



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities Eleventh session

Summary record of the 124th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 1 April 2014, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention *(continued)*

Initial report of Sweden (continued) (CRPD/C/SWE/1; CRPD/C/SWE/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sweden took places at the Committee table.*

Articles 1–10

2. **Mr. Ahlquist** (Sweden), in reply to questions posed the day before, said that appeals against decisions by municipal authorities regarding placements in local schools could be lodged with the Board of Appeal for Education and that appeals against decisions regarding funding to support students with specific needs could be filed with the administrative court.
3. **Mr. Jansson** (Sweden) said that municipalities usually evaluated building plans before construction work began in order to ensure that accessibility requirements, including appropriate lifts and door frame measurements, would be met. In cases where plans to accommodate disability were inadequate, they had to be amended and resubmitted; as a result, by the time that they reached the final approval stage, few building plans were rejected on grounds of a lack of accessibility.
4. **Ms. Steinmetz** (Sweden) said that a working group had been set up to develop an efficient, cost-effective and accessible interpreting service in the workplace, and a single-entry system for users was under consideration. Telecommunications relay services were currently provided, with videoconferencing arrangements being used for the interpretation, in Swedish and English, of speech and sign language and text telephones providing a means for persons with hearing or speech impairments to communicate with persons who used ordinary phones. Support was also available for persons using a standard telephone who had voice or speech difficulties.

Articles 11–20

5. **Ms. Löfstrand** (Sweden) said that persons with intellectual or psychosocial disabilities who gave their full consent for such an arrangement could be assigned a deputy or special representative to assist them with personal care, finances, property management or other matters, rather than being assigned an administrator, which was a more intrusive form of support. An administrator's powers could be restricted, and persons with legal capacity could grant another person power of attorney. Decisions as to whether to assign a representative or an administrator were taken by the courts, which sought to choose the least intrusive arrangement for meeting a person's needs. Those arrangements were also reviewed yearly.
6. Any person who had Swedish citizenship and did not have an administrator was entitled to become a lay judge in the courts upon election by the corresponding municipal or county council. Lay judges represented the whole of society, including persons with disabilities, and were provided with assistive devices, where needed, and training in the legal system. Court interpreting and the use of assistive devices in courts were granted upon request.
7. **Ms. Zetterberg Ferngren** (Sweden) said that decisions to administer treatment to persons with intellectual or psychosocial disabilities against their will were reviewed twice yearly. Legislation on mental health care provided for such treatment in cases where a person with serious psychosocial disabilities refused necessary care or represented a threat

to him or herself or others. Legislation on mental health care was being supplemented with provisions on legal certainty and social care for children with psychiatric conditions. Electroconvulsive therapy was administered to persons suffering from depression or at risk of suicide when such therapy was recommended by the National Board of Health and Welfare. Female genital mutilation was prohibited under Swedish legislation and punishable by a 10-year prison sentence.

8. **Ms. Jenryd** (Sweden) said that the delegation's replies to earlier questions about violence against women and children would be divided into two parts. Ms. Hjalmarsson would focus on violence against women and Ms. Ekman Aldén would comment on violence against children.

9. **Ms. Hjalmarsson** (Sweden) said that measures had been put in place to improve the detection of cases in which sick leave requests were connected with gender-based violence. The offices processing such requests were equipped with action plans and guidelines for that purpose.

10. **Ms. Ekman Aldén** (Sweden) said that the Government had attempted to include statistics on violence directed at children with disabilities in Sweden in the system of national statistics but there were so few reports of such cases that reliable statistics could not be compiled. Nevertheless, a number of studies had been conducted which indicated that children with disabilities were indeed more exposed to violence in, for example, the home and in rehabilitation centres than other children. The Government recognized the need to conduct further research, collect data and set up support systems. A number of initiatives had been launched to raise awareness of the issue among parents of children with disabilities, and additional training on violence was also under consideration for staff who worked with children with disabilities.

11. **Ms. Landell** (Sweden) said that employers could obtain financial assistance in order to provide persons with disabilities with individualized support in the workplace, including assistance with administrative duties, or during business trips. Vocational training and guidance services were also available through the Swedish Public Employment Service. The number of persons receiving such support had increased significantly, with approximately a third of those beneficiaries being under 30 years of age.

12. **Ms. Mårtensson** (Sweden) said that the Swedish Civil Contingencies Agency was responsible for coordinating emergency protection measures for all persons during humanitarian disasters and cooperated with disabled persons' organizations in that connection. Training in humanitarian crisis response and disability had been provided to personnel of the Swedish International Development Cooperation Agency, and a disability perspective had been incorporated into major-emergency preparedness training courses.

13. **Mr. Nilsson** (Sweden) said that persons with disabilities receiving support under the Act on Support and Service for Persons with Certain Functional Impairments or under the Social Services Act were entitled to move to other municipalities.

Articles 21–33

14. **Mr. McCallum** said that he would like to congratulate Sweden on the work that it had done in promoting the employment of persons with disabilities and asked for further information on measures aimed at raising their employment levels further.

15. **Ms. Mulligan** said that she was deeply concerned by the fact that financial compensation was apparently provided to women who had undergone sterilization and requested further clarification on that point. She would like to know how the State party planned to rectify the lack of sufficient statistics on crime victims with disabilities and whether hate crimes against persons with disabilities were recorded as a discrete category.

She would like to learn what results the training sessions on the implementation of the Convention at the municipal level had produced.

16. Further information would be appreciated on how the rights of persons with disabilities would be addressed in the post-2015 development framework in Sweden and what measures were planned to improve data collection so that statistics disaggregated by disability could be compiled.

17. **Mr. Ríos Espinosa** said that he wished to know whether persons with disabilities could exercise their right to due legal process in cases where decisions were made regarding forced treatment and whether it had to be proven that the person had committed a crime or whether such decisions were based on an assessment as to whether the person presented a threat to him or herself or others. He would also like to know how many times a person was examined before a decision was taken regarding forced treatment and what the average duration of such treatment was and how often it was reviewed. In addition, he would like to know whether it was obligatory to provide access for persons with disabilities to historical and cultural monuments in the country. How was access provided for persons with disabilities when a conservation order had been issued that prohibited alterations to a building?

18. **Ms. Degener** said that she would like to know whether the State party planned to set up an independent monitoring body that would be in compliance with the Paris Principles and would provide an effective avenue for the participation of civil society.

19. **Ms. Peláez Narváez** said that she wished to know what measures were taken to guarantee that children were not separated from mothers with disabilities. What policies were pursued in respect of inclusive education for deaf-blind children? She would also like to know how the State party planned to implement the recommendations made by the Ombudsman for Children regarding the development of projects to ensure suitable mental health care for children, research on suicide among children, the enactment of legislation on the right of children to participate in decisions regarding their psychiatric care, the strengthening of the right of children to self-determination and integrity, and the distinction between treatments for adults and for children. Did the State party plan to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled?

20. **Mr. Kim Hyung Shik** said that he would like the delegation to provide further information on the number of children with disabilities in the general education system. He was concerned at the Government's decision to charge fees for the use of assistive devices and wished to know why the amount of assistance provided to persons with disabilities in the workplace had decreased. He wished to know whether persons with disabilities could participate on an equal basis in the design, implementation and monitoring of international development programmes run by the Swedish International Development Cooperation Agency (SIDA). What measures had been introduced to track the success of such programmes and, in particular, their effectiveness in addressing the issues facing women and children with disabilities in developing countries?

21. **Mr. Mwesigwa** asked what measures the State party had taken to promote the Convention through its international development programmes, particularly in regard to health issues.

22. **Mr. Tatić** said that he would be interested to learn whether the State party collected statistics or research data on the accessibility of tourism services and sites of national cultural importance and, if so, what its findings had been. Could the delegation please confirm how many hours of personal assistance could be paid for with the 60,000 Swedish kronor employment support allowance?

23. **Ms. Maina** said that she welcomed the State party's efforts to promote arrangements other than involuntary confinement for persons with psychosocial or intellectual disabilities in its health-care programmes and would like to know whether the Government intended to make a complete transition from forced treatment models to fully inclusive treatment programmes. As to the accessibility of health-care programmes, she wished to know whether medical professionals, particularly those treating persons with intellectual disabilities, received training on alternative modes of communication such as sign language.

24. **Mr. Buntan** said that persons with disabilities must be able to participate on an equal basis in the design of national humanitarian and emergency response measures. He wished to know whether the State party intended to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. What steps had been taken to promote the treaty through Swedish international development programmes?

25. **The Chairperson**, speaking in her capacity as a Committee member, asked whether indicators had been established to assess the quality of the education provided to persons with disabilities. She also wished to know what steps had been taken to give effect to the Committee's previous recommendations concerning the right of persons with disabilities to reasonable accommodation and non-discriminatory access to health care and rehabilitation services.

26. **Ms. Pavey** (Country Rapporteur) said that she would be interested to learn whether the courts or persons with disabilities themselves bore the cost of sign language interpretation or the use of accessible formats such as Braille during legal proceedings. She also wished to know whether the State party had established any specific criteria for persons with disabilities who wished to adopt a child. As to involvement and participation in social and political life, she would like to know whether the Government had taken steps to ensure the accessibility of voting stations and to increase the number of persons with disabilities in political and decision-making roles.

27. **Mr. Lovász** (Country Rapporteur) asked what support the National Agency for Special Needs Education provided to children with disabilities. On what basis were decisions made as to whether or not to provide special assistance to students with special needs? He wished to know how many new jobs had been created for persons with disabilities and what other incentives had been or would be offered to private companies in order to encourage them to hire persons with disabilities.

28. **Ms. Hjalmarsson** (Sweden) said that the Swedish Government had increased the amount of rehabilitation support provided to persons with disabilities as part of its reform of the national social security system and sick leave programme. It had allocated around 730 million Swedish kronor per year since 2012 for the purpose of strengthening cooperation between the State health insurance agency and the national employment service in order to enable the two bodies to provide better support for persons with disabilities who wished to return to work. Steps had also been taken to simplify the procedure for obtaining medical certificates, and an additional 1 billion Swedish kronor per year had been set aside for improving the sick leave system.

29. **Ms. Landell** (Sweden) said that studies had shown that there had been an overall increase in the number of persons with disabilities in employment and, despite the global economic crisis, the national unemployment rate for persons with disabilities had remained stable. The Government had established several national employment programmes to provide appropriate technological assistance and flexible support measures for persons with disabilities, and an employment incentive scheme for private companies was in place. As a result of such efforts, there had been a year-on-year increase in the number of employment

opportunities available to persons with disabilities, including sheltered employment positions with the private company Samhall AB. In response to the unequal representation of men and women with disabilities in the labour market, the Government had introduced a series of measures to promote gender parity and had undertaken an assessment of several national employment programmes in order to identify possible sources of gender bias.

30. As to the amount of assistance that could be provided under the work assistance scheme, 60,000 Swedish kronor would pay for around 300 hours of specialized personal assistance; that allowance could be doubled for persons with multiple or severe disabilities.

31. **Mr. Ahlquist** (Sweden) said that the Government promoted inclusive education for deaf-blind children through the provision of specialist teaching aids, education grants and targeted training for teaching staff. Additional assistance for individual schools was available upon request, and head teachers had the opportunity to discuss any overarching issues at the annual special needs conference. In very specific cases, the families of deaf-blind children could request a place in one of the national special needs schools, where the National Agency for Special Needs Education provided support in the form of targeted learning plans and appropriate teaching methods.

32. **Ms. Schölin** (Sweden) said that the Delegation for Human Rights in Sweden had been commissioned to look into the question as to whether the Swedish Agency for Disability Policy Coordination (Handisam), the Equality Ombudsman or another body should be responsible for promoting and monitoring compliance with the Convention. It had concluded that, as the Equality Ombudsman was the authority that most closely conformed to the Paris Principles, it should be entrusted with the task, but that responsibility for information and training should be assigned to Handisam. The Delegation had also submitted a report to the Government on means of providing continued support for efforts to uphold human rights in general. A task force had been commissioned to evaluate the Government's second national action plan for human rights, and its recommendation was that the Government should establish an independent national institution for human rights. The Government had also conducted a survey on the human rights situation in Sweden and had held consultations with a range of stakeholders, including civil society. The results of all those efforts were currently being considered with a view to developing a new human rights strategy.

33. **Mr. Nilsson** (Sweden) said that it was prohibited by law to compile statistics on people on the basis of disability, ethnicity or political opinion. In some cases, data were compiled on persons with disabilities who were receiving some sort of support from the municipalities, but the data were not registered on the basis of disability as such.

34. **Ms. Seydlitz** (Sweden) said that, while the English-language summary of the Swedish position on the post-2015 framework only included references to persons with disabilities in the section on education, the full Swedish version took full account of persons with disabilities throughout, both in relation to the development of an objective to be subsumed under one of the goals and as part of a human-rights perspective. Sweden had sent a large delegation to the High-level Meeting on Disability and Development and had emphasized the need to develop indicators and to improve data collection and statistics on disability and development.

35. The Government had recently formulated a new policy framework for Swedish development cooperation which included several specific references to the rights of persons with disabilities. New thematic strategies with a clear focus on persons with disabilities had also recently been approved. The results of an evaluation of the work plan of the Swedish International Development Cooperation Agency (SIDA) in relation to persons with disabilities had been positive, but a number of challenges remained, including capacity-building for staff.

36. **Ms. Zetterberg Ferngren** (Sweden) said that forced sterilization had been prohibited by law since 1975; before then, between 1934 and 1975, it had been allowed, primarily for persons with mental impairments. According to the findings of a special commission set up to investigate the practice, some 63,000 persons, mainly women, had been sterilized during that period, 50 per cent of them forcefully. At the commission's recommendation, a special governmental body had been set up to process applications for compensation from those persons. Compensation, set at 175,000 kronor, had already been awarded to quite a few people, and applications continued to be received.

37. The central government and the counties and municipalities had been working together since 2009 to find new ways to reduce the need for compulsory psychiatric care and coercive measures. As the report of the Children's Ombudsman on psychiatric care had been published only the week before, the Government had not yet had time to take action. However, it had tasked the National Board of Health and Welfare with developing information for children and young people in psychiatric care on their rights and with determining why more coercive measures were administered to girls than to boys. The Health and Social Care Inspectorate was to develop guidelines on how children's views could be taken more fully into account during inspections.

38. **Ms. Ekman Aldén** (Sweden) said that Sweden provided broad support, including financial assistance, to expectant and new parents, including parents with disabilities. Under the primary health-care system, expectant mothers were entitled to health check-ups throughout their pregnancy and to specialized check-ups if necessary. Training and counselling were provided to expectant mothers and fathers to ensure that they were prepared for parenthood. For certain groups, especially parents with intellectual disabilities, experience had shown that additional support was sometimes required after the birth to ensure that they were able to perform their parental duties properly. If persons with disabilities became parents, the general support that they had been receiving was also reassessed and their service provider was changed if necessary.

39. Situations did sometimes arise where children were separated from their parents because the parents did not have the capacity to take care of them, but disability as such was not a ground for separation, although it could be one factor. Social services focused their efforts on supporting parents in order to enable them to take care of their families and keep their children with them if at all possible. All adoptions involved an assessment of the parents' situation, and disability was not specifically viewed as a disadvantage. Although there were no restrictions on adoptions by persons with disabilities under Swedish law, negative attitudes towards parents with disabilities in the countries of origin of the adoptive children could be an obstacle in practice.

40. There had not yet been any official evaluation of the measures taken by Handisam to support municipalities and county councils in the implementation of the Convention. However, the Government had asked Handisam to set up a voluntary system for monitoring the implementation of the Convention and disability policy in the municipalities. The system was voluntary because it was considered important to secure the firm commitment of the municipalities and other stakeholders, which could not be dictated by law. The monitoring system encompassed a number of key issues that were under the responsibility of the municipalities, such as culture, accessibility and transport. Handisam had submitted its first follow-up report to the Government, and that report could be shared with the Committee if it so wished.

41. **Ms. Löfstrand** (Sweden) said that, from 2008 to 2012, between 76 and 92 offences against persons with disabilities had been reported per year. The annual survey on living conditions conducted by Statistics Sweden included questions on exposure to crime. From 2008 to 2011, an average of 7.5 per cent of persons with disabilities had reported having been subjected to threats or violence, as compared to 6.6 per cent of persons without a

disability. Among women, the figures were 8.1 per cent for persons with disabilities and 5.9 per cent for those without. The offences included violence with and without bodily harm, violence that had required medical treatment, and violence at home, in another person's home, in a public place or in the workplace. In response to an earlier question, he said that the cost of interpreters or other assistance required by witnesses or defendants in court was always borne by the State.

42. The provisions in place for voters with disabilities, as outlined in the written replies to the list of issues (CRPD/C/SWE/Q/1/Add.1), included an arrangement whereby voters who were unable to cast their votes themselves at a polling station due to disability could, on request, be assisted by a polling officer. A bill which would allow assistance to be sought from private individuals as well was scheduled to enter into force on 1 January 2015. A proposal was also under consideration whereby voters who, due to illness, disability or age, were unable to get to a polling station could turn their ballots over to specially appointed polling officers. To help voters who had difficulty reading, a bill had been prepared that would allow the symbols or logos of political parties to be placed on ballots.

43. **Mr. Jansson** (Sweden) said that the Swedish National Heritage Board was of the view that many national monuments and sites could be made accessible to persons with disabilities without detracting from their cultural value. The Board had been working on a collaborative project to make various extensive historical landscapes and ancient monuments accessible and was providing guidance and funding for other initiatives of that sort. The Swedish Post and Telecom Agency was running a project which was using various technical devices to give persons with disabilities access to monuments and museums. With regard to the suggestion made by one of the Committee members that the Government might consider collecting more data on how accessibility standards were being met, he was pleased to inform the Committee that the National Board of Housing, Building and Planning was already looking into the matter.

44. **Ms. Dahlbäck** (Sweden) said that the agency or level of government that was responsible for providing assistive technologies depended on the context in which they were to be used. Assistive devices for use in the home and for care and treatment were the responsibility of the municipalities and county councils, and charges varied from one council to the next.

45. A disability perspective must be incorporated into all government cultural initiatives. According to Handisam statistics, only 44 per cent of persons with disabilities had been to a cultural event in the past year, as compared to 68 per cent of persons without disabilities, so greater efforts were clearly needed in that area. The Swedish Art Council had made considerable progress in increasing the accessibility of museums and libraries. To increase access to touring theatre companies, the Council was supporting the development of portable devices for visual and sign language interpretation. It was becoming common for professional theatre and dance groups to include actors and dancers with disabilities. Under the 2013 Film Agreement, a film would only receive production funding if it could be screened with Swedish subtitles. The Swedish Film Institute and the Post and Telecom Agency were carrying out a project on accessible cinema with the aim of developing digital cinema solutions. The Radio and Television Act provided that television broadcasts must be accessible to persons with disabilities through subtitling, sign language interpreting, spoken text or similar technologies. The Government had presented a bill under which everyone, regardless of background or disability, would have the opportunity to develop good reading skills and have access to high-quality literature.

46. **Ms. Jenryd** (Sweden) said that her Government attached great importance to its dialogue with the Committee, and the members' questions and observations would

contribute to the State party's ongoing work to give persons with disabilities full and equal opportunities in society.

47. **Ms. Pavey** and **Mr. Lovász** thanked the large Swedish delegation, whose composition attested to the State party's willingness to engage fully with the Committee, for the open and constructive dialogue and for all the information provided.

48. **The Chairperson** thanked the delegation for its exemplary presentation to the Committee and the detailed replies provided. She also thanked representatives of civil society for their contribution.

The meeting rose at 12.50 p.m.