



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Sweden
Title:	Music festival marketed as cis-man free
Date:	15 February 2019
Expert:	Jenny Julén Votinius
<u>Context</u>	
Issue at stake:	Gender equality in access to goods and services
Ground of discrimination:	Gender
Source:	Equality Ombudsman, matter TIL 2018/63 document 34
Field:	Goods and services
Applicable law:	Discrimination Act (2008:567)

Content

Case/law/policy development: In the summer of 2018, an association organised a music festival marketed as 'the world's first major music festival for women, non-binary and transgender only'. Following reports and media attention, the Equality Ombudsman initiated a supervisory matter.

The decision was delivered on 17 December 2018. The Equality Ombudsman found no clear indication of discrimination in relation to a specific person in the carrying through of the festival. The organisers claimed that all persons over the minimum age holding a valid ticket had been allowed to entry the festival.

However, with reference to the judgment of the ECJEU in the case C-54/07 Firma Feryn, the Equality Ombudsman found that the organisers of the festival had breached the ban on gender discrimination in the marketing and information preceding the festival. On the association's web side and in media, the organisers had explicitly stated that persons identifying themselves as men were excluded from participating in the festival, and that only women, non-binary and trans persons were welcome. The Equality Ombudsman found that this information could only be understood as that the festival was closed for cis-men, and that persons belonging to this group would be denied access to the festival. The marketing of the festival had thus been intended to dissuade cis-men from coming to and participating in the festival, which constitutes a breach of the Discrimination Act (Chapter 2 Section 12.1.2).

The Swedish Discrimination Act does only provide for sanctions (damages) in cases regarding discrimination against a specific individual (in addition, a financial penalty can be ordered when a natural or legal person does not comply with a request ordered by the Equality Ombudsman to fulfil his or her obligation according to the Act). The decision of the Equality Ombudsman regarding the cis-man free festival is merely of guiding nature. It does not concern discrimination of a specific individual and it does not entail any sanctions for the organisers of the festival. However, in the decision, the Equality Ombudsman stresses that it cannot be ruled out that the information about the festival

spread by the organisers have led to the discrimination of one or more individuals who have been dissuaded from participating in the festival.

Internet link source:

http://www.do.se/globalassets/stallningstaganden/ovriga/tillsynsbeslut-festival-til-2018_63.pdf.