Sweden’s response to the Call for Inputs by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Sweden appreciates the opportunity to contribute to the next thematic report by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Mr. Victor Madrigal-Borloz and thanks the Independent Expert for the important work he performs under his mandate. Sweden is a staunch supporter of the mandate and is firmly committed to carry out its obligations as relates to the protection from violence and discrimination based on sexual orientation and gender identity.

Sweden has ratified a large number of UN Conventions on human rights and reports regularly on the implementation of its commitments to the corresponding treaty bodies. These conventions include CCPR and its two optional protocols, CESCR, CERD, CEDAW and its optional protocols, CAT and its optional protocol, CRC and its two first optional protocols, CRPD and its optional protocol. At the UN General Assembly third committee, Sweden alternates with Finland as the penholder of the biannual resolution on extrajudicial, summary or arbitrary executions. It is to date the only resolution in the third committee which contains an explicit reference to sexual orientation and gender identity – a reference which Sweden and the core group successfully defended at the 75th session in 2020.

As part of the EU, Sweden fully supports the EU guidelines to promote and protect the enjoyment of all human rights by LGBTI persons. Sweden is also an active member in the Council of Europe and a party to the European Convention on Human Rights and the Council of Europe Convention on preventing and combating violence against women and domestic violence, among others. Sweden supports the the Committee of Ministers recommendation (CM/Rec(2010)5) to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.

Also at the national level, the Swedish government is committed to the equal rights and opportunities of LGBTI persons. Since 2014, there has been a national strategy in place that has laid the foundation for long-term action within the existing focus areas, including violence, discrimination and other degrading treatment. One of the ambitions set out in the strategy is to put an end to violence and discrimination against LGBTI-persons; no one should have to endure violence, discrimination or any other violations or abuses of their human rights regardless of sexual orientation, gender identity or gender expression.

The Swedish government also recently adopted a national action plan to further strengthen the work for LGBTI people’s equal rights and opportunities. The action plan contains concrete measures that extend until 2023. The action plan contributes to the implementation of the UN Agenda 2030 and the global goals for sustainable development, especially Objective 3 on good health and well-being, Objective 5 on gender equality, Objective 10 on an equal society and Objective 16 on peaceful and inclusive societies.

The Gender Equality Authority, the Discrimination Ombudsman and the Police Authority have all been appointed LGBTI strategic authorities, which means that these authorities have a special responsibility to promote the equal rights and opportunities of LGBTI persons in their activities.

The Swedish Discrimination Act explicitly bans discrimination on grounds of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. In addition to prohibiting discrimination the Discrimination Act also obliges employers, pre-schools, schools and universities to take active measures to prevent discrimination. In criminal law there is protection against discrimination under the provision on unlawful discrimination which covers e.g. sexual orientation. Protection under criminal law for transgender persons has also been extended and clarified. On July 1st 2018, the grounds of transgender identity or expression were added to provisions on hate crime and on January 1st 2019 these grounds where added to hate speech legislation as well.

The Government has decided to increase funding for organisations that work with children in vulnerable situations, organisations working with abused women, children and LGBTI persons and against violence in close relationships and honour-related violence and oppression during the covid-19 pandemic. The government also allocates funds to support organisations that work to develop crime victim activities aimed at LGBTI persons who have been subjected to violence in close relationships, including honour-related violence and oppression.

As regards to public policy, the Government Offices has adopted two documents concerning gender terminology (gender equality, gender mainstreaming, gender parity etc.). The first is a horizontal instruction encompassing the entirety of the Government Offices. The instruction delineates how gender terminology should be handled in negotiations in an EU- and an international context. The document is not available to the public.

The second document is a checklist, comprising agreed language within various areas of gender equality, such as SRHR, men’s violence against women, etc. The checklist also contains advise on how to prepare for negotiations, for instance by checking whether earlier versions of the same document contains gender terminology, etc. The checklist can be found at the Government Offices internal website.

The horizontal instruction was spread throughout the Government Offices in January 2021. No evaluation has yet been done of its impact or implementation. The part of the checklist that delineated gender terminology was revised and updated in January 2021, at the same time as the instruction was distributed. No evaluation has yet been done of its impact or implementation.

The Swedish National Council for Crime Prevention produces and presents statistics on police reports with identified hate crime motives, including where a homophobic or transphobic motive has been identified. The statistics include information on the number of reported offences, type of offence committed, location of the crime, relationship between the victim and the offender and number of solved crimes. The council also publishes data on self-reported exposure to homophobic or transphobic hate crimes and harassment from the Swedish Crime Survey

The Public Health Agency of Sweden produces and presents statistics on experiences on a wide range of issues including violence and degrading treatment through the national public health survey, “Health on Equal Terms”. As sexual orientation and gender identity are background questions in the survey, all issues can be reported on basis of the LGBTI-respondents. The survey is conducted on a yearly basis but since the number of respondents who identify as LGBTI are relatively few, the reports on LGBTI needs to take several years into account and hence is not reported annually. An intersectional approach is for the same methodological reason very difficult but of course important. For example, when age and gender is considered among lesbian, gay and bisexual respondents, it is clear that young bisexual women are the most exposed to violence.

A new authority, the Gender Equality Authority, was established on January 1st 2018 and is responsible for follow-up, analysis, coordination and support and will contribute to the effective implementation of gender equality policy. The authority was assigned in 2018 to promote LGBTI issues within its mission.

Gender budgeting is used in the work with the central Government budget and the Government has decided on gender mainstreaming in the legislative process, government governance and international work.

The program gender mainstreaming in authorities includes 54 authorities. In 2018, the Government entered into an agreement with the Swedish Association of Local Authorities and Regions (SALAR) on strengthened gender equality work at local and regional level 2018–2020. The program has been extended in 2021 with the aim for the program to continue also in 2022-2023, with a focus on honour-related violence and oppression and men’s violence against women.

A ten-year national strategy to prevent and combat men’s violence against women includes work against honour-related violence and oppression, prostitution and trafficking for sexual purposes. The strategy focuses on men’s participation and responsibility. Measures against destructive masculinity and honour related ideas are included. The strategy also includes LGBTI persons. A disability perspective is included as one starting point for the national strategy. During 2018, i.e. an action plan against prostitution and trafficking in human beings and a comprehensive multi-year initiative to prevent and combat honour-related violence and oppression was launched within the framework of the strategy.

The Government's assignment to the Agency for Youth and Civil Society Affairs to inform new arrivals and asylum seekers, children and young people about health and gender equality has resulted in the website youmo.se, through which information in several languages ​​provides access to knowledge of sexual and reproductive health and rights in Sweden and internationally. The material includes sexuality, rights, norms and relationships.

Sweden has a long history of comprehensive sexuality education. It has been compulsory in schools since 1956 and starts at a young age. At preschool, children learn that they are entitled to decide over their own bodies.

 This teaching includes topics such as the human body, love and relations, identity, sexuality and sexual orientation, sexual health and rights. It promotes gender equality and the equal dignity of all, while also preventing problems such as unwanted pregnancies, HIV/AIDS, and sexually transmitted diseases, to the use of sexist language, sexual exploitation, honor-related violence and oppression.

Since 2011, terms such as sexuality, relationships, gender, gender equality and norms have been included in several of the courses and subject syllabuses for compulsory and upper secondary school and adult education. This means that there is a cross-curricula approach to comprehensive sexuality education, and several teachers are involved in the teaching. Many schools also engage experts on the issue. For example, RFSU, the Swedish Association for Sexuality Education, visits classrooms and provides comprehensive sexuality education classes with the aim of improving comprehensive sexuality education and health, overcoming prejudices and preventing violence and discrimination.

In addition, the website www.youmo.se has been created in order to provide information about sexual and reproductive health and rights, for young people who did not grow up in Sweden and who do not have Swedish as their first language. Young people can read about equality, their rights and how they can find help to improve their well-being. Information is provided on how to contact youth guidance centres in Sweden.

Since the start in 2017, the website has had 700 000 visitors; 560 000 of those are unique visitors (figures from 2018). Many visits are international, and we have noted many visits from Iran. The most used language is dari, and the most popular texts, are texts about sex, particularly texts about “what is acceptable sex” (“vad är okej sex”).