

Equal rights and opportunities for LGBT persons in Sweden



Government enhances its work on equal rights and opportunities for LGBT persons in Sweden

In recent years, a number of reforms have been introduced in order to secure equal rights for LGBT persons. There has also been a positive societal development regarding these issues which has helped to ensure a better situation for LGBT persons in Sweden. However, LGBT persons, in particular transgender persons, still face difficulties in Sweden. This means that reform must continue to ensure equal rights for LGBT persons.

In December 2016, the government set up a commission of inquiry tasked with undertaking a broad-based review of the conditions and situation of transgender persons in society and proposing concrete initiatives to help improve the living conditions of transgender persons. The inquiry delivered its report – Transgender persons in Sweden – Proposals for stronger

status and improved living conditions (SOU 2017:92) – in November 2017. The report has been circulated for comments. It proposes a number of measures to safeguard the rights and opportunities of transgender persons. The proposals will be considered as the preparatory work continues.

Since 2014, when the strategy for equal rights and opportunities irrespective of sexual orientation, gender identity or gender expression was presented, a series of additional initiatives have been adopted and several commissions of inquiry set up concerning the rights of LGBT persons. The government is continuing to work on this and will adopt new measures to promote the equal rights and opportunities of LGBT persons.

Some current examples of work on legislation are given below:

Modernized legislation to change the gender in the population register

The government has initiated two proposed pieces of new legislation: a law on changing the gender given in the population register and a law on certain surgical procedures on genitalia. It is proposed that these two laws replace the current Act on Establishing Gender Identity. The proposals have been set out in two ministry memorandums that have been circulated for comments. Changing the gender given in the population register should as a rule be a quick and simple process based on the individuals self-identification.



Young people will, as a consequence of the proposed legislation, have better possibilities to live in accordance with their gender identity. The legislative proposals are undergoing further drafting at the Government Offices.

Compensation to persons who have been affected by the sterilisation that was previously mandatory under the Legal Gender recognition Act

Since 1 May 2018 a new law enables persons affected by the sterilisation that was previously mandatory under the Legal Gender recognition Act to apply for compensation. Sterilisation as a requirement for persons who change their gender in the population register was a manifestation of an approach now rejected by society and the government. The requirement has had serious impact for the persons affected. The amount offered



represents a symbolic compensation. Under the new legislation, compensation is to be paid to those who applied successfully to have their gender in the population register formally changed between 1 July 1972 and 30 June 2013. The amount to those granted compensation is SEK 225,000. Applications for compensation must be received by the Legal, Financial and Administrative Services Agency no later than 1 May 2020.

Extended protection under criminal law for transgender people

Protection under criminal law for transgender people has been extended and clarified. In its bill 'Extended protection under criminal law for transgender people', the government proposed that the grounds of transgender identity or expression should be added to the provisions on agitation against a national or ethnic group and unlawful discrimination and to the provision concerning prosecution of insulting behaviour. It has also

been made explicit that it is to be deemed to be an aggravating circumstance if a motive for a crime was to aggrieve a person or a group of people by reason of their transgender identity or expression. The provisions on unlawful discrimination and the provision concerning prosecution of insulting behaviour have been extended so that the rules cover cases where the perpetrator is mistaken about the facts, for example when someone is discriminated against because of an incorrect assumption about a person's sexual orientation or gender identity. The rules will also apply in cases where someone is subjected to insulting behaviour or discriminated against because of circumstances relating to another person, for example if a child is insulted because of a parent's sexual orientation. Parliament has approved the proposals apart from those relating to agitation against a national or ethnic group which in part relate to a constitutional amendment

and will therefore undergo final processing in the autumn 2018.

The changes in law took effect on 1 July 2018.

It is proposed that the changes in the provisions on agitation against a national or ethnic group in the Freedom of the Press Act and Penal Code enter into force on 1 January 2019.

Presumption of parenthood and parenthood following a change of gender in the population register

The legislation relating to parenthood has been brought up-to-date and made more legally secure. A government bill proposes that the rules on parenthood following assisted reproduction treatment abroad should

be the same for both different-sex and same-sex couples. The government has also proposed special rules on parenthood to apply in situations where persons have children after one or both of the parents have changed their



gender in the population register. The rules mean, for example, that a man who gives birth to a child will be considered to be the father of the child and a woman whose sperm contributes to the birth of a child will be considered to be the mother of the child. In addition, the government has appointed an inquiry whose remit includes taking a position on whether, under Chapter 1 Paragraph 9 of the Parental Code, parenthood for a spouse or registered partner in the case of assisted reproduction treatment should be presumed in the same way as paternity is currently presumed for a married man. The inquiry is due to report its findings no later than 31 August 2018.

Increased options for paid parental leave for rainbow families

Parental insurance makes it possible for most families to combine family life, parenthood and work. However, families are all different and have different needs. Current legislation may impose constraints on certain family configurations, including

some rainbow families. Part of the remit of the commission of inquiry looking at developing a modern parental insurance system was to look at how parental insurance can be used by different family configurations. As a result, the government has put forward a bill to parliament proposing that a parent's cohabitee should be accorded the same status as a parent when it comes to parental benefits and the right to leave of absence from work in cases where the parent and cohabitee have not been married to each other or do not have, or have not had, children together. The proposal means that more family configurations will be able to make use of parental leave and to care for a child with the help of parental benefits. The Social Insurance Agency and the Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (RFSL) have also worked together to deliver better advice and guidance to parents who identify as LGBT.

Other examples of current initiatives to strengthen the equal rights and opportunities of LGBT persons

Work to strengthen the equal rights of LGBT persons is also being carried out through a series of commissions for government agencies.

New agencies with a strategic LGBT remit

The strategic agencies that were given an explicitly-defined role to promote the equal rights and opportunities of LGBT persons in 2014 have helped to improve knowledge of the situation of LGBT persons and how their rights can be promoted. New agencies with a strategic LGBT remit will now help to strengthen this work. The following agencies have therefore been appointed new agencies with a strategic LGBT remit:

- Swedish Gender Equality Agency
- Swedish Migration Agency
- Swedish National Agency for Education

The existing agencies with a strategic LGBT remit are: The Equality Ombudsman, the Swedish Agency for Youth and Civil Society, the National Board of

Health and Welfare, the Public Health Agency of Sweden and the Swedish Arts Council. The strategy for equal rights and opportunities irrespective of sexual orientation, gender identity or gender expression continues to provide the framework for long-term, results-driven work aiming to strengthen the position of LGBT persons in Sweden even though additional needs, and thus initiatives, have been added since the strategy was agreed. The strategy was evaluated by the Swedish Agency for Public Management in 2016. The evaluation shows that the strategy has contributed to a systematic approach to and greater work on equal rights and opportunities for LGBT persons. It also listed a number of recommendations, one of which was that the Migration Agency and the National Agency for

Education should become agencies with a strategic LGBT remit. Further proposals in respect of the strategy and the strategic agencies were submitted in the report *Transgender persons in Sweden – Proposals for stronger status and improved living conditions* (SOU 2017:92).

Non-binary persons in questionnaires and surveys

The government is planning to task Statistics Sweden with production of materials to support public-sector bodies with the inclusion of binary and non-binary transgender persons in questionnaires and surveys.

Children and young persons with transgender experience

The government is planning to task the Ombudsman for Children to speak with children and young persons about issues

around gender identity and about intersex variations based on their method Young Speakers. Their experiences will be collected and disseminated so that they can provide support to relatives and children and young persons with transgender experience.

Information and guidance for the care and treatment of persons with intersex conditions

The National Board of Health and Welfare has been tasked with producing a package of information and guidance for healthcare services relating to the care, treatment, aftercare and monitoring and follow-up of persons with intersex conditions. The Board will also consider appropriate measures to guarantee a patient's right to information about their medical history. Existing information and guidance regarding gender dysphoria will be disseminated to enhance knowledge in the healthcare sector.

Open, inclusive schooling for LGBT persons

The Swedish Agency for Youth and Civil Society (MUCF) is continuing with its task of putting measures in place to ensure schools are an open, inclusive environment for young LGBT persons.

Exposure of transgender persons to hate crime and their confidence in the police

The Police Authority has been tasked by the government to report what measures have been taken by the Authority to combat hate crime, particularly focusing on transgender persons. The report should include information about the Police Authority's work to ensure an equal treatment of transgender persons, particularly those exposed to hate crime.

Better knowledge about violence affecting LGBT people

Uppsala University (The National Centre for Knowledge on Men's Violence Against

Women) has been tasked to produce an updated knowledge base on violence in same-sex relationships and other violence directed at LGBT persons. This will focus on young bisexual women, transgender persons exposed to partner violence and young LGBT persons exposed to honour-related violence and oppression.

Support for victim support services for LGBT persons

The National Board of Health and Welfare has been given the responsibility of allocating funds to organisations working to develop victim support services aimed at LGBT persons who have been exposed to violence within a close relationship.

Exposure to honour-related violence and oppression

Since 2005, Östergötland County Administrative Board has been tasked by the government with working nationally to prevent and counter honour-related violence and oppression affecting

groups including LGBT persons. Since 2013, it has been developing a national Skills Team, including a national telephone support line. In 2018, the government extended Östergötland County Administrative Board's remit to include support for individual professionals and national agencies in their work on issues affecting children and adults who are exposed, or at risk of being exposed, to honour-related violence etc. The remit is based on the national strategy for preventing and combatting men's violence against women, which includes the exposure of LGBT persons to honour-related violence and oppression and violence in same-sex relationships.

LGBT asylum seekers

Persons who have well-founded fear of persecution due to their sexual orientation, gender identity or gender expression have the right to protection in Sweden. The Swedish Migration Agency has been given several assignments to ensure the quality of the legal processes in cases involving LGBT identity

or expression as well as the competence to make assessments in those cases. As a result, the Migration Agency has developed a procedure involving LGBT specialists. In 2017, the agency was given a government assignment to introduce initiatives designed to maintain and enhance the skills needed to ensure high-quality legal processes and a uniform application of the law in asylum cases where sexual orientation and gender identity are invoked. The assignment also included work to ensure a safe and equal treatment of LGBT persons.

Prevent discrimination

On 1 January 2017, amendments in the provisions of the Discrimination Act relating to active measures entered into force. The changes mean that the responsibility of employers and education providers to take active measures to promote equal rights and opportunities now encompasses all grounds for discrimination, including transgender identity or expression and sexual orientation. The

government has tasked the Equality Ombudsman to report on action relating to work undertaken by employers on active measures in 2018 and to provide an analysis. The government has also tasked the Equality Ombudsman to particularly report the actions the agency has taken to prevent and counteract discrimination of transgender persons.

Dialogue with the Swedish Sports Confederation

The government is to embark upon a dialogue with the Swedish Sports Confederation about the situation of transgender persons in sport by discussing how sport can counter discrimination and how to put in place a more norm-critical approach that identifies, highlights the problems of, and challenges, ideas about male and female.

Suicide prevention focusing on transgender persons

The Public Health Agency of Sweden has been tasked with carrying out a more in-depth study and allocating funds relating to

mental health and suicide prevention focusing on transgender persons. The agency is also being asked to deliver proposals for action to reduce mental ill-health and prevent suicide amongst transgender persons.

Better treatment and greater expertise at municipalities and county councils

The National Board of Health and Welfare is tasked with allocating funds to municipalities and county councils designed to

improve staff knowledge of the situation of people who are homosexual, bisexual or transgender. The aim is to promote the rights and opportunities of LGBT persons in their contact with municipalities and county councils.

Photographer cover: Oscar Bjarnason/Folio Images

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