

Ett (o)jämsällt transportsystem i gränslandet mellan politik och rätt

En genusrättsvetenskaplig studie av rättslig styrning för
jämsälldhet inom vissa samhällsområden

Akademisk avhandling

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av

Wanna Svedberg, jur. kand.



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Abstract

Svedberg Wanna (2014). *A Gender (Un)Equal Transport System in the borderland between Policy and Law – A Gender Legal Study of legal governance for Gender Equality in certain areas of society*

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There is a strong connection between transports and power relations. Prevailing gender patterns show that women and men often tend to have different terms and conditions in matters relating to transport in everyday life. For women and men transports are of concern when it comes to life-changing choices related to family formation, place of residence, type of housing and professional lives. Since 2001, the transport sector has been governed by the objective *a Gender Equal Transport System*, which was included in *Transport Policy*, i.e. in addition to the general gender equality objectives of *Gender Equality Policy*.

This thesis explores how the Law can be used as an instrument to promote the objective *a Gender Equal Transport System*, in compliance with *Gender Equality Policy* and *Transport Policy*. From a Gender Legal Studies approach, the study considers whether the political ambitions are being fulfilled and examines the legal prerequisites for implementation of the goal set out in the *Transport Policy*.

The theoretical and methodological inspiration has been derived mainly from Gender Legal Studies, Social Constructivism, Sociology of Law, Culture Geography, and Gender System Theory. The theoretical framework of the thesis aims to explain the shapes and the structures of law, but also to expose the obstacles that exist in legislation when it comes to promoting gender equality. The methods used in the study are tools and techniques that have been developed within the field of Legal Science, Sociology of Law, and Discourse Theory.

The analysis shows that gender equality is not seen as an issue concerning unequal power relations between women and men, but as a quantitative matter of representation of sex in *Transport Policy*. Furthermore, the study shows that the legislation does not support the objective in the areas stated in the *Transport Policy* that are deemed to have fundamental importance for achieving the stated objective, i.e. public transport, spatial planning and planning and organization of the authorities, which are the areas that have been chosen for this research project based on certain criteria. The laws governing these areas consist of scattered purposes on gender equality expressed in preparatory works or policies, and not in form of explicit rules. These laws are not well adapted to the context in which they are meant to be applied since those who are expected to make decisions under the Acts lack knowledge in basic legal interpretation methods.

The conclusion of the study is that the interests and priorities of men are still shaping the law when it comes to the establishment, design, and administration of the transport sector. Gender equality has been rendered invisible in the laws that have impact on women's and men's organization of everyday life, including transports. Gender equality is not reflected in the legal regulation in ways that can be expected. On the contrary, some deterioration or weakening of the political ambitions can be noted. The objective seems to serve more as a facade than as the basis for specific measures supported by legal regulation.

Keywords: gender mainstreaming, Transport Law, gender equality, Gender Legal Studies, Feminist Legal Studies, everyday life, Genus System Theory, Transport Policy, Gender Equality Policy, governance, legislation, Gender Equal Transport System, Public Transport Act, The Planning and Building Act, The Road Act, The Railway Act.

Wanna Svedberg, Department of Law, School of Business, Economics and Law at University of Gothenburg, Box 650, SE-405 30 Göteborg, www.law.gu.se