

FACT SHEET ON SWEDEN

Information supplied by Lenita Freidenvall, based on her paper for the Workshop on Legal Struggles and Political Mobilization around Gender Quotas in Europe, September 2014, Florence.

CONSTITUTION
Constitutional gender equality clause, including constitutional parity provisions.
<p>The Swedish constitution consists for four fundamental laws: the 1974 Instrument of Government, the 1810 Act of Succession, the 1949 Freedom of the Press Act and the 1991 Fundamental Law on Freedom of Expression. The gateway passage to the 1974 Instrument of Government reads as follows:</p> <p>“All public power in Sweden proceeds from the people. Swedish democracy is founded on the free formation of opinion and on universal and equal suffrage. It is realized through a representative and parliamentary form of government and through local self-government. Public power is exercised under the law.”</p> <p>Gender equality is noted in Chapter 1, Article 2. It reads as follows:</p> <p>“The public institutions shall promote the opportunity for all to attain participation and equality in society and for the rights of the child to be safeguarded. The public institutions shall combat discrimination of persons on grounds of gender, color, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the individual.”</p> <p>Gender equality is also noted in Chapter 2, Article 13. It reads as follows:</p> <p>“No act of law or other provision may imply the unfavorable treatment of anyone on grounds of gender, unless the provision forms part of efforts to promote equality between men and women or relates to compulsory military service or other equivalent official duties.”</p> <p>There is no provision in the Swedish constitution that stipulates gender quotas, neither in elected bodies nor in the corporate sector or in academia.</p>
Constitutional reform
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Constitutional/Supreme Court case law on quotas
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NUMBERS
Number of female MPs in both chambers
<p>The Swedish Parliament, the Riksdag, applies a unicameral since 1971. In 1971, the percentage of women parliamentarians was 14 percent. The 40 percent threshold was passed at the 1994 election, and since then the proportion of women MPs has exceeded 40 percent at every election, with a peak at the 2006 election when 47.3 percent women were elected. At the 2014 election, 43.6 percent women MPs were elected.</p>

Number of women in boards of biggest publicly listed companies

As of 2013, the boards of publicly listed companies in Sweden are comprised of 24 percent women and 76 percent men. 5 percent of the chairs of these boards are women.

As of 2013, the boards of state owned companies consist of 47 percent women and 53 percent men. 37 percent of the chairs of these boards are women.

POLITICAL and PARTY QUOTAS

Existence of voluntary party quotas and other schemes

Several political parties in Sweden have adopted special measures, including party quotas and soft quotas, to increase the number of women on party lists. These regulations were introduced step-wise in each party, usually first targeting internal party boards and committees and then electoral lists.

The various party rules adopted are summarized in the table, as follows:

Table 1. Special measures in Swedish political parties			
Party	Special measure	Year of introduction	Details of provision
Moderates	General goal	1993	Gender balanced party lists (1993)
			Gender balance in the top four positions on the party list for the European Parliament election in 2009
	Party Quotas	2009	
Centre Party	General goal	1996	Gender balanced party lists
Christian Democratic Party	Recommendation	1983	More women on party lists (1983)
		1987	A minimum of 40% of each sex on party lists (1987)
Liberal Party	Recommendation	1972	A minimum of 40% of each sex in internal boards and committees (1972)
		1974	A minimum of 40% of each sex on party lists (1974)
		1984	Women and men should be placed on alternate seats on party lists (1984)
Social Democratic Party	Recommendation	1972	More women on party lists (1972, 1974)
			As many women on party lists as female party members (1978)
	Recommendation	1978	A minimum of 40% of each sex on party lists (1987)
			Women and men are to be placed on alternate seats on party lists (1993)
	Recommendation	1987	
Left Party	Recommendation	1978	As many women in internal bodies and committees as female party members (1978)
			As many women on party lists as female party members (1987)
			A minimum of 40% of each sex on party lists (1990)
	Recommendation	1987	A minimum of 50% women on party lists (1993)
	Recommendation	1990	
	Party Quotas	1993	
Green Party	Party Quotas	1981, 1987	Internal committees and board are to be gender balanced (1981) Party lists are to be gender balanced (1987)

As the table shows, party rules were introduced step-wise. The first party to regulate the number of women was the Liberal Party. In 1972 the Liberal Party recommended internal party boards and committees within the party structure to be made up of a minimum of 40% of each sex. A few years later, in 1974, it recommended all of its electoral lists be based on the zipper system.

Over time, the measures adopted were more far-reaching, in gender balance and in sanctions imposed. For example, in 1972 the Social Democratic Party recommended party districts to place “more women” on electoral lists. In 1978, it was recommended that lists reflect the proportion of female party members, and in 1987, a 40% minimum target was introduced. In 1993 gender balance (50%) was promoted through the adoption of party quotas based on the zipper system (Freidenvall 2006).

Party quotas were first introduced in the 1980s. The Green Party was the first party to adopt quotas. In 1981, when it was first established, the Green Party introduced internal gender quotas, stipulating a minimum of 40% of each sex on internal boards and committees, as well as joint male/female chair of the party. This provision was extended in 1987 to entail a minimum of 40% of each sex on the party’s electoral lists. Later on, the Left Party and the Social Democratic Party followed suit and adopted party quotas in 1987 and 1993, respectively. The Left Party required all electoral lists to consist of a minimum of 50% women, and the Social Democratic Party adopted the zipper system, in which men and women candidate are placed alternately on party lists (Freidenvall 2006).

While political parties today take different positions on party quotas, most of them nominate an equal number of women and men on electoral lists, i.e. within the 40-60% span. Thus, a key effect of the adoption of party quotas can be observed at the discursive level: competition between the parties together with the gender equality debates generated by the measures have forced parties along the entire spectrum to react and take an active stance on issues of representation (Freidenvall et al 2006).

Existence of soft measures in politics

Table 1 illustrates the special measures that political parties have adopted to increase the number of women on party lists, ranging from voluntary targets and recommendations – soft quotas - to party quotas. As the table shows, four political parties (the Moderate Party, the Center Party, the Liberal Party) have adopted voluntary targets and recommendations, and three political parties have adopted party quotas (the Social Democratic Party, the Green Party and the Left Party). Thus, soft quotas have been introduced by right/center parties, while party quotas have been adopted by left-wing parties.

While no statutory gender quotas have been enacted in Sweden, government decisions have, since the mid-1980s, prescribed gender-balanced representation on public committees, commissions and boards appointed by the government and various government departments. Given the tendency towards male domination on these bodies, the aim of the provision was to stimulate a better balance (Niskanen ed. 2009, 31). The provision was gradually tightened, stipulating a minimum of 40% representation of each sex in 1995 and 50% representation of each sex in 1998 (Borchorst 1999, Niskanen ed. 2009).

Existence of hard legislated electoral quotas

NONE

Existence of Public board quotas

NONE

CORPORATE BOARD QUOTAS

Existence of soft Corporate Board quotas/measures

In 2004, the Swedish Code of Corporate Governance was introduced. The code applies to all large companies listed on the Stockholm Stock Exchange and stipulates, among other rules of conduct, a balanced gender distribution on boards. The code is based on the principle of 'comply or explain', meaning that a company can deviate from the code without this being seen as violation. However, a company that deviates from the code must explain why the deviation occurred. There is no provision for sanctions against those that breach the code, except for the possible 'bad will' a violation of the code could result in.

In addition to the code, a series of initiatives have been introduced by the government to promote women leaders (Freidenvall and Hallonsten 2013). For instance, a national board program for women was established in 2009 to promote women for leadership functions. About 200 women were accepted into a mentoring program, each being awarded a scholarship for educational purposes. In 2011, Almi Företagspartner AB (Almi) received financial assistance to develop a four-year program in order to support female entrepreneurs. Projects such as the Albright Foundation and The Battle of the Numbers aim at promoting diversified company boards by presenting concrete examples of how to increase the number of women in leading positions. Generally, the government initiatives 2006-2014 have focused on the supply side of candidate selection.

During the period 2006-2014, motions in favour of corporate gender quotas (by the Social Democratic Party, the Green Party and the Left Party) have been rejected by the Swedish parliament, based on the notion that it is the responsibility of company owners to ensure 'diversity' within company boards and to utilize the competence of both women and men. In one of the most recent committee report to date, it is highlighted that "an equal representation of women and men should be promoted by other means than binding quotas" (bet. 2013/14:CU8). In a response to the proposal by the European Commission (KOM(2012) 614) for a new directive on a minimum representation of 40% of each sex on company boards by 2020, the Swedish Parliament stated that the proposal is in conflict with the principle of subsidiarity (utl. 2012/13:CU14, rskr. 2012/13:138). While the Parliament made clear that it welcomes initiatives to achieve an equal distribution of women and men in decision-making positions in the economic sector, it claimed that the proposal was not attuned to the decisive role of share-holders in many EU member states. The goal of achieving a more gender equal distribution of power in decision-making in the business sector was deemed to be better achieved through national initiatives. In a parliamentary debate on 18 June 2013, Gender Equality Minister Maria Arnholm (Liberal Party) reiterated the responsibility of company owners themselves to secure diversity on their company boards and that both women's and men's competence should be utilized. Arnholm also maintained that company boards should 'live up to the rule of self-regulation' that is stipulated in the Code of Corporate Governance (Answer to Interpellation 2012/13:578). She also claimed that the State must lead by good example, making reference to the gender composition of state-owned company boards. 49% of the members of the state-owned company boards are women, while 41% of the chairs of those boards are women.

The present government of Sweden, under the leadership of the Social Democratic Party, is in favour of corporate gender quotas. In his Declaration of Government on 3 October 2014, Prime Minister Stefan Löfven stated that the government will make an assessment of the gender balance in corporate boards in 2016. In case the proportion of women board members has not increased to at least 40 percent by then, a law proposal on corporate gender quotas will be drafted.

AGAINST: During the period 2006-2014, the main actors against corporate quotas have been the government (Alliance between four right/centre parties), the Confederation of Swedish Enterprise as well as publicly listed companies themselves.

Existence of hard Corporate Board quotas

None

AGAINST: Political parties to the right and center, The Confederation of Swedish Enterprise, public listed companies.

QUOTAS IN OTHER DOMAINS

Legislated or voluntary measures in other domains as executive, judiciary, universities, sports federations, trade union, professions, political party structure, etc.

There are no legislated gender quotas in Sweden, neither in politics, the corporate sector or other domains such as the academia, judiciary, or organizations.

However, some attempts leading to the abolishment of quotas might be noted. For instance, in 1995, the academic sector was subjected to gender quotas, when the Minister of Education Carl Tham decided to increase the proportion of women academics. Thirty professor chairs and a number of graduate and research assistant positions were subject to a new type of open, competition-based recruitment procedure, so-called earmarking. The procedure favored minority candidates (in this case women) in cases where applicants had comparable qualifications (Dahlerup & Freidenvall 2008, Törnkvist 2006). The system of earmarking was ended as a result of a decision by the EU Court of Justice in 2003.

Another example is the attempt to apply a system of reserved seats in academia for ethnic minorities. In 2003, Minister for Gender Equality Issues Jens Orback decided to improve ethnic diversity among law students. 30 of a total of 300 places at the School of Law, Uppsala University, were reserved for students of minority background (defined as students with foreign-born parents). This effort was also terminated when the Supreme Court of Sweden ruled that Uppsala University was guilty of discrimination against Swedish applicants by using a system where places were reserved for less qualified people with immigrant background. The decision of the court was the final ruling on a case brought by two women that were not admitted to the course in 2003, despite having better grades than all 30 of the successful immigrant applicants. The Supreme Court ruled that setting quotas is acceptable, but only as long as applicants are treated equally (Dahlerup & Freidenvall 2008).

A more successful example is the regulation of parental leave. In Sweden, parents are entitled to 16 months of paid parental leave per child and are paid around 80% of their salary. In 1995, a so-called 'daddy month' was introduced in order to increase the fathers' share of parental leave (Borchorst and Freidenvall 2012). This type of quota provision stipulates that 30 days of the paid parental leave should be reserved for one of the parents (i.e. usually the father) and cannot be transferred to the other parent (i.e. usually the mother). In 2002, a second daddy month was introduced. As of 2013, fathers used 25% of the total parental leave taken. The current Social Democratic Government (2014) has stated that a third daddy month will be introduced in order to make the care of small children more gender equal.

Despite the resistance to legislated quotas, the principle of gender balance in decision-making bodies seems to be an accepted norm in the Swedish society. For instance, the Swedish Cabinet consists of an equal number of women and men since 1994. All political parties, but one, have adopted special measures to promote gender balanced party lists. Also, as mentioned before, gender-balanced representation on public committees, commissions and boards appointed by the government and various government departments have been prescribed since the 1980s. This norm of gender equality seems to have trickled down into the civil society. For instance, in 1995 the General Assembly of the Swedish Sports Confederation decided that all organs of the Swedish Sports Confederation and district federations shall consist of equal numbers of women and men. However, while progress can be noted in many spheres, challenges remain.

CONTAGION and CONNECTIONS

Contagion between different domains within the country

Contagion effects of measures introduced can be noted from one domain to others. In particular, the introduction of special measures to achieve gender balance on party lists has spread from one party to the others. Once a party introduced a new measure to increase the share of women on electoral lists during the period 1970-1990, rival parties followed suit in order not to be punished electorally.

The principle of gender balance has also spread to other domains, including the government, the public administration, and the Swedish organizations life. Due to the lack of sanctions for non-compliance, the results of these measures vary, in particular the private sphere.

Connections with other countries/ international dynamics

In their introduction of party quotas, the Social Democratic Party was influenced by its sister-parties in the Nordic Countries, particularly the Norwegian Labor Party. The Social Democratic Party and the Green Party were also influenced by their counterparts Europe, such as the Socialist International Women and the German Green Party.

COUNTRY SPECIFICS

Best practice

The primary forces for change were the women's movement organizations, organized within political parties, in political party women's sections and in autonomous women's organizations.

For instance, the women's sections were the main actors behind the adoption of special measures within the political parties. While party elites viewed quotas as a violation of the principle of equal opportunity and the sovereignty of the party districts to compile their own electoral lists, the women's sections had a more positive stance on quotas, although not overly optimistic (Freidenvall 2006). In the view of the National Federation of Social Democratic Women, for instance, gender quotas were seen as a necessary evil or a method to be used only as a last resort. However, on many occasions the federation tried to tone down its demands for more women in politics by avoiding the word 'quotas' or by reformulating it as 'methods of redistribution' (Freidenvall 2005). Thus, they made use of various kinds of strategic framings. Another example of a strategic framing was the 51% minority catchphrase, which became a useful discursive strategy.

Another example of women's mobilization is the Support Stockings. In 1991, when the proportion of women MPs decreased for the first time, from 38 to 34 %, a network of women was established, the Support Stockings. The network threatened to establish a woman's party if the political parties did not nominate more women on their party lists. In response to the threat, fearing that many women would switch parties, the Social Democratic Party decided in 1993 to adopt the principle of varannan damernas (every other one for the ladies/zipper system) on all lists for all elections. Rival political parties soon followed suit, adopting similar policies. Some parties opted for a policy of strict proportions, while others preferred softer formulations, such as "at least 40% of each sex". These policies resulted in the election of 41% women in 1994, 43% in 1998, 45% in 2002, 47% in 2006, 45% in 2010, and 44% in 2014.

Failures

Attempts to introduce corporate gender quotas have not been successful.

Several ministers have argued in favour of the adoption of corporate gender quotas. For instance, in 1999, minister Margareta Winberg gave listed companies five years to improve the gender balance, otherwise corporate gender quotas would be enacted. In 2002, she repeated her demand; unless companies had achieved a 25% proportion of women boards members by 2004, corporate gender quotas would be adopted. (Freidenvall & Hallonsten 2013). In 2005, a state committee was commissioned by the government to investigate the possible adoption of a law on corporate gender quotas. In the final report, *The Gender Composition on Corporate Boards (Ds 2006:11)*, it was suggested that corporate quotas be adopted. The rules should take effect for listed companies on 1 January 2008, whereas unlisted public limited-liability companies would not be included until 1 January 2010. In 2006, however, the Social Democratic Government lost the election to the right/centre Alliance government, and the discussion on corporate gender quotas came to a halt.

Compared to the political sector, where the introduction of party quotas was linked to democratic arguments, the economic sector did generally view corporate quotas as a method in conflict with the rule of equal opportunity and meritocracy. More importantly, corporate quotas were seen as a break with the idea of non-interference of the state in the business sector and the right of the owners' to decide on the composition of the board.

Moreover, compared to the political sector, there was no movement pressing for change in the business sector. The most critical actors - forces of resistance - were representatives of the strong business sector, including the dominant Confederation of Employers' Organizations. Although some ministers were positive toward the imposition of quotas, they did not use the window of opportunity to introduce legislation.