

# The Government's work for the equal rights and opportunities of LGBTI people



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In recent years, many reforms have been implemented that have strengthened the rights of LGBTI people. The largely positive societal developments that have taken place concerning these issues have probably contributed to the relatively positive situation for LGBTI people in Sweden compared with many other countries in the world. However, there are still shortcomings regarding the situation for LGBTI people in Sweden, not least the situation for transgender people. The reform efforts must therefore continue so that LGBTI people can live lives in which their rights and identities are fully respected. The Government's work is since 2014 based on the strategy for equal rights and opportunities irrespective of sexual orientation, gender identity or gender expression. The strategy has laid the foundation for long-term action within the existing focus areas, including violence, discrimination and other degrading treatment;

young LGBTI people; health, care and social services; private and family life; culture; and civil society. Strategic government agencies have been appointed. Measures have also been taken in other areas, such as migration and asylum.

The Government now intends to supplement the strategy with an action plan to further strengthen the work for LGBTI people's equal rights and opportunities. The purpose of the action plan is to supplement and focus efforts. The proposals submitted by the Swedish Agency for Public Management during the evaluation of the strategy in 2016 and in the report entitled 'Transgender people in Sweden – Proposals for a stronger position and improved living conditions' (SOU 2017:92) will be considered in this work. The Government also has a

dialogue on the contents of the action plan with organisations representing LGBTI people's equal rights, as well as with the strategic government agencies.

Below are a few current examples of legislative work:

Modern legislation to change the sex stated in the population register

During the last electoral period, the Government took several initiatives to put in place modern legislation for changes of gender. On 30 August 2018, the Government adopted a proposal containing new draft legislation to be referred to the Council on Legislation. However, the Council on Legislation opposed the Government's proposal. The Government then decided to obtain the necessary preparatory material to rework the draft legislation. For example, two inquiry chairs were tasked with analysing and considering the views

submitted by the Council on Legislation in its comments. The final report is to be presented by 31 August 2020. The Government maintains its high ambition of giving transgender people power over their own lives and identity.

Greater protection against honour-related crime

In May 2020, the Riksdag voted through the Government's draft legislation in the Bill entitled 'Greater protection against honour-related crime' (Govt Bill 2019/20:131). The proposals include the introduction of a new special ground for tougher penalties, meaning that when the penalty value is assessed, it must be regarded as an aggravating circumstance if honour was a motive of the offence. A new offence will also be introduced – a child marriage offence – meaning that it will be punishable to induce or allow a child to enter into marriage or a

relationship similar to marriage. The penalty will be imprisonment for at most four years. In addition, a travel ban will be introduced to protect children from being taken abroad to enter into child marriage or to undergo genital mutilation. The legislative amendments will enter into force on 1 July 2020.

The Bill states that the hetero-normative conceptions associated with violence and oppression mean that LGBTI people's sexual orientation, gender identity or expression are seen as a threat to family honour. LGBTI people can be subjected to the same kind of honour-related violence and oppression as other young people, and this occurs specifically in the form of attempts at 'conversion'. This may involve family members or other relatives trying to get people to become heterosexual by finding them a suitable partner and forcing them to enter into marriage, for example.

LGBTI people are therefore a vulnerable group in honour contexts.

### Modernising parental law

The Government is working actively to ensure that parental law – based on the best interests of the child – is equitable, modern and adapted to different family constellations. One important starting point is that parental regulations should not differentiate between people on the basis of gender or sexual orientation, unless there are substantial grounds for doing so. On 27 February 2020, the Government appointed an inquiry to look into expanded possibilities of making foreign parenthood valid in Sweden (ToR 2020:19). The purpose is to achieve more fit-for-purpose, equitable and modern regulations concerning parenthood in international contexts. The final report is to be presented by 21 June 2021.

In addition, a government inquiry has submitted several proposals aimed at achieving more fit-for-purpose, equitable and modern regulations concerning parenthood. The Inquiry has proposed the introduction of a presumption of parenthood equivalent to the presumption of paternity that applies today. This means that if the mother is married to a woman or in a registered partnership at the time of a child's birth, her spouse or registered partner will automatically be regarded as the child's parent. This proposal is currently being processed by the Government Offices.

### Expanded opportunities for time off with parental benefits for rainbow families

Parental insurance enables most families to combine family life, parenthood and working life. However, families vary and have different needs. The current

regulations can entail restrictions for some family constellations, for example certain rainbow families. The Inquiry into a modern parental insurance system submitted proposals for how more family constellations can use parental insurance. Since 1 July 2019, the possibilities for transferring parental benefits have been expanded. A parent's cohabiting partner can receive parental benefits and take parental leave without any requirements concerning a previous marriage or shared children with the parent. The Inquiry has also proposed that 60 days of parental benefits – within the framework of a completely new model for parental benefits – should be transferrable to another insuree without the requirement of cohabitation. The proposal is being processed by the Government Offices.

# Other examples of current measures to strengthen LGBTI people's equal rights and opportunities

Action to strengthen LGBTI people's equal rights is also being taken through a series of government assignments to agencies.

## Strategic agencies for LGBTI issues

Since 2014, 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 have been strategic agencies for LGBTI issues. In 2018, the Swedish Migration Agency, the National Agency for Education and the Swedish Gender Equality Agency were also appointed strategic agencies.

In June 2020, the Government appointed the Swedish Police Authority and the Ombudsman for Children in Sweden as new strategic agencies for LGBTI issues. This will strengthen the agencies' conditions for long-term and continuous work

for LGBTI people's equal rights and opportunities.

## Non-binary people in questionnaires and surveys

In June 2020, the Statistics Sweden was tasked by the Government with disseminating and managing support material for how public sector actors can include binary and non-binary transgender people in questionnaires and surveys.

## Knowledge about children and young people with transgender experiences

In June 2019, the Ombudsman for Children in Sweden was tasked by the Government with obtaining testimonies from children and young people about issues concerning gender identity and intersex variations. These testimonies will be collected and disseminated so that they can provide support for family members of children and

young people with transgender experiences. The final report is to be submitted by 31 March 2021.

### Knowledge support for care and treatment of intersex conditions

The National Board of Health and Welfare has produced knowledge support for health care professionals concerning care and treatment of intersex conditions. The National Board of Health and Welfare has also produced information and support material for patients and relatives and conducted a legal analysis of children's right to information about their medical history.

### Open and inclusive schools for LGBTI people

The Swedish Agency for Youth and Civil Society has continued its task of implementing measures for an open and inclusive environment in schools for young LGBTI people.

### Meeting places for young LGBTI people

In August 2019, the Swedish Agency for Youth and Civil Society was tasked with improving the conditions for the creation of meeting places for young LGBTI people. The final report is to be submitted by 1 March 2021.

### Support for victim support groups for LGBTI people

The National Board of Health and Welfare has been tasked with distributing funding to organisations that work to develop victim support activities targeted at LGBTI people who have been subjected to intimate partner violence.

### Support to organisations due to COVID-19

On 30 April 2020, the Government adopted an ordinance to allocate SEK 100

million to non-profit organisations' activities to address increased vulnerability resulting from the COVID-19 pandemic. This money will go to organisations working with children in vulnerable situations and organisations working with LGBTI people who are subjected to violence.

### Honour-related violence and oppression

The Östergötland County Administrative Board has been instructed by the Government to strengthen the ability of central government and municipal bodies to prevent and combat honour-related violence and oppression affecting LGBTI people. The County Administrative Board has established a national telephone support line for professionals in need of guidance in matters concerning honour-related violence and oppression. Since 2018, the assignment has included supporting individual professionals and national agencies

in their work concerning children and adults who are subjected to, or risk being subjected to, honour-related violence etc. The assignment is based on the Government's national strategy to prevent and combat men's violence against women, which includes LGBTI people's exposure to honour-related violence and oppression and violence in same-sex relationships.

### LGBTI asylum seekers

People who feel a well-founded fear of persecution on grounds of sexual orientation, gender identity or gender expression are entitled to protection in Sweden. The Swedish Migration Agency has had several assignments to guarantee the legal quality of cases in which LGBTI grounds feature and the expertise to make assessments in such cases. As a result of the Swedish Migration Agency being appointed a strategic agency

for LGBTI issues in 2018, development needs were identified in terms of the quality of investigations and decision-making in asylum cases, security and access to networks in asylum accommodation, and how people are treated in all categories of cases. In 2019, the Swedish Migration Agency took measures to end the system of LGBTI specialists and move to a system in which all investigative staff can ensure the requisite quality in LGBTI cases.

### Dialogue with the Swedish Sports Confederation

The Government has an ongoing dialogue with the Swedish Sports Confederation about the situation of transgender people in sport, with the aim of discussing how sport can combat discrimination and what the conditions are for a more deliberately norm-critical approach that identifies, problematises and challenges conceptions of masculinity and femininity. The Swedish Sports

Confederation has also begun work to remove systemic faults and barriers to binary and non-binary transgender people engaging in sport.

Assignment to submit proposals for expanding the target audience for national telephone support line for people subjected to violence

Uppsala University (the National Centre for Knowledge on Men's Violence Against Women) has been tasked with continuing to pursue, strengthen and develop its activities concerning a national telephone support line for people subjected to violence. The assignment has included submitting proposals for how the national telephone support line can be developed to include men and boys subjected to violence and people who identify in some other way than as a woman, man, girl or boy. The National Centre for

Knowledge on Men's Violence Against Women has submitted a proposal on establishing a pilot project. The proposal is being processed by the Government Offices.

Assignment concerning the population survey on sexual and reproductive health and rights (SRHR)

In March 2020, the Public Health Agency of Sweden reported the results of Sweden's first population survey on SRHR, in which questions about sexual identity and transgender experience were asked. On the whole, the results show that there are differences in various SRHR outcomes among LGBTI people. Sexual identity and gender have a bearing on people's experiences and problems in their sex lives, exposure to sexual harassment, abuse and violence, and experience of sex for payment.

Suicide prevention with a focus on transgender people

The Public Health Agency of Sweden has conducted an in-depth study and allocated funding concerning mental ill health and suicide prevention targeting transgender people. The in-depth study contains proposals for measures to reduce mental ill health and prevent suicide among transgender people.

Better reception and knowledge in municipalities and regions

The National Board of Health and Welfare has been tasked with allocating funds to municipalities and regions to increase knowledge about the situation of homosexual, bisexual and transgender people. The purpose is to promote LGBTI people's rights and opportunities in contact with municipalities and regions.

## Surveying the work environment of LGBTI people

The Government has tasked the Swedish Agency for Work Environment Expertise with surveying the organisational and social work environment of LGBTI people.

There is to be a special focus on the work environment of transgender people. The assignment includes disseminating knowledge so that it can provide support for employers as well as safety representatives and other elected representatives at workplaces.

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