



SWEDEN

ASYLUM

A lesbian woman who fled Uganda due to fear of persecution for her sexual orientation faced potential deportation from Sweden. Despite presenting extensive evidence and a credible oral account, her asylum application was denied by the Migration Agency and the Migration Court, which deemed her account insufficiently detailed. After significant media attention and a petition with over 40,000 signatures, she was granted a residence permit in November.

This case reflects a broader issue in Sweden, where migration authorities often assess SOGIESC asylum claims based on stereotypes, contrary to EU law, UNHCR guidelines, and the Swedish Migration Agency's legal stance.

In September, RFSL released an updated report on Swedish asylum decisions, "Rejection Motivations in SOGIESC Asylum Cases in Sweden," based on over 3,360 cases. The report found that the Swedish migration authorities frequently reject LGBTI asylum seekers, violating both Swedish and international law. The authorities demand detailed personal accounts of emotional journeys and negative feelings to establish the credibility of SOGIESC claims. This reliance on stereotypes in credibility assessments undermines the right to an individual, objective evaluation in asylum cases, leading to deportations to countries where LGBTI individuals face persecution, torture, or even the death penalty.

A 40-year-old gay asylum seeker from Russia, faced deportation after the Swedish migration authorities assessed that the general situation for LGBTI people in Russia did not amount to persecution, despite the new harsher anti-LGBTI laws in the country. The asylum application was denied with the same rejection motivation as the majority of SOGIESC asylum cases from Russia,

In August, a 32-year-old Nigerian asylum seeker was deported from Sweden to Nigeria despite significant risks to his safety. Despite providing evidence, including a police document confirming his homosexuality and the threats against him, the Swedish Migration Agency dismissed it as lacking probative value. Since his deportation, he has been out of contact, and his friends and family fear the worst.

In October, a 35-year-old asylum seeker from Iraq faced deportation after the Swedish Migration Agency rejected his application for asylum. Despite the Migration Court's acknowledgment of his bisexuality, he was unable to provide a detailed account of his "inner process and reflections on his identity and sexuality," a requirement under the agency's DSSH model for assessing LGBTI asylum seekers. As a result, despite

the risks he faces in Iraq, where same-sex relationships have recently been criminalised, and the criticism of the State Office, the Migration Agency upheld its decision to reject his claim.

In October, in an interview in QX, Migration Minister Johan Forssell emphasised the importance of conducting asylum investigations in a safe environment, particularly for LGBTI people. He acknowledged the difficulty for newly arrived asylum seekers to discuss their sexuality and stated that these investigations must be carried out with respect and sensitivity. Forssell's comments came amid growing concerns over the Swedish Migration Agency's handling of LGBTI asylum cases and after that the government agency Statskontoret in a report, commissioned by the government, concluded that the legal certainty in the Swedish Migrations Agency's assessments of asylum cases has serious shortcomings. Forssell confirmed that the government has not issued new directives to the Migration Agency on handling LGBTI cases.

BIAS-MOTIVATED VIOLENCE

In June, a woman reported that someone had set fire to the rainbow flag outside her home. The police classified the act as vandalism rather than a hate crime.

DATA COLLECTION

A survey, conducted by RFSL, in collaboration with security company Verisure, revealed that LGBTI people feel less safe in their neighbourhoods. As part of its findings, the report noted that LGBTI people have worse experiences with the legal system and trust the police and authorities less than the general population.

A Umeå University study showed that Sami women and LGBTI Sami people face higher levels of violence than other Sami, with LGBTI Sami twice as likely to experience sexual violence.

EQUALITY AND NON-DISCRIMINATION

In February, Gender Equality and Deputy Labor Market Minister Paulina Brandberg held a meeting with several civil society organisations marking the beginning of the government's efforts to develop a new action plan to ensure equal rights and opportunities for LGBTI people.

The National Board of Health and Welfare in Sweden announced that an equally long withdrawal period for all blood donors after a new sexual relationship will be introduced, moving away from the current practice of dividing donors into separate risk groups. This shift will eliminate group-based risk assessments in favour of individualised assessments. Until now, men who have sex with men were categorised as a separate risk group and faced a longer deferral period of six months before being allowed to

donate blood. Under the new regulations, the deferral period will be shortened to four months for all donors, regardless of sexual orientation. However, before this policy can be fully implemented, the introduction of the NAT-test (Nucleic Acid Test) for infection screening will be necessary in Sweden.

In October the Skurup municipal council adopted a new flag policy, limiting the raising of the rainbow flag to May 17, IDAHOBIT. This decision followed a shift in the local government after the Sweden Democrats and Moderates took control in 2022. Schools and preschools in Skurup are now restricted to flying only the Swedish flag, with the Scanian flag allowed on Scanian Flag Day and the EU flag on EU Day. The policy also prohibits the display of Ukraine's flag, though exceptions may be made. The decision has sparked debate, with opposition parties advocating for greater inclusivity in flag displays.

FAMILY

In July, an option was introduced to transfer parental allowance to another relative. Before, parents could waive parental allowance to, for example, a cohabitant, but not to certain other close relatives, such as a co-parent without custody not living in the household. According to the new regulations, parents with joint custody of a child are given the opportunity to hand over 45 days of parental benefit each to someone else who is insured for parental benefit. Parents with sole custody of a child may hand over 90 days of parental allowance to another insured.

FREEDOM OF EXPRESSION

In September, a man barricaded himself in a room at the Moroccan embassy in Stockholm, breaking a window and displaying both a rainbow flag and an Amazigh (Berber) flag. The protest, according to his lawyer Majeed Alnashi, was politically motivated, aimed at raising awareness about the treatment of LGBTI people and the indigenous Amazigh people in Morocco, as well as religious freedom issues.

HEALTH

The persistent issue of lengthy waiting times for accessing one of the six national teams responsible for conducting gender dysphoria diagnostic assessments in Sweden continues to worsen. Currently, patients face waiting periods of 3 to 3.5 years from referral to their first appointment at adult clinics, while adolescents experience a waiting time of approximately 2.5 years.

On January 1, most of gender-affirming healthcare became national specialised medical care in Sweden. One of the main goals with this change has been to make gender affirming healthcare more equally accessible across the country, as the healthcare system for long has been criticised for unequal waiting

times and not offering the same treatments. Other goals of this change have been to centralise and further develop specialised medical competence, as well as raising the status of the medical field. However the gender-affirming healthcare continues to be underfunded, and the waiting times are still several years.

INSTITUTIONAL SUPPORT

In September, Prime Minister Ulf Kristersson addressed LGBTI rights, emphasising Sweden's commitment to being a tolerant society where everyone can live safely and freely, regardless of faith, race, or sexual orientation. He highlighted that a multi-year action plan for LGBTI people's equal rights and opportunities had already been initiated, a statement that was met with applause. Kristersson also introduced Maria Malmer Stenegard as the new Minister for Foreign Affairs, following her tenure as Minister of Migration, where she affirmed the importance of prioritising women and LGBTI people, who are particularly vulnerable.

LEGAL GENDER RECOGNITION

In June, Sweden passed a new law on legal gender recognition, which will come into effect on July 1, 2025. Under the law, changing one's legal gender will no longer require a formal diagnosis. Instead, individuals will be able to apply for a legal gender change with just a certificate from a medical professional. This means that individuals will no longer need to apply to the Judicial Council, which had previously been involved in reviewing these applications, although the Council's decisions have been linked to the ongoing public debate around trans issues.

An investigation conducted by magazine Ottar revealed that rejections for legal gender recognition by the Judicial Council have increased, with nearly half of the rejected cases lacking complete medical certificates. Lawyer Silas Aliki, who represents trans people appealing these decisions, suggests that the Council's decisions have been influenced by the ongoing public debate around trans issues.

At the time of writing, it remains unclear which professions will be authorised to grant these certificates and the specifics of the process are not yet known, aside from the indication that it will be significantly simpler and easier to obtain than a full medical diagnosis.

SEXUAL AND REPRODUCTIVE RIGHTS

The Public Health Agency of Sweden has completed a 2023 investigation into expanding preventive HPV vaccination efforts. The extension would include unvaccinated older boys, young men, and risk groups, such as men who have sex with men, trans people, and people living with HIV, up to the age of 26.

A study by the University of Borås, commissioned by the Public Health Agency, revealed that stigma remains a significant issue for older people living with HIV in Sweden. Despite effective treatment for many, individuals report facing persistent stigmatising attitudes and challenges related to their condition.

In September, the Swedish government announced that a public inquiry will investigate the potential removal of the information obligation for individuals living with HIV under the Swedish Communicable Diseases Act. Currently, the law requires those living with HIV to inform their sexual partners of their status. However, for several years, people with well-controlled treatment and undetectable viral levels have been able to obtain an exemption from this obligation through their treating physician. Organisations representing people living with HIV have long argued that this requirement, in place since HIV was included in the Communicable Diseases Act in 1985, stigmatises individuals and does not effectively contribute to infection prevention.

PARTICIPATION IN PUBLIC, CULTURAL, AND POLITICAL LIFE

In May IKEA announced that, for the sixth consecutive year, it would donate proceeds from the sale of its rainbow bag to support LGBTI causes, among which is RSFL's Newcomers initiative, which provides support to LGBTI refugees.

In September, the approval of the Swedish government's new budget lacked additional funding for LGBTI initiatives in the coming year and proposed a reduction in aid from 2026. While the government has introduced a new LGBTI action plan running until 2027, additional funding for this plan will only be provided in 2027, leaving LGBTI initiatives underfunded in the meantime.



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