



DANISH INSTITUTE FOR  
HUMAN RIGHTS

**COWI**

# The social situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden

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## A. A Summary of the Overall Situation of LGBT Persons

- [1]. The attitudes toward LGBT persons among the Swedish population are largely positive, as shown in a survey on attitudes toward LGBT persons throughout Sweden.
- [2]. Legally there have been several important steps taken in the last decades to improve the rights of LGBT persons in Sweden: The registered partnership (1995), the possibility to be considered as an adoptive parent (2003) and the rights of lesbians to access assisted fertility treatments (2005). Furthermore, civil legislation prohibits sexual orientation discrimination in employment (1999); university education (2002); goods and services both public and private, including housing (2003); and in pre-school, primary and secondary education (2006). Finally a bill introducing gender-neutral marriage has been announced by the prime minister and the Justice Department for the fall 2008parliamentary session.
- [3]. The Ombudsman against sexual orientation discrimination plays an active role in handling complaints and regularly addresses cases of sexual orientation discrimination.
- [4]. Surveys and the cases dealt with by the Ombudsman against sexual orientation discrimination show that hate crime toward LGBT persons exists in Swedish society, and LGBT persons experience discrimination in the labour market, education and access to goods and services.

## B. The Collection of Data

- [5]. The material for this report has been collected from four sources:
  - A legal country report carried out for this study, written by Professor Maja K. Eriksson (University of Uppsala), Iain Cameron and Thomas Bull.<sup>1</sup>
  - A sociological country report reviewing available data on the situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden, written by Ulrika Westerlund, journalist and vice president of The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL).<sup>2</sup>

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<sup>1</sup> M. K.Eriksson, I. Cameron and T. Bull. (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Sweden*. FRALEX.

<sup>2</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report

- Data collected through interviews held in Sweden with various stakeholders: The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL), The Ombudsman against sexual orientation discrimination (HomO), The National Council for Crime Prevention (Brå) and Ministry of Integration and Gender Equality (ntegrations- och Jämställdhetsdepartementet, Enheten för diskrimineringsfrågar.
- Data collected through an online questionnaire sent out to the stakeholders mentioned above.

## C. Key Findings

### C.1. Attitudes Toward LGBT Persons

- [6]. Surveys examining acceptance and attitudes toward homosexuality have been carried out on a European level in 2008 and 2006.
- [7]. The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The figure in Sweden was the highest in the EU at 9.5 with an EU average of 7.9. Romania was the lowest with 4.8.<sup>3</sup>
- [8]. In the 2006 Eurobarometer, attitudes toward same-sex marriage were examined in every Member State. Forty-two per cent of EU citizens agreed that such marriages should be allowed throughout Europe; the figure was 71 per cent in Sweden (Netherlands scored the highest with 82 per cent and Romania the lowest with 11 per cent). With regard to adoption, the level of acceptance decreases in the EU and in Sweden. Thirty-one per cent of Europeans felt that homosexual couples should be allowed to adopt children throughout Europe; in Sweden the figure was 51 per cent (Netherlands scored highest with 69 per cent and Poland and Malta the lowest with 7 per cent).<sup>4</sup>
- [9]. A report on attitudes toward LGB persons in Sweden was carried out by *Forskningsgruppen för samhälls- och informationsstudier* (FSI) in 1998-2005. The results showed that only one county, Jönköping, had more people with negative attitudes toward homosexuals (37 per cent), than positive (19 per cent). The rest of the counties reported variations between 25 to 45 in the percentage who were positive toward homosexuals.<sup>5</sup> According to Westerlund, Jönköping is less accepting of LGBT persons because of the strong presence of the free church movement.

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<sup>3</sup> European Commission (2008) *Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes*, chapter 9.

<sup>4</sup> Eurobarometer 66 (2006), available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb66/eb66\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf), pp. 43-46.

<sup>5</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

## C.2. Criminal Law - Hate Crime

- [10]. Hate crime statistics are collected by *Brottsförebyggande rådet* [the Swedish National Council for Crime Prevention] and published in yearly reports. In the statistics that describe hate crime reported to the police, hate crime is divided into four sub-categories: xenophobia, Islamophobia, anti-Semitism and homophobia. For the year 2006, a total of 3,260 police reports were contained hate-motivated crimes, of which 2,189 were identified as xenophobic (related to foreign origin). Homophobia as a motive for crime was identified in 684 reported crimes.<sup>6</sup> The most common form of hate crime against LGBT persons was unlawful threats and harassment followed by violence and slander.<sup>7</sup>
- [11]. In the report about hate crime for the year 2007, information about cleared-up offences, earlier criminal activity of persons suspected of hate crime and figures from The Swedish Crime Survey 2006 about victimization for homophobic hate crime were published.<sup>8</sup>
- [12]. Underreporting of hate crime against LGBT persons is a problem. Since 1995, professor Eva Tiby has conducted studies on victims of hate crime. In one of these victim studies, 23 per cent of those interviewed said they had experienced a hate crime, but only 25 per cent reported it to the police.<sup>9</sup> Police authorities in Stockholm, however, are making efforts to combat hate crime and opened Sweden's first hate crime unit.<sup>10</sup>
- [13]. RFSL indicates that there has been a general improvement in the area of hate crime in the sense that the police force is dedicated to combating hate crime.<sup>11</sup>

## C.3. Freedom of Assembly

- [14]. Freedom of assembly is constitutionally protected in the 1974 Instrument of Government (IG), Chapter 2 paras 1, 12 and 14. The basic constitutional rule is that any meeting of persons has constitutional protection if it has political, educational or cultural content. No sharp distinction is drawn between a meeting (or an assembly) and a demonstration, even though the latter is characterized

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<sup>6</sup> Rapport 2007:17, Hatbrott 2006, En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv. (BRÅ)

<sup>7</sup> Rapport 2007:17, Hatbrott 2006, En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv. (BRÅ)

<sup>8</sup> Rapport 2008:15, En sammanställning av anmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv. (BRÅ). [www.bra.se](http://www.bra.se)

<sup>9</sup> Homosexuellas, bisexuellas och transpersoners hälsosituation. Återrapportering av regeringsuppdrag att undersöka och analysera hälsosituationen bland hbt-personer, Statens folkhälsoinstitut, rapport A 2005:19 (2005)

<sup>10</sup> Offer för hatbrott – vad har gjorts och vad kan förbättras? Brottsoffermyndigheten 2007.

<sup>11</sup> Field trip meeting with RFSL (Sweden, 5 March 2008).

by its expression of a particular point of view (public or private) and that a demonstration can be held by only one person.<sup>12</sup>

- [15]. Sweden does not appear to ban or prohibit LGBT demonstrations or gatherings. Pride parades and other LGBT events enjoy the same rights as all other political demonstrations. Occasional attacks on Pride participants still occur in Stockholm, however. Almost every year, people leaving Pride Park, the main area of the Stockholm Pride festival, are physically attacked. Threats against the celebrations are also common. Threats during the last year's Prides include bomb threats and stones painted with right-wing radical symbols being thrown through LGBT restaurant windows.<sup>13</sup>

#### C.4. Family and Other Social Issues

- [16]. In 1988 the first law giving equal status to same-sex cohabiting couples was passed in Sweden. Since 1995, same-sex couples have been able to register their partnerships, accessing nearly the same legal rights as married opposite-sex couples.<sup>14</sup>
- [17]. Marriage is not possible for same-sex couples, either through a religious or a non-religious ceremony, although a bill introducing gender-neutral marriage has been announced by the prime minister and the Justice Department for the fall 2008 parliamentary session. Various religious communities offer same-sex couples the possibility of being blessed by a priest or another religious servant, but the legally binding ceremony must be non-religious. According to Westerlund (2008), this has been one of the most discussed LGBT issues in Sweden in recent years, along with gender-neutral marriage. Gender-neutral marriage has been widely discussed in Sweden and in 2007 led to public discussion of allowing gender-neutral civil marriage with the caveat that religious communities could choose whether or not to conduct same-sex marriages. RFSL claims that this constitutes discriminatory practice.
- [18]. In 2003 it became legal for same-sex couples to be considered as adoptive parents. Before the law was passed in Sweden allowing same-sex couples the right to adopt, there was an extensive report made by the Swedish Official Report Commission on the situation of children in homosexual families (2001). The report showed no negative impact on children due to their parents' sexual orientation.<sup>15</sup>

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<sup>12</sup>M. K.Eriksson, I. Cameron and T. Bull. (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Sweden*, FRALEX.

<sup>13</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

<sup>14</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

<sup>15</sup> The Commission on the Situation of Children in Homosexual Families (2001) *Children in Homosexual Families - Summary*, Stockholm: Statens Offentliga Utredningar [Swedish Official Government Reports], p. 6-7.

- [19]. There have been no approved international adoptions in Sweden, since Swedish adoption agencies do not cooperate with agencies in the countries of origin which allow same-sex adopters.<sup>16</sup>
- [20]. The Ombudsman against sexual orientation discrimination has received a number of complaints over the years involving issues of healthcare (including psychiatric care), social welfare and dental care. The Ombudsman has also received a number of complaints concerned with administrative forms used by municipalities that are not considered suitable for nontraditional families.<sup>17</sup>

## C.5. The Labour Market

- [21]. The Employment Directive 2000/78/EC has been implemented in Swedish law through several significant amendments in recent years, especially those which entered into force in 2003: *Lag om förbud mot diskriminering* (SFS 2003:307) [The Prohibition of Discrimination Act]; *Lag om ändring i lagen 1999:133 om förbud mot diskriminering i arbetslivet på grund av sexuell läggning* (SFS 2003:310) [The Act on Combating of Discrimination in Employment on the Grounds of Sexual Orientation]; *Lag om ändringar i lagen 1999:132 om förbud mot diskriminering i arbetslivet av personer med funktionshinder* (SFS 2003:309) [The Act on Combating of Discrimination in Employment on the Grounds of Disability]; and *Lag om ändring i lagen 1999:130 om åtgärder mot etnisk diskriminering i arbetslivet* (SFS 2003:308) [The Act on Combating Discrimination in Employment on the Grounds of Ethnic Affiliation].<sup>18</sup>
- [22]. LGBT persons experiencing discrimination can complain to the Ombudsman against Discrimination on grounds of Sexual Orientation (*HomO*). *HomO* was established in 1999 and was entrusted with an extensive mandate to combat discrimination in all areas of Swedish society, promote and educate, give advice and support, comment upon proposals for new legislation and litigate in court cases.<sup>19</sup> The Ombudsman handled 56 cases in 2006—45 formal complaints and 11 initiatives taken by the Ombudsman.<sup>20</sup> English summaries of the cases can be found on the Ombudsman's website([www.homo.se](http://www.homo.se)) and include abusive comments on Websites, harassment in the workplace and at restaurants, harassment and demeaning treatment of school pupils and unequal treatment by travel agencies, airlines and hostels.

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<sup>16</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

<sup>17</sup> <http://www.homo.se/o.o.i.s/2347>

<sup>18</sup> M. Eriksson, I. Cameron and T. Bull. (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Sweden*, FRALEX.

<sup>19</sup> M. K..Eriksson, I. Cameron and T. Bull. (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Sweden*, FRALEX.

<sup>20</sup> M. K..Eriksson, I. Cameron and T. Bull. (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Sweden*, FRALEX.

Transgender persons who experience discrimination can complain to The Ombudsman Against Discrimination on Grounds of Gender. The number of complaints is unknown.<sup>21</sup>

- [23]. LGBT visibility is one of the most relevant issues in labour market issues. An investigation conducted by *Arbetslivsinstitutet*<sup>22</sup> [The National Institute for Working Life] showed that 50 per cent of LGB respondents were not open at work. Of those, 40 per cent avoided taking part in conversations due to fear of being 'revealed'. Almost 30 per cent of homosexual and bisexual women said that demeaning statements about LGB persons are common at work, compared to only 8 per cent of the heterosexual women.<sup>23</sup> The National Institute for Working Life concluded that feeling restrained from engaging in social engagement such as discussing weekend plans, partnership and holidays puts employees at higher risk of poor health.<sup>24</sup>
- [24]. A 2003 study as part of a project called *Fritt Fram* [All Clear] analysed the experiences in the working life of homosexuals and bisexuals. The study showed that LGB employees in the childcare and religious sectors experienced homophobic treatment as isolated incidents, while LGB employees in the police and military experienced the constant and everyday use of homophobic statements.<sup>25</sup>
- [25]. The growing attention gained due to the ombudsman against sexual orientation discrimination means that problems of discrimination in the workplace are generally being taken seriously by employers.<sup>26</sup>

## C.6. Education

- [26]. Students at Swedish universities may file complaints if they are discriminated against or harassed because of their gender, sexual orientation, ethnicity, religious belief or disability, according to Lagen om likabehandling av studenter i högskolan, 2001:1286 [The Equal Treatment of Students Act]. Furthermore, anti-discrimination legislation for educational institutions up to high school level came into force in April 2006. Schools must explicitly prevent bullying and discrimination with a workplan that is re-evaluated annually.
- [27]. Nine per cent, or 62 cases, of reported hate crime in 2006 took place in schools.<sup>27</sup>

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<sup>21</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

<sup>22</sup> Arbetsvillkor och utsatthet, Arbetslivsinstitutet 2003.

<sup>23</sup> Arbetsvillkor och utsatthet, Arbetslivsinstitutet 2003.

<sup>24</sup> Redovisning av regeringsuppdraget att beforska homo- och bisexuellas arbetsvillkor, rapport 2004:16

<sup>25</sup> G. Forsberg, L. Jakobsen and G. Smirthwaite (2003) *Homosexuellas villkor i arbetslivet*

<sup>26</sup> Field trip meeting with RFSL (Sweden, 5 March 2008)

- [28]. In 2003, the Centre for Studies in Values Education *Centrum för värdegrundsstudier* conducted a study, *Kränkningar i skolan – förekomst, former och sammanhang* [Harassments in school – frequency, types and contexts] that concluded that 82 per cent of pupils did not hear homosexual relationships mentioned or mentioned very seldom in biology and other relevant classes. Twenty per cent of students who had heard homosexual relationships mentioned in class reported that they were not described as equal to heterosexual relationships.<sup>28</sup>

## C.7. Health Service

- [29]. In 2005, *Folkhälsoinstitutet* [Swedish National Institute on Public Health], by order of the government, conducted a poll regarding LGBT persons' health. The report, *Hälsa på lika villkor? Hälsa och livsvillkor bland hbt-personer* [Health on equal terms? Health and living conditions among LGBT persons],<sup>29</sup> and the special report to the government<sup>30</sup> concluded that homosexual and bisexual women aged 45–64 and homosexual and bisexual men aged 16–29 had worse general health conditions than the rest of the population. The poll showed that LGBT persons were more likely to have considered suicide the general population. Transgender persons of all age groups reported worse health conditions than homosexual or bisexual persons.<sup>31</sup>
- [30]. In the area of healthcare experiences, an investigation showed that respondents thought most discriminatory treatment occurred toward the partner of the person receiving healthcare, rather than the patient himself. In general, respondents had positive experiences of health treatment, with the exceptions of the women's health sector and psychiatric care, both of which were described as homophobic.<sup>32</sup>

## C.8. Religion

- [31]. In Sweden, examples of homophobic speech by religious figures have been identified. In July 2003 a Pentecostal pastor held a sermon in Öland<sup>33</sup> in which he called homosexuality 'something sick' and a

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<sup>27</sup> Hatbrott 2006. En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv. (BRÅ Rapport 2007:17)

<sup>28</sup> Centrum för värdegrundsstudier (2003): *Kränkningar i skolan – förekomst, former och sammanhang*. Göteborg

<sup>29</sup> N. Roth, G. Broström and K. Nykvist (2005) *Hälsa på lika villkor? – Hälsa och livsvillkor bland HBT-personer* (bilaga 2, Homosexuellas, bisexuellas och transpersoners hälsosituation. Statens Folkhälsoinstitut. Stockholm.

<sup>30</sup> Homosexuellas, bisexuellas och transpersoners hälsosituation. Återrapportering av regeringsuppdrag att undersöka och analysera hälsosituationen bland hbt-personer, Statens folkhälsoinstitut, rapport A 2005:19

<sup>31</sup> U. Westerlund, U. (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

<sup>32</sup> G. Rödahl (2004) Homosexuella patienter och närståendes upplevelser i vården. (University of Uppsala, also published by HomO).

<sup>33</sup> This webpage has published the sermon: <http://www.contra.nu/green.html>

‘cancer tumour’ and claimed that AIDS had arisen due to homosexuality.<sup>34</sup>

- [32]. Lars Gårdfeldt, an openly gay priest, noted that local parishes are reluctant to conduct religious ceremonies for same-sex couples. He has personally been subject to harassment, such as receiving child pornography ordered in his name. Furthermore, the church still appoints bishops who declare that they will not ordain homosexual priests.<sup>35</sup>
- [33]. In their answer to an official investigation on the law concerning sex reassignment treatment,<sup>36</sup> The Christian Council of Sweden [*Sveriges Kristna Råd*, an umbrella organisation with 27 churches as members, argued that transsexuals should not be allowed to keep their sperm or eggs or have them frozen to preserve the possibility to become a parent.<sup>37</sup>

## C.9. Sports

- [34]. The number of openly LGBT professional athletes in Sweden is very limited. Due to this lack of visibility, few incidents of homophobia, transphobia or discrimination in sports are reported.
- [35]. A poll on LGBT persons in sports was carried out in 2002. It was financed by the *Ministry of Industry* and was sent out to 67 sports associations, of which 40 answered. Most sports associations had never raised the issue of homosexuality and did not have any openly LGBT members.

## Media

- [36]. The representation of LGBT persons in Swedish media has not been widely studied. One survey, by Martin Andreasson, documented the representation of homosexuality from 1990-1994, and was repeated by Emma Sahlman in 2005.<sup>38</sup> Media portrayal is usually more nuanced when LGBT identity or politics are the subject of the article. However, homophobic statements can often be put forward without questions or comments from journalists. Moreover, gay men are more visible than lesbians.

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<sup>34</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report

<sup>35</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report

<sup>36</sup> Ändrad könstillhörighet – förslag till ny lag (SOU 2007:16)

<sup>37</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report

<sup>38</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report

- [37]. The media coverage has mostly been centred around family policies, hate crime, Pride festivals and HIV/AIDS. Parliamentary debates on homosexual issues are often reported in the media. The most debated LGBT issue in Swedish media is the family, especially issues related to children and marriage. Articles concerning homosexual topics cover the ongoing debate of LGBT persons' rights to adopt children and get married under the same conditions as heterosexuals.<sup>39</sup>
- [38]. Transgender persons are largely invisible in the media.

## C.10. Asylum and Subsidiary Protection

- [39]. Directive 2004/83/EC has been implemented by Legislative Decree 251/2007. According to the Aliens Act (SFS 2005:716) section 4, paragraph 1, "‘refugee’ means an alien who is outside the country of the alien’s nationality, because he or she feels a well-founded fear of persecution on grounds of race, nationality, religious or political belief, or on grounds of gender, sexual orientation or other membership of a particular social group and is unable, or because of his or her fear is unwilling, to avail himself or herself of the protection of that country. This applies irrespective of whether it is the authorities of the country that are responsible for the alien being subjected to persecution or these."<sup>40</sup>
- [40]. There are no statistics from *Migrationsverket* [The Swedish Migration Board] on the number of LGBT asylum seekers or applications on grounds related to sexual orientation or the outcome of cases. In 2002 *The Swedish Migration Board*, on order from the government, concluded that around 300 persons seek asylum in Sweden on these grounds every year. The figure, however, is only a very rough estimate. *RFSL* holds contact with approximately 50 LGBT refugees every year.<sup>41</sup>
- [41]. Competence on LGBT issues has been generally weak within *The Swedish Migration Board*, which meets and handles asylum seekers. There is little understanding, for example, of the difficulty of LGBT asylum seekers to immediately come forward to officials as LGBT or discuss the problems they have had in their country of origin
- [42]. In the spring of 2004 an Iranian transgender man committed suicide at the asylum centre where he was living. He had been denied residence in Sweden and *The Swedish Migration Board* had stated that it was not a problem for him to live as a transgender person in Iran. This sparked anger and debate among LGBT and human rights organisations in Sweden.

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<sup>39</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report

<sup>40</sup> M. K.Eriksson, I. Cameron and T. Bull. (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Sweden*. FRALEX.

<sup>41</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

- [43]. Asylum seekers in Sweden are placed in asylum centres. RFSL has seen cases where these living conditions have created problems for LGBT asylum seekers. Flats are often shared by five or six people, and asylum seekers often live with persons from their origin country, a situation that can create major difficulties for those seeking asylum on LGBT grounds.
- [44]. In 2002, *The Swedish Migration Board* produced special guidelines for the handling of LGBT asylum seeker cases. RFSL and HomO were consulted by the Migration Board as part of the process that led to the adoption of these guidelines.<sup>42</sup>

### C.11. Family Reunification

- [45]. Sweden has treated same-sex relationships equally to opposite-sex relationships for the purposes of family residence permits since 1972. It is uncommon to be denied a residence permit for a same-sex partner, and the *Swedish Migration Board* only appears to deny applications if it believes that the relationship is being faked.<sup>43</sup>

### C.12. Transgender Issues

- [46]. Today's law dates back to 1972 and contains demands that persons requiring sex reassignment must be sterilised, unmarried and a Swedish citizen. This has been criticized by *RFSL* and *KIM*, an organisation working on gender identity diversity issues. In 2007, an official investigation suggested changing this law.<sup>44</sup>
- [47]. Swedish law presents a further problem for transgender persons, as it strictly divides names into male or female categories. A transgender person wishing to have a name that corresponds with their gender identity must choose from a list of gender-neutral names. This law has been criticized by *RFSL* and other organisations.
- [48]. A Swedish law prohibiting transgender discrimination has been adopted by the Swedish Parliament and will enter into force on January 1, 2009. It is the first time that the vulnerability of transgender persons has gained attention in major legislation.<sup>45</sup> A proposal in the final report of the Committee of Inquiry (SOU 2006:22)<sup>46</sup> introducing an obligation to promote equality regardless of sexual identity or sexual orientation was not included in the government's proposal, and

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<sup>42</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

<sup>43</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report.

<sup>44</sup> Ändrad könstillhörighet – förslag till ny lag (SOU 2007:16)

<sup>45</sup> M. K.Eriksson, I. Cameron and T Bull. (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Sweden*. FRALEX.

<sup>46</sup> SOU 2006:22.

thus not adopted by parliament.<sup>47</sup> The new legislation defines gender more widely and includes gender identity and expression as a new ground for discrimination.

### C.13. Multiple discrimination

- [49]. LGBT organisations acknowledge that LGBT persons are a diverse minority group with many internal differences and needs. It is a general observation by *RFSL* that LGBT elderly, LGBT ethnic minorities and LGBT disabled are not always included in the work of the organisation. For example, most LGBT clubs and restaurants in Stockholm, and even most local *RFSL* branches, are not handicapped-accessible.<sup>48</sup>
- [50]. *RFSL* has noted a number of positive developments since the state included LGBT issues in a general survey of elderly persons.<sup>49</sup>
- [51]. Throughout 2007, *RFSL* cooperated with an investigation on labour market conditions for ethnic minority LGBT persons. Respondents reported hiding their sexual orientation or gender identity to avoid discrimination or other negative impacts.<sup>50</sup> The report concluded that LGBT persons with ethnic minority backgrounds are discriminated in the labour market, and that this discrimination is both individual and structural and that categories such as gender, sexual orientation and ethnic background are all interlinked.<sup>51</sup>
- [52]. Another relevant point concerns hate crime. A hate crime can be committed toward an ethnic minority LGBT person due to his sexuality, his ethnic background or both. However, hate crime of this nature is difficult to register in statistics as crime is only registered as one type or another.<sup>52</sup>
- [53]. Cases concerning multiple discrimination are usually handled in cooperation between various ombudsmen institutions. *HomO* notes that intersectional cases are likely to benefit from the forthcoming combination of all ombudsmen institutions into one single discrimination body dealing with all six grounds of discrimination laid out in the directives.<sup>53</sup>

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<sup>47</sup> Field trip meeting with *HomO* (Sweden, 6 March 2008); M. K.Eriksson, I. Cameron and T. Bull. (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Sweden*. FRALEX.

<sup>48</sup> U Westerlund, (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report

<sup>49</sup> Field trip meeting with *RFSL* (Sweden, 5 March 2008).

<sup>50</sup> *RFSL* (2006) *Det trodde jag inte om Sverige*. En studie om arbetsmarknadssituationen för hbt-personer med etnisk minoritetsbakgrund.

<sup>51</sup> U. Westerlund (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in Sweden*. Sociological Country Report

<sup>52</sup> Field trip meeting with *Brottsförebygganderådet (BRÅ)* and *Integrations- och Jämställdhetsdepartementet*, Enheten för diskrimineringsfrågor (Sweden, 6 March 2008).

<sup>53</sup> Field trip meeting with *HomO* (Sweden, 6 March 2008).

## D. Good Practice

[54]. Good practices are described in Annex 1.