## *The following written contribution from Sweden has been compiled in response to the call for inputs circulated by the Special Rapporteur on extrajudicial, summary or arbitrary executions on the killing of LGBTIQ+ persons.*

**Combatting hate crime and discrimination against LGBTIQ persons – the Swedish legal framework**

* Sweden’s constitution includes a prohibition of discrimination on the grounds of sexual orientation. Sweden is also bound by The European Convention on Human Rights (ECHR), which has been part of Swedish domestic law since 1995, as well as by its other international human rights obligations.
* In Sweden it is prohibited to in a statement or other communication that is disseminated, threaten or express contempt for a population group by allusion to race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression (the crime *agitation against a population group* in Chapter 16, Section 8 of the Swedish Criminal Code).
* It is noteworthy that unlike ICCPR Article 20 or Article 17 of the ECHR, a statement does not have to ’’incite to hostility or violence’’ against a target group or ’’aim to destruct or limit the rights or freedoms of others’’, to amount to an offence under Chapter 16, Section 8 of the Swedish Criminal Code. It is enough that a statement expresses contempt (’’missaktning’’) for the population group in question.
* If an act of such agitation against a population group is committed by means of printed matter or in a production protected by the Fundamental Law on Freedom of Expression, such as sound radio, television, technical recordings and certain websites, it is punishable as an *offence against freedom of the press or freedom of expression* (Chapter 7, Section 6 of the Freedom of the Press Act and Chapter 5, Section 1 of the Fundamental Law on Freedom of Expression).
* In addition to the provisions on *agitation against a population group* mentioned above, the protection of LGBTIQ-persons under Swedish criminal law is constructed from the provision on *unlawful discrimination* (Chapter 16, Section 9 of the Swedish Criminal Code) as well as the *general regulation on aggravating circumstances* (Chapter 29, Section 2 of the Criminal Code). According to the latter, a court must, when assessing penalty value, take into consideration whether a motive for a committed offence was to insult a person or a population group on the grounds of race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression, or another similar circumstance.
* Discrimination on the grounds listed above is also prohibited in civil law, under the Discrimination Act (2008:567).

**Ongoing reviews of the legal framework**

* On 14 March 2024, the Government adopted the bill “A clearer provision on agitation against a population group”. In the bill, the Government proposes that the provisions on agitation against a population group in the Freedom of the Press Act and in the Criminal Code shall be clarified and that the scope of application shall be expanded to some extent. One of the proposals is that individuals within a certain population group may be regarded as victims of the crime “agitation against a population group’’ and hence entitled to compensation. The proposed amendments in the Criminal Code are expected to enter into force on 1 July 2024. The proposed amendments in the Freedom of the Press Act are expected to enter into force on 1 January 2027.

**Implementation of the legal framework**

* The Swedish Police Authority works actively against hate crime, including hate crime against LGBTIQ-persons. There is a national coordinator as well as specialised investigators in all seven police regions.
* The Swedish Police Authority has organised a number of trainings since 2015 to enhance knowledge among police employees regarding different types of hate crime. The Police Authority has established cooperation with other authorities, as well as with civil society organisations, municipalities, schools and academia, in order to better tackle all forms of hate crime. The Police Authority has also actively reached out to various groups in society that are at particular risk of being subjected to hate crime, including LGBTIQ-persons.
* In January 2024 the Government presented a new national strategy against violent extremism and terrorism (skr. 2023/24:56). The strategy also includes measures aimed at fighting hate crime, including homophobic and transphobic hate crime. The Police Authority has been tasked to implement the strategy in their work as well as cooperate with other relevant actors in the implementation.
* The Swedish Prosecution Authority has worked actively to raise the quality of their work on hate crime, notably by establishing a special focal point for hate crime.
* The Swedish National Council for Crime Prevention (Brå in short) publishes biannual reports on hate crime statistics, based on crimes reported to the police, where the police, or Brå, have identified a hate crime motive. In 2022, 328 reports were identified with a total of 340 LGBTIQ-related hate crime motives, which was a slight decrease from 2020. The most common reported crimes were molestation (31 percent), defamation (18 percent), followed by illegal threats (17 percent), assault (12 percent) and vandalism (10 percent). There were no murders or other killings. Digital environments constituted the most common crime scene.
* The Swedish Crime Victim Authority has been tasked to develop and disseminate information to those who are at risk of becoming victims of hate crime or have been victims of hate crime.

**Preventing incitement to violence, hate crime and discrimination against LGBTIQ-persons**

* Since 2014, the Swedish Government’s work to promote equal rights and opportunities for LGBTIQ-persons has been based on its *Strategy for Equal Rights and Opportunities Regardless of Sexual Orientation, Gender Identity or Gender Expression*. The strategy sets the foundation for long-term work in the focus areas of violence, discrimination and other abuses, young LGBTIQ-persons, health, healthcare and social services, private and family life, culture, civil society, working life and older LGBTIQ-persons. In most of the focus areas strategic authorities have been appointed to serve as a unifying force for increased understanding and equal treatment.
* On January 21, 2021 the Government adopted an *Action Plan for Equal Rights and Opportunities for LGBTIQ-people*. The action plan complements and consolidates the existing strategy but also adds further concrete measures.
* Some of the recent measures taken that may be relevant for the topic of this input include:
* The Swedish Gender Equality Agency (Jämställdhetsmyndigheten) has been tasked with mapping LGBTIQ-persons’ exposure and risk of exposure to violence in close relationships, as well as making an analysis of the need for interventions, and proposing interventions. Proposals should be aimed at both the target group and the affected professional groups.
* The Swedish Agency for Youth and Civil Society (Myndigheten för ungdoms- och civilsamhällesfrågor) has been tasked with carrying out an in-depth analysis of the need for further support efforts targeting young LGBTQ-persons that may be at risk for honour-related violence and oppression, including exposure to so-called ‘’conversion attempts’’.