



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Implementation of the Convention on the Rights of Persons  
with Disabilities**

**Initial reports submitted by States parties under article 35 of the  
Convention**

**Sweden\***

[7 February 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## Introduction

1. This is the first report Sweden is submitting to the United Nations Committee on the Rights of Persons with Disabilities (CRPD).
2. The purpose of this report, in accordance with Article 35.1 of the Convention and the guidelines drawn up by the Committee,<sup>1</sup> is to describe how human rights are promoted and protected in Sweden, with the focus on persons with disabilities. The report presents the measures that have been taken and the challenges that have been identified in the Government's review<sup>2</sup> in order to clarify how Swedish legislation and other conditions in Sweden relate to the Convention.
3. The Ministry of Health and Social Affairs has prepared the report in collaboration with most of the departments within the Government Offices of Sweden.
4. The Government has employed an open process during the preparations prior to ratification, as well as during the period while the report was being produced. It has been particularly important to involve the civil society. A wide range of voluntary organisations, including organisations of persons with disabilities, representatives of Forum – Women and Disability in Sweden and the Swedish Women's Lobby, have been invited to submit their opinions. Special meetings have been held with persons with intellectual disabilities to give them the opportunity to make their voice heard.
5. It has not been possible to question children directly in the preparation of this report. However, attention has been given to allowing children the opportunity to speak. The Government has gathered information about the work currently under way to identify forms and methods for questioning children, for example as regards children's participation and self-determination in the planning and implementation of habilitation initiatives. Public authorities and other organisations have also been involved in working on the report. The report will be published on the Government's website, and will be available in accessible formats.
6. Sweden has signed up to most of the fundamental conventions on human rights. Sweden reports regularly to the UN convention committees regarding how we are adhering to international requirements in respect of human rights. The Government takes the recommendations of these bodies seriously, which is contributing to developing the protection of human rights in Sweden.
7. Sweden has a dualist legal system, which means that international conventions are not automatically incorporated into Swedish legislation. The Swedish approach means that international conventions are normally transformed into Swedish legislation in order to be applicable as Swedish law.
8. The preparations ahead of the ratification of the International Convention on the Rights of Persons with Disabilities included a comprehensive review of the legislation, the application of laws and action programmes intended to ensure that Swedish legislation and the conditions in Sweden were in accordance with the provisions set out in the Convention.

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<sup>1</sup> Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities, 18 November 2009, CRPD/C/2/3.

<sup>2</sup> Government bill 2008/09:28.

The review and the subsequent Government bill, Human rights for persons with disabilities,<sup>3</sup> led to the ratification of the Convention.

## **I. General provisions (arts. 1 to 4)**

### **Article 1: Purpose**

9. Sweden applies to the environmental concept of disability with reference to WHO International Classification of Functioning, Disability and Health (ICF). Alongside physical structures and functions, this classification also takes context-related factors in account.

10. There is no uniform definition of the phrase ‘long-term’. There is also no clear definition of ‘disability’, although using an approximate definition there are estimated to be between 1.1 and 1.5 million persons of all ages with disabilities of varying degrees. Estimates indicate that some 350 000 people have reported self-perceived disabilities.<sup>4</sup>

11. The term ‘disability’ is defined differently in different pieces of legislation, such as the Discrimination Act, the Planning and Building Act<sup>5</sup> and legislation in the social sphere.

12. According to the Discrimination Act, a disability refers to permanent physical, mental or intellectual limitation of a person’s functional capacity that, as a consequence of an injury or an illness, existed at birth, has since then arisen or can be expected to arise.

13. According to the Planning and Building Act,<sup>6</sup> the requirement regarding utility for persons with impaired movement or orientation must always be satisfied.

14. The Act concerning Support and Service for Persons with Certain Functional Impairments, known by its Swedish abbreviation of LSS, provides persons with extensive disabilities special rights regarding social services. LSS defines the target group as persons:

1. With an intellectual disability, autism or an autism-like condition;
2. With a significant and permanent intellectual functional impairment following a brain injury in adult life caused by external violence or a physical illness; or
3. With other permanent physical or mental disability that are obviously not due to normal ageing, if these are major and cause significant difficulties in living day-to-day life and consequently a significant need for support or service.

### **Article 2: Definitions**

15. The provisions set out in the Discrimination Act<sup>7</sup> define discrimination as both direct and indirect discrimination, harassment and sexual harassment, as well as instructions to discriminate. The concept of discrimination within the Act originates from the EU legislation on non-discrimination.

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<sup>3</sup> Government bill 2008/09:28.

<sup>4</sup> Departmental communication 2008:78.

<sup>5</sup> SFS 1987:10.

<sup>6</sup> SFS 1987:10, § 15, first subsection, point 5.

<sup>7</sup> SFS 2008:567.

16. *Direct discrimination* consequently refers to a person being disadvantaged by being treated less favourably than someone else is treated, has been treated or would have been treated in a comparable situation, if this disadvantaging is associated with a disability (Section 1, § 4, point 1). *Indirect discrimination* refers to a person being disadvantaged by the application of a provision, a criterion or a process that appears neutral, but that may put persons of certain disability at a particularly disadvantage, provided the provision, criterion or process does not have a justified purpose and the means that are used are appropriate and necessary to achieve the purpose (Section 1, § 4, point 2). *Harassment* refers to a form of behaviour that violates a person's dignity and that is linked to the disability-related grounds for discrimination (Section 1, § 4, point 3). *Instructions* to discriminate refer to an order or instruction to discriminate against someone directly, indirectly or through harassment (Section 1, § 4, point 5). The order or instruction must be given either to someone who is in a submissive or dependent relationship with the person giving the order or instruction, or to somebody who has undertaken to that person to complete a task.

17. The Discrimination Act contains provisions regarding *reasonable accommodations* in the field of working life and to some extent in the field of education. Reasonable accommodations must be implemented so that a person with a disability achieves a comparable situation to persons without such a disability (Section 2, § 1). When assessing whether something is reasonable, consideration must be given to financial burden, the nature and degree of the employee's disability, as well as the duration and form of the employment. Furthermore, technical and other developments should be taken into consideration, insofar as something that is not considered reasonable at a certain time may be viewed as reasonable at a later date, if developments occasion such an assessment.

18. *Universal Design* can be described as a vision, a goal for how society ought to be designed. *Universal Design* or *Design for All*, which is used in Europe, can be described as a design methodology that challenges creative skills within architecture, design and social planning to broaden the target group approach in order instead to satisfy the needs of as many users as possible.

### **Article 3: General principles and article 4: general obligations**

19. There are currently 290 municipalities and 20 county councils. The municipalities are responsible, for example, for issues such as physical planning, infrastructure, the provision of housing and business development, as well as for welfare services such as schooling, care for the elderly and health and medical service. The county councils attend to medical service and, to a certain extent, traffic planning and business development. In Sweden, municipal self-government constitutes one of the foundations of Swedish democracy and is written into the Constitution. Sweden has also ratified the European Charter of Local Self-Government.

20. When reviewed, Swedish legislation proved to correspond to the demands set out in the Charter. However, a report from the National Board of Health and Welfare into living conditions for certain people with disabilities<sup>8</sup> provides a picture of the living conditions experienced by many persons with disabilities. According to the report, adults with disabilities who receive support from social services live under different conditions from the rest of the population, and the National Board of Health and Welfare considers that there is a long way to go to achieve equal living conditions for this group. This applies particularly to people in the 20–29 years age group who are receiving initiatives in

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<sup>8</sup> *Alltjämt ojämlikt! [Increasingly unequal!], June 2010.*

accordance with the Social Services Act. This group includes many persons with a mental illness or mental disability.

21. The *overall goals* for the disability policy — social cohesion with diversity as the foundation, a society that is shaped so that people of all ages with disabilities can participate fully in social life, as well as equality of living conditions for girls and boys, women and men with disabilities — have been established since 2000 and in 2010 have been broken down into sector-specific targets. These will subsequently be made tangible in the form of monitorable interim goals that have been compiled to form a disability policy strategy that will apply for the period 2011–2016. The starting point for the strategy is that the work to achieve the overall disability policy goals should be effective and targeted, with broad collaboration and clear roles in its implementation. The strategy must be formulated on the basis of the Convention.

22. Over the course of ten years, the Government has trialled a basic structure for the disability policy according to an *action plan*, which has recently been evaluated. Large authorities, each responsible for one sector of society, have been specially commissioned to implement the disability policy within their respective sectors. These authorities must work actively to ensure that the disability perspective becomes an integral part of the authority's overall area of activity. The authorities must co-ordinate and support the work in order to achieve the goals of the disability policy and to drive on other players within their sector.

23. One important factor in being able to achieve the goals is that the Government conducts an ongoing dialogue with the civil society, which is extremely important for the formulation of the policy and has an important role to identify and highlight problems. The State subsidy to disability organisations was therefore increased by SEK 20 million as from 2008, providing the organisations with the financial conditions for the advocacy work they conduct, with increased demands from society to participate in the development.

24. In order to increase the rate at which social functions are made accessible to persons with disabilities, the Government has, since 2008, intensified its work within three *prioritised areas*: accessible public transport, an accessible civil service and easily eliminated obstacles in the built environment.

25. In recent years, the Government has highlighted the opportunities for *work and employment* as a particularly pressing issue.

26. One of the Government's tools is to provide authorities with specific assignments. In addition to giving assignments to authorities with national sectoral responsibility, the Government has also prioritised the issue of international development collaboration. For example, the Government has commissioned the *Swedish International Development Co-operation Agency* (Sida) to draw up a plan regarding how the Agency intends to ensure that the observance of human rights for persons with disabilities is included in Sida's internal work, as well as in the bilateral development co-operation. See Article 32.

27. Sweden fully satisfies the demands set out in the Convention regarding rights for persons with disabilities that can be deemed to be absolute, the areas where the Convention requires that persons with disabilities must, without exception, have the same rights guaranteed in law. This applies for example to the right to life, liberty and personal security in Articles 10–14, the right not to be subjected to torture, violence or abuse in Articles 15–17, or the respect for home and the family in Article 23.

28. Sweden has good prerequisites to satisfy the requirements set out in the Convention, although there are areas where a considerable amount of work still remains before the goals and requirements pursuant to current legislation can be deemed to be satisfied. This applies for instance to the undertakings included in Articles 8 and 9

regarding raising awareness and accessibility, as well as Article 27 regarding work and employment.

## II. Specific rights

### Article 5: Equality and non-discrimination

29. Provisions regarding equality and non-discrimination are included in *Sweden's Constitution*.<sup>9</sup> The Constitution states that people must be able to achieve participation and equality in society. The public must also work to counter discrimination against people on the grounds of e.g. a disability.

30. The Discrimination Act<sup>10</sup> regulates protection against discrimination. The objective of the Act is to combat discrimination and in other ways to promote equal rights and opportunities, irrespective of gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The prohibition of discrimination covers direct discrimination, indirect discrimination, harassment, sexual harassment, and instructions to discriminate (these concepts are expanded on under Article 4). According to the Discrimination Act, a disability refers to permanent physical, mental or intellectual limitation of a person's functional capacity that, as a consequence of injury or illness existed at birth, has arisen since then or can be expected to arise.

31. The protection against discrimination applies to the fields of working life, education, labour market policy activities and the employment service not under public contract, starting or running a business, as well as professional recognition, membership of certain organisations, the supply of goods, services and housing, as well as to public meetings and events, health and medical care and social services etc., the social insurance system, unemployment insurance, student finance, national military and civilian service, and assistance to the public with information, guidance, advice or other similar help, or in other types of contacts with the public when these activities are carried out in the line of duty by someone who is fully or partly covered by the Public Employment Act.<sup>11</sup>

32. The prohibition of discrimination in the field of working life<sup>12</sup> stipulates that an employer may not, for reasons connected to e.g. disability, discriminate against a person who is an employee of the employer, who makes an application for or seeks a job, who applies for or carries out a practical work placement, or who is available to carry out or carries out work as hired or seconded labour.

33. In the field of working life, there is also a requirement to implement reasonable accommodations. An employer, through reasonable accommodations, must ensure that an employee, a job applicant or a person on a work placement with a disability is placed in a comparable situation to persons without such a disability. Measures that may be considered can include those that are intended to improve physical access to the workplace and associated premises, as well as to make the premises usable for persons with disabilities. This might include technical devices and special work tools or changes to the physical working environment. This might entail stronger lighting for a person who is visually impaired, good ventilation for a person with allergies, technical devices to facilitate lifting

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<sup>9</sup> The Constitution Act, Section 1, § 2.

<sup>10</sup> SFS 2008:567.

<sup>11</sup> SFS 1994:260.

<sup>12</sup> SFS 2008:567, Section 2, § 1.



and transport, computer support, etc. Changes to work duties, working hours and working methods may also be appropriate.

34. Education providers may not discriminate against a child, pupil or student participating in or applying for an activity.<sup>13</sup> The prohibition of discrimination also applies in the event an education providers, through reasonable measures in respect of the premises' accessibility or usability, can ensure that a person with disability who applies for or has been accepted on a course in accordance with the Higher Education Act<sup>14</sup> or on a course that can result in a degree in accordance with the Award of Certain Degrees Licensing Act,<sup>15</sup> achieves a comparable situation to persons without such a disability.<sup>16</sup> Measures that may come into question relate to improving the physical access to the university and associated premises, as well as, as far as possible, making these premises usable for persons with disabilities. This may include changes to the design of the premises, such as high thresholds, wall-to-wall carpets, the absence of lifts, the location of door openers, the design of lavatory areas, etc. It may also relate to good ventilation for persons with allergies, wireless loop systems and good acoustics for individuals with impaired hearing, the need for contrast and strong lighting etc. for persons with impaired vision.

35. The Discrimination Act also stipulates demands for active measures on the part of education providers. Education providers must conduct targeted work aimed at actively promoting equal rights and opportunities for those children, pupils or students participating in or applying for an activity, regardless of any disability.<sup>17</sup> Education providers must also draw up an annual plan containing an overview of the measures that are required in order both to promote equal rights and opportunities for those children, pupils or students participating in or applying for an activity, regardless of any disability, as well as to prevent harassment.

36. Anyone who acts in breach of this Act must pay compensation for discrimination. Discriminating agreements may be declared invalid by the courts.

37. The *Equality Ombudsman* supervises compliance with the law and is entitled to bring a case in the courts on behalf of an individual who considers himself or herself to have been discriminated against. Certain non-profit organisations are also entitled to take legal action. The Equality Ombudsman must also work to ensure that discrimination that is linked to disability does not occur in any area of social life, and work to achieve equal rights and opportunities regardless of disability. The Ombudsman must, through advice and in other ways, contribute to the person who has been subjected to discrimination being able to utilise his or her rights. Furthermore, the authority is tasked for example with providing information and training, suggesting constitutional amendments to counteract discrimination, as well as implementing other suitable measures.

38. A new *minority policy strategy*, *From Recognition to Empowerment* – the Government's Strategy for the National Minorities,<sup>18</sup> was presented by the Government in 2009. The strategy includes changes intended to strengthen the rights of the national minorities and to improve implementation of the minority policy. The aim of the Swedish minority policy are to provide protection for the national minorities, to strengthen their potential to exert influence, and to support the historical minority languages in order to

<sup>13</sup> SFS 2008:567, Section 2, § 5.

<sup>14</sup> SFS 1992:1434.

<sup>15</sup> SFS 1993:792.

<sup>16</sup> SFS 2008:567, Section 2, § 5, second paragraph.

<sup>17</sup> SFS 2008:567, Section 3, §§ 14 and 16.

<sup>18</sup> Government Bill 2008/09:158.

keep them alive. Sweden's national minorities are the Jews, the Roma, the Saami, the Swedish Finns and Tornedalers.

39. The *police* are the authority charged with preventing crime, monitoring public order and security, conducting surveillance and investigating crimes. The police in Sweden are divided into a central level and a local level. The police conducted targeted work aimed at reducing discrimination and other restrictions to human rights. As a result, the authority has developed a policy and a plan of action for diversity and equal treatment for the period 2010–2012. This specifies zero tolerance and the fact that no forms of discrimination or harassment will be permitted, either within the police organisation or in its contacts with citizens. The police must be representative and good role models in society, and they must act on the basis of human rights.

40. Within the action plan, the rights of persons with disabilities are an important area. For example, the plan emphasises that the fact a person has a disability or limited linguistic skills must not constitute an obstacle in any contacts with the police organisation. The police authorities must therefore analyse their activities from both a treatment and a disability perspective.

41. Another national project that is directly linked to reducing discrimination and increasing accessibility for all is the development and implementation of a common set of values for the entire police force.

42. Within the Swedish Prosecution Authority, the prosecutor has three main tasks: to investigate crimes, to make decisions as to whether prosecutions may be brought or not, and to appear in court. The Authority has an action plan for increasing accessibility for persons with disabilities to premises, information, communication and reception, as well as to the Swedish Prosecution Authority as a workplace.

43. During 2010 the Authority has launched a project in which it charts how the Authority provides information to various types of crime victim, and how these victims of crime can access the information.

44. The Swedish National Courts Administration<sup>19</sup> has developed an action plan regarding accessibility in the Swedish Courts during the period 2008–2010. This action plan covers premises, communication and information, as well as operations and personnel issues. The action plan will function as a tool for planning and following up accessibility issues within the Swedish Courts. The goal is that neither visitors nor employees should be excluded from the activities within the Swedish Courts due to a disability. The action plan includes producing an inventory of existing premises from an accessibility perspective, with the aim, as far as possible, of rectifying shortcomings in accessibility in existing premises, both as regards public areas and office areas. The majority of the measures intended to rectify the shortcomings identified in previous inventories will be completed by the end of 2010. Those courts that have been newly constructed or renovated during the 2000s have been adapted according to current demands for accessibility.

45. The Swedish Courts have adopted equality plans and diversity plans, and are continually working on issues relating to values. The Swedish National Courts Administration has also been specifically commissioned to initiate, support and unite the preparation of strategies for the Swedish Courts' work in relation to the treatment of parties and other individuals who come into contact with the courts.

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<sup>19</sup> The task of the Swedish National Courts Administration is to provide administrative support and service to the Swedish Courts. The Administration is responsible for overall co-ordination and joint issues that relate to the courts, but has no powers over final judgments or decisions of the courts.

46. The Swedish Courts' external website has been adapted to the guidelines for accessibility, WAI (Web Accessibility Initiative). This website includes easy-to-read, general information, as well as a function that facilitates the reading aloud of the information.

47. Elements relating to treatment and ethics are included in most of the basic training that is continually offered to the employees within the Swedish Courts. The range of courses also includes elements about applicable legislation and regulations regarding human rights, the rights of children and discrimination. Courses are also available about special protection legislation that focuses on persons with disabilities.

48. The Swedish Prison and Probation Service is responsible for remand centres, prisons, probation and transport operations, for example with respect to the Service's clients. The Service has drawn up guidelines for its client-oriented work against discrimination, as well as for the work with persons with disabilities within the Prison and Probation Service.

49. The Service's basic training includes information about applicable legislation and rules regarding human rights, the Convention on the Rights of the Child and discrimination, as well as theories regarding the mechanisms behind discrimination. Within both the basic training and the further training that the authority offers its employees, the *Swedish Prison and Probation Service's Vision and Core Values* are a common starting point for highlighting discrimination and diversity issues in various training elements.

## Article 8: Awareness-raising

50. On 1 January 2006, the Government established an authority that was commissioned to co-ordinate the disability policy, the *Swedish Agency for Disability Policy Coordination (Handisam)*. The Agency provides support to the Government in the implementation of the disability policy. The Agency's assignment within the field of accessibility entails stimulating and driving through developments aimed at achieving a more accessible Sweden, as well as following the development of authorities, municipalities and other players in society in respect of accessibility. Through its co-ordination work, Handisam will also help Sweden to fulfil its undertakings within the framework of the protection of human rights.

51. During 2010, Handisam has been commissioned by the Government to support municipalities and county councils in the implementation of the UN's Convention on the Rights of Persons with Disabilities. During the autumn, Handisam has conducted 11 regional conferences in municipalities and county councils. The Agency will also develop method material regarding how municipalities and county councils can work on the basis of the Convention. The conferences have been implemented in co-operation with the Swedish Disability Federation's Agenda 50 project and with the Swedish Association of Local Authorities and Regions (SALAR).<sup>20</sup>

52. The *Swedish Disability Federation* and others<sup>21</sup> are conducting a project using funds from the Swedish Inheritance Fund<sup>22</sup> – Agenda 50. The project will work towards the

<sup>20</sup> The Swedish Association of Local Authorities and Regions (SALAR) is an employer and trade association. SALAR's membership comprises Sweden's 290 municipalities and 20 county councils.

<sup>21</sup> The Swedish Association of the Visually Impaired, Forum – Women and Disability in Sweden, the Swedish Committee of Rehabilitation International.

<sup>22</sup> The Swedish Inheritance Fund is a Swedish national fund, which receives the funds from

implementation of the Convention on the Rights of Persons with Disabilities. The project is aimed at persons with disabilities, disability organisations nationally and to decision-makers and personnel groups in counties, county councils and municipalities, as well as at State authorities. With the support of information and training material, at meetings, seminars, courses and study groups throughout the country, the opportunity is provided to learn more about the content and meaning of the Convention, as well as how it can be used to influence the living conditions of persons with various disabilities.

53. A central issue for promoting equality is to increase knowledge among the general public about all forms of disability. Increased knowledge can also help to change attitudes. In 2009, the Government commissioned Handisam, in close co-operation with NSPH (National Association for Mental Health), to conduct a nationwide programme aimed at increasing knowledge about and changing attitudes towards persons with a mental illness or mental disability. Special activities targeted at employers are also planned within the assignment. A follow-up and evaluation of the effects of the assignment will be presented to the Government not later than 1 June 2012. Special activities targeted at working life are also planned within the assignment.

54. At a European level, the European Union (EU) Council of Ministers took a decision in principle, on 26 November 2009, that the EU should ratify the Convention. This decision was welcomed by Sweden. However, this can only take place after a “code of conduct”<sup>23</sup> has been drawn up.

55. On the basis of a Swedish initiative and through a Nordic collaboration, a conference was held in autumn 2008 in order to spread and establish knowledge throughout the whole of Europe regarding the content of the UN’s Convention on the Rights of Persons with Disabilities, and to encourage Member States that have not yet ratified the Convention to work towards ratification. The Council of Europe’s action plan<sup>24</sup> was presented in this context as a regional tool to be used in the implementation of the Convention. Most of the Council’s Member States participated at the conference.

56. Under the Nordic Council of Ministers, there is a policy-creating and advisory body, the Nordic Council on Disability Policy, which deals with important disability policy issues on both the Nordic and national political agendas. The Council also provides support and acts as a source of information for the various sectors of the Nordic Council of Ministers, in their work of implementing a disability perspective in the operation’s strategies and future plans.

## **Article 9: Accessibility**

57. The Government views the work of making social functions accessible to persons with disabilities as a part of the work towards increased participation and equality. In recent years, this work has been intensified in the fields of an accessible civil service, easily eliminated obstacles in the built environment and accessible public transport.

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deceased estates that do not have any beneficiaries or where there is no written will. The Fund will use project funds etc. to promote activities of a non-profit nature to the benefit of children, young people and people with disabilities.

<sup>23</sup> The code of conduct is an agreement between the Council, the Member States of the EU and the European Commission, prior to the implementation of the Convention, and specifies who will represent the EU in relation to the UN.

<sup>24</sup> Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society (2006–2015).

58. A concrete example of measures that have been implemented are the regulations regarding public procurement. The Public Procurement Act stipulates that the technical specifications in tender documentation should, where possible, be determined with regard to the criteria in respect of accessibility for persons with disabilities or be formulated with a view to the needs of all users. The specifications should ensure that the properties of materials, goods and services are suitable for the area of application, both in the works contract and the service and supply contract.

59. The work on standardisation is a basic precondition in the accessibility work. Since autumn 2008, Handisam has been working on an assignment regarding e-inclusion, comprising three parts: to act as staff support to the Government regarding the European collaboration, to produce a compilation of available knowledge and to chart European and national initiatives, as well as to suggest proposals for future initiatives.<sup>25</sup>

60. Handisam has also produced a proposed action plan for e-inclusion<sup>26</sup> that highlights initiative areas within various policy areas, with the aim of contributing towards everyone being able to share in the information society and for this to be as easy as possible. Proposals for a future structure for following up e-accessibility are currently being prepared in an investigation.<sup>27</sup>

61. As part of the Lisbon Agenda,<sup>28</sup> a high-level group within the EU has been working on three policy areas: e-Government, e-Health and e-Inclusion.

62. Within the accessibility work, according to the Government, the State should set a good example in order effectively to achieve results. *Authorities under the Government* should therefore formulate and conduct their activities bearing in mind the goals of the disability policy. To date, the work has taken place in accordance with the ten-year national action plan 2000–2010. The Ordinance on the government authorities' responsibility for the implementation of the disability policies<sup>29</sup> provides support for this work. According to the Ordinance, government authorities must, by conducting inventories and drawing up action plans, work to make their premises, their operations and information more accessible to persons with disabilities. In 2008, 69 per cent of the government authorities had prepared such action plans and 77 per cent had completed or started inventories of their premises. The Ordinance has been important for the accessibility work, although other measures have also been of importance, such as regulations regarding easily eliminated obstacles (see below).

63. For example, in 2009, the Swedish National Agency for Education<sup>30</sup> presented an inventory of *accessibility* to school buildings. The Agency noted deficiencies as regards physical accessibility in several schools, but was also able to observe a positive trend in the work on accessibility. The Agency observed that personnel in municipalities and schools often lacked knowledge about accessibility and how it can be improved. Against this background, the Government commissioned the National Agency for Special Needs

<sup>25</sup> The report: Kartläggning över initiativ för e-Inkludering i EU och Sverige [Charting initiatives for e-Inclusion in the EU and Sweden], 2010.

<sup>26</sup> The report: Rätt från början [Right from the beginning], 2009.

<sup>27</sup> N2010/5802/ITP.

<sup>28</sup> The Lisbon Agenda was a ten-year strategy that was adopted by the Council of Europe in Lisbon in March 2000, with the aim of making the European economy more competitive and dynamic between 2000 and 2010. The Union did not manage to achieve several of the goals in the strategy.

In June 2010, the Union adopted a new ten-year strategy, called Europa 2020.

<sup>29</sup> SFS 2001:526.

<sup>30</sup> The Swedish National Agency for Education is the administrative authority for the Swedish public school system.

Education and Schools<sup>31</sup> to disseminate knowledge about accessibility in schools, pre-schools and municipalities during 2009 and 2010.

64. The Government's ambition has been to intensify the accessibility work and to improve control of the work, particularly among the citizens. In 2008, Handisam was therefore commissioned to present the results of the government authorities' accessibility work in the form of open comparisons. The Agency presents how individual authorities have fulfilled a number of fundamental accessibility criteria within the field of information and physical accessibility within the Agency's main building.

65. The *Swedish Planning and Building Act*<sup>32</sup> (PBL) includes accessibility and usability for persons with impaired movement or orientation as one of nine technical requirements for construction works. The requirements apply to buildings, plots, public locations and areas with facilities other than buildings. Swedish building regulations also contain detailed requirements regarding accessibility in housing. In all new and converted accommodation, for example, there must be accessible wet rooms. All new buildings must, for example, have accessible entrances, and newly built accommodation must have a turning area for indoor wheelchairs. The building regulations also require lifts in new and converted housing buildings of more than three floors, and for storage areas, mailboxes, laundry rooms, waste areas, refuse disposal and other accommodation supplements to be accessible and usable. The requirement for lifts also exists for buildings that contain working premises to which the general public have access, as well as public premises.

66. On 1 July 2001, the PBL<sup>33</sup> was tightened up with retroactive requirements for easily eliminated obstacles in public premises and public locations to be rectified and adapted for persons with impaired movement or orientation. The *Swedish National Board of Housing, Building and Planning*<sup>34</sup> was given the opportunity to accurately define the provisions. The Board will also assist the municipalities in their work on accessibility analyses of public locations and premises to which the general public have access. Another task is to notify the general public, organisations and other authorities about the rules, obligations and solutions for accessibility. The National Board of Housing, Building and Planning submits a report annually to the Government regarding the municipalities' application of the Planning and Building Act. This is based on reports from the County Administrative Boards.<sup>35</sup>

67. In 2008, the Government also allotted SEK 12 million to the Swedish National Board of Housing, Building and Planning which, in collaboration with the County Administrative Boards, Handisam and the Swedish Association of Local Authorities and Regions, is conducting an information and education campaign regarding easily eliminated obstacles in public premises and public locations during 2009–2010, aimed at approximately 1,000 people among authorities and property owners in the municipalities. The Board has submitted its final report on the campaign on 31 December 2010.

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<sup>31</sup> The National Agency for Special Needs Education and Schools is responsible for the State's overall support to municipalities and to schools and pre-schools with regard to special needs education issues.

<sup>32</sup> Planning and Building Act (PBL), SFS 1987:10.

<sup>33</sup> SFS 1987:1017 Section 21 a §.

<sup>34</sup> The Swedish National Board of Housing, Building and Planning is an authority that has responsibility for social planning, town and settlement development, construction and administration, as well as housing issues. The Board has sectoral responsibility for disability issues.

<sup>35</sup> Sweden is divided into 21 counties, each of which has a county administrative board. The county administrative board is a governmental co-ordinating authority with supervisory responsibility, a service authority and an appeal body.

68. The Planning and Building Act specifies sanctions for transgressions of the requirements for construction works, including accessibility in new and altered buildings, as a fixed sum and/or prohibition on the use of the building or a part thereof, until the faults have been rectified.

69. In the event of transgressions, the municipal building committee decides whether the consequences are to be financial fines and/or demands to rectify the deficient accessibility solutions. Financial fines are not earmarked for accessibility-improving measures.

70. In June 2010, Parliament adopted a proposal for the modernisation of the Planning and Building Act. As part of this, a building's accessibility and usability will be assessed in conjunction with the issuing of planning permission.

71. The *municipalities* are responsible for the requirements in the Planning and Building Act being satisfied on a local level. In order to drive through developments locally and regionally, the Government has supported municipalities in the development of indicators and systems for open comparisons of accessibility and accessibility work for persons with disabilities.

72. More and more municipalities are already working voluntarily to observe accessibility issues in the production of detailed plans, in-depth overview plans and regular overview plans. The Swedish National Board of Housing, Building and Planning has been working since 2006 on guidance for municipalities regarding overview planning, for example via a series of publications that include accessibility.

73. Identification of obstacles in the physical environment, both indoors and outdoors, and in both private and public properties, is performed by the municipalities. Various tools for analysing accessibility at an overall level are being developed in municipalities and regions.

74. The *Act on Housing Adaptation Grants*<sup>36</sup> instructs the municipalities to provide grants for adaptation in order to increase the accessibility to and usability of existing housing for persons with disabilities or elderly people. In 2008, approximately 75,000 homes received these grants, for example for installing ramps and door openers, converting bathrooms, etc., at a total cost of SEK 959 million.

75. It is also important to highlight the fact that accessibility must be viewed from a broad perspective. The National Board of Health and Welfare<sup>37</sup> has investigated whether persons with disabilities can apply for care and support on the same terms as the rest of the population. This has taken place by means of charting<sup>38</sup> accessibility to Sweden's social welfare offices and healthcare centres. In this context, accessibility also refers to how accessible the environment is, as well as how usable services and products are for persons with disabilities.

76. The conclusions of the charting process are that accessibility is high for persons with disabilities, which indicates that the national regulations and the targeted information efforts in recent years have been effective.

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<sup>36</sup> SFS 1992:1574.

<sup>37</sup> The National Board of Health and Welfare is an authority that works with health and medical service and other medical activities, dental care, health protection, infection protection, social services, support and services to certain people with disabilities etc. The Board has an overall responsibility — sectoral responsibility — for disability issues within social services as well as health and medical service.

<sup>38</sup> Year of publication: 2010, Article number: 2010-5-6.

77. In the majority of healthcare centres and social welfare offices, however, there are major deficiencies as regards accessibility for persons with other types of disability, in particular impaired vision, impaired hearing and cognitive disabilities. This means that the Government needs to become clearer in its communication of what accessibility is.

78. At the Government's request, Handisam has produced recommendations to municipalities regarding how they should formulate *accessibility guides* for persons with disabilities. The purpose is to make it easier for citizens to ascertain whether premises and environments are accessible. Approximately a third of the country's municipalities currently have guides on the Internet describing how accessible various locations and premises are for persons with disabilities. The content, appearance and structure of these guides vary greatly. The recommendations to municipalities contain information about what should be included in a guide and how it should best be designed.

79. Sweden's Government allocates approximately SEK 40 million annually in grants for the conversion of public meeting areas and non-governmental cultural premises. Around half of the total of 100 projects in 2009 used the funds they had been granted to make the premises accessible and usable for persons with disabilities.

80. There are demands for *information signs* and lighting to and inside buildings, on plots, in public locations, areas for facilities other than buildings, entrances to and communication areas within buildings, to make it easier for persons with disabilities to use them.

81. Stringent demands are stipulated as regards the form and function of public *information symbols*, in order for them to make life easier for citizens. The Swedish Institute of Assistive Technology<sup>39</sup> has developed graphic symbols in a national standard in order to increase the use of non-verbal information presentation in buildings and other public locations, particular consideration has been given to persons with various disabilities. This relates particularly to disabilities that affect vision, cognitive capacity or movement. They should be seen as part of the work of making society accessible for many more people. The symbols that are included in the new Swedish standard conform to the requirements for form and function that exist for the standardisation of public information symbols. All have been tested for comprehension in accordance with an international ISO standard for test methods (ISO 9186-1).

82. Increasing accessibility within the *transport system* is a fundamental democratic issue and an important measure for generating participation. The Government and Parliament have therefore decided on specific transport policy goals<sup>40</sup> and funds for achieving an accessible and usable transport system. Among the 13 prioritised areas, the accessibility goal has been specified as follows: The transport system must be designed so that it can be used by persons with disabilities.

83. An ageing population means that increasing accessibility in public transport will become more and more important. By broadening the goals to encompass the entire transport system, it will become clear that it is not enough simply to have accessible public transport.

84. Within the transport field, an organised collaboration has been created between the disabled people's movement and affected authorities in order to make public transport accessible to persons with various disabilities. This collaboration takes place on both a national and a regional level within the framework of the Swedish Transport

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<sup>39</sup> The Swedish Institute of Assistive Technology is a national knowledge centre working in the field of assistive devices and accessibility for people with disabilities.

<sup>40</sup> Government Bill 2008/09:93, Goals for future travel and transport.



Administration's Accessibility Council. The purpose of this body is that the Administration — which is responsible for the national transport infrastructure — should have good access to advice and support in its work of designing a transport system that can be used by everyone.

85. The legislative protection that exists in the transport sector relates to public transport,<sup>41</sup> mobility services<sup>42</sup> and the national mobility service.<sup>43</sup> The Education Act<sup>44</sup> contains provisions about free school transport.

86. Requirements for buildings and service facilities that are linked to the public transport system are regulated in the Planning and Building Act and in the National Board of Housing, Building and Planning's regulations. For shipping, the Swedish Maritime Administration<sup>45</sup> has issued national regulations and general advice about the adaptation of passenger vessels with regard to persons with disabilities. There is also EU legislation that regulates technical requirements for vehicles within the various transport types, which is intended for example to ensure that they are accessible to persons with disabilities.

87. EU law also places demands for example on transporters and station managers regarding rights for persons with disabilities or reduced mobility. Such demands are contained in the Regulation of the European Parliament and of the Council<sup>46</sup> on rail passengers' rights and obligations and in the Regulation of the European Parliament and of the Council<sup>47</sup> concerning the rights of disabled persons and persons with reduced mobility when travelling by air. These legal instruments establish that persons with disabilities and persons with reduced mobility are entitled to travel with the relevant form of transport and to receive assistance in conjunction with their journey.

88. Accessibility in railway stations is an important part of the transport system. In 2010, 40 railway stations are fully accessible in accordance with current regulations, and a further 20 railway stations are expected to be completed during 2011. This applies both to that which is defined as infrastructure as well as other parts of the station property. When

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<sup>41</sup> The Disability and Public Transportation Act (1979:558) contains e.g. provisions to the effect that the body that supervises public transport and the body that plans and exercises such transport must ensure that the services and the means of transport that are used are accessible to persons with disabilities as far as possible.

<sup>42</sup> The Special Transport Services Act (SFS 1997:736) regulates an obligation for each municipality to arrange passenger transport for individuals who, due to a disability that is not only temporary, have significant difficulties in moving about themselves or in travelling by public transport.

<sup>43</sup> The National Special Transport Services Act (SFS 1997:735) entitles people who have a significant, permanent disability — and who as a result of this have to travel by more expensive methods than others — to receive compensation for the excess transport cost. The purpose of the travel should be recreation, leisure activities or an individual matter, and the travel must take place from one municipality to another.

<sup>44</sup> The Education Act (2010:800) specifies that pupils in compulsory school and equivalent forms of school, as well as in upper secondary school for pupils with learning difficulties, are entitled to free school transport if such transport is required with regard to the length of the journey, the traffic conditions, the pupil's disability or some other specific circumstance. According to the Act on municipalities' obligation to assume liability for certain school transport (1991:1110), the municipality must, under certain circumstances, assume responsibility for upper secondary students' costs for daily travel between the home and school.

<sup>45</sup> The Swedish Maritime Administration is a central administrative authority with operations that are conducted as a central government enterprise. The Administration is responsible for the safety and accessibility of shipping.

<sup>46</sup> (EC) No. 1371/2007 of 23 October 2007.

<sup>47</sup> (EC) No. 1107/2006.

150 railway stations are accessible, the vast majority of railway journeys will be able to be made to and from such stations.

89. There have also been major improvements aimed at increasing accessibility in the road transport system over the past ten years. More than half of all bus-stops in the national road network have been converted to make it possible for more and more persons with disabilities to travel by bus.

90. The Government, alongside the Swedish Transport Administration, is planning to increase the number of accessible railway stations and bus-stops successively over the next few years, and for those railway stations and bus-stops that have the greatest numbers of passengers to be rectified first.

91. Local and regional public transport is the responsibility of the country's municipalities, and they are performing comprehensive work to adapt public transport to the needs of persons with disabilities. Public transport vehicles are accessible to an increasingly great extent. For example, two-thirds of the buses operating local services are low-floor vehicles, and more than half of the buses have automatic stop announcements.

92. The State is speeding up the work in the municipalities by providing state grants for vehicles, terminals, stops, training, information and payment systems, pedestrian and cycle paths, wheelchair lifts, lifts, co-ordination measures, etc. As a rule, the State pays half the costs for each measure. However, public transport is accessible to varying extents in different counties due to the changing conditions in different parts of the country.

93. Over the past 10 years, government authorities have conducted a range of projects aimed at promoting the issue of making public transport accessible, as well as to integrate the work of the State, municipalities and the private sector. This relates to both physical measures in the infrastructure and vehicles, as well as 'softer' initiatives such as training personnel in how to treat persons with disabilities in an appropriate manner. These projects have been conducted in collaboration with the disabled people's movement.

94. Participation in the information society provides increased opportunities to participate in education, manage a job and be socially active, which leads to a good quality of life as well as contributing to the development of society in general. IT and the Internet are used within all sectors of society. The Government has implemented measures to drive through developments in order to break the cycle of isolation entailed by the inability to use IT. Persons with disabilities are one of the user groups whose specific needs must be taken into consideration in IT development. In addition to increased access to broadband and new technical solutions, the Government has invested in increased usability and accessibility of established and new services for persons with disabilities.

95. For example, the Swedish Post and Telecom Agency<sup>48</sup> (PTS) is developing electronic services for persons with disabilities in conjunction with affected players. In order to increase knowledge of the services that PTS procures, and thereby to reach more target groups, a major information campaign was conducted including advertisements and information material targeted at municipalities, county councils, etc. During the year, PTS has conducted trials with 'streaming' talking books and talking newspapers on mobile phones. See Article 30.

96. During spring 2010, the Agency also announced an innovation competition on the theme of "Work and training" targeted at companies, where researchers and organisations

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<sup>48</sup> The Swedish Post and Telecom Agency (PTS) is the authority with overall responsibility within the fields of electronic communication and post in Sweden. PTS is one of the authorities to have responsibility for the disability policy within its sector.

had the opportunity to apply for the financing of projects aimed at increasing the potential for work and training for persons with disabilities.

97. In recent years, the Swedish Institute of Assistive Technology has launched several development projects for new IT. For some twenty years, the Institute has been arranging annual seminars and exhibitions regarding new information and communication technology for persons with disabilities.

98. In a report that was submitted to the Government in autumn 2009, the Swedish Agency for Disability Policy Coordination, Handisam, submitted a proposed action plan for e-Inclusion, in the report "Rätt från början" ["Right from the beginning"]. Several measures from the action plan have already been implemented within various policy areas.

99. The Government has reported to Parliament<sup>49</sup> how accessibility and usability regarding public websites will increase. Knowledge and acquisition competence regarding accessibility and usability must be strengthened in conjunction with the public procurement of e-services.

## **Article 10: Right to life**

100. The right to life is protected, for example in Article 2 of the European Convention, which applies as Swedish law. The Constitution Act<sup>50</sup> as well as additional protocols 6 and 13 to the European Convention contain a prohibition of the death penalty. Sweden has also ratified the second facultative protocol to the Covenant on Civil and Political Rights.

## **Article 11: Situations of risk and humanitarian emergencies**

101. Through the Swedish Civil Contingencies Agency<sup>51</sup> (MSB), the State has an overall national responsibility for protection and security for all those in situations of risk, including persons with disabilities. The work on both preventive measures and operational initiatives, such as alarms regarding emergency situations, requires knowledge about various disabilities. In their basic training, all rescue services personnel learn the skills to identify, understand and deal with persons with disabilities in an emergency situation. It has emerged that this aspect of the basic training needs to be extended and made more in-depth, as the complexity of the task has particularly been highlighted. In particular, the basic training requires strengthening as regards the conditions for various types of disability.

102. A collaboration between the rescue services authorities and the disability organisations is planned in order specifically to gather common knowledge regarding materials and equipment for rescuing persons with disabilities in an emergency situation.

103. The planning and implementation of rescue efforts is primarily a municipal matter.

104. MSB must be able to assist with initiatives within Sweden's international humanitarian activities, and may participate in rescue and disaster efforts in the event of disasters in other countries that demand immediate action.

105. The Government (the Ministry for Foreign Affairs) formulates Swedish aid policy. With regard to humanitarian aid and the implementation of strategies decided on by the

<sup>49</sup> Parliamentary communication 2009/10:166.

<sup>50</sup> The Constitution Act, Section 2, § 4.

<sup>51</sup> The MSB is responsible for a wide range of issues related to civil protection, emergency/crisis management and civil defence.

Government, and which form the basis for the development collaboration, the Ministry for Foreign Affairs consults with Sida.<sup>52</sup>

106. Sida has developed an action plan “Human Rights for Persons with Disabilities”. This is based on the approach that human rights for persons with disabilities must be respected, and that their opportunities and conditions for improving their living conditions must be strengthened in the countries in which Sweden conducts development work. See Article 32.

107. It is necessary to develop knowledge and support for persons with disabilities on site during a humanitarian aid effort. Sida is co-operating with MSB and the Swedish Organisations of Persons with Disabilities International Development Cooperation Association<sup>53</sup> (Shia), which is offering its expertise regarding how the humanitarian aid could be formulated in an acute emergency situation. Society can be built up again at a later stage, in dialogue with disability organisations, to make it accessible for everyone.

108. A collaboration has been launched between MSB and Handicap International.<sup>54</sup>

## Article 12: Equal recognition before the law

109. The Government has commissioned the *Swedish National Council for Crime Prevention*<sup>55</sup> (BRÅ) to chart the knowledge that exists regarding violence against persons with disabilities, to identify what knowledge is lacking, and to report possible ways of preventing violence against persons with disabilities. BRÅ submitted the report<sup>56</sup> ‘Våld mot personer med funktionshinder’ [Violence against persons with disabilities] in November 2007. The report highlights three themes in particular: invisibility, vulnerability and dependence. It is particularly vital to fill knowledge gaps relating to vulnerability among men and among people who find it difficult themselves to talk about their vulnerability. Knowledge is also required to make it possible to identify any high risk groups, as well as increased knowledge among practitioners within care and the judicial system regarding violence and disability. A series of proposals for preventive measures are being presented on the basis of discussions with key people in the field. The report is available on BRÅ’s website, including in an easy-to-read version and a signed version.

110. Each year, the *Crime Victim Compensation and Support Authority*,<sup>57</sup> through the Fund for Victims of Crime, grants funds for research regarding victims of crime. For example, the Authority has financed research intended to increase knowledge about children with learning difficulties and intellectual disabilities. A project has been conducted to develop a checklist for the judicial system when children with disabilities are suspected of being victims of crime. A further study has been carried out that is intended to highlight the way in which Child and Youth Habilitation reports violence against children with disabilities to the social welfare board.

<sup>52</sup> Swedish International Development Cooperation Agency.

<sup>53</sup> Shia – Solidarity, Human Rights, Inclusion, Accessibility.

<sup>54</sup> French NGO.

<sup>55</sup> The Swedish National Council for Crime Prevention (BRÅ) is a centre for research and development activities within the judicial system. The judicial system comprises authorities such as the police, prosecutors, courts and the Swedish Prison and Probation Service.

<sup>56</sup> (2007:26).

<sup>57</sup> The Crime Victim Compensation and Support Authority’s task is to promote the rights of all victims of crime, highlight their needs and interests, and be an information and knowledge centre for issues relating to victims of crime. For example, the Authority should gather and disseminate information and research results in order to contribute to the improved treatment of crime victims.

## Article 13: Access to justice

111. Regarding education (*point 2*), see under article 5.

112. As from 2010, all the country's courts must be accessible to everyone, including visitors with disabilities. Those court premises that have been newly constructed or renovated during the 2000s have been adapted according to current demands for accessibility. As regards other court premises, any shortcomings that have been identified during the inventory conducted by the Swedish National Courts Administration will be rectified. In conjunction with the main proceedings in court, the potential for interpreting exists for persons with impaired vision and hearing. Remuneration for interpreters is paid from public funds.

113. All district courts and courts of appeal have witness support operations. These activities contribute to calmer and more secure injured parties and witnesses.

114. Many who are called to attend legal proceedings may need support ahead of the main proceedings, as it is often their first contact with a court. The Crime Victim Compensation and Support Authority has therefore produced easily comprehensible training material that people who are to attend legal proceedings can study in order to prepare themselves. The web-based Court Proceedings Introduction has been available since March 2008 ([www.rattegangsskolan.se](http://www.rattegangsskolan.se) or [www.courtintroduction.se](http://www.courtintroduction.se)). Court Proceedings Introduction's primary target group comprises victims of crime who have been called to attend legal proceedings as injured parties, although it can also be used by witnesses and the accused. Court Proceedings Introduction contributes to increasing due process. Users can determine for themselves when, where and how much of Court Proceedings Introduction they are going to use.

115. Furthermore, the Crime Victim Compensation and Support Authority's switchboard number is linked to a service that is targeted at people who, due to a disability, may need support to conduct voice calls. This service provides access to an intermediary who, in a three-party conversation, repeats speech that is difficult to comprehend, provides memory support and/or helps people with writing and reading difficulties to make notes. This is a national service that is free of charge and available to everyone.

## Article 14: Liberty and security of the person

116. When it comes to the provisions regarding liberty and security of the person, Swedish legislation also provides guarantees that persons with disabilities can enjoy liberty and personal security on the same terms as others, that they are not deprived of their liberty unlawfully or arbitrarily, and that the presence of a disability alone does not justify the deprivation of liberty.

117. Neither the Social Services Act<sup>58</sup> (SOL) nor the Act concerning Support and Service for Persons with Certain Functional Impairments<sup>59</sup> (LSS) contain any element of compulsion. There is admittedly legislation that includes treatment without consent, although such restrictions to personal liberty are surrounded by strict rules (see more under Article 17).

118. In order to promote full participation, non-discrimination and equality for persons with disabilities, Sweden has phased out all institutional accommodation for persons with

<sup>58</sup> SFS 2001:453.

<sup>59</sup> SFS 1993:387.

disabilities and built up support and service in the community. This phasing out process commenced in the 1980s by not placing any children in institutions. The phasing out process for adults took place over a ten-year period and was completed in 1999. Examples of support and service to enable individuals to live independently in society include assistance in accordance with SOL and support and service in accordance with LSS (see more under Article 19).

119. For persons with disabilities who have been deprived of their liberty as a result of having committed a crime, the same rules apply as for others.

120. The new Prison and remand legislation,<sup>60</sup> which will enter into force on 1 April 2011, will safeguard each individual's right to execution of the sentence that is individually adapted and in accordance with due process.

### **Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment**

121. When it comes to the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, it can first be stated that the Swedish Constitution Act prescribes that the death penalty may not be implemented and that all citizens are protected against corporal punishment. Citizens are also protected against torture and medical actions intended to compel or prevent utterances. According to the Constitution Act, all citizens are also, in respect of the community at large, protected against physical interventions in other cases and protected against the deprivation of liberty.

122. Sweden has signed up to numerous conventions for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, both at UN level and at regional level. The Government conducts a close dialogue with three expert committees within the framework of these conventions.

123. The European Convention on Human Rights — which applies as law in Sweden — contains a series of provisions in Articles 2–5 regarding the right to life, the prohibition of torture, slavery and forced labour, as well as the right to liberty and security.

### **Article 16: Freedom from exploitation, violence and abuse**

124. The Government has called attention to the fact that persons with disabilities are in a particularly vulnerable situation when it comes to being subjected to violence and abuse. In its supervision activities, the National Board of Health and Welfare has found that compulsory measures without legal support have been used in the field of accommodation for persons with disabilities. These situations have become known following notification and unannounced inspections.

125. The Government has introduced co-ordinated and clear supervision of social services.<sup>61</sup> The reform means that, as from 2010, the responsibility for supervision and licensing activities according to the Social Services Act and LSS has been transferred to the National Board of Health and Welfare, where it is co-ordinated with the supervision of health and medical service. The supervision reform entails raising the level of ambition, where various activities for e.g. persons with disabilities will be inspected and examined by the supervisory authority more often than previously, and that unannounced inspection

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<sup>60</sup> Government Bill 2009/10:135.

<sup>61</sup> Government Bill 2008/09:160.

visits will also take place. The powers of the supervisory authority have also been reinforced. The reform is part of an endeavour to ensure more robustly that the intentions of the applicable legislation and regulations are complied with, and that unsuitable care and working methods are not used.

126. In order to support the principals' quality work in the initiatives within social services, the Government is also supporting the development of evidence-based practice, which means that anyone who requires initiatives from society must be offered assistance that is based on the best available knowledge. The methods used by social services must benefit and be adapted to the individual user. Within evidence-based practice, the following are integrated:

- The best current scientific knowledge about the effects of the initiatives
- The user's experiences and expectations
- The local situation and circumstances
- The professional expertise

127. The sources of knowledge are appraised in dialogue between the user and the professional. There must be transparency so that the user has an insight into the decisions and knows the grounds on which the decisions are taken. This is important, both for due process and for ethical reasons. This method is used for example in conjunction with abused women and their children.

128. In addition to clearer and more efficient supervision and support for the development of evidence-based practice within social services, the Government has implemented a number of changes in recent times and has developed an overall action plan to combat the abuse of women by men, honour violence and oppression, as well as violence within same-sex relationships.<sup>62</sup> See Article 6.

129. On 1 July 2007, the Social Services Act was amended to clarify the social welfare boards' obligation to pay particular attention to crime victims' need for support and assistance, primarily when it comes to women and children who have witnessed violence. In conjunction with the change to the law, a number of assignments were awarded to supplement and facilitate the application of the new act, e.g. reinforced supervision, development funds to the municipalities and assignments to improve knowledge and method development.

130. All the initiatives that have been implemented cover all women subjected to violence, including particularly vulnerable groups such as women with disabilities or addictions, irrespective of the municipality in which they live.

131. The disability organisations have an important role to play in building up and communicating knowledge on this issue as well. For this reason, the Government has provided the organisations with SEK 2 million for projects intended to prevent violence against women with disabilities and/or projects that provide support to those who have been subjected to violence. For example, these projects have increased awareness about the vulnerability of women with disabilities, as well as improved contact with the disabled person's movement and women's shelters. The National Board of Health and Welfare has also produced training material, in accordance with the Government's assignment, that highlights the problem of violence targeted at women with disabilities.

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<sup>62</sup> Communication 2007/08:39.

132. In the basic training of prosecutors and in continued/specialist training, the Swedish Prosecution Authority includes issues relating to the treatment of various victims of crime; in its continued/specialist training it includes the treatment of young persons and children with a disability. In cases involving crime victims with a disability that has been of some significance in the situation, this generally constitutes grounds for the prosecutor to call for a more severe penalty. This can also have an impact on the assessment of liability and damages.

## **Article 17: Protecting the integrity of the person**

133. The rights and liberties enjoyed by people in Sweden are protected primarily in three constitutional laws: the Constitution Act,<sup>63</sup> the Freedom of the Press Act<sup>64</sup> and the Freedom of Expression Act.<sup>65</sup> The Constitution Act stipulates that public power must be exercised with respect for the equal value of all people and for the liberty and dignity of the individual. The Constitution Act also contains a listing of human rights and freedoms, some of which are deemed to be absolute. This means that no limitations are permitted.<sup>66</sup>

134. In addition to the absolute rights, the three constitutional laws also establish a number of human rights and liberties that, under certain circumstances, can be restricted in law.<sup>67</sup> However, such limitations are themselves subject to restrictions.

135. With a few exceptions, all health and medical service in Sweden is voluntary for the patient according to the Constitution Act.<sup>68</sup> The protection for citizens' liberties and rights that is prescribed in the Constitution Act, and that follows from other Swedish legislation, applies to everyone on the same terms, i.e. including persons with disabilities. According to the Health and Medical Services Act,<sup>69</sup> health and medical service must be built on respect for the patient's self-determination and integrity. Health and medical service should also satisfy the patient's need for continuity and security in care. As far as possible, care and treatment must be designed and implemented in consultation with the patient. Different initiatives for the patient must be co-ordinated in an appropriate way.

136. Within care, too, the rules that allow encroachment into a person's private life are restricted so that there are as few as possible and they entail as little encroachment as possible.

137. However, the potential does exist for treatment against the patient's will, as well as various ways of infringing the rights of persons with a mental disability. However, such infringements are surrounded by strict rules and can be subject to assessment by the courts. They may only take place with the support of the Act on Compulsory Psychiatric Care (LPT),<sup>70</sup> the Forensic Psychiatric Care Act (LRV)<sup>71</sup> and the Communicable Diseases Act.

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<sup>63</sup> SFS 1974:152.

<sup>64</sup> SFS 1949:105.

<sup>65</sup> SFS 1991:1469.

<sup>66</sup> The absolute rights include freedom of religion, protection against compulsion from authorities to disseminate an opinion in a political, religious, cultural or similar context, protection against compulsion to participate in meetings for opinion forming, to belong to a political association, a religious body or some other such association.

<sup>67</sup> They cover freedom of expression, including freedom of information, freedom of assembly, freedom to demonstrate, freedom of association, the right to protection against the deprivation of personal liberty, the right to education, the right to property and the right to the protection of privacy.

<sup>68</sup> SFS 1974:152, Section 2, § 6.

<sup>69</sup> SFS 1982:763, § 2a.

<sup>70</sup> SFS 1991:1128.



The National Board of Health and Welfare has been commissioned, through active and efficient supervision, to strengthen patient security and due process in accordance with these laws.

138. During 2008, the Government set up an investigation<sup>72</sup> that is charged with implementing a total review of compulsory psychiatric care legislation, i.e. the Act on Compulsory Psychiatric Care and the Forensic Psychiatric Care Act. For example, the investigation will deal with issues relating to the conditions that have to exist in order for a person to be taken into compulsory psychiatric care, as well as how the structure of the legislation can be simplified and clarified.

139. The assignment includes the issue of an alternative procedure for people who have committed a crime and who have a developmental disability, autism or similar conditions, or a brain injury that has been sustained in adult life. For these people, a previous study proposed that an alternative form of imprisonment should be introduced, closed accommodation. The new study will extend this analysis and submit proposals as to which principals — the State or the county councils — should be responsible for the implementation of closed accommodation. The study will present its final report no later than 30 April 2011.

140. On 1 September 2009, a new form of care was introduced – open compulsory psychiatric care in the Act on Compulsory Psychiatric Care and open forensic psychiatric care in the Forensic Psychiatric Care Act (LRV). This new form of care may be conducted outside of medical institutions, and assumes for example that the patient needs to observe special conditions in order to be given the necessary psychiatric care.

141. The intention of the new care form is that it should entail as few restrictions as possible to the individual's freedom, while health and medical services should be given the potential to check care outside of medical institutions by prescribing conditions for the care. This provides better conditions for an individually adapted transition and rehabilitation to a life outside of medical institutions. It can be predicted that the need for recurring readmissions into compulsory care will decrease. The restrictions to self-determination, integrity and dignity that the conditions stated here entail for a patient must be weighed against the positive effects that can arise for the patient's health and quality of life when he or she is provided with care out in the community instead of in a medical institution.

142. In Sweden, there is no compulsion with regard to sterilisation. According to the Sterilisation Act,<sup>73</sup> sterilisation may be performed on people over the age of 25 at their own request, and on people between the ages of 18–25 if the National Board of Health and Welfare gives its consent. See more under Article 16.

## **Article 18: Liberty of movement and nationality**

143. The Constitution Act prescribes<sup>74</sup> that no citizen may be exiled or prevented from travelling into the country. Neither may any citizen who lives or has lived in the country be deprived of his or her citizenship, other than in cases where he or she simultaneously, following express consent or by entering into public service, becomes a citizen of another State. All citizens are assured freedom to move within the country and to leave the country.

<sup>71</sup> SFS 1991:1129.

<sup>72</sup> Psykiatrilagsutredningen [Study into psychiatry law], S2008:09.

<sup>73</sup> SFS 1975:580.

<sup>74</sup> SFS 1974:152, Section 2, § 7.

144. The Swedish Citizenship Act<sup>75</sup> regulates the conditions for the acquisition of Swedish citizenship at birth, through adoption, through the marriage of parents, through registration or following application (naturalisation). The Act also regulates the loss of Swedish citizenship and exemption from Swedish citizenship. The regulations make no exceptions on the grounds of disability or similar circumstances.

145. The Passport Act<sup>76</sup> prescribes a right for Swedish citizens to receive a regular passport on application. This may only be revoked on grounds that are specified in the Act. There are no special provisions for e.g. persons with disabilities.

146. The Population Registration Act<sup>77</sup> prescribes that children who are born alive in Sweden must be entered in the population register if the mother is registered or if the father is registered and is the guardian. Children who are born alive outside of Sweden by a woman who is registered will be entered in the population register. Individuals who move into the country will also be entered in the population register under certain circumstances. For each person entered in the population register, a personal identity number is issued.

147. The Names Act<sup>78</sup> contains regulations regarding the acquisition of a surname on birth, and that each child must be given one or more forenames that must be registered with the Swedish Tax Agency within three months of birth. The rules apply to all children without distinction.

148. It can be added that even though there are formal conditions for freedom of movement, and that the right to this is also guaranteed in law, persons with disabilities may have difficulties in purely practical terms as regards moving about with the same freedom as others. This relates to shortcomings in the physical environment and the fact that means of transport are not yet fully accessible. It is also necessary for those people who require support to actually receive such support, for example when moving to a new place of residence.

149. In the Act concerning Support and Service for Persons with Certain Functional Impairments, support is regulated in the form of e.g. personal assistance and group accommodation. According to the law, a person who wishes to move has the potential to seek advance notification regarding his or her right to initiatives in the new municipality. The Social Services Act regulates support such as special accommodation and home help. The individual is entitled to support according to the law in the municipality in which he or she is residing.

## **Article 19: Living independently and being included in the community**

150. According to the Social Services Act,<sup>79</sup> society's social services, for which the municipalities are responsible, must promote people's economic and social security, equality of living conditions, as well as active participation in social life on the grounds of democracy and solidarity. The activities must be based on respect for people's right of self-determination and integrity. The Social Services Act is a rights law and a law that imposes obligations. According to the Act, a person who cannot satisfy his or her own needs or have them satisfied in some other way is entitled to assistance from the social welfare board for

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<sup>75</sup> SFS 2001:82.

<sup>76</sup> SFS 1987:302.

<sup>77</sup> SFS 1991:481.

<sup>78</sup> SFS 1982:670.

<sup>79</sup> SFS 2001:453, Section 1, § 1.

his or her maintenance<sup>80</sup> and for his or her way of life otherwise. Through this assistance, the individual will be assured a reasonable standard of living. The assistance must be formulated so that it strengthens his or her potential to live an independent life.

151. In 1994, a social reform was implemented that included supplementary legislation. For example, the Act concerning Support and Service for Persons with Certain Functional Impairments<sup>81</sup> (LSS) and the Assistance Benefit Act<sup>82</sup> were introduced. LSS is a rights law that will guarantee good living conditions for persons with extensive and permanent disabilities, as well as guaranteeing that they will receive the help they need and that they can influence the support and services they receive. In order to be granted an initiative in accordance with LSS, it is necessary to belong to one of the three groups of people specified in § 1 of the Act. This covers persons with intellectual disabilities, autism or autism-like conditions, persons with significant and permanent intellectual impairments following a brain injury in adult life caused by external violence or a physical illness, or persons with other permanent physical or mental disabilities that are obviously not due to normal ageing, if these are major and cause significant difficulties in the person's day-to-day way of life and hence an extensive need for support or services. According to § 6 of the Act, the activities must be of good quality and must be conducted in co-operation with other affected social bodies and authorities. The activities must be founded on respect for the individual's right of self-determination and integrity. To the greatest possible extent, the individual must be granted influence and co-determination over initiatives that are provided.

152. Rights legislation within the social area provides the opportunity to appeal against a decision on social assistance or an initiative according to LSS, or alternatively if a person's application for an initiative has been rejected or if they have complaints about the quality of the initiative.

153. The LSS covers ten defined initiatives (§ 9): advice and other personal support, personal assistance, a companion service, assistance from a contact person, relief service in the home, short stay away from home, short period of supervision for schoolchildren over the age of 12, which means that schoolchildren over the age of 12 are entitled to supervision before and after school and during holidays. Another initiative relates to living in the family home or in a residence with special services for children and adolescents, which entails that children and young persons who cannot live with their parents may be entitled to live with another family or in a residence that provides special services. This should be a complement to the parental home both for the children who can live with their parents part of the time and for those who cannot live at home at all. Another initiative is residence with special services for adults or other specially adapted housing for adults. Residential arrangements may vary, but the most common forms are group housing and service housing. The individual may also be entitled to a specially adapted home that is assigned by the municipality.

154. Persons with certain disabilities who are of working age and who are not gainfully employed or in education, are entitled to participate in daily activities.

155. One of the ten initiatives, personal assistance, is an individually designed support that is provided by a limited number of people to individuals who, due to extensive, lasting impairments, are in need of help for their basic needs. Basic needs refer to assistance with personal hygiene, meals, dressing and communicating with others. The Assistance Benefit Act (LASS) means that the individual decides for him or herself how the assistance is to be

<sup>80</sup> SFS 2001:453, Section 4, § 1.

<sup>81</sup> SFS 1993:387.

<sup>82</sup> SFS 1993:389.

organised. He or she may be an employer and employ one or more assistants, or together with other persons with disabilities may form an association or co-operative that becomes an employer for several assistants, or alternatively may engage a company or organisation for assistance with employer responsibility.

156. Other examples of support include grants for the adaptation of accommodation, rehabilitation centres for persons with impaired vision or impaired hearing, as well as open care for persons with mental disabilities, as well as car support.

157. Car support is paid for the adaptation and procurement of cars, motorcycles or mopeds. The vehicle must act as an aid in maintenance, but must also facilitate an active, independent life for persons with disabilities. Successful car support is therefore of great disability policy significance, as it leads to increased participation and freedom for individuals who cannot use public communications.

158. With the aim of achieving increased insight and greater freedom of choice for the individual, the Government has also encouraged the municipalities to develop a system for open comparisons, and has introduced a law<sup>83</sup> that makes it possible for an increased number of practitioners, in competition, to offer their services within social services.

## **Article 20: Personal mobility**

159. The national action plan for the disability policy<sup>84</sup> 2000–2010 establishes that society should be designed in such a way that persons with disabilities can participate fully. The Government and its authorities must act as a role model in this work. In order to promote government authorities' implementation of the disability policy, the Ordinance on the government authorities' responsibility for the implementation of the disability policies<sup>85</sup> was introduced. This Ordinance gave all government authorities the responsibility to formulate and conduct their activities with due observance of the goals in the disability policy. In order to achieve full involvement in social life and equality for persons with disabilities, the authorities must work to ensure that their premises, activities and information are accessible to persons with disabilities. This accessibility work requires a structured and systematic approach. The authorities must therefore conduct inventories and draw up action plans in accordance with the Ordinance.

160. In 2006, the Government highlighted the fact that the work for increased accessibility needed to be intensified. The Government then developed a strategy with the aim of achieving the goals laid down. The Government involved the Swedish Association of Local Authorities and Regions (SALAR) in this work. A joint strategy, which was adopted in September 2008, includes initiatives within three prioritised areas: accessible public transport, an accessible civil service and easily eliminated obstacles. With this strategy, a close collaboration was launched between the Government and SALAR with the aim of persuading municipalities and county councils to increase the rate of their work to improve accessibility.

161. Many traffic signals emit audible signals and have tactile markings. An audible signal with a slow pulse frequency indicates that the red light is being shown on the pedestrian signal, and an audible signal with a fast pulse frequency indicates that a green signal is being displayed. A rapid pulse frequency with pauses indicates that the light is just

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<sup>83</sup> SFS 2008:962.

<sup>84</sup> Government Bill 1999/2000:79.

<sup>85</sup> Ordinance 2001:526.

about to change to red. The tactile marking indicates the direction users need to walk as well as the layout of the crossing for visually impaired individuals.

162. The Swedish Institute of Assistive Technology has initiated development activities within the field of disabilities. See Article 26.

163. The opportunity of having a guide dog increases the independence of a person with impaired vision, and reduces the need for support and help in other forms. In order to achieve due process in the allocation of guide dogs and to increase the number of guide dogs, the Swedish Parliament, following a proposal from the Government,<sup>86</sup> decided in 2005 to regulate the system and introduce a procurement procedure in the supply of guide dog production. The new rules have applied since 1 January 2006.

164. There are around 300 guide dogs in Sweden. All guide dogs are owned by the Swedish Association of the Visually Impaired (SRF). Visually impaired people who would like to have a guide dog submit an application to the county council's sight centre, which in turn contacts SRF. One of SRF's consultants assesses whether the applicant satisfies the criteria for being allocated a guide dog, and whether a guide dog would entail greater freedom and increased independence for the applicant. The work of finding a suitable dog then begins. Since 2006, the Swedish Institute of Assistive Technology has conducted the procurement of guide dogs for visually impaired people at the request of SRF.

165. The Government has commissioned the Swedish Institute of Assistive Technology, in collaboration with the National Board of Health and Welfare, to conduct a three-year trial regarding service and signal dogs. Persons with disabilities who themselves own a dog have the opportunity, following a doctor's assessment of the benefit in their individual case, to receive assistance in the training of the team (dog and owner). For example, this may relate to a person with epilepsy or severe diabetes, where the dogs can give a warning in the event of an attack. Persons with disabilities can receive assistance fetching objects. The trials have proven to have a positive effect on the wellbeing of persons with disabilities.

## **Article 21: Freedom of expression and opinion, and access to information**

166. In Sweden, the Constitution Act 87 states that each citizen is guaranteed freedom of expression in relation to the general public. Freedom of expression entails freedom, verbally or in writing, pictures or some other way, to impart information and to express thoughts, opinions and feelings. In the Freedom of Expression Act, all citizens are also guaranteed the right, in relation to the general public, to express thoughts, opinions and feelings using various media, and otherwise to impart information about any subject.

167. The constitutional freedom of expression also incorporates a principle of public access. This principle regulates areas such as the public's access to public documents, decisions regarding source protection, the right to forward and publish information, as well as public access to court proceedings and to the meetings of decision-making assemblies.

168. The Government has implemented various measures to ensure that the information that is offered to the general public should also be accessible to persons with disabilities. For example, guidelines have been drawn up for accessibility according to the Ordinance on the government authorities' responsibility for the implementation of the disability

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<sup>86</sup> Government Bill 2004/05:84.

<sup>87</sup> SFS 1974:152, Section 2, § 1.

policies. These guidelines describe the demands for accessibility that are stipulated within six areas — written information, websites and e-services, film and TV/video, telephone calls, correspondence and communications, and meetings and conferences — to ensure that everyone has access to the information.

169. For a number of years, the Swedish Copyright Act<sup>88</sup> has included technology-neutral provisions which guarantee that persons with disabilities can have access to copyright-protected works. These provisions entail for example that everyone may produce copies of copyright-protected works in braille, but that digital technology may also be used. The production of sound recordings, i.e. talking books, requires a separate decision from the Government, however. Since 1 July 2005, when the new provisions entered into force, the Government has granted approximately 200 such permissions annually to various libraries and organisations.

170. New forms of information gathering and communication patterns are creating opportunities for increased participation for persons with disabilities, but also risk excluding certain persons with disabilities. The IT policy bill that Parliament adopted in January 2006 places great emphasis on certain specific measures relating to participation in the information society for persons with disabilities, for example continued trials regarding sign interpreting via mobile phones. The Government is carefully monitoring the development of e-accessibility, and is currently investigating a future structure for following up e-accessibility. See Article 30.

## **Article 22: Respect for privacy**

171. The Swedish Constitution Act protects citizens' fundamental freedoms and rights. Some of these freedoms and rights may be restricted to some extent through laws. Arbitrary or illegal encroachment in the individual's private life, family life, home, etc., which this Article aims to protect citizens against, may therefore not occur in Sweden. This legal protection naturally applies to all citizens, irrespective of whether they have some kind of disability or not. The Secrecy Act<sup>89</sup> entails protection for the secrecy of personal information and details about health and rehabilitation for persons with disabilities on the same terms as for others. The same protection applies according to the separate Personal Data Act<sup>90</sup> and the specific personal data laws that have been announced in areas linked to this. See also Article 19 and Article 25.

## **Article 23: Respect for home and the family**

172. Swedish legislation makes no exceptions for persons with disabilities in issues relating to marriage, family, parenthood and personal connections. This also applies to their right to determine the number of children, to have access to information about family planning and to retain their fertility on the same terms as others. See Article 25.

173. The Swedish legislation also guarantees that persons with disabilities have rights and obligations as regards guardianship or trusteeship for children, the care of children and adoption.

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<sup>88</sup> SFS 1960:729.

<sup>89</sup> SFS 1980:100.

<sup>90</sup> SFS 1998:204, Section 6, § 2 a.

174. After being born and returning home, all children in Sweden are called to child welfare clinics or equivalent for regular checks. In conjunction with this, the parents receive advice and support for the care of the child.

175. The introductory provision in the Parents and Children Code's<sup>91</sup> section on care, accommodation and social intercourse prescribes that children are entitled to care, security and a good upbringing. Children must be treated with respect for their person and individual character, and may not be subjected to corporal punishment or other degrading treatment.

176. The Code also states that the best interests of the child must come first when determining all issues that relate to care, accommodation and social intercourse. When measures relate to children, particular attention must be given to what 'consideration for the best interests of the child' actually entails, SOL.<sup>92</sup> The Parents and Children Code<sup>93</sup> refers to provisions in SOL regarding the right of children and guardians to receive support and assistance from the social welfare board.

177. The Parents and Children Code and the Act<sup>94</sup> on the Care of Young Persons (LVU) carefully regulate the conditions under which a child may be separated from his or her parents against their will. Such separation may only be carried out when it is deemed necessary for the best of the child, and can be referred to legal review. In no cases may a child be separated from his or her parents due to a disability of the child or of one or both parents.

178. SOL<sup>95</sup> also lays down comprehensive obligations for the social welfare boards to work to ensure that children and young people grow up in good, secure conditions and for example to ensure, in close co-operation with the home, that children and young people who are at risk of developing unfavourably receive the protection and support they need and, if it is justified by consideration for the best interest of the child, care and upbringing outside of the child's own home.

179. When a child needs to be cared for or live in a home other than their own, it is necessary in the first instance, according to SOL, to consider whether the child can be taken in by a relative or other closely related person. When this is inappropriate or impossible, the social welfare board must ensure that the child is taken into a family home or an institution.

180. As regards the responsibility for the upbringing of children, applicable laws are deemed to be sufficient. However, many children and young persons with disabilities require support initiatives in order to develop their skills. These initiatives may come from pre-school, school, child and youth habilitation, vision and hearing centres, or some other operation. County councils and municipalities have obligations to provide support and treatment within the fields of habilitation/rehabilitation (speech and language therapy, physiotherapy, etc.) and resources within pre-school, school, etc.

181. The Swedish National Association for Persons with Intellectual Disability (FUB) has brought the Government's attention to a small group of children (approximately 7,000 children) who have a combination of an extensive intellectual disability, various physical disabilities as well as the need for extensive medical interventions. According to FUB, these children have extremely specific needs. The great majority of the affected families live in a vulnerable situation, and express a great need for structured support. Against this

<sup>91</sup> SFS 1949:381.

<sup>92</sup> SFS 2001:453, Section 1, § 2.

<sup>93</sup> SFS 1949:381, Section 6, § 14.

<sup>94</sup> SFS 1990:52.

<sup>95</sup> SFS 2001:453, Section 5, § 1.

background, the Government intends to commission the National Board of Health and Welfare to highlight the organisation of the principals' resources and to describe how the co-ordination of information about initiatives for the target group is formulated. The Board will then, in co-operation with the principals, propose how current support can be further developed on a national basis. This support must be formulated with retained division of responsibility, and in a way that makes it possible for the cost of the activities to be borne in the long term by the county councils and municipalities that require them.

182. The Swedish Disability Federation is currently charting how participation and self-determination can be improved for children and young persons with a need for habilitation initiatives, and thereby improve their preconditions for an independent life.

183. In order to improve the general support to parents, the National Institute of Public Health, at the request of the Government, is currently conducting a national venture aimed at improving the interaction between children and parents, and thereby promoting the health of young persons. The goal is to reduce the risk of many health problems among young persons, including mental ill health. The support reinforces the parents in their vital role, and contributes to improved communication between parent and child. With regard to children's opportunity to exert an influence, see also Article 7. With regard to social security, see Article 28. With regard to sterilisation, see Article 17.

## **Article 24: Education**

184. The Swedish education system is based on the principle of inclusion. Most children and young persons with disabilities consequently receive their education within the framework of the regular forms of education. Only 1.7 per cent of all pupils within child and youth education receive their education outside of the regular forms of education, i.e. in education for pupils with intellectual impairment or in special schools for children with certain disabilities.

185. According to the Education Act,<sup>96</sup> all children and young persons (girls and boys), irrespective of their geographic residence and social and financial circumstances, shall have equal access to education in the national school system. Within the education, consideration must be given to the different needs of children and pupils. Children and pupils must be provided with support and encouragement to develop as far as possible.

186. The municipality of residence is responsible for providing free school transport for pupils in compulsory elementary school and, under certain circumstances, in upper secondary school.

187. All children are obliged to attend school for nine years following the child's seventh birthday. The school system also encompasses pre-school, which municipalities must offer to children from the age of one to the extent this is required with regard to the parents' gainful employment or studies or the child's own needs. The municipality is also obliged to offer all children at least 525 hours free of charge in pre-school per year, starting from the autumn term in the year in which the child has his or her third birthday. A system with a maximum tariff within pre-school is also applied. No family should need to forgo the opportunity to allow their child to attend pre-school due to financial reasons. Municipalities decide how activities are to be organised on the basis of local conditions, the needs of the child and the wishes of the parents.

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<sup>96</sup> SFS 2010:800.



188. Children who are considered unable to attain the knowledge requirements for compulsory elementary school due to an intellectual impairment may be accepted in compulsory school for pupils with intellectual impairment. These pupils can also progress to an upper secondary school for pupils with intellectual impairment. The education provided in these schools is based on specific steering documents in which consideration is given to the pupils' particular situations. This education can also be more or less integrated with compulsory elementary or upper secondary schools.

189. There are also three national and five regional special schools that are run by the State. The special schools currently encompass around 500 pupils. The regional schools offer education equivalent to compulsory elementary school for children who are deaf or hearing impaired. In the regional schools, the education is provided in a bilingual environment – Swedish and Swedish sign language. Most pupils with impaired hearing go to normal elementary school, however.

190. The national special schools are intended for pupils with impaired vision in combination with or other physical disabilities, pupils who are deaf or have impaired hearing in combination with a developmental disability, deaf-blind pupils or pupils with a serious speech disability. In these schools, the education is provided in spoken Swedish, Swedish sign language and alternative forms of communication, depending on the needs of the pupils.

191. One selected municipality has been commissioned in its upper secondary school to arrange upper secondary level education for pupils from all over the country. This applies to pupils who are:

- Deaf or hearing impaired and who are dependent on a sign language environment.
- Hearing impaired and, despite the use of technical aids and other supports, cannot follow regular education in upper secondary school, as well as deaf-blind pupils. To the extent it is possible, the education must be integrated with corresponding regular education in the municipality's upper secondary school.

192. The State has also entered into an agreement with this municipality regarding education within the municipality's upper secondary school for deaf and hearing impaired pupils with intellectual impairment from all over the country. The target group also covers pupils with extremely complex disabilities, e.g. deaf-blind pupils.

193. Following agreements with the State, four municipalities are conducting national recruitment education at upper secondary level for severely disabled pupils. To the extent it is possible, the education must be integrated with corresponding regular education in the municipality's upper secondary school.

194. The Government has initiated several reforms in order to clarify the knowledge requirements in compulsory elementary school from an early stage. The fact that goals and knowledge requirements are clarified, and that these are communicated with the pupils and their guardians, is a precondition for identifying children early on who are in need of special support.

195. The instruction in child and youth education as well as adult education must be based on the situations and needs of the pupils. All pupils in the education system for children and young people are entitled to special support should they require it. Special support might include personal assistance as well as special teaching aids and tools. The headteacher is responsible for this being investigated and for an action plan being drawn up together with the pupil and his or her guardians. In June 2010, Parliament reached a

decision on the Government's proposal regarding a new Education Act.<sup>97</sup> The new Act will come into effect on 1 July 2011 and will strengthen the pupils' rights in several respects. For instance, it will be possible to lodge an appeal against the headteacher's decision regarding the action plan.

196. In 2007, the Government introduced a targeted state subsidy in order to develop the schools' support to pupils with difficulties in learning to read, write and count. The state subsidy finances specific initiatives in Years 1–3 of compulsory elementary school.

197. The National Agency for Special Needs Education and Schools develops and adapts teaching aids for use in pre-school, school and adult education for children and pupils with disabilities. Teaching aid producers on the commercial market can also receive support to develop such teaching aids.

198. Each inhabitant of a municipality is entitled to participate in basic adult education within municipal adult education (Komvux), starting from the second calendar six-month period after reaching the age of 20, if he or she does not possess such proficiencies that are normally achieved in compulsory school, and provided he or she is resident in Sweden. The municipalities must also offer upper secondary-level adult education. This applies to all municipal inhabitants, including those who have a disability. For municipal inhabitants with a developmental disability, the corresponding entitlement to adult education applies (Särvux), as well as corresponding requirements for the municipalities to offer upper-secondary level special education. Within both Komvux and Särvux, vocational training may also be offered. The teaching of Swedish for Immigrants is an entitlement for immigrants who lack basic skills in the Swedish language. Immigrants with disabilities have the same entitlement as other participants.

199. The Swedish Schools Inspectorate<sup>98</sup> was established in 2008 to strengthen the national supervision and quality assessment of the education system in the greatly decentralised Swedish school system. The Inspectorate's work has included thematic quality assessments of the education for pupils with disabilities, including for pupils with developmental disabilities.

200. For adults with acquired injuries, the county council has a responsibility to provide rehabilitation. These persons may also learn e.g. sign language within folk high schools and adult education associations.

201. Folk high schools<sup>99</sup> provide extensive education for persons with disabilities. Just over 10% of the state subsidy for liberal adult education (study associations and folk high schools), totalling SEK 3.2 billion, is used to facilitate education for persons with disabilities. The State also sets aside a further approximately SEK 100 million each year for the same purpose.

202. When it comes to university education, each university and university college must ensure that students with disabilities have access to educational support measures. These

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<sup>97</sup> Government Bill 2009/10:165.

<sup>98</sup> The Swedish Schools Inspectorate works to ensure that all children, pupils and adult students have access to equivalent education and other good quality activities in a secure environment. The agency's tasks include supervision, quality assessments and the investigation of complaints from pupils and guardians.

<sup>99</sup> There are 150 folk high schools in Sweden (2010), of which 107 are linked to various non-governmental organisations and non-profit organisations and 43 are run by county councils and regions. Each folk high school decides independently which courses it will offer and how it will profile itself. Folk high schools work according to their own business plans and are financed through state and county council subsidies. SFS 2008:567.

educational support measures are financed in the first instance by means of universities and university colleges setting aside 0.3 per cent of their grants for undergraduate education for this purpose. The educational centre may also apply for nationally allocated funds.

203. Almost all universities and university colleges have special contact persons and co-ordinators for students with disabilities. Examples of support measures that may be offered include adapted examinations, literature on adapted media, note-taking support, mentorship, additional guidance, language support and sign language interpreting. Some universities and university colleges employ interpreters to interpret lessons.

204. The Swedish National Agency for Higher Education<sup>100</sup> has investigated the organisation of sign language interpreting for students, and this has led to certain changes in this field.

205. Universities' and university colleges' support measures for students with disabilities are followed up in several ways, including by the Swedish National Agency for Higher Education within the framework of the Agency's supervision activities. It is also possible to appeal against certain decisions by a university or university college on the grounds that the decision is contrary to the bans on discrimination in the education field. Appeals are heard by the Higher Education Appeals Board,<sup>101</sup> which is an independent national body.

206. Sweden does not keep any statistics regarding the number of children and young persons with disabilities in the education system. However, there are statistics regarding students with disabilities who receive special educational support within university education. In the 2008 budget year, a total of 4,906 students received special educational support at Swedish universities and university colleges. This corresponds to 1.7 per cent of the total number of full-time students (287,598) at Swedish universities and university colleges in that year. However, the statistics do not provide a complete picture of all university students who have a disability.

207. Of those students who received special educational support in the 2008 budget year, 64 per cent (3,137) were women and 36 per cent (1,769) were men. In total, 21 of these individuals were doctoral students, of whom 14 were women and 7 men. There are no available statistics indicating the educational areas within which the students are active.

208. Training in sign language or deaf-blind interpreting was provided at several folk high schools in Sweden. At Stockholm University there is an Institute for Interpretation and Translation Studies, which is charged for example with distributing state subsidies for sign language interpreting training to folk high schools, with supervising such activities and with continually following up and evaluating the training.

209. A new Language Act entered into effect on 1 July 2009.<sup>102</sup> It is evident from this that the community at large has a special responsibility to protect and promote Swedish sign language. All those who are deaf, hearing impaired or who require sign language for some other reason must be given the potential to learn, develop and use sign language. In 2010, the Government set up a study aimed at submitting proposals for how pupils can receive instruction in sign language in elementary schools and elementary special schools. During 2009, the Institute of Language and Folklore<sup>103</sup> and the Language Council of

<sup>100</sup> The Swedish National Agency for Higher Education is responsible for supervising universities and university colleges, examining the quality of higher education, statistics, etc.

<sup>101</sup> The Higher Education Appeals Board is an authority that is tasked with assessing appeals against certain decisions taken within the university sector and the sector for vocational colleges.

<sup>102</sup> SFS 2009:600.

<sup>103</sup> The Institute is tasked with gathering, preserving, scientifically examining and distributing

Sweden<sup>104</sup> have commenced work on identifying methods for developing sign language. On the Language Council of Sweden's website, the Council provides various news and facts relating to sign language issues.

210. Since 1990, Stockholm University has had a professorship in sign language, the first of its kind in the world. Research into sign language is conducted at the University's Department of Linguistics, in the Sign Language Section. In this Section there is also a lexicographical operation that documents the Swedish signs and publishes sign language lexicons. The University provides training in sign language at all levels, including doctoral studies.

211. Since 2004, sign language interpreters have had the opportunity to become authorised interpreters via the Legal, Financial and Administrative Services Agency.<sup>105</sup> The purpose of this State authorisation is to satisfy society's need for qualified interpreters and translators. Authorisation as an interpreter or translator is issued by the Legal, Financial and Administrative Services Agency in accordance with a specific law<sup>106</sup> and ordinance.<sup>107</sup>

212. Teacher training is a form of academic training that is conducted at universities and university colleges. In 2010, the Swedish Parliament decided on a new structure for teacher training. In future, the common core for the programmes will consist of eight areas, one of which is special needs education. The new teacher training arrangement will commence in the autumn term of 2011.

213. In 2007, the Government initiated a special venture intended to give teachers the opportunity for further training at universities and university colleges, with the teachers being allowed to retain 80 per cent of their salary. Within the framework of this venture, teachers have been able to receive further training in special needs education, for example.

214. Nine universities and university colleges now offer training for a Postgraduate Diploma in Special Needs Training. As from 2011, the Diploma will be expanded to also cover specific areas for teaching deaf or hearing impaired pupils, pupils with impaired vision, serious speech disabilities and developmental disabilities.

## Article 25: Health

215. The overall goal of health and medical service<sup>108</sup> is to offer good health and care on equal terms for the entire population. It is also stipulated that care must be provided with respect for the equal value of all people and for the integrity of the individual. There is no specific regulation in the constitutional provisions for persons with disabilities.

216. As far as possible, the care must be designed and implemented in consultation with the patient, and it must be based on respect for the *patient's self-determination* and

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knowledge, for example about Swedish sign language.

<sup>104</sup> The Language Council of Sweden is a unit within the Institute that is charged with acting as guardian of Swedish sign language.

<sup>105</sup> The Legal, Financial and Administrative Services Agency is a State authority with more than thirty different work duties, primarily within law, finance, procurement, risk management and administration.

<sup>106</sup> The Act on Authorisation to Notify Regulations regarding Authorisation and Approval of Translators and Interpreters, SFS 1975:588.

<sup>107</sup> Ordinance on authorisation of interpreters and translators (1985:613).

<sup>108</sup> Health and Medical Services Act, SFS 1982:763, § 2.

integrity.<sup>109</sup> As persons with disabilities may have a reduced capability to take decisions themselves, there is some general advice from the National Board of Health and Welfare to make it easier for the patient to obtain information and take his or her own decisions. In certain situations, it may be appropriate to have interpreter support or various cognitive aids. The recommendations include that personnel should have a good knowledge about the consequences of the disability when planning and implementing care.

217. The overriding objective of public health is to create the social conditions for good health on equal terms for the entire population. Results from the last Public Health policy Report 2010<sup>110</sup> shows that ill health among individuals with disabilities is related to factors as low education, bad economy and worse supply to employment in working life.

218. One target area for national public health policy in Sweden is that everyone should be entitled to a secure and safe sexuality and good reproductive health. As some injuries and disabilities can affect sexuality and a person's sex life, bodies such as the National Institute of Public Health<sup>111</sup> perform work to increase knowledge within health and medical service and within various forms of care regarding which support different persons with disabilities may require. This is to ensure that those who work within health and medical service can provide good care and communicate knowledge regarding questions relating to sexuality and reproductive health.

219. Over the past year the Institute has conducted, and during 2011 it will continue the work to promote good eating habits and physical activity ('Ett friskare Sverige' [A healthier Sweden]). A website for the project contains information in easy-to-read Swedish as well as other alternative formats. Reports at the Institute relating to the field of disability are also now produced increasingly in alternative formats, i.e. braille, spoken or signed text.

220. Through State subsidies, the Government has invested in greater expertise for personnel who, in their work, come into contact with persons with a mental illness or mental disability. The State subsidies have been paid out to municipalities and county councils to train personnel within the fields of care/treatment, housing, as well as employment and rehabilitation for work. The specific funds have contributed to comprehensive skills investments throughout the country. The venture is characterised by clear user awareness, reinforced collaboration and long-term ambitions, and includes important steps towards evidence-based practice. Patient, user and relatives' organisations are actively involved in the planning and implementation, which is helping to make the venture a success.

221. Various treatments are employed within health and medical service. For example, ECT (Electroconvulsive Treatment) may be used, for example when treating persons with severe depression with a high suicide risk. The National Board of Health and Welfare has strengthened its supervision and clarified for the principals (the county councils) their responsibility for improved patient information and reporting.

222. A large proportion of the information relating to health and medical service is disseminated via the National Board of Health and Welfare's website:

<sup>109</sup> SFS 1982:763, § 2 a.

<sup>110</sup> Folkhälsopolitisk rapport 2010: Framtidens folkhälsa — allas ansvar [Public Health Policy Report 2010: Public health of the future — everyone's responsibility], Statens folkhälsoinstitut [The Swedish National Institute of Public Health], 2010.

<sup>111</sup> The National Institute of Public Health (FHI) has the following areas of responsibility: acting as a national knowledge centre for effective methods and strategies, following up and evaluating the public health policy, and exercising supervision with the fields of alcohol and tobacco as well as goods that are hazardous to health.

www.socialstyrelsen.se, which works on the basis of W3C's guidelines for accessibility (WCAG) and otherwise satisfies the basic requirements for accessibility. For accessibility to healthcare centres, see Article 9.

223. For patient fees within Swedish medical service, there is 'high cost protection', which means that the patient pays a maximum amount in patient fees during a year. When the patient has reached the maximum amount, he or she receives a free card that grants him or her the entitlement to free treatment for the rest of the year. The high cost protection applies to the whole country. The maximum amount also applies to medications. The high-cost amount for open medical care, healthcare treatment and some dental care is SEK 900, for medications SEK 1,800, and SEK 2,000 for technical devices.

## **Article 26: Habilitation and rehabilitation**

224. Rehabilitation takes place primarily within three categories: medical rehabilitation, social rehabilitation and vocational rehabilitation with the focus on opportunities and not limitations.

225. According to the Health and Medical Services Act, the principal is responsible for offering rehabilitation, habilitation and assistive devices with the aim of restoring or maintaining certain functions that may be impaired. During rehabilitation/habilitation, the individual is a subject who accepts his or her own responsibility for a health-promoting process. Within medical rehabilitation, there must be access to various professional categories such as audiologist, physiotherapist, occupational therapist, speech and language therapist, social worker and psychologist.

226. In Sweden's experience, it is necessary to have successful co-operation between different disciplines and principals in order to achieve successful rehabilitation for the individual. The following goals have been formulated: Interacting rehabilitation/habilitation must be offered in such a way that support and initiatives are characterised by a holistic approach and correspond with the needs of the individual. Initiatives must be implemented at the right time and in the right way, satisfying both good ethics and socioeconomic responsibility. In October 2010, the work on common guidelines between municipalities and county councils, with these goals, has commenced in all but two county councils.

227. Work and employment are central areas for increasing participation in society for persons with disabilities. The Swedish Public Employment Service<sup>112</sup> has been commissioned to conduct vocational rehabilitation in the form of initiatives focusing on guidance, investigation, rehabilitation or preparation for work. The Service will co-operate with the Social Insurance Office as well as municipalities and county councils.<sup>113</sup> The Government has launched several initiatives aimed at improving the situation on the labour market for persons with disabilities. In order for employers to employ persons with a considerable need for support to a greater extent than previously, the Government has increased the amount available for support for vocational assistive devices as well as support for personal assistance, both for the employee and for the owner of the business. See Article 27.

228. Many of the initiatives<sup>114</sup> that are targeted at jobseekers have generally worked well for persons with disabilities. The specific initiatives that the Public Employment

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<sup>112</sup> The Swedish Public Employment Service is a government authority. The Service's tasks include sectoral responsibility for disability issues within the labour market policy.

<sup>113</sup> The Act on Financial Coordination of Rehabilitation Measures (2003:1210).

<sup>114</sup> New Start jobs and work and development guarantees.

Service offers to individuals with disabilities have also been reinforced. The Government has also created the opportunity for individuals receiving sickness or activity compensation to work without losing their compensation. To increase the opportunities for a transition to work for persons with a disability that entails reduced capacity to work, and who leave sickness compensation and switch to measures under the control of the Public Employment Service, the Government has reinforced the resources on several occasions. See Article 27.

229. Within the framework of the Government's venture in the field of psychiatry,<sup>115</sup> a large number of assignments are in progress, which in various ways are intended to improve care and support for persons with a mental illness or mental disability. Of these assignments, some relate to work, employment and assistive devices.

230. Through special state subsidies, the Government has prioritised initiatives aimed at persons with mental disabilities who are particularly distant from the labour market.

231. Provisions and the financing of assistive devices are regulated in the Health and Medical Services Act. The responsibility for supplying assistive devices varies depending on the context in which the devices are to be used. Assistive devices in the home, the immediate environment and school, as well as for day-to-day life and for care and treatment, are the responsibility of the healthcare principals, i.e. the county councils and the municipalities.<sup>116</sup> The tariffs and ranges vary from one county council to the next.

232. The Government intends to build on a completed trial regarding the free choice of assistive devices in three county councils, aimed at providing the elderly and persons with disabilities with greater potential themselves to choose assistive devices.

233. Assistive devices are tested and ordered at various units within county councils and municipalities by professionally skilled health and medical service personnel: in primary care, medical clinics within medical service, and at assistive device centres, hearing centres, sight centres, orthopaedic departments, interpreting centres and Taltjänst.<sup>117</sup>

234. In order to guarantee safe, functional devices for persons with disabilities, the assistive devices are tested and evaluated using state funds.

235. The Swedish Institute of Assistive Technology (HI) is involved in the research and development of new technologies and assistive devices for persons with disabilities. The Institute also offers training and skills development, as well as international collaboration regarding assistive devices.

## Article 27: Work and employment

236. The Government and Parliament have taken several wide-ranging decisions aimed at making it easier for persons with disabilities that entail reduced working capacity to get a job. The Constitution Act states that the community at large should safeguard the right to employment and to counter discrimination<sup>118</sup> against persons on the basis of disabilities.

<sup>115</sup> Communication (2008/09:185) A policy for people with mental illness and mental disability, which the Government submitted to Parliament in April 2009.

<sup>116</sup> According to the Health and Medical Services Act (HSL § 3 b and § 18 b).

<sup>117</sup> Taltjänst exists to help people with speech, voice or language difficulties. The service is available in the form of speech, writing and reading support, as well as making third-party calls. The service is free of charge.

<sup>118</sup> Prohibition of discrimination in the field of working life, see Article 5.

237. In order for the Government's disability policy goal of equal living conditions to be realised, the affected parties must work together to identify and eliminate those obstacles that currently exist on the labour market for persons with disabilities that entail a reduced capacity to work. The Swedish Public Employment Service is already tasked with working to strengthen the individual's competitiveness, to work for matching between job applicants and work, as well as to compensate for the reduced working capacity of persons with disabilities, who belong to a prioritised target group. The Government considers it vital to utilise the opportunities to find work that the upcoming economic upturn will provide for persons with disabilities that entail a reduced capacity to work. The Government is therefore evaluating the conditions for the Public Employment Service to continue the matching work as regards this target group more efficiently and robustly.

238. The introduction of new labour market policy measures in recent years has also resulted in more persons with disabilities that entail reduced capacity to work being able to find employment. The resources for wage subsidies and protected employment within Samhall AB<sup>119</sup> have increased. The maximum amount for support for vocational assistive devices has been raised and the support for personal assistance has increased since 2006.

239. Unemployed individuals with disabilities that entail a reduced capacity to work are entitled to utilise all the services and all the labour market policy programmes that are available from the Swedish Public Employment Service on the same terms as other jobseekers.

240. If necessary, they should also be notified of working life-oriented rehabilitation and the special support that is available for the target group. See under Article 26.

241. The special support is regulated in the Ordinance<sup>120</sup> respecting special contributions for persons with disabilities entailing a reduced capacity to work. These initiatives provide the potential to break the unemployment cycle, they constitute productive employment and they provide experience and expertise that can facilitate the transition to work without support. In accordance with the goals of the disability policy, the initiatives are intended to compensate for the reduced capacity to work and to strengthen people's potential to obtain or retain a job. The initiatives primarily consist of employment with wage subsidies, sheltered employment with Samhall AB, sheltered employment with public sector employers, security employment and development employment. In addition to the above five employment subsidies, this Ordinance also regulates financial support for items other than wage costs. This includes support for vocational assistive devices, personal assistance, arrangement subsidies, special introduction and follow-up support (Supported employment) as well as special support when starting up business activities.

242. Support for assistive devices at the workplace means that an employer or individual can receive financial support for purchasing, hiring or repairing vocational assistive devices or other devices. The employer and the person with a disability can each receive a maximum of SEK 100,000 per year.

243. Vocational assistive devices and/or conversion of the workplace are a shared responsibility for the Public Employment Service and the Social Insurance Office. The employer has the basic responsibility to ensure that the working environment is adapted to the employee's situation and needs. The Social Insurance Office is responsible for vocational assistive devices that are required in order to continue in a job, while the Public

<sup>119</sup> Samhall AB is a wholly-owned, national limited company, the purpose of which is to produce goods and services and thereby to create meaningful, stimulating work for persons with disabilities that entail a reduced capacity to work.

<sup>120</sup> SFS 2000:630.



Employment Service is responsible for ensuring that a person with a disability can join in working life. The individual can also apply for a grant for vocational assistive devices. This relates to personal assistive devices that the individual can bring along, even if he or she changes workplace. The Public Employment Service is also responsible for assistive devices required by young persons with disabilities during practical vocational orientation, as well as costs for spoken and braille literature that visually impaired persons need in order to participate in labour market training.

244. Personal assistance entails financial support for an employer or other party that incurs costs for providing personal assistance to a person with a disability.

245. Arrangement subsidies mean that the employer can receive financial support for guidance, development initiatives and adaptation of the work place for three of the subsidised posts.

246. Special introduction and follow-up support (Supported employment) means that the Public Employment Service appoints a particular support person for a person with disability who requires additional support and training before or during the introductory period when starting a job. The support may be provided for up to a year after the employment has commenced.

247. Unemployed individuals with disabilities that entail reduced capacity to work may, via the Public Employment Service, receive separate financial support when starting a business, with the aim of making it easier for unemployed persons to start up a business, either on their own or with others.

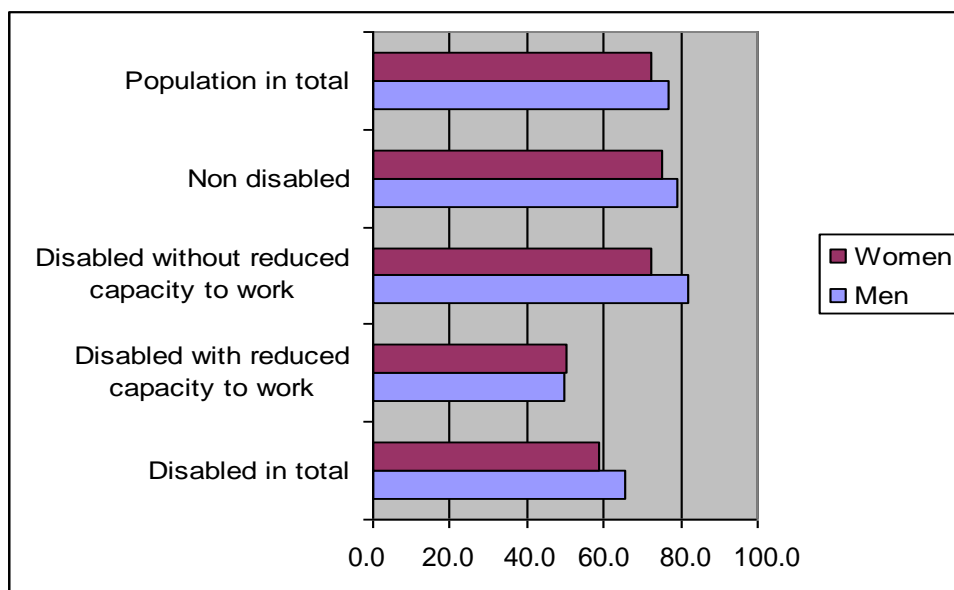
248. The labour market policy, together with other policy areas, must contribute towards the achievement of the goals in the Strategy for gender equality in the labour market. Examples of initiatives include the strengthening of the 'work-first principle', for example through tax reductions for those in work. A gender equality bonus has been introduced in parental insurance in order to encourage a more even take-up of parental leave. Tax reductions for household services have been introduced, which make it easier for women and men to combine working life with family life.

249. The Public Employment Service is conducting targeted work aimed at actively promoting equal opportunities between women and men on the labour market. This work is intended to provide women and men with access to mediation and programme activities on the same terms. The Public Employment Service is also conducting a pilot project aimed at reducing isolation among foreign born women who are distant from the labour market.

250. On Sweden's labour market, the distribution of men and women in sectors, areas of business and professions is generally uneven. This affects both the individual's and the employer's choices and constitutes the arena in which the Public Employment Service operates. Jobs that offer support for persons with disabilities are consistently characterised by an uneven gender distribution. The figures are 60 per cent men and 40 per cent women, both when we look at the various positions as a whole, and when we look at the dominant form of employment, i.e. employment with wage subsidies. Most uneven is the distribution when it comes to employment with publicly protected work, where less than 30 per cent are women. In recent years, the Public Employment Service has intensified its efforts to achieve a more even gender distribution, although no clear results have been achieved as yet. There is an inertia factor in the long tie-ins that often characterise these positions.

Figure 1

**Employed. Persons with disabilities in total. With and without reduced capacity to work, non disabled and the Swedish population in total, men and women. Percent. 2008**



*Source:* Statistics Sweden's report, Funktionsnedsattas situation på arbetsmarknaden (The situation of persons with disabilities on the labour market) – 4th quarter 2008/2009:3.

251. Among the groups of persons with disabilities, individuals with mental disabilities are employed to the least extent. For this reason, the Government has decided on targeted initiatives for this target group amounting to almost SEK 500 million for the period 2009–2011. This relates for example to a stimulus subsidy to municipalities that procure employment or offer employment via an optional system for individuals with mental disabilities. The Government has also commissioned the Public Employment Service, in co-operation with the Social Insurance Office, to procure rehabilitation and other types of support service for persons with reduced capacity to work due to a mental disability.

252. The Government's intention with these initiatives is to increase access to employment, rehabilitation or work that is better adapted to the needs of persons with a mental disability.

253. Trade unions in Sweden are independent of the State and determine for themselves which employees they will organise. Employees are welcome to be members of a trade union, irrespective of their gender, ethnicity or any disability. Trade union membership in Sweden is very high.

254. With the aim of countering long-term sickness absence, a reform of health insurance was implemented in 2008. New health insurance rules have applied since 1 July 2008. A rehabilitation chain has been introduced with the aim, through early initiatives, of providing more people on sick leave with the potential to return to work. With the rehabilitation chain, the Government intends to achieve a more active sick leave process that includes access to support and rehabilitation initiatives early on during an illness. The reform applies to all those on sick leave, regardless of the cause of the sick leave.

255. The health insurance reform has been highlighted by the OECD, which observes for example that the reform entails great strides in the right direction and that Sweden has

succeeded in breaking the negative trend of significant isolation due to a high level of sickness absence. However, it is important to ensure that the aims of the reform are maintained, for example that the person who is seriously ill and who cannot work should be able to receive remuneration, and at the same time that the reform should increase the driving forces and support for those who can return to work. Major changes such as the health insurance reform may however lead to individuals being affected by unreasonable, unintended consequences. The Government intends to continue following developments in this respect, and in the near future to review whether the regulations and their application have had any unintended consequences for individuals.

256. The social enterprises (work-integration enterprises) play an important role in offering employment and job opportunities, including for persons with disabilities that entail a reduced capacity to work. For instance, the Public Employment Service has been commissioned to procure rehabilitation and other support services in social enterprises for persons with mental disabilities. The majority of the employees in work-integration social enterprises consist of people who, due to a disability, have not had the opportunity to establish themselves or who have lost contact with the labour market.

257. The number of social enterprises in Sweden has increased. According to the most recent inventory from the end of 2009, there were just over 200 such companies compared with 150 companies in 2007. Around 7,000 people work in social companies, which represents an increase from approximately 4,000 in 2007. This refers to all those who regularly perform work in the enterprises, i.e. both employees and individuals who in various ways are participating in rehabilitation, work training, practical work experience or day-to-day activities, etc.

258. In April 2010, the Government decided on an action plan for work-integration social enterprises. In this action plan, a number of initiatives were decided on, to be implemented with the aim of facilitating more, growing social enterprises. The action plan will be followed by commissions for several authorities to conduct the measures that were decided on.

259. Employees in Sweden are covered by legal protection against unjustified dismissal through the requirement for reasonable grounds.<sup>121</sup> This covers everyone, including employees with disabilities. Redundancy is an acceptable reason for dismissing an employee. In the event of redundancy, the employees must first be arranged in order, whereupon the person with the shortest period of employment should be made redundant first. During this ranking process, employees with reduced capacity to work and who, as a result of this, have been provided with special employment with the employer, will have special protection. Such an employee may have priority to continued employment, irrespective of the order of employment.<sup>122</sup> The Employment (Co-determination in the Workplace) Act also entails protection, as an employer has to negotiate with the employees' trade union before making any decisions regarding dismissal.<sup>123</sup>

260. It is not permitted to dismiss a person due to a disability or illness, unless the capacity to work has been permanently reduced and the employee cannot carry out any work of significance for the employer.

261. Employees who utilise certain labour market policy support measures on the open labour market are covered by the Employment Protection Act. Disabled employees who e.g. receive wage subsidies enjoy the same employment security as other employees, for

<sup>121</sup> Employment Protection Act, SFS 1982:80, § 7.

<sup>122</sup> Employment Protection Act, SFS 1982:80, § 23.

<sup>123</sup> SFS 1976:580.

example. However, persons who have development employment, sheltered employment with public sector employers or employment with Samhall AB are not covered by this Act.

262. According to the Education Act, pupils in all forms of school apart from pre-school and the pre-school class should have access to personnel with such expertise that their need for guidance prior to choosing educational and vocational activities can be satisfied. Individuals who intend to commence a course must also have access to guidance (Section 2, § 29).

263. The transition from school to working life is a critical time for young persons with disabilities. The Government has therefore given the Public Employment Service a specific task,<sup>124</sup> to conduct activities on behalf of young persons with disabilities; this includes upper secondary pupils aged at least 16 as well as persons below the age of 30 who are receiving compensation from social insurance.

264. The Public Employment Service co-operates with schools in order to safeguard the transition from school to work for pupils with disabilities. Within each labour market area, there must also be an appointed employment officer who possesses knowledge about working life-oriented rehabilitation and who co-operates with e.g. the school, the Social Insurance Office and the municipality's daily activities for persons with intellectual disabilities (see LSS under Article 19). The Government has highlighted the fact that persons with intellectual disabilities, who have daily activities in accordance with LSS, have remained in that activity without moving on into working life. In 2008, as a result, the Government commissioned responsible authorities and players to co-operate so that the group in daily activities, who are close to the labour market, have increased opportunities for paid work.

265. Young persons with a disability that entails reduced capacity to work are exempted from the requirement to have reached the age of 25 in order to participate in labour market policy programmes.<sup>125</sup> If the Public Employment Service's work on matching jobs does not produce results, a period of work experience or working life-oriented rehabilitation may be offered.

266. The provisions regarding the prohibition of slavery and forced labour are contained in Article 4 of the European Convention on Human Rights, which applies as Swedish law. The provisions are universally valid and, like the criminal provisions referred to below, relate to persons with or without disabilities.

## **Article 28: Adequate standard of living and social protection**

267. The Social Services Act specifies that social services must promote people's economic and social protection. The Act gives the municipalities the ultimate responsibility for ensuring that those who reside in the municipality receive the support and assistance they require. Financial assistance constitutes the ultimate safety net when the individual cannot provide for him or herself in any other way, e.g. through work or through the general social policy system. The assistance is individually means-tested. This assessment is based on the household's overall financial situation. Through this assistance, the individual will be assured a reasonable standard of living. The assistance will be formulated so that it strengthens his or her potential to live an independent life.<sup>126</sup>

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<sup>124</sup> Ordinance (2000:628) on Labour Market Policy.

<sup>125</sup> Ordinance (2000:634) on Labour Market Policy Programmes.

<sup>126</sup> SFS 2001:453, Section 4, § 1.

268. In Sweden, the conditions are good for highlighting and monitoring *poverty development* over time among persons with disabilities, both through registration data and recurring questionnaires.

269. Every four years, the National Board of Health and Welfare publishes a social report that highlights social living conditions in the country. The 2006 Social report analysed the financial consequences of having a child with a disability. The report shows that almost half the families had a series of costs as a consequence of the child's disability, which were not covered by financial support from the community at large. Similarly, a proportion of the mothers with a child with a disability gave up gainful employment in order to work in the home, with or with care grants, see below. Despite this, it was established that few families were seriously economically affected as a result of having a child with a disability.

270. Poverty in Sweden means being outside of both the labour market and the social insurance systems. Being employed is therefore decisive in order to avoid poverty. It can be seen from the Government's communication,<sup>127</sup> 'Following up the national action plan for the disability policy and the foundation for a future strategy', that persons with a disability that entails a reduced capacity to work are employed to a significantly lower extent than the rest of the population. Out of the working population in 2008, 77 per cent of the persons without a disability were employed. Out of those persons with a disability and a reduced capacity to work, 50 per cent were in employment. Women with a disability and reduced capacity to work participate on the labour market to a lower extent than men with a disability and reduced capacity to work.

271. The National Board of Health and Welfare's 2010 Social report highlights the fact that the poverty risk to a great extent is related to the absence of income due to unemployment (particularly for those who have not entered the labour market), illness or studies. The increase in the financial standard of living after the recession is primarily related to an increase in salary income, in part because more people have found work. This means that the financial standard of living has not increased as much for those groups that receive a larger proportion of their support from subsidies or social insurance. The trend in Sweden as regards the level of income in relation to the absolute poverty line (defined as the income support standard in 1985 calculated using the consumer price index to compensate for inflation), shows that the proportion in the group 'unemployed, ill, early retirement' who are living at or below the poverty line has fallen between 1993 and 2007. During the same period, the proportion of relatively poor people in this group, defined as those with incomes below 60 per cent of the median income, has increased.<sup>128</sup>

272. In 2008, the National Institute of Public Health published a report<sup>129</sup> on the health of persons with disabilities. According to the Institute's public health questionnaires between 2005–2007, poor health is around ten times more common in persons with disabilities compared to the rest of the population. Within all of the investigated areas, with the exception of accommodation standard, the study group has poorer living conditions than the average for the population. The proportion with poor health was largest among men and women with disabilities, of which 43 per cent of men and 32 per cent of women reported a poor general state of health. In many cases, this ill health is directly linked to their

<sup>127</sup> Communication 2009/10:166.

<sup>128</sup> The Government's report 'Fattigdomen i Sverige och EU' [Poverty in Sweden and the EU], 2010.

<sup>129</sup> Onödigt ohälsa, Hälsoläget för personer med funktionsnedsättning [Unnecessary ill health, The state of health of people with disabilities], National Institute of Public Health 2008.

disability, although a considerable proportion of ill health is also linked to known determining factors, such as financial insecurity, discrimination and lack of accessibility.

273. The report also shows that persons with disabilities have a much lower income and poorer cash margins than the majority of the population. This financial difference is hence a separate and important determining factor for impaired health in persons with disabilities. The report also highlights the fact that a person with a disability may also have additional expenditure, for example for assistive devices, medication, adaptation, assistance with practical duties, etc.

274. Disability compensation is a form of financial support that is intended in principle to cover those additional costs a person may have due to a disability. A person can also receive disability compensation due to a need for assistance. This compensation promotes equality of living conditions between persons with and without disabilities by compensating for additional costs that a disability can entail.

275. A child with a disability often requires significant input that takes up the parents' time. There can be a considerable need for care and supervision. In addition, the parents can incur various additional costs. For this reason there is the care grant, for example, a financial support that varies in size according to the size of the child's needs. The care grant can also provide some compensation for the loss of income entailed by caring for a child with a disability. The right of children with disabilities to grow up in their families was an important starting point when the care grant was introduced. Car support, grants for adaptation of the home and State assistance benefit are other examples of financial support (see more under Article 19).

## **Article 29: Participation in political and public life**

276. The Elections Act<sup>130</sup> contains provisions regarding accessibility to *polling stations*. Each municipality must ensure that there are suitable premises that can be used as polling stations<sup>131</sup> and that, with regard to their location, accessibility and opening times, provide the voters with good opportunities to vote.

277. A fundamental starting point for the activities of the community at large is that they must be accessible to all citizens, and that the municipalities must make all reasonable efforts to supply polling stations that are accessible to all voters. However, it cannot be ruled out that very occasionally it may prove necessary to use premises that do not satisfy this requirement. If this requirement cannot be set aside, the consequence could be that voting districts must be merged or the number of polling stations limited in such a way that impairs the potential for all authorised voters to vote. Such an arrangement is not considered democratically acceptable.

278. Instead, the Elections Act has been formulated such that if the municipality considers that, for specific reasons, it is necessary to use inaccessible premises, the municipality must notify this to the county administrative board. The municipality must then specify why other premises cannot be used, as well as what measures it will implement to correct the shortcomings in subsequent elections. The county administrative board then decides<sup>132</sup> whether the municipality may use the inaccessible premises. If voting is allowed

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<sup>130</sup> SFS 2005:837.

<sup>131</sup> SFS 2005:837, Section 4, § 20.

<sup>132</sup> SFS 2005:837, Section 3, § 3, third paragraph.

to take place in inaccessible premises, the election officers may receive voting envelopes outside of the polling stations if this can take place in a secure manner.<sup>133</sup>

279. Voters who, as a result of a disability or similar, are not themselves able to prepare their votes, shall on request receive assistance with this from the election officers to the extent necessary.<sup>134</sup> There are also provisions regarding the right to vote by proxy if the voter, due to illness, disability or age, is unable to get to the voting station him or herself.<sup>135</sup>

280. The Local Government Act<sup>136</sup> contains provisions that have a direct bearing on political participation for elected representatives with disabilities. The Act<sup>137</sup> stipulates that municipalities and county councils must work to ensure that elected representatives with disabilities can participate in the handling of matters in the same way as other elected representatives. The same Act also contains provisions regarding the right to compensation for travel for persons with disabilities.<sup>138</sup>

281. In May 2008, an assignment was presented to the Government regarding remote decision-making.<sup>139</sup> The conclusion of the report was that there are no actual legal obstacles to introducing the potential to participate in meetings remotely via a two-way audiovisual transmission. However, the report recommended that, for the sake of clarity, this potential should be expressly included in the Local Government Act. This report resulted in the need for regulation regarding remote decision-making now being examined within the framework of a Parliamentary committee.<sup>140</sup> The directive specifies that remote decision-making could facilitate the recruitment of elected representatives. The directive maintains that “particularly within certain groups, such as disabled persons and persons living in sparsely populated areas, this could be extremely important for the potential to become an elected representative”. The local government democracy study will present its final report no later than 1 May 2012.

### **Article 30: Participation in cultural life, recreation, leisure and sport**

282. Culture should be available to everyone – in the form of educational work, opportunities for personal creation and opportunities to share in professional artistic creation. A disability perspective must therefore be taken into consideration in all Government initiatives in the field of culture.

283. The overall goal within culture, media and sport is to improve the potential for persons with disabilities to participate in cultural- and sports life. The disability perspective must be integrated in the regular granting of subsidies within the fields of culture and sport.

284. Media services and film should, to a greater extent, be formulated in a way that makes them accessible to persons with disabilities.

285. The Government has made major investments with culture and media over the past decade. For example, the Government has taken the initiative for a national strategy for digitisation, electronic access and digital curation, with the aim of increasing accessibility

<sup>133</sup> SFS 2005:837, Section 9, § 4.

<sup>134</sup> SFS 2005:837, Section 7, § 3.

<sup>135</sup> 2005:837, Section 7, § 4.

<sup>136</sup> SFS 1991:900.

<sup>137</sup> SFS 1991:900, Section 4, § 33.

<sup>138</sup> Section 4, § 12 a of the Local Government Act.

<sup>139</sup> (IJ2008/927/DEM).

<sup>140</sup> Directive (2010:53) Reinforcing the functioning of local government democracy.

for all, although in particular for groups with specific needs. With regard to a new Language Act, see Article 24.

286. Another venture is the creation of a school that, from 2011, will focus on Years 1–9. This venture, through various cultural means of expression, has also facilitated increased participation in cultural life for pupils in special schools. The venture is intended, on the basis of the school's curriculum, to increase collaboration between the school and professional cultural life and to increase the pupils' own creation.

287. The State provides support annually to the non-profit National Theatre Company. Within the National Theatre Company there is the Quiet Theatre, for example, which has more than thirty years' experience of producing drama using sign language. This Theatre works with drama, educational issues, new technology for accessibility as well as international collaboration for strengthening and developing deaf drama internationally.

288. The Swedish Arts Council<sup>141</sup> and the Swedish National Heritage Board<sup>142</sup> are sectoral authorities that are charged with co-ordinating, supporting and driving forward developments in order to achieve the national disability policy goals. The authorities' work should form a part of the realisation of the cultural policy goals of promoting everyone's opportunities to enjoy cultural experiences, education and the development of their creative skills, as well as promoting a living cultural heritage that is preserved, used and developed. The work should lead to persons with disabilities having better opportunities to participate in cultural life, and to a disability perspective being incorporated in all granting of subsidies within the areas of responsibility.

289. The Council's work has previously been focused on museums and libraries, where the work of increasing accessibility has progressed relatively far. Within the field of drama, positions have also been advanced, in part with the aid of Nordic collaboration in order to improve access to information, premises and activities for persons with disabilities. In order to increase access to touring theatre companies, the Swedish Arts Council is supporting work aimed at developing portable devices for visual and sign language interpreting in co-operation with the disability organisations. It is becoming increasingly common for professional theatre and dance groups to include actors and dancers both with and without disabilities.

290. Within the Nordic Council of Ministers, the Swedish National Heritage Board has participated in a collaborative project regarding accessibility to various culturally historical settings, such as extensive historical landscapes and ancient monuments. The Board has also participated towards accessibility issues being introduced in cultural heritage education at Stockholm University. Particular attention has also been focused on issues regarding accessibility in cultural reserves.

291. Access to the media is important from a democratic and participation perspective. New technologies entail opportunities for increased access to both culture and the media. The Government's initiatives, including legislation in the media field, are expected to be able to contribute to the utilisation of these opportunities.

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<sup>141</sup> The Swedish Arts Council is a state authority that is responsible for distributing State cultural support for the following art and culture areas: theatre, dance, music, literature, cultural journals and public libraries, as well as art, museums and exhibitions.

<sup>142</sup> The Swedish National Heritage Board is the central administrative authority for issues relating to the cultural environment and cultural heritage. The Board must assist in the cultural policy goals of promoting everyone's opportunities to enjoy cultural experiences, education and the development of their creative skills, as well as promoting a living cultural heritage that is preserved, used and developed.



292. For a number of years, the *Copyright Act*<sup>143</sup> has included technology-neutral provisions which guarantee that persons with disabilities can have access to copyright-protected works. See more under Article 21.

293. In its broadcasting licences for Sveriges Radio AB, Sveriges Television AB (SVT) and Sveriges Utbildningsradio AB, the Government stipulates that these companies must take the needs of persons with disabilities into consideration. In the broadcasting licences for the period 2010–2013, the goals have been increased for example with regard to the subtitling of TV programmes.

294. A new Radio and Television Act<sup>144</sup> entered into force on 1 August 2010. This includes a new provision whereby TV broadcasts must be formulated such that the programmes are accessible to persons with disabilities. This must take place through subtitling, interpreting, spoken text or similar technologies, to the extent decided by the Government or the Swedish Broadcasting Authority.

295. The Swedish Library of Talking Books and Braille (TPB)<sup>145</sup> is conducting extensive work on change, with digital technology being used for example for the downloading of talking books. TPB, the Talking Newspapers Council and the Swedish Post and Telecom Agency have received commissions relating to e.g. talking newspapers. Operations at the Talking Newspapers Council were transferred to TPB on 1 August 2010. One reason for this was that the two authorities were both aiming at the same target group, i.e. persons who, due to some form of reading impediment, need special adaptations in order to have access to text-based information in the form of e.g. literature and daily newspapers. The change is expected to generate good conditions in the continued work on solutions for the production, distribution and consumption of talking books and talking newspapers.

296. The Easy-to-Read Foundation, has been commissioned by the Government and Parliament to make news information and literature available to persons with reading difficulties or who are not trained in the Swedish language. In recent years, the initiatives aimed at schools have been prioritised. For example, the Foundation has worked on the development of DVD productions for young persons in special schools.

297. All the activities within child and youth sport that receive State subsidies should be compatible with the UN Convention on the Rights of the Child. The Government considers that only those sports associations that conduct activities that are compatible with the Child Convention should receive the State support.

298. Sport for competition and for exercise must be designed so that children and young persons with disabilities are and feel included. This means that children and young persons with disabilities who can compete with children and young persons without disabilities should be encouraged and receive support to do so.

299. The Sports Research Centre at the Swedish School of Sport and Health Sciences has been commissioned to follow up State subsidies to sport. One indicator that has been devised is what type of sports facility children and young persons visit in their free time. This is reported separately with regard e.g. to gender, age, family, socioeconomics, ethnicity, disability, etc.

<sup>143</sup> The Act on Copyright in Literary and Artistic Works (1960:729).

<sup>144</sup> SFS 2010:696.

<sup>145</sup> The Swedish Library of Talking Books and Braille is a State authority that is tasked with working to ensure that persons with disabilities have access to such copies of literary works that they require in order to study the works, e.g. producing and transferring talking books and braille books, as well as supplying and participating in the development of new technology regarding adapted media.

300. The Swedish Disability Sports Association and the Swedish Paralympic Committee (SHIF/SPK) is a sports association that organises sport for persons with disabilities, impaired vision and developmental disabilities within 18 different sports. The Association was formed in 1969 and became a member of the Swedish Sports Confederation (RF). The Confederation has approximately 480 affiliated associations, 21 specialised sports federations and approximately 37,000 members, of whom around 20,000 are active. The Swedish Deaf Sports Federation organises sports for persons who are deaf and hearing impaired. The Federation was founded in 1913 and was elected to the Swedish Sports Confederation in 1995. The Federation has 38 local associations with 5,500 members.

301. Prior to the start of 1999, the Swedish Sports Gala established the Swedish Sports Academy<sup>146</sup> to provide the Gala with a broad non-profit base, to establish a number of prizes to be awarded annually at the Sports Gala, including a prize for the disabled sportsperson of the year, as well as to develop and manage the nomination and voting process preceding the awarding of prizes.

302. With regard to children's opportunities to participate in leisure and sporting activities on the same terms as others, see also Article 24.

303. According to the curricula for both the compulsory and the voluntary forms of schooling, all those who work in schools must contribute to developing the pupils' sense of affinity, solidarity and responsibility for people, including outside of their immediate group. Nobody in school may be subjected to discrimination on the grounds of gender, ethnicity, religion or other belief, sexual orientation or disability, nor to any other degrading treatment.

### **III. The situation for boys, girls and women with a disability**

#### **Article 6: Women with disabilities**

304. The goal for the Government's gender equality policy is that women and men should have the same power to shape society and their own lives. The Government's gender equality policy applies to all people, in different life situations and in different stages of their life, i.e. irrespective of e.g. age, ethnicity, disability or where in the country they live. In addition to the overall goal for the gender equality policy, there are also four sub-goals: an even distribution of power and influence, economic equality between women and men, equal distribution of unpaid care and household work and the elimination of men's violence against women.

305. The gender equality policy's sub-goals will be achieved through gender equality mainstreaming, i.e. that decisions within all policy areas will be characterised by a gender equality perspective, as well as through specific measures within areas where gender inequality is particularly marked.

306. To safeguard rights for women with disabilities, the Discrimination Act<sup>147</sup> includes a prohibition against discrimination due to gender and disability. The Equality Ombudsman supervises compliance with this Act.

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<sup>146</sup> The Swedish Sports Academy is a non-profit amalgamation, whose members comprise prominent representatives of Swedish sport who love sport and want to see it develop.

<sup>147</sup> SFS 2008:567.

307. The Swedish curricula state that school has a responsibility to counteract traditional gender roles and to ensure that pupils have the potential to develop their own skills and interests, regardless of their sex. School must actively and consciously promote men's and women's equal rights and opportunities. Analysing and focusing awareness on these issues are core tasks for the Delegation for Equality in Schools and the Delegation for Equality in Higher Education. The appointment of these committees is part of the Government's equal opportunities work.

308. For specific equality measures within working life, see Article 27.

309. The Government has taken decisions regarding specific measures for women with disabilities within the framework of the labour market policy, within health and medical service, and in the work on combating men's violence against women.

310. Studies on victims of violence show that women with disabilities are particularly vulnerable. It is therefore vital to combat violence and assaults against women with mental and physical disabilities. The development of knowledge within social services aimed at improving the application of the Social Services Act, so that abused women, women with disabilities, women subjected to honour violence, etc. also receive the help and support they need, is described under Article 16.

311. In 2007, the Government decided on action plan to combat men's violence against women, violence and oppression in the name of honour, and violence in same-sex relationships.<sup>148</sup> This action plan highlights the fact that certain groups of women may be particularly vulnerable to violence, e.g. women with disabilities. These women are covered by more than 50 different initiatives set out in the action plan. In addition to the general assignments, there are two initiatives that are particularly targeted at women with disabilities and that are managed by the National Board of Health and Welfare. These measures cover training for personnel who provide support and service to persons with disabilities, as well as funds to disability organisations to increase their potential to highlight and prevent violence against persons with disabilities, and to provide support to those who have been subjected to violence.

## **Article 7: Children with disabilities**

312. The Government's child rights policy is based on the fundamental principles set out in the Convention on the Rights of the Child, and is targeted for example at ensuring that no child be discriminated against on the basis of race, skin colour, national, ethnic or social origins, gender, religion, disability or some other similar reason, and that children must be allowed to develop at their own speed and based on their own conditions.

313. Section 1, § 2, of Sweden's new Constitution, which enters into force on 1 January 2011, contains a new provision regarding the rights of the child. According to the new provision, the public must work to ensure that the rights of children are looked after.

314. In June 2010, the Government presented a proposal to Parliament regarding a new strategy<sup>149</sup> intended to strengthen the rights of the child in Sweden. This will replace the previous strategy in order to implement the UN's Convention on the Rights of the Child in Sweden, which has applied since 1999. The strategy is based on the human rights that all children up to the age of 18 must be guaranteed in accordance with international agreements, particularly those undertakings that follow from the Convention on the Rights

<sup>148</sup> Communication 2007/08:39.

<sup>149</sup> Governments Bill 2009/10:232.

of the Child. The intention is that the strategy, which comprises a number of fundamental principles, should act as a guide for public players at national and municipal level, who in their activities will safeguard the rights of the child.

315. Most of the activities relating to children are to be found in municipalities and county councils. It is also there that decisions are taken that have a direct impact on children's day-to-day lives and life situations. The Government's strategic approach is that decision-makers and various professional groups must have knowledge about children's living conditions and about how children's rights are to be translated into decisions and actions that affect children, and must follow up such decisions and actions from a children's rights perspective. The interaction between various players and activities in issues relating to children is also particularly important in municipalities and county councils in order to safeguard the rights of each child.

316. Co-ordination and co-operation between the State and the municipal level are important for the application of children's rights. The Government and Swedish Association of Local Authorities and Regions have entered into an agreement on the basis of the Government's proposed strategy to strengthen the rights of children in Sweden. The purpose is to intensify and develop the work on children's rights in activities within municipalities and county councils. This will apply during the period 2010–2013 on the basis that the work must be long-term in nature.

317. The Act concerning Support and Service for Persons with Certain Functional Impairments (LSS) has recently been amended in a number of respects as regards initiatives for children. A regulation has been introduced into LSS to the effect that when a measure in accordance with this Act relates to a child, particular attention must be paid to the best interests of the child. Furthermore, regulations have been introduced into LSS to the effect that when initiatives affect a child, the child must receive relevant information and be given the opportunity to put forward his or her opinions. The child's opinions must be attached importance in relation to the age of the child. Regulations have also been adopted regarding the mandatory record checks of personnel. A person who conducts activities according to LSS that include initiatives for children may not employ a person for such initiatives without first checking the criminal records register with regard to the person to be employed.

318. Children often have little opportunity to make their voice heard. There has not been much research in Sweden regarding children's potential to participate in society's support systems. The Swedish Disability Federation has been granted funds from the Swedish Inheritance Fund for a project that aims to investigate how participation and self-determination can be improved for children and young persons with a need for habilitation initiatives, thereby improving their preconditions for an independent life. A central issue is the extent to which individual planning can contribute to strengthening the child's process of liberation. The project will result in part in a handbook detailing success factors for successful habilitation initiatives and successful planning processes from a child's perspective. The handbook will act as a guide and inspiration to decision-makers within county councils and personnel within affected activities. The Ombudsman for Children<sup>150</sup> is a partner in this initiative.

319. The Swedish education system places great emphasis on issues relating to democracy, gender equality and human rights, for example in pre-school activities, the care of schoolchildren and school. The activities must actively work for fundamental democratic

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<sup>150</sup> The Ombudsman for Children is a state authority that is charged with representing the rights and interests of children and young people on the basis of the UN's Convention on the Rights of the Child.

principles such as the equal value of all people regardless of race, skin colour, ethnicity, religion and other beliefs, sexual orientation or disability, and the right of everyone to express themselves and be respected for their opinions.

320. The Discrimination Act contains provisions regarding the ban on discrimination within education on the basis of gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

321. The Education Act also contains provisions regarding the prohibition of other degrading treatment of children and students,<sup>151</sup> such as bullying that is not linked to any grounds for discrimination. The Swedish Schools Inspectorate monitors compliance with these provisions.

322. Since 1 January 2010, the healthcare service and its personnel have been obliged to pay particular attention to a child's need for information, advice and support if the child's parent or some other adult with whom the child lives permanently has a mental illness or a mental disability, a serious physical illness or injury, or misuses alcohol or some other addictive substance.<sup>152</sup>

323. Within the framework of the psychiatry initiative, the Government has initiated a national project to train personnel within psychiatry and primary care in Beardslee's family intervention method for the target group comprising children of parents with a mental illness. This method is an instrument for working in accordance with the new provisions regarding paying special attention to children's need for information, advice and support.

324. The National Board of Health and Welfare has been commissioned to analyse the conditions for co-ordinating various individual plans relating to children, young persons and adults with disabilities. The assignment included highlighting the need for changes in statutes and other regulations. Just about all county administrative boards have implemented specific initiatives to increase the number of individual plans for children with disabilities, for example through seminars, supervision and following up questionnaires. The initiatives that are carried out in collaboration with county councils and municipalities, or in co-operation with users, constitute positive elements.

325. The best interests of the child represent the starting point for the formulation of the family policy. One basic aim is to create the circumstances so that all children can grow up under equal conditions. This can be achieved in part by supporting the parents to cope with the financial commitments that are important for the wellbeing of children as they grow up, as well as by offering the potential to combine parenthood with gainful employment or studies. The financial family policy support is designed in such a way that it provides economic security in the event of a significant dependency burden.

326. According to an analysis by the Ombudsman for Children, children and young persons with disabilities are still an invisible group in society. The focus is often placed on the disability. The individuals or their parents are not often heard in the debate either. The Ombudsman for children has conducted questionnaires to obtain the children's own views of the extent to which they themselves consider they have influence, for example over their immediate environment, in school and in the family. With regard to influence in their immediate environment, it emerges that a large proportion of the children and young persons consider that decision-makers in the municipalities do not ask them what they think. Children do not feel they have the potential to exert an influence in issues that affect them, and they also do not know where to turn to in order to have an influence. As regards

<sup>151</sup> Government Bill 2008/09:193.

<sup>152</sup> Government Bill 2008/09:193.

influence in school, the majority of the students questioned consider that the adults listen to suggestions and ideas. According to these surveys, the students with disabilities appear to be more satisfied and active in the school's work relating to influence than children without disabilities.

327. Statistics covering children and children's living conditions are gathered and administered by a wide range of authorities. There are 25 authorities with responsibility for statistics, including Statistics Sweden (SCB), that compile child statistics.

328. At the request of the Ministry of Health and Social Affairs, SCB produces annual statistics regarding children's living conditions. This assignment includes both the production of an annual publication, "Children and their families", as well as the production of reports dealing with specific issues. The report "Children and their families" contains a significant amount of statistical data regarding children and their families. An important feature since the 2004 report is the information from the Investigation of Living Conditions, in which children between the ages of 10–17 may themselves report on their economic standard, time with their parents and family conditions. In addition, the Ombudsman for Children and Statistics Sweden issue a compilation of statistics regarding children every three years, entitled "Up to 18". This report has been issued since 1995.

329. When it comes to children with disabilities, there is a risk that an overly extensive breakdown of data in relation to the type of disability can infringe the individual's integrity. The Government has therefore decided to gather knowledge about the living conditions of children with disabilities in another way.

## IV. Specific obligations

### Article 31: Statistics and data collection

330. The fundamental provision regarding integrity protection in the field of IT can be found in the Constitution Act.<sup>153</sup> This states that every citizen, to the extent set out by law, must be protected against the infringement of his or her personal integrity by means of information about him or her being registered with the aid of electronic data processing. The provision does not set out in detail how this protection should be formulated, the circumstances under which it is permitted to maintain a personal register, nor the conditions under which personal data may be co-ordinated. The more detailed regulation of integrity protection will be specified in laws. Such rules for protecting integrity are primarily contained in the Personal Data Act,<sup>154</sup> which entered into force in October 1998. The Personal Data Act replaced the Data Act.<sup>155</sup>

331. The Personal Data Act is based on the Directive of the European Parliament and of the Council<sup>156</sup> on the protection of individuals with regard to the processing of personal data and on the free movement of such data, known as the Data Protection Directive. Since 1 October 2001, the Personal Data Act has in principle been applied in full for all automated processing of personal data, unless otherwise indicated by some other statute. The purpose of the Personal Data Act is to protect people against the infringement of their personal integrity in conjunction with the processing of their personal data. According to the Data Protection Directive, however, the Member States may not restrict or prohibit the

<sup>153</sup> The Constitution Act, Section 2, § 3.

<sup>154</sup> SFS 1998:204.

<sup>155</sup> SFS 1973:289.

<sup>156</sup> 95/46/EC of 24 October 1995.

free flow of personal data between Member States for reasons linked to the protection of physical persons' fundamental liberties and rights. The regulation of the processing of personal data according to the Personal Data Act is based on all processing of personal data only being permitted to take place if this is compatible with the specific processing rules stipulated by the Act. The Act only contains general regulations, and it was assumed when this entered into force that the need for exemptions and specifications for particular areas would be satisfied through separate legislation. Special rules concerning the processing of personal data exist e.g. with regard to health and medical and social services.

332. On 1 January 2007, certain amendments to the Personal Data Act entered into force. These amendments supplemented the Act's handling regulations with provisions that, with regard to unstructured personal data, are based more on prohibiting the misuse of personal data. The processing of personal data in unstructured material may not take place if this entails an infringement of the registered individual's personal integrity.<sup>157</sup>

333. Statistics regarding people receiving initiatives in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS) have been included in Sweden's official statistics since 2004. The information is gathered with the support of the Official Statistics Act<sup>158</sup> and the Official Statistics Ordinance,<sup>159</sup> which entails an obligation for the municipalities to submit the requested information. The Ordinance on the handing out of information relating to support and service to certain persons with disabilities,<sup>160</sup> and the National Board of Health and Welfare's regulations<sup>161</sup> regarding municipalities' obligation to provide information for statistics about support and service to certain persons with disabilities, regulate which personal identity number-based information the municipalities should provide. The Public Access to Information and Secrecy Act<sup>162</sup> contains provisions regarding the confidentiality of the information, specifying which legislation governs the potential to hand out information.

334. Statistics following the living conditions of persons with disabilities in relation to the rest of the population are a precondition for being able to measure the results of the Government's disability policy.

335. In the work that is being conducted to create a better picture of the living conditions of persons with disabilities, Statistics Sweden (SCB),<sup>163</sup> at the request of the Government in autumn 2010, has supplied information specific to the target group based on an established investigation into the living conditions of the Swedish people.

336. The material is currently being processed, and the results will be presented in a report including conclusions regarding both living conditions for persons with disabilities as well as what improvements to the investigation methodology should be implemented in order to achieve a good statistical description in future.

337. The Government's aim is also to identify methods in order to compare living conditions for children.

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<sup>157</sup> Government Bill 2005/06:173.

<sup>158</sup> SFS 2001:99.

<sup>159</sup> SFS 2001:100.

<sup>160</sup> SFS 2004:16.

<sup>161</sup> SOSFS 2005:21.

<sup>162</sup> SFS 2009:40.

<sup>163</sup> Statistics Sweden is an administrative authority whose primary task is to supply customers with statistics for decision-making, debate and research, often at the request of the Government.

## Article 32: International co-operation

338. Sweden has a strong, long-term commitment to strengthening the rights of persons with disabilities globally, and the Swedish Government welcomes international collaboration in those forms and for those purposes expressed by the Article.

339. Sweden's policy for global development, which was adopted by Parliament in 2003, states in particular that persons with disabilities are a prioritised group in the work aimed at strengthening human rights. This establishes that Swedish development collaboration must be based on two perspectives of development, a human rights perspective and the perspective of poor people on development.

340. In its 2009 letter of appropriations, the Government commissioned Sida to draw up a plan for ensuring the observance of human rights for persons with disabilities, both in Sida's internal work and within the framework of Sweden's bilateral development co-operation. A work plan for the period 2009–2012 was then drawn up in close co-operation with representatives of Sweden's disabled person's movement. This plan is now being implemented.

341. The following parts of the work plan have been implemented to date. Persons with disabilities have been highlighted in twelve of Sweden's 45 country strategies (27%), often in the analytical part of the strategy, as an example of a group that is in a vulnerable situation. During 2009, Sida has also supported specific initiatives for persons with disabilities in ten different countries. Furthermore, Sida has incorporated a disability perspective in educational sector programmes in nine different countries, in health sector programmes in three countries and in agriculture and infrastructure support in one country. These initiatives have been implemented in conflict and post-conflict countries, and are related to the rehabilitation of persons with disabilities.

342. For example, Sida is conducting dialogues with the governments of Bangladesh, Bolivia, Tanzania and South Africa in order to raise the issue of inclusive education for children with disabilities.

343. Sweden has also supported the capacity development of disability organisations. Sweden supports local projects, primarily via two global players: Disability Rights Promotion International (DRPI), a project that aims to develop tools for monitoring compliance with the new Convention; and the International Disability Alliance (IDA), which constitutes a combined international voice for persons with disabilities. IDA's activities are also intended to strengthen national, regional and global organisations' knowledge of the UN human rights system.

344. Sida's humanitarian support is primarily needs-based, and particular consideration is given, as far as possible, to groups in vulnerable situations. Targeted support has occasionally been provided to persons with disabilities, usually via Handicap International. This occurred most recently in conjunction with the earthquake in Haiti.

345. For the Swedish Government, it is important for the disability policy to be a part of all policy areas, and not to be treated separately. Sweden therefore deals with the issue of rights for persons with disabilities within the framework of bilateral and regional dialogues regarding human rights (for example with the African Union, China, India, Indonesia, etc.).

346. Sweden participates actively in the work in this area within the UN General Assembly and the Human Rights Council, for example by supporting the General Assembly's recurring resolution regarding the Convention on the Rights of Persons with Disabilities.

347. Sweden has also provided financial support to the UN's special rapporteur on disability.



348. Internationally speaking, Sweden is well advanced in the use of assistive devices. There is therefore international interest in Swedish products and expertise in the assistive devices field. The Swedish Institute of Assistive Technology, which is a national knowledge centre, exchanges knowledge with other countries in the form of information, the export of services and aid work on a consultancy basis.

349. In recent years, the Institute has participated in aid projects with the support of Sida, aimed at promoting access to and the use of assistive devices, as well as skills development for example in Russia and West Africa.

### **Article 33: National implementation and monitoring**

350. When it comes to the implementation of the Convention, the Ministry of Health and Social Affairs is responsible for being the focal point within the Government. Within the Government Offices of Sweden, there is a high level inter-departmental working group comprising representatives from most of the departments. The Minister within the Ministry of Health and Social Affairs who has responsibility for the disability policy regularly convenes a delegation, comprising representatives of the disabled persons' movement and Secretaries of State for most of the departments, for consultation and the exchange of information.

351. In July 2008, the Delegation for Human Rights in Sweden was commissioned to investigate whether Handisam, the Equality Ombudsman or some other body should be entrusted with the task of promoting, protecting and monitoring compliance with the Convention. The Delegation's preliminary report states that the Equality Ombudsman is the authority that most closely lives up to the Paris Principles, and the Delegation therefore proposes that the task should be given to them. However, it is proposed that responsibility for information and training be given to Handisam.

352. The Delegation for Human Rights has also been commissioned to draw up proposals regarding how to provide continued support for the work regarding full respect for human rights in Sweden in general. The Delegation's final report was submitted to the Government in October 2010. The proposals within this more wide-ranging issue may influence and alter the duties of those authorities that the Delegation proposed should monitor the Convention.

353. The Delegation's preliminary report is currently being prepared within the Government Offices of Sweden, and the Delegation's final report will also be considered in the final position with respect to which body will be responsible for the national implementation and monitoring of the Convention.

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