

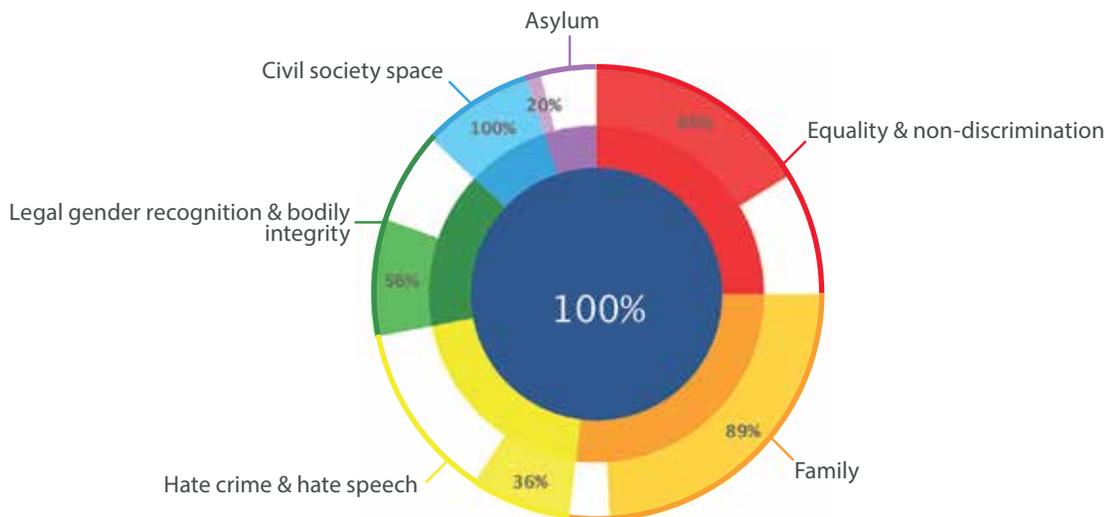
Sweden



As in many other European countries, the issue of LGBTI asylum was to the fore in 2016. Swedish LGBTI NGOs, like many of their European counterparts, offered support services to LGBTI asylum seekers throughout the year. This practical assistance took many forms, from providing legal advice and expertise during status determination proceedings, to documenting incidents of bias-motivated violence against asylum seekers. Such attacks serve as a reminder of a gap within Sweden's legal framework, as it currently does not mention gender identity or sex characteristics within its hate crime or speech laws. Additional grounds were added to the 2008 anti-discrimination law; meaning that, in future, employers and schools will have to take proactive steps to prevent discriminatory treatment on the basis of sexual orientation, gender identity and gender expression. In an attempt to address historical human rights violations, the government moved to compensate trans people who had previously been sterilised in order to have their gender recognised.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Sweden** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, and is free from abusive requirements (such as GID/medical diagnosis, or surgical/medical intervention).



Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.



Introducing and implementing laws and policies on asylum that guarantees effective protection on all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.

Access to goods and services

- A bisexual woman received homophobic comments on social media when she and her girlfriend began looking for an apartment together in Gothenburg. After writing posts on Facebook ‘accommodation search’ groups, they received negative remarks and were also sent biphobic private messages. The woman explained her decision to publicise the situation via an interview with the *GT Expressen* newspaper in March: “I was surprised that people could sit behind their laptops and say such bad stuff to people... I think that I have good tolerance levels but when someone says something bad about your girlfriend you fire back”.

Asylum

- New temporary legislation that limits the possible ways individuals can obtain residence permits came into force on 20 July. One of the changes included in the law (that will automatically expire after three years) affects people who have not been granted refugee status but have been given permission to stay under the “otherwise in need of protection” category. Under the new rules, this status will only be available to children or families who sought asylum before 24 November 2016. According to NGOs, this status is commonly awarded to many LGBTI asylum seekers; organisations are concerned that LGBTI people could be impacted by the change. LGBTI NGO RSFL, along with other civil society groups, have criticised the new law. Another situations critiqued by NGOs working with LGBTI asylum seekers was the use of temporary three year residence permits for refugees or 13 month permits for people granted subsidiary protection, and also the stricter rules for close relatives of refugees who are seeking residence permits.
- Throughout the year, two asylum lawyers employed by LGBTI NGO RSFL acted as a public counsel or provided legal aid in approximately 60 cases representing LGBTI asylum seekers.

Bias-motivated speech

- Milos Yiannopoulos, editor with far-right website Breitbart, announced that he intended to lead a so-called

Pride march through a predominately Muslim part of Stockholm. The Jarva march on 27 July, organised by a populist group opposed to immigration, took place without Yiannopoulos and attracted an estimated 50 participants.

- Kaukto Antbacke (Christian Democrats, KD) a local politician in the Alvesta municipality criticised the city of Vaxjo for displaying rainbow flags on municipal buildings. He made the comments on social media in May, saying that “Pride doesn’t belong in our culture”. He also compared the flying of the rainbow flag to flying a flag of the so-called Islamic State/ISIS. The KD party criticised the comments and stated that it lacked confidence in Antbacke. In June, he resigned from the municipal council. In September, Antbacke also made public comments about Vaxjo bishop Frederick Modéus, who had stated in an interview that love between same-sex and different-sex couples has equal value. Antbacke again commented on Facebook, saying God didn’t create people to be “transvetite, lesbian, gay, pedophile ...”. On 23 September, Antbacke was excluded from the KD party.

Bias-motivated violence

- The government instructed the Swedish Police to improve their work on bias-motivated crime in 2016; throughout the year, specialised anti-hate crime groups were established. LGBTI NGO RSFL have been involved in training the police officers involved with these specialised groups.
- According to reports received by LGBTI NGO RSFL, threats and bias-motivated attacks against LGBTI people who are seeking asylum increased in 2016. These incidents commonly occurred in public spaces and in refugee housing. RSFL raised their concerns in dialogue with the police and the Swedish Migration Agency during the year.

Diversity

- The Funkisprojektet initiative ran throughout 2016, as part of LGBTI NGO RSFL’s aim to become more accessible to people with disabilities. Through the project, a new intersectional platform was created for RSFL to meet with disability NGOs, and a meeting place (hbtq-hänget) for LGBTQ people with disabilities was also set up in

Stockholm. The meeting place serves people with disabilities who have the right, under the 'Law about support and service to certain persons with disabilities', to have a form of daily interaction.

Equality and non-discrimination

- The 2008 Discrimination Act was amended by the Swedish parliament (Riksdagen) on 26 June, extending the grounds that employers and schools must take active steps on to prevent discrimination. Previously, the education system and employers had to take preventative measures to protect people from discrimination based on ethnicity, gender or religion and belief. Under the changes, the proactive measures must be taken on all discrimination grounds, including sexual orientation, gender identity and gender expression. This change comes into effect on 1 January 2017.
- PostNord, the Swedish-Danish postal service, announced that it was turning the rainbow flag into a stamp in Sweden. It is believed to be the first postal service in the world to issue a rainbow flag stamp for Pride; the commemorative stamp was launched on 4 May to mark the diversity of "modern Sweden". PostNord also set up rainbow post boxes in May in seven locations throughout Stockholm.

Family

- The government initiated a public consultation on 4 February into possible changes in the state insurance system for paid parental leave. Under the current system, only the legal parents can avail of the 16-month paid leave period (with some exceptions). This means that in a rainbow family, where more than 2 people are acting as parents to a child, the parents without legal custody do not have access to paid parental leave. One of the purposes cited by the consultation is to "investigate possibilities for different family constellations to use the parental leave and, if needed, propose changes".

Foreign policy

- Under the Swedish Foreign Service's Action Plan for Feminist Foreign Policy 2015-2018, one of the focus areas

for 2016 was for the Foreign Service to "...scale up action for sexual rights without discrimination, abuse and violence, including by focusing on forced, early and child marriage, sexual harassment in schools and LGBTQ rights".

- On 13 July, during the Montevideo Global LGBTI Human Rights Conference, Sweden, together with 30 other states, joined the Equal Rights Coalition, a coalition committed to work towards equal rights and the eradication of discrimination and violence against LGBTI people.

Health

- Based on data from Statistics Sweden, cross-referenced with their own information, the National Board of Health and Welfare showed an increased occurrence of stress-related mental illness among people in same-sex marriages compared to people in different-sex marriages. NGO RFSL commented that this report, published on 8 April, confirmed the need for targeted mental health support for LGBT people, something the NGO has campaigned for over many years.

Legal gender recognition

- On 27 April, public health minister Gabriel Wikström (Swedish Social Democratic Party, Social Democrats; SAP) announced that the government intended to compensate trans people who had been forcibly sterilised. Under gender recognition laws in force between 1972 and 2013, trans people had to lack "the ability to procreate" before they could have their gender legally recognised. Following the 2013 amendment, approximately 160 individuals submitted a compensation claim to the Attorney General. This was rejected, and NGOs advocating for the rights of trans people prepared to sue the state, before the government announcement in April.
- Also in April, an appeal attempt by the Swedish Tax Agency against a negative ruling against the agency was rejected by the Supreme Administrative Court. As a result, the earlier decision from the Administrative Court stood; that court had found the Tax Agency had no right to register a man who had changed his legal gender as a "divorced partner". This designation made it possible to

access information about the man that revealed he had changed his legal gender. This was one in a series of case brought to court, with the support of RFSL, that challenges the definitions used in the civil registry for trans people. This had caused the individuals involved problems with authorities and healthcare providers. The Tax Agency lost all of these cases and all of the subsequent appeals. On 31 May, the Agency presented a report, detailing the changes they would make to the matter they treat this data.

Sexual and reproductive rights

- On 13 January, parliament approved changes proposed by the government to extend access to assisted reproduction to single women. From 1 April, single women could avail of the system under Swedish healthcare in a similar way to married couples, registered partners and cohabitants.
- On 24 February, an investigation into reproductive legislation published its findings. Lead investigator Eva Wendel Rosenberg said that the investigation recommended that Sweden does not introduce legislation regulating surrogacy, either for agreements inside or outside the state.