections relevant for the Quing project, however, the main focus will be on gender equality legislation.

Swedish gender equality policy is based on a conception of equality as a matter of power and a notion that actions to change current conditions of power must be targeted at changing informal societal structures that serve to maintain the unequal distribution of power.

Swedish gender equality policy is fundamentally concerned with the ability of each individual to achieve economic independence through gainful employment . Just as important are measures to enable everyone to combine jobs with parenthood. It must also be possible for everybody to participate in all aspects of life according to their capabilities. An equal representation of women and men on leading positions is also a central concern as is achieving equal pay for equal work. Further concerns that are identified are violence against women, sexualization of public space, and recently, a focus has been on *men* and gender equality.

At this point, it is worth noting that one way of describing gender equality policy in Sweden is that there is a gap between rhetoric and practice; i.e. that the official/public talk of gender equality is extensive while the practice is not always there .

Pre-1995

The history of equality laws and policies in Sweden is long and may be said to have its beginning in 1845 when a law on equal inheritance between brothers and sisters was introduced. Since then, many laws, policies and regulations of relevance to issues of equality have been passed and equality improved in the country. The **1970's** was a time of politicization of gender equality in Sweden, beginning with the creation of the **Delegation for Equality between Men and Women** . The central issue during the 1970's and early 1980's was women's rights and actual possibilities for **gainful employment**. The idea was that gender equality in the labor market would lead to gender equality in other areas of society. At the end of the **1980's** and the beginning of the **1990's**, the focus shifted towards issues of **power and influence**. In the mid-**1990's**, all areas of society were charged with the responsibility to contribute to gender equality and this was the start of the work for **gender mainstreaming**.

During the **1970's**, it became clear that the issue of gender equality had acquired political legitimacy and was on the political agenda of all parties and the various feminist movements had an important part in this development. However, during the first five years of the 1970's, the Social Democratic Party resisted legislation on the issue on the grounds that it would represent an expression of bad faith in the ability of the workers' and employers' organizations to come to an agreement on their own. Still, and despite the trade unions' federations' persistent opposition, the decade came to be a time prolific with new **gender equality laws**: "laws on individual taxation, abortion, the family, the extension of day nurseries, parental insurance, equality of opportunity in working life, and more. Also, equality was introduced in the school curriculum. A special political arena was created for gender equality with delegations, commissions, ministers, officials, ombudsmen etc." . However,

although the “formal obstacles to a citizenship of equal value for both sexes were quickly removed ... actual gender equality was slow to come. The division of labour between the sexes was not greatly changed, nor were wage differentials” .

Homosexuality was decriminalized in **1944** and was instead conceived as a disease. The first organization for the equal rights of homosexuals in Sweden (RFSL) was initiated in **1950** and in **1979** homosexuality was removed from the diagnostic register for disease.

In **1979** after much debate, the Government, led by the Center Party in coalition with other right-wing parties and with the Liberal Party as the most powerful driving force, passed the **Equal Opportunities Act** (act 1979:1118), commonly referred to as the Equality law, which then entered into force in **1980**. The Act prohibits sex discrimination and salary discrimination in the labor market and requires that all employers, whether in the public or private sector, shall actively promote equal opportunities for men and women in the working environment. All employers with a minimum of ten employees are required to prepare an annual equal opportunities plan as well as a plan of action for equal pay. The purpose was to promote women’s and men’s **equal rights regarding work, working conditions and development opportunities**. However, equal pay was not regulated in the Act.¹ The Social Democrats and the trade unions were opposed to the prescriptive element of the Bill, as well as the creation of an ombudsman’s office.

During the same year, the elementary school is given a new curriculum, stating that the school shall work for equality. Furthermore, the law concerning the succession to the throne is changed, stating that the monarch’s first born child, whether daughter or son, shall inherit the throne, thus enabling a woman to be monarch.

Upon recognizing that women’s organizations were one of only three types of organizations that were not receiving any public funding, a committee was appointed in **1979** to investigate the issue of special support for women’s organizations. In **1982**, the Government starts to subsidize **women’s organizations** (SOU 1980:44, prop. 1981/82:155, 1981/82:AU24, rskr. 1981/82:367). The public funding of women’s organizations has over the years been handled by the Culture Department, the Civilian Department, the Department of Domestic Affairs, the Department of Local Governments and is currently (2004) handled by the Justice Department (SOU 2004:59).

In **1983**, all **professions** are made available to women.

Equality policies are introduced in Government owned corporations in **1985**.

In **1985**, a Commission is appointed for the purpose of increasing **women’s representation** and in **1987** the Commission submitted their report (SOU 1987:19). The report “addressed the problem of an under representation of women in politics in more explicitly power and

¹ The legislators believed that pay should be regulated through negotiations between management and labour; gender based salary discrimination was prohibited.

conflict related terms than had been done before ... [it also] advanced a legislated gender quota as the only strategy that would actually increase the number of women” . However, the report did not recommend legislation due to the strong resistance to quotas, but did threaten that if the concerns voiced in the report were not taken seriously, a quota system would be put in place.

In **1988**, the Parliament adopts a five-year **national equality policy**.

After being fairly high ever since the **1920's**, women's representation in Parliament decreased drastically in **1991**, from 38 to 34 percent . At this point, the national women's network “**Stödstrumporna**” (The Support Stockings) was initiated, with the purpose of supporting politically active women who were not organized in any political party. Their slogan was “Full pay – half the power”. The Support Stockings threatened “to form a political party and run for parliament on a women's platform in the 1994 election if the established parties did not offer concrete solutions to women's disproportionate representation” . The emergence of this network and indications that they would form a new women's political party in time for the next election generated frantic activity in the political parties for fear that a women's party would steal votes from the other, established, parties. After the election in 1994, women's representation in the Parliament was up to 41 percent.

In **1992**, the right-wing Government, in spite of strong criticism from the Swedish employers' organizations, sharpens the old **Equal Opportunities Act** (act 1979:1118) on several accounts and a new Equal Opportunities Act (act 1991:433) comes into force, resulting also in the establishment of a Board of Equal Opportunity (act 1991:1437) at which orders to pay fines are tried. The Equality law includes regulations regarding so called active measures and prohibitions against discrimination and it also bans indirect discrimination. The regulations on active measures stipulate that employers, within the framework of their activities, shall pursue targeted work to actively promote equality in the working life. The prohibition against direct or indirect sex discrimination is effective during the employers' employment procedures; decision makings regarding promotion or competence development; applies to conditions for salaries and other working conditions for work that is to be regarded as equal or similar; managing or distributing work, or; dismissing, firing, laying off or takes any other intervening action against an employee.

Gender mainstreaming is the strategy that Sweden has chosen to use in order to achieve the goals of the equality politics. Gender mainstreaming means that operations are pursued in such a manner that services and the benefits offered to the citizens are equally available to all and of equally high quality and equally well adjusted to all, regardless of sex. The operations shall thus contribute to achieving equality in society. This policy for national equality was adopted by the Parliament in **1994**, with the right-wing Government, as of the proposition (1993/94:147) “Delad makt, delat ansvar” (Shared power, shared responsibility). The UN and the EU adopted the same gender mainstreaming strategy the years following. Sweden has also committed to live up to the principles from the Beijing platform and is legally bound to follow the UN's convention on women (CEDAW), commitments that involve

both Government Agencies and local governments . The **Equal Opportunities Act** is further revised in 1994, with an added demand for mapping out women's and men's **salaries**, and it is furthermore stated in the employment ordinance (1994:373) that besides skill and merit, general equality goals shall be taken into consideration when employing **new personnel**. Furthermore, during this year **equality statistics** become official statistics.

1995-2007

In **1995** at the fourth UN women's conference in Beijing, Sweden receives an award for being the most gender equal country (SOU 2005:66). Sweden also ratifies the **European convention on human rights and fundamental freedom** this year and from 1995 the convention is law in Sweden (2 ch. 23 §, regeringsformen (RF)). Also in 1995, the task of the Government Agencies to take responsibility over equality is regulated in the government ordinance (verksförordningen) (SFS 1995:1322). In this ordinance, it is stated that the manager of the Agency shall take into consideration the demands regarding equality between women and men on the operations. The Government Office is currently working on developing a new government ordinance.

Also during **1995**, in an initiative by Minister of Education Carl Tham, thirty professorships and ninety assistant research posts were reserved for the underrepresented sex. Furthermore, funds for 120 posts for doctoral students and forty post-doctorate scholarships were made available for female scholars. This was the controversial starting point for a debate on **gender quotas**. The "Tham-Professorships" were challenged and ruled against in the EU Court of Justice .

Despite Swedish women's relatively strong position in directly elected bodies, men still dominate nearly all policy-making bodies. This also goes for senior positions in employer and employee organizations as well as in political and other associations. In senior management positions in the private sector, the percentage of women is even lower. In order to stimulate an even **gender distribution in the private sector**, a Business Leadership Academy was formed in **1995** at the initiative of the Government and representatives of the private sector, with the aim of developing the role of men and women managers. In January **2002**, the Government appointed a study commission on women in leading positions in the business sector ("Male Dominance in Transition," submitted in March 2003). In the spring of **2003**, the Minister for Industry and Trade initiated further efforts to present concrete proposals to speed up the process of recruiting a higher proportion of women to the boards and top managements at private companies. (Sweden.se)

Also in **1995**, homosexuals gain the right to enter **partnership** (Act 1994:1117, SFS 2006:213). The work to prepare this law may be said to have been begun in 1973 when a unified Parliament stated that homosexual cohabitation, from the perspective of society, was a fully acceptable form of living. The most important civil society actors in the debate preceding the law were the Church (who were against the law) and representatives of the

hbtq-movement (pro-partnership law) such as the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL). In the Government, the Social Democratic, the Left and the Liberal Parties voted for the proposed law. Currently, the issue is whether to remove the law and make the law on marriage gender neutral and independent of the couple's sexual orientation, enabling same-sex partners to marry on the same conditions as heterosexual couples. On this latter issue, only the Christian Democratic Party is against the proposal. The Church now sides with the RFSL and is positive towards the idea of wedding same-sex couples. However, the Church wishes to reserve the term 'marriage' for heterosexual couples on the grounds that it is so intimately linked to the relationship between woman and man. A National Association for Christian Beliefs and Lifestyle (RKTL) has been formed in opposition towards the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) and they are deeply critical of this new proposal for a new law on marriage.

Sweden is the first country in the world to pass a law prohibiting the purchase of **sexual services** in **1999**; the so called "sexköpslagen" (Act 1998:408 on Prohibition of Purchasing Sexual Services). The Act was carried by Ulrica Messing of the Social Democratic party and was taken by the Parliament in July of 1998. For a long time, Sweden held to the principle of not criminalizing trade in sexual services and instead checks prostitution by criminalizing procuring and brothels and by offering extensive social efforts. During the late 1990's, however, a demand rose to criminalize the purchase of sexual services and this demand came primarily from the feminist movement, the main actor being radical feminist groups, so called Women's Houses (that gather various women's organizations under one roof, such as Women's Shelters), and the Women's Front. The Women's Front, established in 1977, is a feminist organization that fights all discrimination against, and oppression of, women. In the justice committee, the Moderate Party and The People's Liberal Party (both of the right-wing) resisted the new law on the grounds that it would not be effective, while the Christian Democratic Party wanted to extend the law to also criminalize the sale of sexual services. The law has also been criticized by liberal and socialist debaters.

The same year, an Act (**1999:133**) prohibiting **discrimination in working life due to sexual orientation** is passed. This Act came into being as the result of a Social Democratic initiative to investigate the existence of discrimination on the grounds of sexual orientation in working life. The only party voting against this Act was the Moderate Party. In conjunction with this Act, the world's first ombudsman against discrimination on the grounds of sexual orientation (**HomO**) was established. At the same time as preparing this law, two other law proposals concerning the working life were prepared: one against discrimination on the grounds of ethnicity and one against discrimination on grounds of disability.

In June **1999**, Margareta Winberg, then the Swedish Minister for Gender Equality, organized a seminar where the idea to establish a **European Gender Institute** (EGI) was presented. A study, assigned by the EU commission, evaluating the conditions for such an institute, is initiated and the report is published in **2002**, resulting in the Ministry establishing such an Agency in **2005**.

A **National Authority Co-operation Project for Women's Peace** (Nationell myndighetssamverkan för kvinnofrid) is established in Sweden in the year **2000**. The Council was an advisory authority to the Government and advised on issues that had not been sufficiently addressed in the Women's Peace Bill, such as the responsibility of the local governments, the work and conditions of the local women's shelters; abusive men, children subjected to domestic violence; homosexual partner abuse; honor-related crime and crime against specific groups of girls and women such as elderly, disabled, addicts and girls and women with a foreign background. The Council, consisting of members of voluntary organizations, movements, research disciplines, the labor market parties and representatives of the relevant societal sectors, was active during three years, arranging seminars, hearings and publishing documents. The Women's Shelter movements and ROKS (the National Association of Women's Shelters) were particularly important in the Council. The Council concluded their work in June of **2003**.

In **2001** the Social Democratic government sharpens the **Equal Opportunities Act** and specifies regulations on the mapping of women's and men's salaries and policies for **equal salaries**. The **official statistics** is regulated to always be divided by sex when it is based on individuals, unless there are special reasons against it (SFS 2001:100, §14). In the Government report "Changed order. Strategic development for equality" (Ds 2001:64), it is suggested that the Government adopt a comprehensive approach to strengthening the work of **gender mainstreaming**, primarily in the Government Offices (Dir. 2005:7).

An Act (2001:1286) concerning the **Equal Treatment of Students** entered into force on 1 March **2002**. It aims at promoting equal rights for students and applicants to higher education and prohibits discrimination in higher education on grounds of sex, ethnicity, religion, disability or sexual orientation. The Government Bill proposing this law was sent out to all of the universities, the various Ombudsmen, The Swedish National Union of Students, university teachers' unions and a few other NGO's. None had any objections towards the new law. The law applies to both Government and Local Government employers as well as in all other areas of society.

In implementing the two EU equal treatment directives concerning the Principle of Equal Treatment between Persons irrespective of Racial or Ethnic Origin (2000/43/EC) and General Framework for Equal Treatment in Employment and Occupation (2000/78/EC), a law against discrimination (**Discrimination Prohibition Act** (2003:307) was enforced in **2003**. The purpose of the Discrimination Prohibition Act is to prohibit discrimination in different areas of society such as employment policy, including employment agencies, social insurance, unemployment insurance, membership of trade union and employers' organizations, starting and running a business, and the professional provision of goods, services or housing. It is meant to counteract discrimination based on any of the grounds of ethnicity, religion or other faith, sexual orientation or disability (act 2005:480). During the same year, a committee is appointed to follow up and evaluate, from a perspective of

gendered power, the Government tasks proposed in the Women's peace proposition from 1997.

National action plans on gender equality as a policy instrument first appeared in Sweden in **1979**. In 1985, a UN appeal during the Nairobi world conference for women ignited renewed efforts and action plans and in **1988** Sweden adopted a national action plan to improve **women's representation**. In **1991** the plan of action included, among other things, a decision to prevent **violence against women**, and the **1994** plan of action focused on the **distribution of power**. All action plans originated as Government Proposals which were subsequently approved in the Parliament. In **2004**, a commission is appointed to review the equality politics. The Social Democratic Government decides on a **gender mainstreaming policy** for the Government Offices . The plan spans from **2005-2009** with an overarching goal of creating the best possible conditions for equality to permeate government politics. A gender perspective is to be mainstreamed into all decision processes and all Government Offices employees are to become knowledgeable about the central issues of equality politics within each political area.

In **2005** the **Discrimination Prohibition Act** is amended; in addition to prohibiting discrimination on grounds of ethnic background, disability or sexual orientation, it includes the grounds of sex. The **Equal Opportunities Act** is further sharpened, this time concerning sexual harassment, reprisals and work practice.

In **2005**, a new political party was formed: the **Feminist Initiative Party**. The Feminist Initiative based their political program on the theory of gender power relations. In **2007**, the Party declared that they will not be candidates for the next election but rather continue to function as a feminist movement.

In a Government Bill the Social Democratic Government together with the Left Party and the Green Party proposes in **2006 new goals for the (gender) equality policies** The suggested overarching goal is that women and men shall have the same power to shape society and their own lives. As sub-goals the following are suggested:

- An even distribution of power and influence. Women and men shall have the same rights and possibilities to be active citizens and to shape conditions for decision-making.
- Economic equality. Women and men shall have the same opportunities and conditions concerning education and paid labor giving economic independence throughout life.
- An even distribution of unpaid care and domestic work. Women and men shall have the same responsibility for domestic work and have the opportunity to give and receive care on equal conditions.
- Men's violence against women shall cease. Women and men, girls and boys, shall have the same rights and opportunities to physical integrity.

The strategies for achieving these goals are continued **gender mainstreaming** and the establishment of a **Government Agency** with the task of contributing to the development of efficient (gender) equality policies.

Resulting from the 2006 Government Bill on new goals for the (gender) equality politics, the new **Ministry of Integration and Gender Equality** is established in **2007**, gathering the various Ombudsman and other Government Agencies concerned with equality issues into one Ministry. This Ministry is responsible for the coordination of the implementation of the equality policies as well as following up on the results of these policies.

History of equality mechanisms

The responsibility of gender equality policy in Sweden has alternated between Ministers with different portfolios and has been placed in different Ministries, more or less related to the labor market area. “Thus, the ministers for immigration, the labour market, home affairs, culture, social affairs, and the office of deputy prime minister have all shouldered responsibility for gender equality at one time or another” . Today, gender equality issues are placed at the Ministry of Enterprise, Energy and Communication. The Minister in charge mostly has had other responsibilities besides gender equality on her/his portfolio, varying from agriculture to current integration and democracy.

The organization of the equality mechanisms today can be divided into varying functions: a policy-advisory (political) function, law-enforcing (judicial) functions, administrative functions within the ministerial hierarchy, and a Minister for Gender Equality . These varying functions were gathered into one ministry – **the Ministry of Integration and Gender Equality** – as of January 1 2007. This Ministry is, among other areas, responsible for human rights, gender equality, integration issues, and minority issues. The Ministry of Integration and Gender Equality coordinates and develops initiatives to promote and protect human rights at the national level and is responsible for protecting the rights and opportunities of all members of society, regardless of their ethnic and cultural background. Further, the Ministry is responsible for coordination of the Government’s gender equality work and special gender equality initiatives, as well as for issues concerning the protection and promotion of Sweden’s national minorities and historical minority languages.

Relating to the above responsibilities, the Ministry of Integration and Gender Equality is principal of the following *Government Agencies* (year in parenthesis states the year the Agency was established):

- The Swedish National Board for Youth Affairs (Ungdomsstyrelsen) (1976)
- The Equal Opportunities Ombudsman (Jämställdhetsombudet) (1980)
- The Equal Opportunities Commission (Jämställdhetsnämnden) (1980)
- The Ombudsman against Ethnic Discrimination (Ombudsmannen mot etnisk diskriminering) (1986)
- The Board Against Discrimination (Nämnden mot diskriminering) (1986)
- The Swedish Disability Ombudsman (Handikappombudsmannen) (1994)
- The Ombudsman against Discrimination on grounds of Sexual Orientation (Ombudsmannen mot diskriminering på grund av sexuell läggning) (1999)

There is discussion about merging the four Ombudsman Agencies into one Government authority.

Other gender machinery worth noting and that will be described below are:

- The Gender Equality Unit at the Ministry of Enterprise, Energy and Communications
- The Council on Equality Issues (Jämställdhetsrådet) (1983)
- Statistics Sweden

- County Administrative Board and County Governor
- The Government Offices

Government Agencies

The Government Youth Council, first established as a Government Agency in **1976** (before this, an *advisory* Youth Council had been active since 1959), was reorganized into **The Swedish National Board for Youth Affairs** in **1994**. The Board is a central administrative agency for youth issues (SFS 1994:1389) and works towards giving access for young people to power and welfare. The Board has an overarching responsibility for the penetration of national youth political goals in all societal sectors. Issues regarding youth's establishment as adults and youth participation and influence in society are emphasized. The Board:

- is responsible to see that knowledge about youth's living conditions is gathered and disseminated nationally and locally,
- responsible for coordinating follow-ups of governmental action for youth and work for the development of the youth perspective in governmental activities,
- work for and support the development of knowledge-based youth politics in the local governments, and
- work for the renewal and development of youth leisure time and voluntary organization activities and work for the pursuit in the local government and voluntary organizations of efforts that serve to promote youth activities.

The Equal Opportunities Ombudsman was established in **1980**. The Ombudsman supervises the equal rights of women and men. The Ombudsman protects women's and men's rights in the working life, in higher education, in school and in some other areas, for instance if one has taken part of services, labor market initiatives, or social insurance. The Ombudsman is responsible for overseeing compliance with the provisions of five laws: the Equal Opportunities Act (1991:433, as amended up to and including 2000:773) which concerns working life conditions; parts of the Act concerning the Equal Treatment of Students in Higher Education (2001:1286) which concerns the conditions at colleges and universities; parts of the Act (2006:67) Prohibiting Discriminatory and Other Degrading Treatment of Children and Pupils concerning conditions in school, such as pre-school, special school and in school child-care; and of parts of the Prohibition of Discrimination Act (2003:307) as amended on 1 July 2005. The Equal Opportunities Ombudsman also has the right to bring action under the Parental Leave Act (1995:584) as amended on 1 July 2006. According to the first three of these laws, employers, universities and schools are obliged to actively promote equal conditions and prevent gender discrimination. Furthermore, the Ombudsman is continuously to review the active mainstreaming efforts in the working life, universities and at schools as well as investigate reports about inadequate mainstreaming efforts, gender discrimination and sexual harassment. "Another task is to initiate gender equality training for the Cabinet Office and other government authorities. It also works with

the European Union, the Nordic countries and international organisations on gender equality issues” .

The Equal Opportunities Commission (Jämställdhetsnämnden), which is an agency with the task of judging concerns and appeals regarding orders to pay fines according to the Equal Opportunities Act concerning active measures to be taken by the employers, was established in **1980** (Förordning (1980:416) med instruktion för jämställdhetsnämnden, and Equal Opportunities Act 1991:433)). The Commission's task is to try requests from the Equal Opportunities Ombudsman about orders to employers to pay fines for not following the Equal Opportunities Act.

In **1986**, the **Ombudsman against Ethnic Discrimination** was established. The Ombudsman is regulated by Act (1994:134) Against Ethnic Discrimination and the regulation (1988:895) with instructions for the Ombudsman against Ethnic Discrimination (Prop. 1997/98:16). The task of the Ombudsman is to work for the elimination of ethnic discrimination in working life and in all other areas of society as well as give advice and in other ways contribute to the possibility for people subjected to ethnic discrimination to protect their rights. The Ombudsman shall take initiatives to actions against ethnic discrimination by influencing public opinion, information and deliberations with agencies, corporations and organizations (Prop. 1997/98:16).

Since **1986**, the **Board Against Discrimination** takes decisions about matters of fines in accordance with 26 § Act 1999:130 on Action Against Ethnic Discrimination in the Working Life and also tries appeals according to the same law. The board also advises the Ombudsman Against Ethnic Discrimination on matters of the application of the Act 1999:131 on the Ombudsman Against Ethnic Discrimination and suggests changes to the statutes or other actions to counteract ethnic discrimination. The Board also tries appeals according to 20 § of Act 1999:132 on Prohibition Against Discrimination in the Working Life of People with Disabilities and 19 § Act 1999:133 on Prohibition Against Discrimination in the Working Life on Grounds of Sexual Orientation.

The Swedish Disability Ombudsman was established in **1994** and works towards the complete integration of people with disabilities into society. The Ombudsman's primary task is to combat discrimination and work for human rights. The foundation for the work of the Ombudsman is the UN standard regulations on participation and equality for people with disabilities and the Swedish action plan ("Från patient till medborgare" [From Patient to Citizen]) for disability policies. The activities of the Ombudsman are regulated in Act 1994:749 on the Disability Ombudsman and the Regulation 1994:949 with Instructions for the Disability Ombudsman.

The Ombudsman against Discrimination on grounds of Sexual Orientation is established in **1999**. The Ombudsman works against homophobia and for the elimination of discrimination on the grounds of sexual orientation in all areas of Swedish society. According to the regulation (1999:170) with directives for the Ombudsman, the activities of the

Ombudsman is regulated by the Act (1999:133) about Prohibition against Discrimination in the Working Life due to Sexual Orientation, the Act concerning the Equal Treatment of Students in Higher Education (2001:1286), the Prohibition of Discrimination Act (2003:307) and the Act (2006:67) Prohibiting Discriminatory and Other Degrading Treatment of Children and Pupils. The Ombudsman gives advice and contributes in other ways to safeguarding the rights of people who have been discriminated against due to their sexual orientation. Finally, the Ombudsman also suggests changes to the statutes and other measures for the benefit of counteracting discrimination on the grounds of sexual orientation.

Other mechanisms

The Council on Equality Issues (Jämställdhetsrådet), which was formed in **1983**, is a government sponsored forum for the exchange of ideas and discussion of current equality issues and serves as “an advisory body to the Minister for Gender Equality Affairs” . The Minister for Gender Equality chairs the Council with its 40 or so members which consists of representatives of the political parties and their women's branches, women's organizations, the social partners, and some NGO's. The Council meets four times per year.

After identifying a need to develop official statistics that are better able to illustrate women's and men's conditions in society, **Statistics Sweden** started in **1994** to develop gender statistics (SOU 2005, p500). There was a lack of statistics divided by sex and a lack of statistics that made visible societal problems of equality and there was a need for a comprehensive account and description of gender statistics. Statistics Sweden published their first gender statistics (“På tal om kvinnor och män – Lathund om jämställdhet”) in 1984. In 1994, gender statistics was declared part of the official statistics and the chief responsibility was placed with Statistics Sweden (SOU 2005, p500). The reason for this was that their central position was perceived as important to monitor and influence other agencies with responsibility for statistics. As a result, a new paragraph was added to the regulation of statistics (10 §, 1992:1668, now 14 §, 2001:100, Regulation about the official statistics) that stipulated that all official statistics based on individuals were to be divided by sex unless there are special reasons against it.

In January **2005**, the Government (dir. 2005:7, tilläggsdirektiv 2006:1) appointed a special inquiry commission with the task of supporting the gender mainstreaming work in the Government. The inquiry (N2005:02), called “**Jämstöd**”, informed, designed training and methods for gender mainstreaming and created a forum for exchange of experiences between Government Agencies. The inquiry finished its report in three parts in 2007 (SOU 2007:15), including a book of methods for gender mainstreaming.

The Government Offices, which is a Government Agency and whose task it is to support the Government in governing the country and realizing its politics, is also responsible for governing the equality work of the entire Government and all of its Ministries. Because

gender equality affairs cannot be developed in isolation from other areas of policy and society, all ministers are required to analyze, follow up and present proposals concerning equality between women and men in their respective spheres of responsibility. Due to this position in Sweden that policies for equality cannot be developed independently of other policy areas, each Minister in the Swedish Government is responsible for promoting, analysing, evaluating and following-up the work for equality in his or her respective field of responsibility. It may thus be expected that each Government Ministry investigation, proposition and decision has debated and taken issues of equality into consideration. Furthermore, the Government regularly consults with NGOs, mainly through the Council on Equality Issues. Moreover, each Ministry may be expected to prepare and propose laws and regulations of direct relevance to the development of equality in the country.

The **Gender Equality Unit** at the Ministry of Enterprise, Energy and Communications functions to support and enforce the work for gender equality centrally and regionally and to develop methods to implement the gender equality politics of the Government. The Division also reviews proposals from other subject areas to ensure that they take into consideration a gender equality perspective. Furthermore, the Division initiates training in gender equality for the Government Offices and other government administration. The Division handles issues to do with the Gender Equality Act and is responsible for the Equal Opportunities Ombudsman, for the cooperation with the UN, EU and Nordic countries and also prepares applications for funding developmental work and projects within the area .

Sweden is divided into 21 counties, each of which has its own **County Administrative Board and County Governor**. The function of the County Administrative Boards is to be a representative of the state in their respective counties, and serve as a link between the inhabitants, the municipal authorities, the Central Government, the Swedish Parliament and the central state authorities. Based on the national equality politics of the government, it is the duty of the County Administrative Boards to promote mainstreaming efforts in the counties. Important tasks for the County Administrative Boards are to coordinate, support and follow up on the mainstreaming work in the counties. Other assignments are to contribute to the increased knowledge about the significance of equality for the whole of society by, for instance, analyses of the society, seminars and project activities.

In **1995**, the Government introduced two new measures in their gender equality policy – the establishment of **resource centers for women** and **gender equality experts** in each of the 21 county councils. The gender equality experts were given the responsibility of gender equality policy both inside the organization of the county council and towards the whole county, in other words a very large task. Most of them have chosen to apply for different kinds of projects, often funded by the European Union, in order to work with different objectives. During the last five years, questions of men's violence against women and honor related violence have been highlighted by several of the gender equality experts. The experts also form a national network that meet regularly with the staff at the Gender Equality Unit, placed in the Ministry of Enterprise, Energy and Communication, and also with the Minister of

Gender Equality Affairs, exchanging information and also functioning as a kind of regional reference group for gender equality.

The main responsibility for the resource centers was also placed with the county councils in that they were given the task of creating a regional resource centre in each county. In addition, a national resource centre was established at NUTEK (the Swedish Agency for Economic and Regional Growth) and possibilities were opened for local women's groups interested in setting up local resource centers. In 1995, the aim of the resource centers was to promote the position of women in society, especially in rural areas. The national resource centre functioned as a link between the regional, as well as local, centres, providing information and to some extent education, both concerning how to establish a local resource centre and more generally on gender equality issues. In the late 1990's, the obligation for the county councils to ensure there was a regional resource centre in the county was turned into a voluntary task which – often with the justification that Sweden had institutionalized gender mainstreaming as an overall strategy for working with gender equality – meant that several of the resource centers were closed down. The national resource centre was turned into a private foundation with far less economic resources. At the same time, the scope of the resource centers was narrowed to focus on women's entrepreneurship and the involvement of women in regional and local growth issues. Today, there are around a hundred resource centers, regional and local, in Sweden.

Non-employment

Women's rights have developed and expanded hand in hand with the so-called Nordic welfare state model. The Nordic welfare model differs from other welfare models and one important aspect is the overarching goal of full employment and the active labor market policy to achieve this goal. Once these policies came to include both women and men it improved women's resources and gave them access to new social rights, of which gainful employment does not always automatically give access to if, for instance, one only works part time.

Generally, all classes in society make use of the same services: the same health care, the same schools, etc. Swedish welfare is publicly financed and based on people's needs, not the size of their income. Characteristic of the Swedish welfare model are the extensive redistributive effects. This model has been part of giving women individual rights, thus strengthening their independence, economic rights and resources. In Sweden and in other Nordic countries citizen's social rights are considered the cornerstone of equality. For example, social legislation and extensive social services have made it possible for women to combine work and motherhood. Furthermore, there is a general consensus across the political party lines on the importance of promoting gender equality. However, although politicians and other officials are quite proud of the Swedish welfare system, this very system has been subject to extensive cutbacks over the last 15 years or so.

The Swedish social protection system is (still) structured in line with the principles of the Nordic welfare model, the main features of which are:

- the principle of universality (the right of all to social protection regardless of where they live, their profession or economic position)
- a strong public sector
- tax funding based on legislative rights of citizens/residents
- equal treatment
- a relatively high level of social benefits.

In Sweden, as in other Nordic countries, the state finances and organizes most of the welfare benefits available to the citizens. This is made possible by a taxation system which has both a broad basis of taxation and a high taxation burden. The expenses of income protection come from payments collected from employers and insurance contributions, as well as from state finances. Services and income protection are guided by legislation. Most of the services and benefits are given to the individual (not the family unit). This means that married people have rights to benefits independently of their spouses.

In contrast to a model based on the notion of a (male) breadwinner with dependent spouse and children, welfare policies in Sweden are based on another model, which is also referred to as the 'individual model'. This model "does not presuppose different policy models for the sexes; both women and men can, in turn, be either breadwinners or carers". The individual income taxation, introduced in 1971, may be seen as one example of this. Although the prevailing model is the individual one, the norm in Sweden since the 1960's is a family with

two breadwinners: women and men both are expected to contribute financially in a family, and both incomes are needed due to the high costs of living and in general how society is structured. Despite this norm of a two breadwinner family, the (new) *social praxis*, however, is a model of self-support since in fact so many live alone for shorter or longer (and becoming longer) periods of time .

Just as the right to vote and equality before the law, good living conditions are supposed to be a right for all. The social rights are tied to citizenship and are combined with further social rights tied to gainful employment. General benefits are supplemented with income based compensation during sickness, parental leave, etc and contribute to a just redistribution.

Besides the social insurance system, the Swedish welfare system also means that the care of children and elderly is a concern of society. Women's entrance into the labor market was initially enabled by the development of child care facilities, the possibility of part-time employment and a parental insurance system. Furthermore, elderly care was also provided for, freeing women from taking the full responsibility of the elderly of the family. Today then, women have the legal right to employment in all occupations (including the armed forces) and "women's share of the labor force is almost as large as men's. ... The differences between women and men are no longer about who is engaged in waged work and who is not, rather they are about the kind of work women and men do, and the extent to which they are employed. In general, the labour market is both vertically and horizontally segregated: men are over represented at the higher levels of working life and most professional fields have a large majority either of women or of men" . Recently, women's part-time work has been construed as a problem and as a "woman's trap". The debate has turned towards part-time (un)employment, the right to full-time employment and the possibility of lowering the number of hours constituting full-time work from eight hours to six hours a day. At the same time, a discussion has been going on the issue of child-care allowance, allowing parents to stay at home longer taking care of their small children. The imperative to work and the improving health of the population has also resulted in a change in retirement age, from 65 to 67.

Despite being almost as active as men in working life, women are still taking most of the responsibility for the home and for the care of the children, the sick and the elderly, and they still have the lowest wages and thus the poorest pensions. The Nordic countries are all characterized by a strong public sector that provides social services of various kinds with a clear public commitment to facilitate the combination of parenthood and paid employment for both women and men. On these grounds, "[f]amily policies make up an important part of the welfare system ... [and the] bulk of childcare is financed by public means" . However, women still cut back on their working time when the children are at their youngest and they also spend more time on household chores than men do, even though this difference has decreased due to women spending less time on it (men are however not spending more time doing household chores) .

The sub-issues I would describe as 'crucial' in Sweden, in terms of provoking much debate and/or being the location of many turning points during the period of interest to Quing (1995-2007) and that are thus interesting for further study are: parental leave, domestic services and part-time work / 6 hour work day (or 'working hours' for short). Besides these, other sub-issues addressed are concerned with the pension system, retirement, child care and elderly care. However, I refrain from further categorizing these sub-issues here since most of them have been argued for in the debates in such a way that they could be categorized in several ways.

Parents' insurance in Sweden consists of several parts: parental allowance; paternity leave;² and fathers' and mothers' quotas . Parental insurance is given to families, not individuals, meaning that the mother and father decide for themselves who should stay at home, when and for how long. The most debated parts of the insurance are the parental allowance in conjunction with the quotas. The parental allowance consists of economic compensation for loss of income (80% of wages) when staying at home with children and the allowance is set at the same level as sickness and unemployment benefits. This allowance has a 'ceiling', meaning that persons with high income receive less than 80% compensation, resulting (or so the arguments go) in women (with, on average, the lower wages) staying at home longer than men (with the higher wages and thus greater income loss from staying at home). This has been conceived as a problem, and for this part of the parents' insurance, the debate during the period 1995-2007 has thus been concerned with whether to raise the ceiling for compensation or to divide the insurance between the parents. In other words, to individualize the insurance and create mothers' and fathers' quotas – and if so, how much of the allowance that should be tied to each parent and how much they should be allowed to decide for themselves who stays at home. Today, after being successively increased, 60 days are reserved for the father and another 60 days for the mother, meaning that these days cannot be transferred to the other parent. The most recent debate on parents' insurance has been concerned with the child care allowance.

Domestic services have in Sweden been discussed as an issue of access to the labor market as well as an issue of tax benefits and reconciliation of work and private life. The arguments have been that by enabling people to pay for these services by, for instance, introducing tax-deductions as a way to lower the costs, women can cut back on their household work, thus coming closer to doing as much (or little) as their male partner. The counter arguments have been concerned with domestic services being conceived as a "woman's trap" in the sense that it is a non-qualified, and thus a low-paying, vocation that mostly women will do. It is further argued that domestic services enable immigrants, specifically women immigrants who have difficulty gaining purchase on the labor market, to find employment. Now, in 2007, the right wing Alliance Government has made domestic services tax-deductible.

² Alongside the mother taking maternity leave, fathers have the right to paternity leave for a period of ten days immediately following labor. The idea underlying these ten days paternity leave is to give the mother support during those first days and also for the father to bond with his child/children.

Working hours have been extensively debated and legislated. Working hours have been debated as an issue of equal pay, access to labor market, and reconciliation of work and private life. During the 1970's the debate and legislation was concerned with allowing (women) employees to only work part-time, so as to enable them to combine family life with gainful employment. Later, the debate turned towards the issue of the right to full-time employment, also construed as a women's issue. The reason for this is that the part of the labor market (e.g. hotels and restaurants and cleaning services) that primarily hires people on a part-time or hourly basis employs a lot of women. Other arguments for the right to full-time employment have been concerned with the lower wages that women earn because they are employed only part-time, with a consequent impact on their pension rights and other social insurances. Another issue has been lowering the full-time working day from eight to six hours a day. This has been on the feminist movements' agenda since the 1960's. It has been extensively investigated in various Commission inquiries through the years but has never led to any legislation. A six hour working day has also been seen as a way to enable more people to gain access to the labor market as it would create a demand for more labor. For a while, the issue of a six hour working day was even part of the political platform of parties such as the Social Democrats, the Left Party and the Green Party. However, today no party is carrying the issue and politically it has more or less become a non-issue.

Actors

Civil society actors are incorporated into the policy making process to such an extent that it makes it difficult to find "important civil society texts" if those are supposed to be something other than the policy related documents. This is a consequence of the corporative welfare state model as well as state cooptation of the demands from social movements. A further consequence of this system is that actors are part of the policy making process making it difficult to distinguish between the opinions of the government and other actors.

On the issue of parents' insurance, different actors have been active on or taken different positions in regards to different specific issues, such as parents' allowance, child care allowance, and quotas. Besides the political parties, the major actors³ on this issue are: the labor and employers' organizations, the women branches of the political parties, the Left Party Committee for Women's Policies, the Feminist Initiative Party, The Swedish Association of Women's Shelters, the Equal Opportunities Ombudsman, HARO (the National Association for Freedom of Choice, Equality and Parenthood), and RFSL (The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights). These actors represent the major actors for most sub-issues in the area of non-employment.

All of the actors mentioned above are relevant also on the issue of working hours, with the exception of RFSL and the Association of Women's Shelters. The women's movement has

³ Based on an interview with Malin Rönnblom, 2007-06-26.

for more than 30 years pursued the issue of six hour working days . The major workers' unions and the Social Democratic Party are officially supporting the principle of shortening working hours but reforms are lacking and instead investigations follow investigations. The issue of six hour working days is principally a women's demand from the Left, with the Social Democratic Women's Union being the most active, along with the women's movements 'Grupp 8' (Group 8) and 'Svenska Kvinnors Vänsterförbund' (the Left Swedish Women's Association). Regarding part time or full time employment, the issue was first on the right to part time work in order for women to be able to participate in the labor market and combine this with a responsibility for the home and family. Later, the concerns regarding working time have shifted and the issue has been on the right to full time work.

Domestic services is an issue that has been discussed for a long time in Sweden and has only just recently been legislated on so that domestic services are now tax-deductible. The Equal Opportunities Ombudsman resisted this proposal, believing that it would ultimately serve to preserve inequality in the home since men would not have to participate in domestic work. Other major actors on this issue have been the workers' unions, employers' organizations and suppliers of domestic services. The right wing parties have been the proponents and the ones carrying this issue, while the socialist bloc has been against the reform.

Timeline

Pre-1995

For the period before 1995, I have not tried to be exhaustive of the sub-issues discussed and debated but rather to give a background to what follows during the period of most interest to this study, i.e. 1995-2007. Most of the sub-issues presented here from the pre-1995 period are concerned with issues of reconciliation of work and private life and two sub-issues are concerned with care work. However, as the presentation will show, issues of reconciliation of work and private life blur with issues of care work (as well as with issues of equal pay, but that will come later in the timeline, in the period between 1995 and 2007) in the sense that one has effects on the other. That is, how care work is organized influences how it is possible to organize reconciliation of work and private life and vice versa.

During the 1960's the political debate is concerned with "**the breadwinner issue**" in which the demarcation is between the proponents of strengthening the male breadwinner model and the proponents of an individual model with two income-families . The question was whether to commit to providing housewives with a child-care allowance or to expanding public child care thus creating the possibility for both parents to work: to create two income-families. The primary arguments for child-care allowance concerned (women's) freedom of choice (between work and home) and justice (societal subsidies for child-care should be divided equally between those who choose to stay at home and those who choose to make use of public child care). According to the proponents of the individual model, it was the possibility for everyone – women and men – to provide for themselves that was the

foundation for independence and freedom. Women and men should have the same responsibility for both home and work and the same possibilities to combine parenthood with a vocation. Women strongly dominated these debates and the political documents underpinning the parliamentary decisions that eventually led to the commitment to public child care. In **1971**, the Swedish government introduced **individual taxation**, instead of family taxations, and in 1974 Sweden became the first country to introduce a reform of parental leave that included fathers and thus, the “feminist idea that fathers as well as mothers can and should be responsible for the care of infants was legitimised through state regulation” .

Parents' insurance is introduced in **1974** (Regeringens proposition 1973:47, s 35), and replaces the earlier motherhood insurance. Both men and women got the right to six months paid parental leave, but each parental couple could choose how to divide the leave between them. In the parliament, young male liberals brought the question of men's right to parental leave to the agenda. They regarded the possibility to share the care of children between the parents as a way to increase families' autonomy. At the end of the 60's and beginning of the 70's the socialist parties also got involved in the question and saw parental leave as a way of increasing equality, both regarding class and gender. From their perspective, economic independence through wage labor would lead to gender equality and professional nursery-school teachers would provide a gender equal upbringing to the children. However, despite the gender equality ambition with the parental insurance, father's interests and participation in parental leave have been low. Official authorities have regarded the low participation as a problem of attitude and information, and measures taken reflect this. A range of information campaigns have been launched since the first introduction of parental leave, from large societal actors like the ministry of health and social affairs, the Swedish National Board of Health and Welfare, the Swedish National Audit Office and also from social insurance offices.

Parents of small children are, in **1976**, given the right to reduce their **working time** to six hours a day (the right to part-time work).

Since **1992** the municipals are responsible for the home **care of elderly**, homes for elderly and of assisted living facility for handicapped, long term sick and mentally handicapped.

In **1994 child-care allowance** is introduced in Sweden by the right wing government, but is repealed after the election the same year by the newly elected social democratic government. Child-care allowance can be used by parents with children between ages one to three who, instead of participating in the labor market, choose to take care of their own children at home. Child-care allowance was promoted mostly by the Christian Democratic Party and the Moderate Party as a way of increasing parents' opportunities to choose child care. The left has mostly regarded it as a “women's trap” and a way of reintroducing ‘the housewife’. Since the right-wing parties are now in Government, the issue is once again on the agenda, with a plan of implementation on January 1, 2008.

1995-2007

1995

As a consequence of adaptations of the Swedish rules to the EU directive 92/85/EEG, the Act (1995:584) on **Parental Leave** is introduced in **1995**, replacing and modernizing the previous Act (1978:410) on the Right to Leave for Care of Children etc. Furthermore, a special “**daddy month**” is introduced within the parental insurance, where 30 days are given to each parent and cannot be transferred to the other. The “daddy month” had been debated for 30 years and was suggested in an official governmental report as early as 1975, which led to a long debate about quotas, in regards to the principle of family autonomy and gender equality. Many different actors were involved in the debate, including representatives for employers and the unions, and within and between the political parties.

Primary sources

Föräldraledighetslagen (1995:584) [Act on Parental Leave]

Lag (1978:410) om rätt till ledighet för vård av barn, m.m. [Act on the Right to Leave for Care of Children etc]

Proposition (1994/95:207) *Ny föräldraledighetslag m.m.* (New Act on Parental Leave, etc.)

Familjestödsutredningen. (1975). *Förkortad arbetstid för småbarnsföräldrar : betänkande.*

[Shortened working time for parents of young children] Stockholm.

Rådets direktiv 92/85/EEG av den 19 oktober 1992 om åtgärder för att förbättra

säkerhet och hälsa på arbetsplatsen för arbetstagare som är gravida, nyligen har fött barn eller ammar (tionde särdirektivet enligt artikel 16.1 i direktiv 89/391/EEG)

[The EU pregnant workers directive 92/85/EC: on the introduction of measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding]

also:

bet. 1994/95:AU16, rskr. 1994/95:364, EGTL348/92 s1

Prop. 1996/97:69, bet. 1996/97:SfU8, rskr. 1996/97:172, EGTL348/92 s1

Prop. 1999/2000:87, bet. 1999/2000:AU8, rskr. 1999/2000:231, EGTL348/1992 s1

Prop. 2005/06:185, bet. 2005/06:AU8, rskr. 2005/06:282, EGTL39/1976 s40, EGTL269/2002 s15

Since the 1960s there has been a growing demand for **child care** in Sweden, due to women’s rising labor market participation. The Social Democratic government appointed a commission in 1968 that would develop a child care facilitating social, pedagogical and supervisory demands . Despite the large child care expansion during the 70’s and 80’s, the municipals could not meet the demands of child care. Since **1995** municipals are by law obliged to facilitate child care to all children that are in need of it, without unreasonable delay (Socialtjänstlagen).

Primary sources

Socialtjänstlagen [Code on Social Services]

Proposition 1993/94:11 *Utvidgad lagreglering på barnomsorgsområdet, m.m.* [Extended legislation within the area of child care, etc]

Secondary sources

1968 års barnstugeutredning. (1972b). *Förskolan : betänkande. D. 2.* [Preschool: report]
Stockholm: Liberförlag/Allmänna förl.

Bergqvist, C., Kuusipalo, J., & Styrkårsdóttir, A. (1999). Debatten om barnomsorgspolitikern [The debate on child care politics]. In C. Bergqvist (Ed.), *Likestilte demokratier? Kjønn og politikk i Norden* (pp. 129-147). Oslo: Universitetsforlaget.

1997

In **1997** a rule was introduced that under certain circumstances allowed part-time employees the preferential **right to increased working hours** (Section 25 a of the Employment Protection Act 1982:80). In the motives for the legislation the Social Democratic Government stated that the aim should be full-time employment, and part-time employment should only be considered when it was justified with regard to the needs of the operation or the wishes of the employee. Experience seems to show, however, that Section 25 a of the Employment Protection Act has been applied to a relatively limited extent. Thus, the intentions behind the Section have not been fully possible to realize. In 2005, a Governmental official investigation proposed to sharpen this law and in 2007 the regulation was amended, extended and came into effect to include the right of part-time employed to full-time employment.

Primary sources

Lag (1982:80) § 25a) om anställningsskydd [The Employment Protection Act]

Proposition 1996/97:16 *En arbetsrätt för ökad tillväxt* [A workers' legislation for increased growth]

SOU. (2005:105). *Stärkt rätt till heltidsanställning.* [Strengthened right to full-time employment] Arbetsmarknadsdepartementet: Heltidsutredningen.

1998

In 1998 the Government decides to establish a new **pension system**. The new retirement pension is based upon the whole life time income (rather than the 20 most productive years as it used to be). In this new system, income losses in connection with studies, official duties and time spent with small children are also compensated for.

Primary sources

Lag. (1998:674) om inkomstgrundad ålderspension [Act on Income Based Pension Benefits].

Regeringens proposition. (1997/98:151). *Inkomstgrundad ålderspension, m.m.* [Income based retirement pension, etc] Socialdepartementet.

Ståhlberg, Ann-Charlotte & Tegle, Stig. *Den nuvarande och den nya ålderspensionen -*

hur omfördelar dessa mellan kvinnor och män? [The current and the new retirement pension – how do these redistribute between women and men?] SOU 1998:3.

Ståhlberg, Ann-Charlotte *Reformerat pensionssystem. Kvinnors ATP och avtalspension* [Reformed pension system. Women, ATP and collective pensions], SOU 1994:22.

1999

In an official government report from the year **1999**, initiated by the Social Democratic Government, the structural changes on the labor market are discussed. During the 90's, **part-time unemployment** and forms of temporary work grow, especially among women. Part-time unemployment is especially common within health care and retail, and is used by employers to deal with the flexible demands and needs of patients and shoppers. A majority of part time workers are satisfied with their working hours, but a growing group is the part-time unemployed who want to work full time but employers don't have more time to offer them. A group of low qualified younger and middle-aged women risk becoming locked into part-time unemployment with few possibilities for skills development and career opportunities. These groups are not included in the employment measures and are therefore at risk of becoming long term unemployed. Also, some of the jobs in these sectors are seen as too heavy to be performed on full time, which also tends to lock these women into part time unemployment to prevent them from getting work related injuries. The report suggests cooperation between the individual, the employers and unemployment benefit funds to prevent part-time unemployment.

Primary sources

SOU. (1999:27). *DELTA : utredningen om deltidarbete, tillfälliga jobb och arbetslöshetsersättning : betänkande*. [DELTA: Investigation on part time work, temporary work and unemployment benefits]. Näringsdepartementet: Utredningen angående arbetslöshetsersättning och deltidarbete

2000

The demand for 6 hour working days, instead of 8 has been on the political agenda for a long time in Sweden. A shortening of the **working hours** has been debated as a way of increasing gender equality. In the year **2000** an official departmental report investigated the pros and cons of shorter working days. The debate has not so far resulted in any shortening of the working day.

Primary sources

Ds. (2000:22). *Kortare arbetstid - för och emot* [Shorter working hours – for and against]. Näringsdepartementet: Arbetsmarknadsdepartementet.

2001

The Parliament takes a decision in **2001** to postpone the **retirement age** (the duty to retire from employment) from 65 to 67. The reasons behind the suggestion are concerned with the ageing population structure and subsequent fears of a shortage of labour power . It is argued that an increased retirement age will contribute to economic growth and to keeping down public expense for the elderly population. It is also argued that the increased average lifetime and improved health among the older population enables a longer period of labour in life.

Primary sources

SOU. (2002:29). *Riv ålderstrappan! Livslopp i förändring [Tear down the 'stairs of ages'! Life-courses in transition]*. Socialdepartementet: SENIOR 2005

2002

In December 2000 the government appointed a parliamentary committee to inspect the legislation on **working hours and holiday and leisure time regulations**. The committee produced reports during the years 2001-2003. In **2002** they put forward an official governmental report with suggestions to constitutional changes . In the report the most common arguments for a general working hour reduction are gathered. A general working hour reduction is argued to bring about less unemployment, more full time and part time employment and is also supposed to promote health and gender equality aspects. The committee does not however suggest a general working hour reduction, and instead proposes more flexible holiday and leisure time regulations.

Primary sources

SOU. (2002:58). *Tid för arbete och ledighet*. [Time for work and time off]

Arbetsmarknadsdepartementet Delbetänkande från Kommittén för nya arbetstids- och semesterregler (Knas)

SOU (2002:49) *Arbetstiden – livets gränser* [Working time – the boundaries of life]

Arbetsmarknadsdepartementet Delbetänkande från Kommittén för nya arbetstids- och semesterregler (Knas)

SOU (2002:6) *Arbetstiden – pengarna eller livet* [Working time – money or life]

Arbetsmarknadsdepartementet Delbetänkande från Kommittén för nya arbetstids- och semesterregler (Knas)

SOU (2001:91) *Arbetstiden – lag eller avtal* [Working time – law or agreement]

Arbetsmarknadsdepartementet Delbetänkande från Kommittén för nya arbetstids- och semesterregler (Knas)

SOU (2001:69) *Timsemester - ett diskussionsunderlag* [Hourly vacation – a material for discussion] Arbetsmarknadsdepartementet Delbetänkande från Kommittén för nya arbetstids- och semesterregler (Knas)

SOU (2003:54) *Semesterlagen och övriga ledighetslagar - översyn och förenklingar* [Act on Vacation and Other Hollidays – an overview and simplifications]

SOU (2002:22) Arbetstiden - internationell jämförelse av arbetstid [Working time – international comparison of working time] Arbetsmarknadsdepartementet Delbetänkande från Kommittén för nya arbetstids- och semesterregler (Knas)
SOU (2002:12) Arbetstiden - kortare arbetstid eller mer ledigt [Working time – shorter working time and more free time] Arbetsmarknadsdepartementet Delbetänkande från Kommittén för nya arbetstids- och semesterregler (Knas)

As of **2002**, parents have the right to 480 days of **parental leave** (it used to be 450). How these days are divided between the parents used to be up to the parents. However, to encourage men to engage more with their children and take a greater (social) responsibility for them, specific days designated solely for the use of the father were introduced and then the number of days were increased to a “daddy month”. Now, 60 non-transferable days are designated to the father and 60 days to the mother. (Proposition 2000/01:44 (se s 23-24))

Primary sources

Proposition (2000/01:44) *Föräldraförsäkring och föräldraledighet*. [Parents’ insurance and parental leave] Socialdepartementet.

2003

In an official government report from **2003** – *A Gender Equal Parents Insurance?* (SOU 2003:36), the economic factors of gender equality on parental leave are investigated. The investigation suggests that the lowest levels of economic compensations within the **parental insurance** should be raised to promote men’s parental leave.

Primary sources

SOU (2003:36) *En jämställd föräldraförsäkring?* [A Gender Equal Parents Insurance?] Finansdepartementet: Långtidsutredningen.

In a **2003** follow up study from the national institute for working life on the 1999 DELTA report Anita Nyberg notes that the official statistics on unemployment still shows lacks regarding the **part-time unemployed**.

Primary sources

Nyberg, A. (2003). *Deltidsarbete och deltidarbetslöshet : en uppföljning av DELTA utredningen* (SOU 1992:27) [Part time work and part time unemployment: a follow-up of the DELTA investigation]. Stockholm: Arbetslivsinstitutet.

2005

In **2005**, the **parental insurance system** was (again) the subject of an Official Government Report (SOU 2005:73). The view of the socialist appointed committee heading the investigation was that the parental insurance should promote the interests of the children with the aim of supporting gender equality between women and men. The main purpose of the investigation was to assure children's access to both parents, and to investigate whether the possibilities for parental leave were equal for women and men. The official report suggests regulation changes within the current system and proposes information and attitude change campaigns. The report also suggests special governmental actions to support parental roles.

Primary sources

Batljan, Ilija, Tillander, Siv, Örnhall Ljungh, Sara, och Sjöström, Magnus (2004)

Föräldrapenning, pappornas uttag av dagar, fakta och analys (Rapport). [Parents' benefits, fathers' use of parents insurance, facts and analysis] Socialdepartementet.

SOU (2005:73) *Reformerad föräldraförsäkring - Kärlek, omvårdnad, trygghet*. [Reformed parents' insurance – love, care and security] Socialdepartementet: Föräldraförsäkringsutredningen.

In a government official investigation from August, **2005**, the developments within **elderly care and child care are compared**. While the needs for public child care are often met, elderly care needs are seldom met. Cut downs in the public sector during the 90's have resulted in less accessible elderly care and a rise of care provided by relatives. Public elderly care has not, in the same way as child care, been articulated as part of the gender equality politics. Yet from a historical perspective, the build-up of public elderly care during the 60's and 70's contributed to women's rising labor market participation. The subsequent Government Bill (Proposition 2005/06:155) proposes that a goal of the government should be that women and men will have the same opportunities to give and receive care without being subordinated and that domestic work should be shared equally between them.

Primary sources

SOU. (2005:66). *Makt att forma samhället och sitt eget liv - jämställdhetspolitiken mot nya mål*. [Power to shape society and one's own life – the gender equality politics towards new goals] Integrations- och jämställdhetsdepartementet: Jämställdhetspolitiska utredningen N 2004:07

Proposition (2005/06:155) *Makt att forma samhället och sitt eget liv - nya mål i jämställdhetspolitiken*. [Power to shape society and one's own life – new goals in the gender equality politics] Näringsdepartementet.

In **2005** an Official Government Report proposes new legislation concerning the **right to full-time employment**. The central provisions of the Act are a general rule that the employment

contract must refer to full time work and a rule on the right to full-time employment for a person who has been employed part time for a period. Several studies show that people working part time have poorer chances of development and career opportunities than those working full time. For many part-time unemployed, the sometimes variable work schedule is an obstacle to arranging the necessary education and skills development. Part time unemployment is a considerable problem for the individual and for society. The unequal gender distribution, to the disadvantage of women, is in itself a problem. The Inquiry has concluded there are strong reasons for solving the problem of part time unemployment through legislation and that these reasons are of greater weight than those that may be brought to bear against this.

Primary sources

SOU 1995:92 *EG:s arbetstidsdirektiv och dess konsekvenser för det svenska regelsystemet* [The EU Work Directive and its consequences for the Swedish legislative system]

SOU 1996:145 *Arbetstid – längd, förläggning och inflytande* [Working time – length, location and influence]

SOU 2002:58 *Tid – för arbete och ledighet* [Time – for work and free time]

SOU 2003:54 *Semesterlagen och övriga ledighetslagar – översyn och förenklingar* [Legislation on vacation and other laws on time off – overview and simplifications]

SOU 2004:26 *Arbetstid vid vägtransporter – förslag till ny lag* [Working time at road transport – suggestions for a new law]

SOU 2005:105 *Stärkt rätt till heltidsanställning*. [A strengthened right to full time employment] Arbetsmarknadsdepartementet.

Ds 2000:22 *Kortare arbetstid – för och emot* [Shorter working time – for and against]

At the same time as the investigation on the right to full-time employment is commissioned, an investigation regarding the right to **partial leave of absence** to decrease working time from full-time to part-time (in a similar manner as parents are allowed parental leave) is also commissioned by the Government in 2004. A starting point for the investigation was the notion that the right to partial leave of absence would give employees greater influence over their working hours in various phases of life and that the possibility to influence one's working hours is important for people's health and wellbeing. The investigation results in **2005** in a suggestion by the committee *not* to legislate on the matter, and instead leave it up to the labor market parties to make their own decisions through agreements between employers and unions. One of the arguments against an act on partial leave was that women were expected to make greater use of it than men, thus for women risking decreased influence, support and participation on the workplace, neglected competence development and a poor salary development as well as pensions and compensation from social insurances.

Primary sources

SOU. (2005:106). *Partiell ledighet* [Partial leave]. Arbetsmarknadsdepartementet.

Employees were given the possibility to apply for a “friår” (free-year). The venture was initially tried in 2002 in twelve local governments and then, in **2005**, was implemented nationally. The “friår” meant that employees could apply for three to twelve months of leave from work, while at the same time an unemployed person would go in as a substitute for the ordinary employee. The purpose is partly to try to guide long-time unemployed into the labor market and partly to offer employees a possibility for recreation, competence development or to start a business. The employees on leave receive 85 % of their unemployment benefits. This possibility for leave from work was discontinued on initiative by the bourgeois government as of January 1, 2007 (Proposition 2006/07:1D2). The “friår” was perceived and debated as both a possibility and a trap for women.

Primary sources

Proposition 2001/02:1 *Budgetproposition* [Government Bill on Budget for 2002]
(förslag om att ta beslut om friår i 10 kommuner – s 28-29)

Proposition 2006/07:1D2 *Budgetproposition* [Government Bill on Budget for 2007]
(Bilaga: Bilaga 2: Svensk ekonomi)

2007

After thirteen years of debate (the so-called ‘house-maid debate’, or in Swedish: “pigdebatten”, beginning with the Government Official Investigation (SOU 1994:43)), **domestic services** are now, as of 1 July **2007**, a tax-deductible service . The investigation draws, among other things, on a report by Statistics Sweden (Rapport 99, SCB 2003). The report shows how women and men divide their time between paid work, domestic work and free time. The investigation also draws on the gender equality politics investigation (SOU 2005:66) in which it is reported that women take a greater responsibility than men for the care of family members. One of the arguments for introducing tax-deductibility for domestic services is that by replacing the unpaid labor that women do in the home with paid labor on the market, women’s professional position and economic independence are improved. Furthermore, the arguments are concerned with enabling women to compete on the labor market on equal conditions with men – meaning without the burden of having to do the majority of the domestic work themselves. Other arguments have been concerned with issues of unpaid labor. The main proponents of this reform have been the Moderate Party, while the Social Democratic Party has been very resistant towards it.

Primary sources

Proposition. (2006/07:94). *Skattelättnader för hushållstjänster, m.m.* [Tax-relief for domestic services] Finansdepartementet.

SOU (1994:43) *Uppskattad sysselsättning: om skatternas betydelse för den privata tjänstesektorn.* [Estimated employment: on the importance of taxes for the private service industry] Tjänstestredningen.

Skatteverkets rapport 2006:4, *Svartköp och svartjobb i Sverige* (Black market and black work in Sweden]

(see also on "ROT-avdraget" for repair and maintenance work: prop. 1992/93:150, bet. 1992/93:SkU36, rskr. 1992/93:422, SFS 1993:672; prop. 1995/96:229, bet. 1995/96:SkU32, rskr. 1995/96:306, SFS 1996:725; prop. 2003/04:163, bet. 2004/05:SkU3, rskr. 2004/05:1, SFS 2004:752; Rapport 99, SCB 2003; SOU 2005:66)

In Sweden, the **child care allowance** is primarily promoted by the Christian Democrats, but also by the Moderates, the Green Party and several independent debaters. It was first introduced in 1994 by the bourgeois government, but was discontinued after the Social Democrats came back to power in 1994. This child care allowance was payable for children between the ages of one and three years, and only if the child was in child care for less than 30 hours a week. However, the allowance decreased if the child was in day care, even if it was less than 30 hours a week. During the years 2005-2006, three local governments (Nacka, Sollentuna and Tyresö) introduced a child care allowance on the local governmental level and several other local governments followed suit. The decision to introduce child care allowance was appealed in Nacka and Sollentuna, but the bourgeois "Alliance" parties who returned to government in 2006 decided to allow the continuance of these allowances on the local government level. The Government Bill with the proposal is expected during the fall of **2007** and the proposal to be implemented as of January 1, **2008**. The argument for the local government child care allowance is, among others, that it is discriminating that only some forms of child care receive support and that an increased liberty to choose by definition is something positive. Others have criticized the solution from a gender equality perspective and characterized it as a "women's trap".

Primary sources

Regeringsförklaringen 2006

Kommittédirektiv?

Intimate citizenship

Swedish modern day politics on the family began taking its current shape in the 1930's and grew out of a concern with issues of demography and population . The family politics were not only targeted at external conditions of the family such as the financial conditions of families, but also at internal conditions such as sexuality, not in the least due to decreasing fertility. However, not all groups in society were considered equally important in improving the fertility rates in the country whereby it was conceived as necessary not only to increase the birth rate but also to govern this increase in a desired direction towards healthy and sound families . These notions may be traced in the early development of the politics of relevance to the issue of intimate citizenship, such as regarding reproductive rights. However, women won the struggle over the right to their bodies in terms of reproduction in the 1970's and since then, women's right to make decisions concerning their body, including in relation to pregnancy and abortion, is the norm and the right to abortion has for a long time been something of a "non-issue" in Swedish politics. Rather, since 1995, the issues for debate and legislation in regards to reproductive rights have been concerned with the rights of homosexuals to both adoption and assisted fertilization.

Just as women have had the right to make decisions about their bodies for a long time now, they also enjoy a legislated right to autonomy within the marriage, a right which today is taken as a matter of course and that is taken for granted. Marriage (regulated in the Act 1987:230) is entered through a wedding and this can be either a civil or a religious union. Each spouse owns their own property and debt and they are expected to divide expenses and duties between them. Marriages are dissolved by way of the death of one spouse or by divorce. Marriages are dissolved in court and can be applied for by both spouses together or either one of them separately. If only one applies for divorce, or if there are children involved, there is a reconciliation period of six months to a year before the separation becomes legally binding, resulting in divorce. Heterosexual marriage, divorce and separation have not been an issue for either debate or legislation during the period of interest to Quing. However, the existence of forced marriages between a Swedish citizen and a non-citizen have been debated and problematized in relation to the EU directive concerning family reunification. Debates and legislation have also been concerned with the issue of registered partnership and later with marriage for same-sex couples.

All issues of intimate citizenship have, thus, during the period of interest to Quing, been primarily concerned with whether or not to expand the rights of homosexuals. Hence, in the presentation below, the sub-issues in Sweden I would describe as 'crucial' in terms of provoking debate and/or being the location of many turning points during the period of interest to Quing (1995-2007) and that as such would be interesting for further study are: homosexual adoption, assisted fertilization for homosexuals and homosexual partnerships. Besides these, other sub-issues addressed in the timeline are concerned with homosexual common laws, homosexual parenthood, abortion, family reunification and the requirements regarding the civil status of persons wanting a judicial sex change and corrective treatment.

Registered partnerships for same-sex couples were finally introduced and entered into force in 1995 after many years of debate. Arguments against registered partnerships have been concerned with the issue of avoiding categorizing and setting people apart. The arguments for this legislation were concerned with the importance of eliminating all remaining forms of discrimination against homosexuals and the legislation was preceded by legislation on same-sex common laws. The statement in Parliament in 1973 that cohabitation between two people of the same sex is a fully acceptable form of living is seen by many as an important moment for the continued development towards this legislation. Nevertheless, legislation on same-sex common laws was a long time coming after the initial statement in Parliament. It did not enter into force until 1987 and was the result of a Governmental inquiry presented in 1984 (bet. 1984:63). This inquiry concluded that there is a need for and reasons for family judicial legislation for couples of the same sex and that it therefore was important to legislate on homosexual coexistence. Today, a proposal suggests revoking the legislation on registered partnership to replace it with the right of same-sex couples to enter into marriage. This development has been preceded by changing the legislation on common laws to make it a gender neutral joint legislation for both homosexual and heterosexual common laws. The arguments against same-sex couples being allowed to enter into marriage have, amongst other things, maintained that: marriage is an ancient tradition of the union of woman and man with each other; that marriage as defined is a heterosexual institution; and that the purpose of marriage is to promote the position of the family and to create a good environment for children to grow up in.

Homosexual adoption and assisted fertilization for homosexuals have both, besides being questioned regarding the suitability of homosexuals to be parents, been debated on a heteronormative basis as an issue of the right of children to both a mother and a father. Since 1983, the issue of artificial insemination for homosexual women has been debated, finally leading to legislation in 2005 awarding them the right to it. Criticism towards this legislation has not only been concerned with the issue of whether to allow lesbian women the right to artificial insemination but also with the regulations concerning the judicial parenthood following on such legislation. Arguments were also concerned with children's rights to knowledge about their origin and (genetic) heritage. Homosexual adoption was legislated on in 2003, allowing registered partners and homosexual singles to be tried for adoption on equal terms as heterosexual married or single people. This legislation was prepared in a Committee appointed in 1999 to inquire into the issue of children in homosexual families. In their report in 2001, the Committee concluded that children of homosexual families fared just as well as children of heterosexual families.

Actors

On the issue of intimate citizenship, which during the period of 1995-2007 primarily concerns expanding the rights of homosexuals, the main actors have been: The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL), the Swedish Association for Sexuality Education (RFSU), the Ombudsman against Discrimination on grounds of Sexual

Orientation, Protect the Marriage (Bevara Äktenskapet), feminist movements, Children's Rights in Society (BRIS), the Children's Ombudsman, the Ombudsman Against Ethnic Discrimination, the National Association of Women's Shelters (ROKS), representatives of various religious groups, and the various political parties. Of the political parties, the Social Democrats, the Left Party and the Green Party have been mainly supportive of expanding the rights of homosexuals, while the foremost opponent has been the Christian Democrats.

Timeline

Pre-1995

Before **1975**, **abortion** could be legally performed for health reasons, for eugenic reasons, in cases where the pregnancy was the result of a crime, and in cases of medical-social hardship, designated as "frailty of the mother". During 1975, abortion was made legal in Sweden. Abortion may be performed on a wide variety of grounds, including on request, up to 18 weeks of gestation, provided that the procedure will not seriously endanger the woman's life or health. For pregnancies between 12 and 18 weeks of gestation, the pregnant woman is required to discuss the abortion with a social worker; after 18 weeks, permission must be obtained from the National Board of Health and Welfare. The abortion must be performed by a licensed medical practitioner and, except in cases of emergency, in a general hospital or other approved health-care establishment. Abortion is subsidized by the Government. This right to decide whether or not to have an abortion is exclusively a woman's, meaning that the father may not decide that the woman should have an abortion, should he not want the child (however, 20 percent of women having had an abortion felt compelled by the man – the father of the foetus – to have an abortion (Motion 1997/98:So267)). **Contraceptives** have been available to women and publicly subsidized since **1976**.

In **1972**, Sweden is the first country in the world to pass a law that offers the possibility for a **judicial sex-change and corrective treatment** (Act (1972:119) on Determining Sex in Certain Cases). The conditions for doing this procedure are that one has been behaving and living like the other sex for an extended period of time and may be expected to continue doing so, is 18 years old or older, has been sterilized or lacks reproductive capacities. Another circumstance under which a legal sex change may be allowed is deformation of the genitals such that there may be doubt regarding her or his sex. At this time, only unmarried Swedish citizens may legally change their sex in Sweden, thus, married persons or persons in a registered partnership need first to divorce their partner before they may be considered for the procedure.

"In Sweden, homosexual acts were forbidden by law during the period 1864–1944. Although this legislation by definition included women, only 10 women were prosecuted, while during the same period the law brought more than two thousand men to trial" . **Same-sex relationships** were **decriminalized** in **1944** in Sweden, and in **1950** the first Swedish

organization for the equal rights of homosexuals (RFSL) was initiated. The first time that the rights of homosexuals was the subject of closer attention at the Parliament was in **1973**, when the Parliament was considering some suggestions concerning the Marriage Code (SOU 2001:10). In conjunction with dismissing a proposal to acknowledge the equal rights of “sexual deviants”, the committee pointed out that cohabitation between parties of the same sex was, from society’s point of view, a fully acceptable form of living (SOU 2001:10), and in **1978** an inquiry on homosexuals’ situation in society was appointed. In **1979** homosexuality was removed from the diagnostic register for disease and “in **1987**, the Swedish Penal Code came to include a **law against discrimination on the basis of same-sex orientation**” . Also during **1987**, the rules and regulations concerning **common laws** were declared to apply also to two people living together in a homosexual relationship (Act 1987:813 on Homosexual Common Laws) and this Act came into effect on January 1, **1988**. Thus, same-sex common laws came to enjoy the same rights and duties as heterosexual common laws.

Up until **1985**, when artificial insemination was legislated, Sweden lacked legislation on **assisted fertilization**. In **1989**, further legislation on in vitro fertilization entered into force.

In **1991**, a Committee on **partnership for homosexuals** was appointed, with the commission to address issues such as adoption, care and insemination.

The Act on **Registered Partnership** (Act 1994:1117) was first suggested in a Commission report (SOU:1984:63) as an idea in **1984** (then rejected) and again in another Commission report (1993:98) in **1993**. The Act was finally taken in **1994**. The Act aims to give two people living in a homosexual relationship judicial rights equalling those of people living in a marriage. The act gives two people of the same sex the opportunity to have their partnership registered in a procedure similar to a civil wedding. Registered partnership demands some association/connection to Sweden and partners may be registered if one of the partners has resided in the country for at least two years or if one of the partners is a Swedish citizen residing in the country (including citizens of Denmark, Norway, the Netherlands or Iceland). This last condition differs from the conditions set forth for heterosexual couples for whom there is no equivalent condition of one or both parties being residents or citizens of Sweden.

1995-2007

1995

In **1995**, the Act on **Registered partnership** (Act 1994:117 on Registered Partnership), corresponding to a civil marriage, entered into force.

Primary sources

Direktiv (1991:6) *Registrerat partnerskap, m.m.* [Registered partnership etc]

SOU (1993:98) *Partnerskap* [Partnership] Partnerskapskommittén.

1999

There has been debate on **parenthood in same-sex relationships**. Arguments against it have, among other things, been based on a conception of children's need of both a mother and a father. A parliamentary committee was appointed in **1999** with the commission of investigating children's conditions in homosexual families (Ds 2004:19).

Primary sources

Direktiv (1999:5) *Barn i homosexuella familjer* [Children in homosexual families]
Justitiedepartementet.

In **1999**, the Committee on **Common Laws** presented their report (SOU 1999:104). The Committee suggested, based on both principal and practical reasons, new legislation on common laws in which the separate legislation on heterosexual and homosexual common laws would be brought together into one regulation.

Primary sources

SOU (1999:104) *Nya samboregler* [New regulations on common laws]
Samboendekommittén.

2001

The Commission on Children in **Homosexual Families** submitted its report (SOU 2001:10) in **2001** and the committee suggested that registered partners should be allowed the possibility to be tried as **adoptive parents**. The committee also suggested that lesbian couples that had registered partnership or were common laws would be allowed access to **assisted fertilization** within the Swedish public health system. The suggestion also meant that **legal parenthood** for children born in lesbian relationships would be decided in a corresponding manner as for children in heterosexual relationships: if the mother was a registered partner, her partner would automatically be regarded as the mother of the children born within the partnership. If the mother was unmarried, her common law partner would be given the possibility of confirming motherhood. Motherhood could also be ascertained by judgement. These rules were suggested to pertain even if the child had been conceived by assisted fertilization outside of the Swedish health care system. Many bodies to which the suggestion was referred for consideration were critical of the suggestion, both in regards to the issue of whether lesbian couples should be given access to assisted fertilization at all and to the issue of the legal parenthood following such a decision. These objections were based on the right, in Sweden, of children to learn about their origin and to have contact with their father.

Primary sources

SOU (2001:10) *Barn i homosexuella familjer* [Children in homosexual families]

Justitiedepartementet: Betänkande från Kommittén om barn i homosexuella familjer.

2003

In **2003**, a joint gender-neutral act (Act 2003:376 on Common Laws) on **common laws** with equal rights and duties for homosexual and heterosexual common laws was introduced.

Primary sources

Sambolag (2003:376) [Act on Common Laws]

The Commission report (SOU 2001:10) from 2001 on children in homosexual families led, after much debate, to legislation that came into effect on February 1, **2003** (prop. 2001/02:123, bet. 2001/02:LU27), allowing **homosexuals** the same opportunity as married couples to be tried as **adoptive parents**. Today then, married couples, registered partners and singles may adopt children, common laws may not. According to Swedish law, people applying for adoption need furthermore to be above the age of 25. In some cases, younger people may receive exemption. The law does not state an upper age limit. However, a precedent in the Government sets a limit at 45 (DN, 2005).

Primary sources

SOU (2001:10) *Barn i homosexuella familjer* [Children in homosexual families]

Justitiedepartementet: Betänkande från Kommittén om barn i homosexuella familjer.

Proposition (2001/02:123) *Partnerskap och adoption* [Partnership and adoption]

Justitiedepartementet.

Betänkande (2001/02:LU27) *Partnerskap och adoption* [Partnership and adoption]

Lagutskottets betänkande.

Socialtjänstlag (2001:453)

Föräldrabalk (1949:381), kaptiel 4 [Parental Code, Chapter four]

2005

Homosexual women's rights to **artificial insemination** are discussed in the preparatory work to the Act on Insemination beginning in **1983** (see SOU 1983:42; Proposition 1984/85:2; LU1984/85:10). Finally, in **2005**, common laws or registered partners are given the right to insemination.

Primary sources

Ds (2004:19) *Föräldraskap vid assisterad befruktning för homosexuella* [Parenthood at assisted fertilization for homosexuals] Justitiedepartementet.

SOU (2001:10) *Barn i homosexuella familjer* [Children in homosexual families]
Justitiedepartementet: Betänkande från Kommittén om barn i homosexuella familjer.

SOU 1983:42 *Barn genom insemination*. [Children through insemination]
Justitiedepartementet: Inseminationsutredningen.

Proposition 1984/85:2

Proposition (2001/02:123) *Partnerskap och adoption* [Partnership and adoption]
Justitiedepartementet.

Betänkande (2001/02:LU27) *Partnerskap och adoption* [Partnership and adoption]
Lagutskottets betänkande.

Motion 2002/03:L323, 2002/2003:L286 and 2002/03:L303, on the issue of the possibility of children to have more than two legal parents

LU1984/85:10

In **2005**, a commission was appointed to take a position regarding the issue of whether **same-sex couples** should be given the right to enter **marriage**.

Primary sources

Direktiv (2005:6) *Äktenskap och partnerskap* [Marriage and partnership]
Justitiedepartementet.

2006

The laws regulating **insemination** (Act 1984:1140 on Insemination) and **in vitro fertilization** (Act 1988:711 on In Vitro Fertilization) were gathered into one act in **2006**: the Act (2006:351) on Genetic Integrity. These directives are complemented by regulations and general advice from The National Board on Health and Welfare (SOSFS 2006:10). Insemination may only be performed if the woman is married, partner or common laws and if the husband, partner or common law has consented to this in writing. The husband/partner/common law is, together with the impregnated woman, to be regarded as the **parents** of the child. The most controversial aspect of the Act on Insemination is the lack of protection of anonymity for the sperm-donor – a regulation on which Sweden is relatively alone in the world but that is discussed in several other countries .

Primary sources

SOU (2001:10) *Barn i homosexuella familjer* [Children in homosexual families]
Justitiedepartementet: Betänkande från Kommittén om barn i homosexuella familjer

Proposition 2004/05:137 *Assisterad befruktning och föräldraskap* [Assisted fertilization and parenthood]

Regulations and general advice from The National Board on Health and Welfare (SOSFS 2006:10)

Föräldrabalken (1949:381, §7,2) The Parental Code section 7.2 (on insemination)

Lag (1984:1140) om insemination [Act on Insemination]

Lag (1988:711) om in vitro befruktning [Act on In Vitro Fertilization]

Lag (2006: 351) om genetisk integritet [Act on Genetic Integrity]

On May 1, **2006**, the processing of next of kin immigration was changed in Sweden in accordance with an EU directive in which marriage gives the right to **family reunifications**. Persons coming to Sweden to marry someone here are given a temporary residency for two years – unless it can be shown that the marriage was forced. If the couple is still living together after two years, a permanent residency is awarded. However, if anyone comes to harm, residency may be awarded even if two years has not yet passed. This is also a struggle that has been fought by the women's movement, not least women active in the shelter movement. These regulations are not concerned with how the parties have agreed on marrying. Thus, even if they do not know each other they can be given permission to marry and reside in Sweden – so long as the marriage does not take place against either's will. Since the 2006 EU directive stating that residency shall be awarded if two people are married and one is living in Sweden, hardly any investigation is made. Hence, it has become more difficult to uncover **forced marriages**⁴.

Primary sources

SOU (2005:15) *Familjeåterförening och fri rörlighet för tredjelandsmedborgare* [Family reunification and free movement for third country citizens]

Justitiedepartementet: Utredningen om uppehållstillstånd för familjeåterförening och för varaktigt bosatta tredjelandsmedborgare.

SOU (2005:103) *Anhörigåterförening* [Next of kin reunification] Justitiedepartementet: Utredningen om uppehållstillstånd för familjeåterförening

Proposition (2005/06:72) *Genomförande av EG-direktivet om rätt till familjeåterförening samt vissa frågor om handläggning och DNA-analys vid familjeåterförening* [Implementing the EU directive on the right to family reunification and other issues on administration of DNA analysis at family reunification]

Justitiedepartementet

Resulting from Parliamentary debates (Motion 2006/07:U294 and Motion 2006/07:K312) in **2006** on the regulation stating that in order to receive **judicial sex-change and corrective treatment**, married people (or people in partnership) must first divorce, the Social Democratic Party together with the Left Party initiated a commission (dir. 2006:8) for an inquiry to review the act (1972:119) on Determining Sex in Certain Cases regulating this.

⁴ For more on this issue, see the section on Gender-based violence.

Primary sources

Direktiv (2006:8) *Översyn av lagen (1972:119) om fastställande av könstillhörighet i vissa fall* [Review of the Act (1972:119) on Determining Sex in Certain Cases]

Motion 2006/07:U294

Motion 2006/07:K312

Lag (1972:119) om fastställande av könstillhörighet i vissa fall [Act on Determining Sex in Certain Cases]

Whether non-citizens/non-residents should be allowed to come to Sweden for an **abortion** (Interpellation 2006/07:137; Motion 2002/03:U235) is an issue that has newly emerged due to the change of government in **2006** where the Christian Democrats got seats in the government, the only political party to challenge the Swedish law on abortion. Their party leader has recently declared that he will not suggest any changes in the law, despite the wishes of some of the members of the party.

Primary sources

SOU (2005:90) *Abort i Sverige* [Abortion in Sweden] Socialdepartementet: Utredning om utländska aborter

Proposition (2006/07:124) *Abort för utländska kvinnor och förebyggande av oönskade graviditeter* [Abortion for foreign women and prevention of unwanted pregnancies] Socialdepartementet

Interpellation 2006/07:137

Motion 2002/03:U235)

Women's right to have an **abortion** within a reasonable time-span came up as a debate in **2006-2007** (Interpellation 2006/07:406). The background is that due to the conditions in the public health care sector, women are sometimes made to wait for an unreasonable time after they have decided to have an abortion before they are actually given it.

Primary sources

Interpellation (2006/07:406)

2007

In **2007**, the Commission on Determining Sex submitted their report. The previous requirement that persons wanting a **judicial sex-change and corrective treatment** must be unmarried has basically been removed. Instead, a marriage will be converted into a registered partnership and vice versa if one of the spouses/partners changes their sex, provided that the other spouse or partner consents to the transformation. Further changes are suggested regarding reproductive ability and the rights of non-citizens residing in

Sweden to receive corrective treatment. The new legislation is suggested to enter into force on July 1, 2008.

SOU (2007:16) *Ändrad könstillhörighet - förslag till ny lag* [Changed Sex – suggestion for new legislation] Socialdepartementet: Könstillhörighetsutredningen

A Committee on wedding and partnership issues submitted their report (SOU 2007:17) in **2007**. The committee suggests revoking the legislation on **partnership** at the same time as couples of the same sex are given the right to enter into **marriage** in the same way as couples of different sexes. According to the Commission, the suggestions should enter into force on January 1, **2008**.

Primary sources

SOU (2007:17) *Äktenskap för par med samma kön – Vigsselfrågor* [Marriage for couples of the same sex – Wedding issues] Justitiedepartementet: Äktenskaps- och partnerskapsutredningen

Gender-based violence

In Sweden, the term “gender-based” or “gendered” violence has been (and still is) debated. Some claim that the definition of gender-based violence from the UN Declaration on the Elimination of Violence against Women⁵ serves to highlight the need to understand violence within the context of women’s and girl’s subordinate status in society. Others are critical of the singular attention of this notion of “gender-based violence” on (men’s) violence against women and want also to include women’s violence against men or violence between same-sex partners in the discussion and prefer to define the problem area as “violence in intimate relations”. This latter term is in turn critiqued for concealing the connection between violence, power and sex. In Sweden, the term gender-based violence is not in wide use in either governmental or public discussion. The terms ‘intimate violence’, ‘domestic violence’ and ‘(men’s) violence against women’ are used instead.

Sweden is the only European country in which legislation on men’s violence against women is explicitly called as such, and Swedish legislation on the issue of violence against women is considered to be well developed. Already in the 1970’s, violence against women was established as a political concern. A strong opinion has grown over the years and the issue of men’s violence against women has received much media attention and an increasing attention in the Government’s politics and goals to achieve gender equality. A series of investigations have been presented, legislation has been altered on several counts and all relevant Government Agencies have been instructed to increase and sharpen their work in the area. The starting point for the Swedish legislation on gendered violence is every humans’ absolute right to personal and sexual integrity and to sexual self-determination (Prop 2004/05:45).

Earlier, violence against women had been treated as an issue belonging to the area of health and social issues or family issues. In the Government Bill (Proposition, 1990/91:113), which also proposes a new Equal Opportunities Act, an action plan was presented emphasizing regional development work and training of relevant personnel groups as well as improved emergency protection for women exposed to violence or threats thereof. In this, men’s violence against women is described as an expression of an imbalance in the power relations between women and men.

Regarding ‘gender-based violence’, the debates and legislation on sub-issues often weave into and/or form as a consequence of debates and legislation on other sub-issues. An example of this might be the debates and legislation on trafficking which have come to highlight and problematize issues of forced marriage. Thus, the presentation in the timeline is a simplification of how the issues relate to each other.

⁵ UN definition of gender-based violence: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" UN, "Declaration on the Elimination of Violence against Women," (1993).

In the presentation below, the sub-issues I would describe as 'crucial' in terms of provoking debate and/or being the location of many turning points during the period of interest (1995-2007) and that as such would be interesting for further study are: domestic violence (or, as it is called in Sweden, women's peace offence), honor related crime, trafficking, and prostitution (or rather the *purchase* of sexual services, in Swedish: 'sexköp'). Besides these, other sub-issues addressed are concerned with: sexual harassment, stalking, forced marriage, FGM, sexual assault, and rape.

Legislation on *domestic violence (women's peace offence)* may be said to have been introduced in 1982 when the law on physical abuse was changed, enabling/forcing the police to pursue a case of physical abuse in the home independently of the woman herself making a complaint. Since 1991, as mentioned previously, men's violence against women is perceived by the Swedish Government and Parliament as an expression of unequal power relations. In 1995, a reform named "Women's Peace" was started, leading in 1998 to a new law on Women's Peace Offence. The legislation aims to highlight and sharpen the punishment for repeated minor offences such as abuse, molestation and unlawful entering. The regulation concerns on the one hand repeated minor offences against close family and on the other hand, men's repeated minor offences against women in close relationships. The legislation focuses on systematized offences. Since 1998, the legislation on women's peace offence has been sharpened, then clarified. A Council on Women's Peace was appointed to advise the Government on the issues and in 2003, the Women's Peace reform was evaluated from a perspective of gendered power relations, resulting in suggestions for action on several levels and in several areas.

Honor related crime

Resulting from the Women's Peace Reform, the Government also introduced an action plan against honor-related crime, in which 180 million SKR was allocated during the period 2003-2007. Female subordination and male superiority are conceived by the government as root-causes of violence in the name of honor. It also defines the root-causes in terms of the control over and oppression of women and girls and thus points to the need for a broad range of measures to promote gender equality and enhance women's conditions economically, socially, culturally and politically. The purpose of allocating the funding was to increase knowledge about honor-related crime and repression and to change the attitude of those that perceive family honor as being dependent on the behavior of girls and women. Further, the need for protected housing is to be satisfied. The target group is primarily girls and young women, but also boys and young men. Homosexual and bisexual youth and young 'transpersons' are also included. The actions are primarily preventive and focused on better protection of the individual.

Trafficking

In Sweden, human trafficking has attracted growing attention within a number of policy areas in recent years. Several government ministries are actively concerned with different aspects of trafficking in human beings and a number of initiatives have been taken to combat the problem. Today, government action against human trafficking and prostitution is a high-

priority area. Combating human trafficking was also a priority issue for the Swedish government during the Swedish presidency of the EU Council of Ministers in the first half of 2001. EU member states agreed on a definition of the crime of human trafficking for sexual exploitation or forced labour and established new guarantees for trafficking victims. Legislation that imposed criminal liability for trafficking in human beings for sexual purposes entered into force in Sweden on July 1, 2002. In 2004, amendments were made to the Swedish legislation, extending criminalization to all forms of trafficking in persons, including trafficking within national borders and for the purpose of, for example, forced labour or exploitation for removal of organs. The crime of trafficking is punishable from a minimum of two years and a maximum of ten years.

Sweden is one of the countries that has taken active measures to combat trafficking at national, EU and global level. The Swedish Government's intention is to continue to employ this strategy. In compliance with the 1997 joint declaration of the European Union (The Hague Declaration), the National Criminal Investigation Department (NCID) of the National Police has been appointed the Swedish National Rapporteur on trafficking in human beings. The NCID annually compiles and analyses information on the scale of trafficking in human beings in Sweden as well as between Sweden and other countries and gives recommendations on how trafficking in human beings can be prevented and counteracted. It reports regularly to the Swedish Government.

Sweden is involved in several national and international programs to combat trafficking. Its commitment to doing so has grown rapidly, being pursued in various policy areas and focusing primarily on transnational organised crime, poverty reduction, social security, economic development, migration, gender equality and child protection. A number of ministries, authorities and non-governmental organizations (NGOs) in Sweden are actively engaged in combating human trafficking and supporting its victims. Sweden has initiated joint measures against trafficking as part of EU regional cooperation with Asia. The government bill, Europe in Transition – Swedish development cooperation with Central and Eastern Europe (prop.11 2000/01:119), also identifies women and children who have fallen victim to human trafficking as a group deserving of special attention, as do the follow-up to the government's strategy for Asia, The Future with Asia (Ds12 2002:24), and Sweden's country strategies for priority countries.

The Swedish Government has started working on a National Action Program for combating trafficking in human beings, which comprises of two action plans:

1. A National Action Plan for the continued work against prostitution and trafficking in human beings for sexual purposes, especially women and children.
2. A National Action Plan for combating trafficking in human beings for the purpose of forced labor, removal of organs and other forms of exploitation.

At Sweden's initiative, a project has begun in the Barents region (Sweden, Norway, Finland and the Russia Federation), with the objective of combating trafficking of women and girls for

the purpose of prostitution from Murmansk and Archangelsk oblast to the northern parts of Sweden, Finland and Norway.

At a conference entitled Women and Democracy held in Vilnius, Lithuania, in June 2001, Sweden's Minister for Gender Equality Affairs proposed a Nordic Baltic collaboration featuring joint and national campaigns against trafficking in women. In 2002, the Nordic and Baltic countries conducted several campaigns against trafficking in women.

Prostitution (the purchase of sexual services)

Criminalization of the purchase of sex was discussed in the Parliament by some women parliamentarians as early as 1981 . Buyers of sex have been construed variously as poor, lonely or disabled men, as 'regular' men, as special people, as decent men, but always as men. Prostitution is also construed (by men) as something private and intimate and it was primarily women parliamentarians who initiated and enforced the Act on Prohibition of Purchasing Sex.

In Sweden, the definition of both prostitution and trafficking as violence against women is understood in the frame of gender equality, which Sweden promotes both domestically and internationally. Prostitution is seen as a social problem that is harmful to society and individuals alike. It is seen one form of exploitation of women and children and as destructive of gender equality. Prostitution is seen also as a form of gender-based violence, as the vast majority of victims are women and girls, while the perpetrators are consistently men. Prostitution and trafficking tie together several forms of oppression such as sexism, racism, poverty etc. Development of gender equality is seen as vital, since in societies where women have equal rights of education, political decision-making, and work, women are less vulnerable of sexual exploitation.

The Swedish Government and Parliament have defined prostitution as an aspect of male violence against women and children since the late 1990s in their legislation on women's peace offence (Kvinnofridslagstiftningen, specifically the Government Bill "Women's Peace" (prop. 1997/98:55 Kvinnofrid). Women/children who are in prostitution are consistently victims of threats, abuse, rape, assault and battery, torture etc. All these acts cause severe physical and mental harm to women and girls, and they violate their integrity, dignity and rights as human beings. The Act Prohibiting the Purchase of Sexual Services (1998:408) clearly indicates Sweden's position on this issue. The act criminalizes the purchase of sexual services in Sweden and emphasizes the right of, and opportunities available to, prostituted persons to seek support and help from the authorities. The victim of prostitution does not face criminal charges. This legislation was further tightened in April 2005, after which a promise of a payment or payment by a third party is taken as a purchase or an attempt to purchase sexual services (Swedish Penal Code, chapter 6, section 11) Also, simultaneously, another section to the Swedish Penal Code (ch. 6, s. 9), criminalized the purchase of a

sexual act from a child. The crime is punishable by a fine or imprisonment for a maximum of two years.

The legislation has been effective, since after coming into force, the number of women involved in street prostitution has declined. According to the Ministry of Industry, Employment and Communications the number of men who purchase sexual services has also decreased. The National Criminal Investigation Department says that the law has also been successful in fighting trafficking, since the number of women recruited to prostitution has dropped.

Actors

Sweden had for a long time maintained the principle not to criminalize buying or selling sexual services and instead kept prostitution in check by criminalizing procuring and brothels and by extensive social efforts. In the late 1990's, however, demands to criminalize the buying of sexual services came primarily from the feminist movement, which also resonated in the Parliament. In the Justice Committee (justitieutskottet), the Moderate Party and the Liberal People's Party resisted the suggested new legislation on grounds that it would not be effective, while the Christian Democrats also wanted to criminalize the selling of sexual services. The issue of sexualized violence has had an organized and very active women's movement.

Other actors on the issue of gender-based violence have included: various feminist movements, the National Association of Women's Shelters (ROKS), the Swedish Association of Women's Shelters, All Women's House, Foundation of Women's Forum, the Ombudsman against Discrimination on grounds of Sexual Orientation, the Ombudsman Against Ethnic Discrimination, the Crime Victim Compensation and Support Authority, the Swedish National Council for Crime Prevention, ECPAT Sweden, Children's Rights in Society (BRIS), the Children's Ombudsman, and the various political parties.

Timeline

Pre-1995

As the first country in the world, Sweden legislated against **marital rape** in **1965**. In **1979** the **Convention to Prevent, Punish and Eradicate Violence against Women** was ratified in Sweden, coming into force in 1981. After 20 years of discussion and debate and politicians, the media and individual persons placing men's violence against women on the agenda, the law on **physical abuse** is changed in **1982** so that the prosecutor can pursue a case independently of the woman herself making a complaint. In effect, five different laws on the judicial status of women and children at crimes such as **incest and other sexual assault** were sharpened. The new laws were passed in order to strengthen the position of the victims of family violence and to underline that abuse of women as well as abuse of children are

crimes that are just as worthy of punishment as other forms of abuse. This year, **pornographic shows** on public places are also prohibited, as is **FGM**.

Through a **1984** reform extensive amendments were made to the Penal Code (Ch. 6). Among the changes was that **homosexual assault** was included in the legislation about rape and the legislation was made **gender neutral** (SFS 1984:399).

In **1988** it becomes possible to issue **restraining orders** against men who constitute a threat to intimate women.

During the **1990's**, **violence against women** was for the first time in Sweden described as an equality issue by the Government . In a Government Bill from **1991** violence against women was for the first time conceived as an expression of the unbalanced **power relations** between women and men. In the Bill, it is stated that “[r]ape, assault and other abuse against women are serious expressions of a lack of equality and hence also for the current unbalanced power relations between the sexes” .

In **1993**, two major commissions of inquiry were appointed: the Commission on **Prostitution** and the Commission on **Violence against Women**.

In a Government Bill (Prop. 1993/94:147) from **1994**, equality policy goals concerning the issue of violence are for the first time formulated and it is stated that freedom from **sexualized violence** is a goal of the Government equality policies . Following a suggestion from the Commission on Violence Against Women, a **National Center for Women** (Rikskvinnocentrum) was established and functioned as an expert unit within the health and medical services for women subjected to battering and sexual assaults (SOU 1994:56). Physicians, midwives, medical social workers, researchers, information workers and administrators work at the Centre. In 1998, the center was granted additional funding to secure their work and to disseminate their experiences.

1995-2007

1995

In 1993, the Government appointed an inquiry with the commission to review, from a women's perspective, the issues regarding violence against women and to suggest actions to counteract such violence. The commission took their starting point in women's reality and women's experiences meaning that it was violence and its effects that were considered. Its suggestions were above all concerned with actions benefiting women who have been abused by men. Violence was, in the report, conceived from a perspective of gendered power relations. The **Women's Peace** (SOU 1995:60) report was submitted in **1995** and

resulted in the Women's Peace Reform. The reform, drawing on the theory of the 'normalization process' to explain the occurrence of violence against women, was an extensive program of actions to combat various forms of men's violence against women. The actions were formulated based on three central starting points: new and strengthened legislation; promotive action; and better treatment of battered women.

Primary sources

SOU (1995:60) *Kvinnofrid* [Women's Peace] Socialdepartementet: Betänkande av Kvinnovåldskommissionen.

1995 also brought with it an investigation into **prostitution** – an investigation that has been much critiqued for its misogynous perspective on heterosexual relationships . According to this report, women who become prostitutes have in various ways had a bad start in life, grown up in relative poverty and therefore acquired a negative self-image. In contrast, the sex-customer – the man – was described as a "regular man".

Primary sources

SOU (1995:15) *Könshandel* [Sex Trade] Socialdepartementet: Betänkande av 1993 års prostitutionsutredningen

1998

In **1998**, a Government Bill (Proposition 1997/98:55), resulting from the Women's Peace Commission report from 1995, was accepted by the Parliament. In the Bill, the Government stated that men's violence against women must be attacked on a broad front and that one important condition for action against this type of violence to be effective is an increased knowledge and insight regarding the reasons and mechanisms behind it. The Bill contained an extensive program to combat **men's violence against women** and suggested a number of actions to do so, such as: new and sharpened legislation; promotive actions and; better treatment of assaulted/battered women. Government Agencies were also given assignments for the primary purpose of clarifying the demands made by the Government on their work in relation to issues of violence against women. To achieve stability in the work and to give the various Government Agencies time to make the changes in their organizations in accordance with the new demands, the assignments lasted up until the end of 2002.

Primary sources

Proposition (1997/98:55) *Kvinnofrid* [Women's Peace] Integrations- och jämställdhetsdepartementet.
Betänkande (1997/98:JuU13)
Rskr. (1997/98:250)

In **1998**, resulting from the Government Bill (Proposition 1997/98:55), buying and trying to buy **sexual services** was prohibited and criminalized with the consequence of fines or a maximum of six months incarceration, and the definition of rape was also broadened. Importantly in this Act, the customer was criminalized, *not* the seller, the prostitute. The Act (1998:408) on Prohibition Against Purchase of Sexual Services was urged on by a Social Democrat (Ulrica Messing) and was accepted on June 4, 1998 and entered into force on January 1, 1999.

Primary sources

Proposition (1997/98:55) *Kvinnofrid*. [Women's Peace] Integrations och jämställdhetsdepartementet.

Betänkande (1997/98:JuU13) *Kvinnofrid* [Women's peace] Justitieutskottets betänkande. rskr. (1997/98:250)

Lag (1998:408) om förbud mot köp av sexuella tjänster [Act on prohibition of purchase of sexual services]

Lag (1998:393) om ändring i brottsbalken [Act on changing the Penal Code].

A further result of the **1998** Government Bill (Proposition 1997/98:55) was that the Equal Opportunities Act was sharpened in 1998 concerning **sexual harassment** in working life (Act 1998:208) and a definition of sexual harassment was introduced in the Equal Opportunities Act. According to the definition, sexual harassment is unwelcome behaviour of a sexual nature that offends the employee's integrity. The Act was also clarified regarding the employers obligation to actively prevent sexual harassment. Neglect to do so may be cause for damages. Each work place shall have routines for processing sexual harassment.

Primary sources

Lag (1998:208) om ändringar i jämställdhetslagen (1991:433) [Act on Changes in the Equal Opportunities Act (1991:433)]

Proposition (1990/91:113) *En ny jämställdhetslag m.m.* [A new act on equal opportunities]

Also in **1998**, a Parliamentary Committee (The **Sexual Crime** Committee) was appointed with the task of reviewing all regulations on sexual crime. According to the directives to the Committee, the review should cover the material content as well as the systematicity, technical aspects of the act and language. Furthermore, the Committee is asked to investigate some specific questions, such as the penalties awarded, to judge the degree of severity of the penalties in sexual crimes and present the actions they consider necessary.

Primary sources

Direktiv (1998:48) *Översyn av lagstiftningen om sexualbrott* [Review of legislation on sexual crime] Justitiedepartementet.

The punishment for the crime of **female circumcision** (Act 1982:316) was sharpened in **1998** (Proposition 1997/98:55). The punishment of fines was replaced with the punishment of jail for a minimum of two years on grounds that genital mutilation must always be considered a serious crime. Further, it was stated that even if the woman herself says that she wants the procedure performed, it is still punishable since it must be questioned whether her desire is based on a true will of her own (Prop 1998/99:70).

Primary sources

Lag (1982:316) med förbud mot könsstympling av kvinnor [Act Prohibiting Female Genital Mutilation]

Proposition (1997/98:55) *Kvinnofrid*. [Women's Peace] Integrations och jämställdhetsdepartementet.

bet. (1997/98:JuU13)

rskr (1997/98:250)

1999

Resulting from the Government Bill (Proposition 1997/98:55) on women's peace, new regulations concerning serious peace offence (grov fridskränkning) and **serious women's peace offence** (grov kvinnofridskränkning) were introduced in **1999**. The latter law states that a man can be convicted of the more severe crime of serious offence against women's peace if a man subjects a woman, with whom he has or has had a close relationship with, to repeated offences against women's peace (of which the occasional offence is less severely punished). The offences referred to in the law are, for example, abuse, molestation, unlawful entering and sexual coercion and assaults that are not as severe as to constitute serious assault.

Primary sources

Lag (1999:845) Lagen om kvinnofrid [Act on Serious Peace Offence and Serious Women's Peace Offence]

The Act 1982:316 on Prohibition of **Female Circumcision** changed name in **1999** to the Act on Prohibition of **Female Genital Mutilation** and the act was also sharpened, criminalizing taking girls out of the country for mutilation.

Primary sources

Proposition (1998/99:70) *Könsstympling - borttagande av kravet på dubbel straffbarhet*.

[Genital Mutilation – removal of the demand on dual liability] Socialdepartementet.

Ds (1999:3) *Könsstympling – borttagandet av kravet på dubbel straffbarhet*. [Genital Mutilation – removal of the demand on dual liability]

Socialtjänstlagen 2001:453

2000

Due to the strikingly low number of reports to the police concerning the crime of **serious women's peace offence**, a Government Bill (Proposition 1998/99:145) from 1999 proposed clarifications to the law regarding the definition of serious women's peace offence. The amendments to the Act came into effect in the year **2000**.

Primary sources

Proposition (1998/99:145) *Changes in the peace offence crimes* (Ändring av fridskränkningssbrotten) Justitiedepartementet.

In **2000**, the Government decided to establish a **National Council for Women's Peace** (Nationellt råd för kvinnofrid) with the task of being an advisory authority to the Government and to advise on issues that had not been sufficiently addressed in the Women's Peace Bill. These issues included: the responsibility of the local governments, the work and conditions of the local women's shelters; abusive men, children subjected to domestic violence; homosexual partner abuse; honor-related crime and crime against specific groups of girls and women such as elderly, disabled, addicts and girls and women with a foreign background. The Council consisted of members of voluntary organizations, movements, research disciplines, the labor market parties and representatives of the relevant societal sectors. It was active for three years, arranging seminars, hearings and publishing documents. The Council concluded their work in June of 2003.

2001

In **2001** The **Sexual Crime** Committee handed over their report "Sexual Crime: Improved Protection of Sexual Integrity and Adjoining Issues" (SOU 2001:14). The report suggests new regulations on sexual crime and adjoining issues, such as **trafficking**. Two new laws are suggested: one regarding trafficking in adults and one regarding trafficking in children.

Primary sources

SOU (2001:14) *Sexualbrotten: Ett ökat skydd för den sexuella integriteten och angränsande frågor*. [Sexual Crime: Increased Protection of Sexual Integrity and Adjoining Issues]

Proposition (2001/02:124) *Straffansvaret för människohandel* [Liability for trafficking] Justitiedepartementet.

Betänkande (2001/02:JuU27) *Straffansvaret för gränsöverskridande människohandel* [Liability for trafficking across borders] Justitieutskottets betänkande.

Rskr. (2001/02:270)

2002

Based on the results of the Sexual Crime Committee's report (SOU 2001:14), the Parliament takes the subsequent Government Bill (Proposition 2001/02:124) on liability for **trafficking** and introduces a law on trafficking for sexual purposes, thus introducing a new crime in Swedish legislation. The law entered into force on July 1, **2002**.

Primary sources

Lag (2002:436) om ändring i brottsbalken [Act on Changes in the Penal Code]

The parliamentary Committee on the Reception of Close Relatives published its report *Smuggling of Human Beings and Victims of Human **Trafficking*** (SOU 2002:69) in **2002**. The assignment to the Committee was, among other things, to evaluate and review the punishment for trafficking as regulated in the Aliens Act.

Primary sources

SOU (2002:69) *Människosmuggling och offer för människohandel*. [Trafficking in humans and victims of trafficking] Justitiedepartementet: Anhörigkommittén.

2003

A special investigator was appointed in **2003** with the task of evaluating the actions resulting from the **Women's Peace** Government Bill from a perspective of gendered power relations (Dir. 2003:112). The assignment was also to identify any possible obstacles or obstructing structures for efficient work on **men's violence against women**. The starting point for the evaluation was that the directives to the commission on women's peace said to review issues of men's violence against women from a women's perspective. Based on this it is now, in 2003, perceived as important to follow up and evaluate what this perspective has meant for the results.

Primary sources

Direktiv (2003:112) *Uppföljning och utvärdering av Kvinnofridspropositionens myndighetsuppdrag ur ett könsmaktsperspektiv* [Follow up and evaluation of the commission to authorities based on the Government Bill 'Women's Peace' from a perspective of gender power relations] Näringsdepartementet.

Resulting from the Women's Peace Reform, the Government also introduced an action plan against **honor-related crime**, in which 180 million SKR was allocated during the period **2003-2007**. Female subordination and male superiority are conceived by the government as

root-causes of violence in the name of honor. It also defines the root-causes in terms of the control over and oppression of women and girls and thus points to the need for a broad range of measures to promote gender equality and enhance women's conditions economically, socially, culturally and politically . The purpose of allocating the funding is to increase knowledge about honor-related crime and repression and to change the attitude of those that perceive the family honor as being dependent on the behavior of girls and women. Further, the need for protected housing is to be satisfied. The target group is primarily girls and young women, but also boys and young men. Homosexual and bisexual youth and young 'transpersons' are also included. The actions are primarily preventative and focused on better protection of the individual.

Primary sources

Skrivelse (2001/02:83) *En nationell handlingsplan för de mänskliga rättigheterna* [A national action plan for human rights] Integrations- och jämställdhetsdepartementet

SOU (2006:65) *Att ta ansvar för sina insatser. Socialtjänstens stöd till våldsutsatta kvinnor* [Taking responsibility of one's actions. Social services' support to battered women] Socialdepartementet: Utredningen om socialtjänstens insatser för våldsutsatta kvinnor

Proposition (2006/07:38) *Socialtjänstens stöd till våldsutsatta kvinnor* [The Social services' support to battered women] Socialdepartementet.

Ju (2005:1) *Combating Patriarchal Violence against Women - Focusing on Violence in the Name of Honour*. Integrations- och jämställdhetsdepartementet and Utrikesdepartementet.

In **2003** it becomes possible to issue **restraining orders** against men who constitute a threat to intimate women also in cases where the man and the woman have shared housing.

Primary sources

Lag (2003:484) om ändring i lagen (1988:688) om besöksförbud [Act on changes in the act 1988:688]

On January 22, 2001, the European Commission proposed an agreement on action to fight sexual abuse of children and child pornography (EGT C 62E, 27.2.2001). In the Government Bill (Proposition 2003/04:12) it was suggested that the Parliament should accept the drafted agreement (betänkande 2003/04:JuU9, rskr. 2003/04:108). The agreement was formally accepted in **2003** (EUT L 13, 20.1.2004, s. 44) and subsequently a proposal for new legislation on **sexual crime** is initiated, which aims to strengthen the protection of adults' sexual integrity and to underline the seriousness of sexual crime against children.

Primary sources

EGT C 62E, 27.2.2001

Proposition (2003/04:12) *Sveriges antagande av rambeslut om åtgärder för att bekämpa*

sexuellt utnyttjande av barn och barnpornografi [Sweden's acceptance of the agreement on action to fight sexual abuse of children and child pornography] Justitiedepartementet.

Betänkande (2003/04:JuU9) *Rambeslut om bekämpande av sexuellt utnyttjande av barn och barnpornografi* [Decision on fighting sexual abuse of children and child pornography] Justitieutskottets betänkande.

Rskr. (2003/04:108)

EUT L 13, 20.1.2004

In a **2003** proposal (Proposition 2003/04:111) regarding expanding the liability for trafficking, the issue of **forced marriages** is highlighted and problematized. The issue is also addressed in another proposal (Proposition 2003/04:48) in which the issue of whether current legislation offers satisfactory protection against forced marriages is questioned and referred to a forthcoming inquiry.

Primary sources

Proposition (2003/04:111) *Ett utvidgat straffansvar för människohandel* [Expanded liability for trafficking] Justitiedepartementet.

Proposition (2003/04:48) *Åtgärder mot barnäktenskap och tvångsäktenskap* [Action against children's marriages and forced marriages] Justitiedepartementet.

Betänkande (2003/04:LU19)

Rskr. (2003/04:180)

2004

In **2004**, the follow up and evaluation of the actions after the Women's Peace Government Bill resulted in two commission reports. Based on an analysis of gendered power relations, a series of suggestions are made concerning the continued work on **men's violence against women**. The suggestions are concerned with changes within established organizations as well as the establishment of new activities, both nationally and locally (SOU 2004:117). From the evaluation, suggestions for continued action are also presented in another Government Committee Report (SOU 2004:117).

Primary sources

SOU (2004:117) *Nytt nationellt kunskapscentrum, ombildning av RKC* [New national center of knowledge – reorganization of RKC] Näringsdepartementet

SOU (2004:121) *Slag i luften: En utredning om myndigheter, mansvåld och makt* [Hitting the air: An investigation on government agencies, men's violence and power] Integrations- och jämställdhetsdepartementet.

On July 1, **2004**, the legislation on **trafficking** was sharpened to also include trafficking within the limits of the country and trafficking for other purposes than sexual, such as forced labor and organ trade.

Primary sources

Ds (2003:45) *Ett heltäckande straffansvar för människohandel, m.m.* [A comprehensive liability for trafficking] Justitiedepartementet

Proposition (2003/04:111) *Ett utvidgat straffansvar för människohandel* [An expanded liability for trafficking] Justitiedepartementet.

On October 1, **2004**, amendments were made to the penal provisions in the Aliens Act. When investigating transnational, as well as domestic crimes, the police and prosecutors have previously experienced problems because there have been no legal grounds for a victim or a witness, who unlawfully resides in Sweden, to remain here while the judicial process runs its course. Taking into account the importance of the work against **trafficking** in human beings, a new provision regarding the possibility to issue a time-limited residence permit has been inserted in the Aliens Act. The time-limited residence permit may be issued to a victim or witness if this is deemed necessary in order to conclude a preliminary investigation or the main proceedings in a criminal case.

Primary sources

Proposition (2003/04:35) *Människosmuggling och tidsbegränsat uppehållstillstånd för målsägande och vittnen m.m.* [Trafficking and time-limited residency for plaintiffs and witnesses etc] Justitiedepartementet.

Betänkande (2003/04:SfU6) *Människosmuggling och tidsbegränsat uppehållstillstånd för målsägande och vittnen* [Trafficking and time-limited residency for plaintiffs and witnesses etc] Socialförsäkringsutskottets betänkande

Rskr. (2003/04:164)

2005

In **2005**, a Government Bill (Proposition 2004/05:45) proposes changes to the law in order for Sweden to fulfill the duties from the agreement with the EU to fight sexual abuse of children. The same Bill, based on an agreement between the Social Democratic Party, the Left Party and the Green Party, also aims to strengthen and clarify each person's absolute right to personal and sexual integrity and sexual self-determination. The Bill proposes radical changes to the regulations on **sexual crime**: a new chapter 6 is introduced in the Penal Code; the regulation on rape is expanded; more deeds are to be judged as rape by lowering the demand on coercion and by including the most serious cases of sexual abuse in the regulation on rape. The change in the Penal Code concerns legislation on sexual services: the Act 1998:408 Prohibiting Purchase of **Sexual Services** is annulled and substituted by a

new regulation in Chapter 6 of the Penal Code that deals with the purchase of sexual services.

Primary sources

Proposition (2004/05:45) *En ny sexualbrottslagstiftning* [New legislation on sexual crime] Justitiedepartementet.

Lag (1998:408) om förbud mot köp av sexuella tjänster [Act on prohibition of purchase of sexual services]

Lag (2005:90) om ändring i Brottsbalken [Act on change in the Penal Code]

The Parliament appoints a committee in **2005** to review the legislation on trafficking. Included in this review is legislation to protect against **forced marriages**. The Committee is expected to deliver their report in June 2007.

Primary sources

Direktiv (2005:152) *Översyn av bestämmelsen om människohandelsbrott m.m.* [Review of legislation on crimes of trafficking etc] Justitiedepartementet

2006

After a special investigator in 2004 was appointed to explore how to restructure the **National Center for Women** (Rikskvinnocentrum), the Center was, in **2006**, reorganized and renamed as the National Center of Knowledge on Men's Violence Against Women (NCK). NCK incorporates an expert clinic within the health and medical services for women subjected to battery and rape.

Primary sources

Proposition (2005/06:155) *Makt att forma samhället och sitt eget liv - nya mål i jämställdhetspolitiken* [Power to shape society and one's own life – new goals in the gender equality politics] Näringsdepartementet.

SOU (1994:56) *Ett centrum för kvinnor som våldtagits och misshandlats* [A center for women who have been raped and abused]

SOU (2004:117) *Nytt nationellt kunskapscentrum* [New National Center of Knowledge]

On May 1, **2006**, the processing of next of kin immigration was changed in Sweden in accordance with an EU directive in which marriage gives the right to family reunifications. Persons coming to Sweden to marry someone here are given a temporary residency for two years – unless it can be shown that the marriage was forced. If the couple is still living together after two years, a permanent residency is awarded. However, if anyone comes to harm, residency may be awarded even if two years has not yet passed. This is also a struggle that has been fought by the women's movement, not least women active in the

shelter movement. These regulations are not concerned with how the parties have agreed on marrying. Thus, even if they do not know each other they can be given permission to marry and reside in Sweden – so long as the marriage does not take place against either's will. Since the 2006 EU directive stating that residency shall be awarded if two people are married and one is living in Sweden, hardly any investigation takes place. Hence, it has become more difficult to uncover **forced marriages**.

Primary sources

- SOU (2005:15) *Familjeåterförening och fri rörlighet för tredjelandsmedborgare* [Family reunification and free movement for third country citizens]
Justitiedepartementet: Utredningen om uppehållstillstånd för familjeåterförening och för varaktigt bosatta tredjelandsmedborgare.
- SOU (2005:103) *Anhörigåterförening* [Next of kin reunification] Justitiedepartementet:
Utredningen om uppehållstillstånd för familjeåterförening
- Proposition (2005/06:72) *Genomförande av EG-direktivet om rätt till familjeåterförening samt vissa frågor om handläggning och DNA-analys vid familjeåterförening* [Implementing the EU directive on the right to family reunification and other issues on administration of DNA analysis at family reunification]
Justitiedepartementet

In **2006**, an investigation on how to protect people who are the victims of **stalking** (threats or persecution) is appointed. The reason for the investigation is a desire to include the concept of 'stalking' into the legislation to enable the inclusion of more sophisticated threats, in for instance SMS and postcards, as the basis for decisions on restraining orders. The investigation is expected to conclude in September 2008.

Primary sources

- Direktiv (2006:84) *Förstärkt skydd för personer som utsätts för hot eller förföljelse* [Reinforced protection for persons exposed to threat or stalking]
Stalkningsutredningen
- Ju (2006:09) *Förstärkt skydd för personer som utsätts för hot eller förföljelse* [Reinforced protection for persons exposed to threat or stalking] Stalkningsutredningen

Conclusions

The most important general legislation on gender equality in Sweden was enforced before the period of interest to Quing. During the period of interest to Quing, Swedish gender equality policy turns towards a conception of equality as a matter of power and a notion that actions to change current conditions of power must be targeted at changing informal societal structures that serve to maintain the unequal distribution of power. Gender mainstreaming efforts are strengthened and legislation on equal opportunity is sharpened. The (gender) equality machinery was also established before 1995, with the exception of the Ombudsman against Discrimination on grounds of Sexual Orientation which was established in 1999.

The principal actors in the politics of gender equality are the politicians but civil servants have also been major actors in secretariats and administrative divisions, growing in numbers over the years and shifting from initially being more or less only women towards comprising more and more men. Employers' and employees' organizations have throughout been represented in gender equality bodies in order "to make them accountable and to ease the implementation of gender equality policy, but also because gender equality policy is generally targeted at the commercial and industrial sector ... In the beginning, both the employees' and employers' associations were skeptical of gender equality legislation, and first and foremost of the equal pay provisions in it. However, workers' organizations throughout ... have gradually adopted a more positive stance to gender equality, not least in response to pressure exerted by a rising female membership".

During the period of interest to Quing, the sub-issues I would describe as 'crucial' in Sweden in terms of provoking debate and/or being the location of many turning points and that would thus be interesting for further study are: parental leave, domestic services, working hours (part-time work / 6 hour work day), domestic violence (or, as it is called in Sweden: women's peace offence), honor related crime, trafficking, and prostitution (or rather the *purchase* of sexual services, in Swedish: 'sexköp'), homosexual adoption and artificial insemination, and registered partnership.

The major changes in legislation during the period of interest have, regarding the issue of non-employment, been concerned with paternity leave (increasing fathers' use of the insurance) and the introduction of tax-deduction of domestic services. In relation to gender-based violence, the major change has been a turn towards a conception of violence as owing to gender power relations; regarding intimate citizenship, the focus has been on expanding the rights of homosexuals.

Civil society actors are incorporated into the policy making process to such an extent that it makes it difficult to find "important civil society texts" if those are supposed to be something other than the policy related documents. This is a consequence of the corporative welfare state model as well as state cooptation of the demands from social movements. A further consequence of this system is that actors are part of the policy making process which makes it difficult to distinguish between the opinions of the government and other actors.

A crucial actor in the institutionalization of gender equality has been women's organizations, which have demanded legislative changes (though not necessarily with consensus regarding specifically what needs to be done). As gender equality bodies were made permanent "women's organizations gained permanent representation on state bodies". For instance, many women's organizations have seats on the Council for Equality Issues. Furthermore, besides the political parties, the women branches of the political parties, the Left Party Committee for Women's Policies, and the Feminist Initiative Party have been important actors within the Government and Parliament, as has the Equal Opportunities Ombudsman and other Ombudsmen. Other important actors have been the labor and employers' organizations, the Swedish Association of Women's Shelters, ROKS (the National Association of Women's Shelters), RFSL (The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights), RFSU (the Swedish Association for Sexuality Education), the Church and various religious groups, ECPAT Sweden, BRIS (Children's Rights in Society), and others.

During the period 1995-2007, the EU has had a limited impact on Swedish equality legislation simply because the issues addressed by the EU have often already been legislated in Sweden. Sweden has rather been party in influencing the EU policies in the area.

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