



Sweden



Sweden continued its efforts to improve the legal situation of LGBTI people. The government announced a plan to develop a national LGBT action plan based on the *Recommendation* of the Council of Europe's Committee of Ministers. In addition, progress was achieved in relation to the rights of trans people. Following a large scale national and international campaign, the sterilisation requirement, as well as the requirement to be single or divorce, for trans people to proceed with the legal recognition of their preferred gender were abolished.

Access to goods and services

- In August, the Diskrimineringsbyrå i Uppsala, an anti-discrimination legal service, took up a case on behalf of a trans woman against the insurance company Skandia. Skandia refused to change the woman's already legally changed name, because she still had a male "person number". The case was still pending at the end of 2012.

Asylum

- During 2012, the Swedish asylum authorities rejected a number of LGBT applications, including from gay men from Uganda, Saudi Arabia, Iran and Afghanistan, despite their reports of persecution. However many have had their case re-opened and managed to get to stay in Sweden following their appearance in Swedish media or other interventions. RFSL reports being involved in around 70 cases of LGBT asylum seekers in 2012. The total number of those seeking asylum on these grounds is unknown, as no statistics are kept by the Swedish asylum authorities. However, it is estimated that it is around 200 cases. RFSL has indicated that things are becoming harder for LGBT asylum seekers, and it is estimated that fewer LGBT asylum seekers are allowed to remain.
- In February, the Immigration Court rejected a trans woman's asylum application and ruled that she be deported back to Russia, her country of origin. The decision was made despite several violent assaults on the applicant by Russian authorities. In March, the Supreme Court ruled that there were no grounds for further appeal in the case. The applicant went into hiding in Sweden after the decision to avoid deportation at the end of 2012.
- In August, a report on the Swedish asylum system was released by RFSL. The report was authored by a lawyer who stressed the problematic language in the existing legislation which, according to the report, is contributing to a so-called "lottery situation" on how applications of LGBT asylum seekers are handled. The report stressed that according to the law, on the one hand, people should not be expected to hide their sexual orientation; on the other, if they have not previously been "open", this is going to be taken into consideration when it comes to considering the degree of risk of persecution.

- In December, a "letter of assignment" from the government was sent to the Migration Board stressing the need to focus on the situation of LGBT asylum seekers.

Bias motivated speech

- In February, the European Court of Human Rights (ECtHR) ruled in favour of Sweden in the case of *Vejdeland and Others vs. Sweden* (Application No 1813/07), which concerned the conviction of individuals who distributed leaflets with bias motivated speech against homosexual people at a Swedish school. The ECtHR issued a verdict dealing with hate speech towards homosexual people for the very first time, and emphasised that the activities of those spreading homophobic propaganda are not protected by the freedom of expression guaranteed in the European Convention of Human Rights, at least not in schools, and not when the propaganda is spread to people who have not expressed any wish to receive it. These leaflets had been placed in students' lockers.
- In March, a concert by Jamaican rap artist Sizzla was cancelled in Stockholm due to homophobic lyrics in some of his material. The cancellation came as a result of massive protests from the LGBT community.
- In December, the Swedish football club Sörskogens IF fired all the players on its top team following complaints that players hurled homophobic remarks at members of the opposing team, Stockholm Snipers. Stockholm Snipers is a football club with mainly LGBT players.

Bias motivated violence

- In June, a report based on figures from 2011 by Sweden's National Council on Crime Prevention (Brottsförebyggande rådet – Brå) indicated that the incidence of hate crimes was on the rise in Sweden. According to the report, 5,490 police reports of "homophobic, biphobic or heterophobic" hate crimes were filed, an increase of 7% when compared to the previous year. Around 1% of all reported hate crimes were classified as "transphobic". However, despite the rise in 2011, during the period 2008-2011, reports of homophobic hate crimes decreased by 20%. Among the reported hate crimes, threats and harassment were the most common

incidents, followed by violent crimes and defamation. Compared to other hate crime motives there is a larger proportion of violent crimes with a homophobic motive (22 % compared to 12–18%). Furthermore, most hate crimes were reported to have been committed in public spaces. It should be noted, that until 2007 the Swedish police force had an “assignment” to focus on hate crimes. Since then they have not had this focus, and according to RFSL this is the main reason why the statistics appear as they do, and do not reflect the real situation. The number of reported transphobic hate crimes almost doubled between 2009 and 2011. This can mainly be explained by an increased awareness in the trans community of the possibility to report crimes. The overall number of reported crimes remains low, amounting to 52 in 2011.

Education

- In July, a female teenager filed a report to the Equality Ombudsman stating that she suffered homophobic bullying at school. In the report she stated that teachers ignored her mistreatment and told her to “tone down” her sexuality because it “confused and scared other students”. The teenager stopped attending high school due to several assaults. At the end of the year the case was still being processed by the Ombudsman.
- In 2011, eight complaints of discrimination on the grounds of sexual orientation and one on gender identity/expression in the field of education were registered at the Ombudsman’s office. The numbers for 2012 have not yet been released.

Employment

- In June, The Nordic LGBT & Friends Business Leadership Forum took place in Stockholm, arranged by IBM and with participation from company representatives from, among others, SAS and Hewlett Packard.
- In August, *the Nordic LGBT Workplace Forum* took place in Stockholm. The forum focused on the combination of the human rights based approach and diversity strategies. Representatives of a number of major Nordic companies, such as IKEA and SwedBank and international companies with Scandinavian subsidiaries such as Hewlett Packard, KPMG and Microsoft took part in the forum.

Equality and non-discrimination

- In June, the Equality Ombudsman wrote to the government urging them to look into how the anti-discrimination bureaus and others are able to support people that have been discriminated against in courts. The reaction from the Ombudsman was based on the fact that most people who have experienced discrimination will have no opportunity to go to court for a variety of reasons. There had been no action from the Government to address this issue by the end of 2012.
- In November 2011, the government had initiated a meeting with all LGBT organisations in Sweden to discuss the *Recommendation from the Committee of Ministers (2010/5)*. The government also announced the creation of a LGBT action plan for Sweden based on the recommendations to be produced during 2012. However, at the end of 2012 no such action plan had emerged, most likely due to political opposition within the government.
- The Ombudsman reported a total of 40 complaints of discrimination on the ground of sexual orientation. The most common areas of complaint on this ground regard harassment, access to goods and services, and access to healthcare respectively. The number of complaints that were registered by trans people in 2012 is not yet known.

Family

- During 2012, the LGBT civil society and several representatives from the Liberal Party, Folkpartiet, The Left Party, The Green party Miljöpartiet, and the Social Democrats called for a change from the so-called principle of *pater est*, which is still not solved when it comes to lesbian couples with children. Despite being married the mother who does not give birth is not automatically granted parental rights. This has been a demand from the movement for many years, even before gender neutral marriage became reality in 2009. With the change of the gender recognition act the issue is even more pressing since trans women with male reproductive organs will be forced to adopt their own children if the principle is not changed and made gender neutral.

Foreign policy

- In September, the then Swedish Minister for Gender Equality, Nyamko Sabuni, participated in the opening of exhibition *Article 1* at Queer Fest in St Petersburg, Russia.
- In November, a coalition of Swedish civil society organisations sent an open letter to the Swedish government after it publicly supported the nomination of the Maltese EU Commissioner of Health, Tonio Borg. The organisations were worried about the support amounting to validation of the acts of Tonio Borg as Foreign Minister in Malta prior to his nomination, which according to the organisations were "...obviously disloyal against the fundamental values of the EU regarding human rights, and more concretely on women's and LGBT people's health and rights." The letter ended with a call to Fredrik Reinfeldt, Prime Minister of Sweden, and Birgitta Ohlsson, Minister of EU Affairs not to vote in favour of Tonio Borg in the Council of European Union. However the Swedish government disregarded the call and voted in favour of the Commissioner's designation.
- In November, the Third Committee of the United Nations General Assembly passed a resolution introduced by the Government of Sweden condemning extrajudicial, summary or arbitrary executions. The resolution, for the first time, included reference to gender identity in addition to sexual orientation, which has been referenced for the past 12 years.

Freedom of assembly

- In October, an exhibition by Swedish artist Elisabeth Ohlson Wallin containing controversial photographs depicting Jesus surrounded by gay men prompted calls to ban an LGBT Pride Festival in Serbia where Swedish Minister for EU Affairs Birgitta Ohlsson was scheduled to speak. Later in October, Serbia's Prime Minister said that the art show was a "provocation" that contributed to the ban on Belgrade Pride.
- During 2012, an increasing number of small cities in Sweden hosted their own Pride festivals. New ones in 2012 included Luleå, Örebro and Visby (island of Gotland).

Health

- In July, RFSL and RFSL Ungdom launched the campaign "From gay plague to silence. Bet on the right thing, stop HIV!" The campaign focused on education and convincing the political parties to prioritise HIV prevention for the most vulnerable groups, which in Sweden are men who have sex with men, and migrants.
- In September, the Swedish government announced that more money should be allocated to the most vulnerable groups in HIV prevention. The actual results remain to be seen.
- In September, the government allocated 23 million SEK (circa €2.7 million) for a period of 3 years to focus on healthcare for trans people and the general situation of the same group.

Human rights defender_s

- In December, ILGA World held their bi-annual World Conference in Stockholm in cooperation with RFSL. Over 400 participants from over 100 countries took part in the conference. Around 250 of these were there on scholarships that were possible due to funding from SIDA and Swedish Institute, among others. The speakers at the opening ceremony included Fredrik Reinfeldt, Prime minister of Sweden, Amado Boudou, Vice President of Argentina, and Salil Shetty, General Secretary of Amnesty International. Furthermore, the conference was addressed by Ban Ki-Moon, General Secretary of the United Nations through a letter that was read out during the conference.

Legal gender recognition

- In January, a coalition of LGBT organisations organised a demonstration in Stockholm against forced sterilisation of trans people in Sweden. Later that month RFSL and AllOut launched an online petition calling for the abolition of the sterilisation requirement in Swedish gender recognition legislation. Several human rights organisations including Amnesty International, Human Rights Watch, Transgender Europe and ILGA-Europe also provided their input towards the debate calling for the abolition of the requirement. This was the most intense period of protests against the forced sterilisations that

have been going on for around ten years in Sweden and happened because, in January, it was said that the government had “agreed” to keep the forced sterilisation, despite earlier statements from various governing parties that the criterion would be removed. In February, the Christian Democratic Party, part of the governing coalition and the single party in Sweden at that time (apart from The Sweden Democrats, a nationalist party) to want to keep the requirement, announced that they had changed their position on the matter and started to support the repeal of the sterilisation requirement. However, the Minister in charge, Christian Democrat Göran Hägglund said that there was no certainty on when the sterilisation requirement would be removed. In June, a decision was made in the parliament to remove the forced sterilisation by 1 July 2013 – but the actual proposal for a law was not laid before Parliament.

- In June, the Swedish government decided to remove the criteria that a person who wants to change legal gender has to be unmarried and a Swedish citizen by 1 January 2013. The unmarried criterion had already ceased to be effective since 2010, due to a court decision.

- In June, the official name register of Sweden (Patent- och registreringsverket, PRV) changed their policy regarding name changes to make it possible for people over 12 years old to change their name no matter the legal gender of the person. The change also covers the so-called daughter-surnames (for example *Persdotter* or *Ingridsdotter*), which can now also be taken by people who are legally male. This change came about after a joint written protest by a coalition of LGBT organisations. The name practice in Sweden allows anyone to take the name of one of their parents, with the addition of – son or – daughter as a last or middle name.

- In autumn, a coalition of LGBT organisations decided to get together and try to obtain compensation from the state for people who have already been sterilised under gender recognition legislation.

- In December, the Administrative Court of Appeals in Stockholm ruled that the requirement in the *Law on Legal Gender Recognition* that a person wishing to change

gender marker must undergo sterilisation violated the Swedish Constitution (Regeringsformen 2 kap 6 §) as well as Articles 8 and 14 of the European Convention on Human Rights.

Participation in public/political life

- In June, Swedish skiing legend and Olympic champion Anja Pärson confirmed that she has a girlfriend and that the couple were expecting a baby. Pärson thereby ended years of rumours about her sexuality and became the latest Swedish sports star to go public about her sexuality.

Police and law enforcement

- In July, the Örebro District Court dropped attempted rape charges against a man because it claimed that the crime against the trans victim could not have been carried out. The man had followed the victim, who was dressed in female clothing, and attacked her with the intention of raping her. This was interrupted by a witness. However, the court ruled he would never have been able to carry out the planned criminal activity as he was attempting to rape “a woman” (understood as a cis-woman or a person with a vagina). Thus, the attempt of rape was considered ‘invalid’ and the man went on to be convicted for assault (a lesser crime). However in October, the court of appeals in Göta, Göta Hovrätt, convicted him of attempted rape.

- In October, the Malmö police launched a dedicated hate crimes hotline after criticism over how victims had been treated when reporting a suspected crime in their district. This made them the third police district to have some special focus on hate crime following Stockholm and Gothenburg.

Public opinion

- According to Eurobarometer 2012, 47% of Swedes believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 57% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). Swedes scored 8.8 on a scale from 1 (‘totally uncomfortable’) to 10 (‘totally comfortable’) when asked how comfortable they would

feel with an LGB individual in the highest elected political position in their country. This is significantly above the EU27 average (6.6). Swedes scored 7.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly above the EU27 average (5.7).

Sexual and reproductive rights

- In March, the parliament decided to remove the ban on offering assisted inseminations and IVF treatments to single women. This has not yet come into effect. At the same time it was decided to investigate the possibility of legally recognised surrogacy in Sweden.
- In August, a lesbian couple reported the Östgöta County Council to the Equality Ombudsman after they were charged 3000 SEK (circa €360) for two medically assisted inseminations. Different-sex couples get the public service almost free of charge. The County Council responded that free treatments are offered only to people with medical reasons to infertility. The case is still pending at the Equality Ombudsman in the end of 2012.
- In October, the Regional Council of Norrland decided to make the prices for medically assisted inseminations equal for same-sex couples and different-sex couples.

Member organisations of ILGA-Europe

Arab Initiative
www.arabinitiative.org

C-Gay The National Network of HBT persons within the Centre Party

HBT-Liberaler
www.folkpartiet.se/hbtliberaler

Hbt-socialdemokrater Sverige
www.hbts.se

OII (Organization Intersex International) Scandinavia

Posithiva Gruppen
www.posithivagruppen.se

RFSL Forbundet (National)
www.rfsl.se

RFSL Fyrbodol
www.rfsl.se/fyrbodal

RFSL Gävleborg
www.rfsl.se/gavleborg

RFSL Göteborg
www.rfsl.se/goteborg

RFSL Kronoberg
www.rfslkronoberg.se

RFSL Linköping
www.rfsl.se/linkoping

RFSL Malmö
www.rfsl.se/malmo

RFSL Nord
www.rfsl.se/nord

RFSL Norrköping
www.rfsl.se/norrkoping

RFSL Örebro
www.rfsl.se/orebro

RFSL Östersund
www.rfsl.se/ostersund

RFSL Skaraborg
www.rfsl.se/skaraborg

RFSL Stockholm
www.rfsl.se/stockholm

RFSL Sundsvall
www.rfsl.se/sundsvall

RFSL Umeå
www.rfsl.se/umea

RFSL Ungdom The Swedish Youth Federation for LGBT rights
www.rfslungdom.se

Riksförbundet EKHO
www.ekho.se

ROHS – National Swedish LGBT Solidarity Organization
www.tupilak.org

ROHS Riksorganisationen Homosexuella Socialister

Swedish Federation of LGBTQ students
www.hbtqstudenterna.se

Transföreningen FPES