



LHB-förbundet's feedback on EU LGBTIQ equality strategy for 2026-2030

About us

LHB-förbundet is a Swedish non-partisan, non-governmental organization for lesbians, homosexual men and bisexual women and men. The aim of the organization is to promote the rights and interests of these groups.

Sex needs to be legally recognized first in order to protect sexual minorities.

We welcome the recent UK Supreme Court ruling clarifying that “sex” in the UK Equality Act refers to biological sex, and call for similar clarifications in European jurisdiction. It is of vital importance for us as lesbian, homo- and bisexual (same-sex attracted) men and women to put an end to the move to conflate or replace “sex” with “gender identity” in legislation, data collection and other areas. Not least, this is crucial to protect the right of assembly of homosexuals. Lesbians in particular have been targeted with intense propaganda campaigns to include biological males identifying as lesbians. The “lesbian interveners” in the UK Supreme Court case exposed the absurdity of the notion that to be a lesbian depends on a (“gender recognition”) certificate held by either oneself, one’s partner, or both. They also exposed the deep injustice of withholding from lesbians the legal right to define themselves and their own sexuality independent of men. There is a new homophobia often hiding under the banner of “LGBTIQ” which denies lesbians and gay men the right to self-definition and separate assembly.

Swedish anti-discrimination law (SFS 2008:567) recognizes as grounds for discrimination “sex”, “cross-gender identity or expression” and “sexual orientation”. “Sex” is defined as “woman or man”, with an added note that it also includes persons “who intends to change or has changed (legal) gender”. This confusing last-minute addition is the direct result of EU legal precedent perceived as binding, according to which “sex discrimination” should also include “gender reassignment” (2006/54/EC). If the intended interpretation is simply that anyone regardless of “gender reassignment” may be subject to sex discrimination, the addition is redundant. If, on the other hand, the suggestion is that a person may be subject to “sex discrimination” *specifically because of* (even an intended and yet unrealized) “gender reassignment”, it muddles and undermines the legal definition of “sex” as a discrimination ground. This is a good example of the harm already done by EU legal precedent on local legislation.

The original intention was to add a separate discrimination ground protecting trans people, which would have been preferable (SOU 2006:22). This survives as “cross-gender identity or expression”, redefined to only include trans persons identifying as something other than either woman or man. “Binary” trans persons are supposedly covered by “sex discrimination” instead, even if they only have a vague intention to eventually undergo legal and/or medical gender reassignment. This makes very little sense, as discrimination on the basis of sex hardly accounts for invisible personal identities or future intentions. Trans persons could either be discriminated against on the basis of their biological sex, or, (if they have changed their legal gender, name, and/or physical appearance) their assumed sex.

Every form of discrimination *specifically* targeting trans people *as trans* would fit better under a separate discrimination ground such as “cross-gender identity or expression”.

The discrimination ground “sexual orientation” is defined as “homosexual, bisexual or heterosexual orientation”. This definition is intended to cover all possible sexual orientations but not any additional sexual preferences or practices which may be unworthy of protection or even illegal (e.g. BDSM, pedophilia) (Prop. 2006/2007:95). As no further explanation is given, the terms should be understood in their established, commonsense meanings as referring to a sexual preference for either or both of the two biological sexes. However, this clashes with the above definition of “sex” as somehow including “gender reassignment”, as well as with having a specific discrimination ground for people identifying as neither woman nor man. Positive discrimination is allowed in certain circumstances such as in order to promote the cause of discriminated groups. It is unclear how the various discrimination grounds interact in these cases. For instance, would an organization for gay men be allowed to turn down a biological female identifying as a gay man, whether that person had undergone gender reassignment or not? This is untested in Swedish law.

No to extended “hate speech” legislation.

We are very worried that parts of the EU LGBTIQ equality strategy intended to decrease polarization and increase social acceptance will in fact have the opposite effect. Hate speech legislation in general is a very tricky area as it impinges on more fundamental human rights such as freedom of speech, opinion and information. We are of the opinion that hate speech legislation should be minimal and only clear incitements to violence (e.g.. slogans such as “kill TERFS!” and associated imagery of guns and nooses directed at lesbians) should be criminalized. Above all, any necessary legal measures to protect specific persecuted or oppressed minorities need to be considered locally and not imposed top-down from the EU.

We believe that discriminatory, hateful or prejudiced speech is in general better addressed with non-legislative methods such as factual rebuttals and moral condemnation. More than anything, an open and tolerant climate for discussion and debate is essential in order not to feed resentment, distrust of authorities and further polarization. “LGBTIQ people” (a questionable grouping) are a diverse group with diverse opinions. Legislative or other measures against “hate speech”, “anti-LGBTIQ propaganda” or “disinformation” risks pitting some parts of the group against others with differing opinions on “LGBTIQ” issues and politics. Furthermore, it risks putting the EU “LGBTIQ equality” project of forced teaming and false consensus above the interests of the diverse people it purports to protect. We believe that authorities such as the EU overstepping the mark with prohibitive “LGBTIQ” politics contributes to decreased social acceptance and backlash.

No to legislation targeting “conversion practices”.

We are also worried about the continued intent to roll out blanket bans on so-called “conversion practices”. This issue has already been addressed by a Swedish Government Official Report (SOU 2023:37) which sensibly and on strong grounds recommended against introducing any such targeted legislation. We endorse this recommendation and question the EU’s push to introduce legislation which will at best be purely symbolic and at worst hit too widely and impinge on fundamental freedoms.

First of all, there is little evidence of a need for such legislation. Existing research and other data deals almost exclusively with conversion practices related to sexual orientation. Although such practices

exist, particularly in certain religious settings, there is no indication that they are widespread or on the rise. These practices have abated over time in Sweden, especially in their medical or therapeutic forms, without the need for targeted legislation. Alarming, the proposed ban lumps together conversion practices related to sexual orientation with those related to “gender identity”, even though there is virtually no evidence on the latter. The two may even be in direct conflict, as evidenced by the practice encouraged in deeply conservative religious settings such as Iran of “correcting” homosexuality through medical gender reassignment. Solid evidence of the local forms and prevalence of “conversion practices” is needed before any legislative measures are taken in this regard.

Furthermore, as pointed out in the official report, a ban on “conversion practices” risks impinging on more fundamental rights established nationally and internationally, such as freedom of opinion, conscience and religion. A person has a right to autonomy, integrity and privacy in personal matters concerning identity and sexuality, which extends to the right to consent to practices which may be considered harmful or not in the person’s best interest. Parents have a similar right to raise children according to their values, although tempered by legal protections of the rights of the child. The legal argument in the report refers to the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union.

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