**CRPD Committee Review of Sweden**

**31 March-1 April 2014, 11th session**

The CRPD Committee conducted the review of Sweden’s initial report and engaged in an interactive dialogue with the Swedish delegation on 31 March & 1 April 2014.**[[1]](#footnote-1)\***

The Swedish government delegation was composed of:

*Head of Delegation*

* Marianne JENRYD, Director-General for Administrative Affairs

*Delegation*

* Mattias AHLQUIST, Desk Officer, representative
* Jessica DAHLBÄCK, Desk Officer, representative
* Malin Ekman ALDÉN, Deputy Director, representative
* Rickard FALKENDAHL, Deputy Director, representative
* Johan HJALMARSSON, Special Adviser, representative
* Johanna HJALMARSSON, Special Adviser, representative
* Håkan JANSSON, Senior Adviser, representative
* Elin LANDELL, Director, representative
* Martina LÖFSTRAND, Legal Adviser, representative
* Åsa M NILSSON, Legal Advisor, representative
* Carina MÅRTENSSON, Senior Adviser, representative
* Lars NILSSON, Deputy Director, representative
* Anna SCHÖLIN, Desk Officer, representative
* Karin SEYDLITZ, Deputy Director, representative
* Jessica STEINMETZ, Desk Officer, representative
* Petra Zetterberg FERNGREN, Deputy Director, representative
* Anders RÖNQUIST, Director General for legal affairs, MFA
* Olof WIDGREN, Special Adviser, MFA

**[Opening remarks](http://tbinternet.ohchr.org/Treaties/CRPD/Shared Documents/SWE/INT_CRPD_OCR_SWE_11_21801_E.doc)**

Head of Delegation

Ms Jenryd informed the Committee that progress has been made, specifically a new milestone in the disability policy was achieved in the last month; the Swedish Government has proposed new legislation on lack of reasonable accommodation as a form of discrimination. The purpose of the Bill is to strengthen the protection for persons with disabilities by demand for reasonable accommodation in the Discrimination Act. If Parliament accepts this proposal the legislation will be in force by January 2015.

It was underlined that one of the focuses is employment, which can lead to independent life and live in society. A recent report shows that there were positive changes between 2008 and 2013, as the participation in the labour force has increased for persons with disabilities. Ms Jenryd pointed to the fact that the number of unemployed persons with disabilities searching for work through the Swedish public employment service has doubled since 2008, which is due to the extended mandate to help persons with sickness benefits to return to working life.

Another area of focus is the support and services to persons with mental disabilities. For this, there are government initiatives that include subsidies to municipalities, rehabilitation measures according to the national Board of Health and Welfare, which led many persons with disabilities to improve their situation by participating in activities with the purpose of improving their occupational skills. There was also an information campaign in 2012 called “See the strength”, in order to encourage employers to focus on people’s skills rather than in their disabilities.

Regarding education, the Swedish system is inclusive as only 1.5% of pupils get their education in special schools for children with certain disabilities. The State has initiated several reforms, namely a parliamentary bill which clarifies that pupils who have difficulties proficiency requirements, with respect to disabilities, shall get support that as far as possible counters the effect of the disabilities.

The government also aims at support and services for children with disabilities. In several reports it was shown that families with children with disabilities have a worse income situation than other families. The government is considering the issue and how an experimental work on national model for support and service for children and young persons with disabilities can be constituted. The act concerning these support and services is called FSS.

Regarding the system benefit, the amount of persons receiving benefits increased between 2006 and 2010. The average amount of assistance hours per week per person has increased, so it has become costly.

It was also underlined that the declaration of incapacity is not a legal institution in Sweden since 1989, however Swedish law has two institutions for substituted decision making.

Regarding participation in political and public life, there are no grounds for disqualification. All Swedish citizens who have reached voting age are entitled to take part in parliamentary elections. If they have disabilities, they can be assisted by polling staff.

As for violence against women with disabilities, the Swedish National Board of Health and Welfare has compiled a guide with the title *Female victims of violence with disabilities (The Swedish National Board of Health and Welfare, 2012)* in order to raise awareness and skills among various practitioners and professionals who are in contact with these women victims of violence. The aim is for professionals to be in a better position to provide the protection, support and assistance that women need.

**Questions on Articles 1-10**

Ronald McCallum

Re Article 5, there is a bill that is going to be submitted to the Swedish parliament on non-discrimination which would exempt small business from the discrimination laws in relation to persons with disabilities and will even exempt them from the obligation to provide reasonable accommodation. Will the government take into account Article 5 in reframing the bill which prohibits disability based discrimination and requires the government and parties to provide reasonable accommodation for persons with disabilities?

Diane Mulligan

Re Article 5, what additional measures have been taken to address multiple forms of discrimination, for example, in case of women with disabilities from ethnic backgrounds?

Carlos Rios Espinosa

Re Article 5, is the government of Sweden specifically aware of how many people belonging to the Roma population have disabilities and what specific policies are being drafted? What special measures are being put into place to ensure their equality and inclusion into Swedish society?  
Additionally, regarding the indigenous population in Sweden, do you have statistical data as to how many Sami persons have disabilities and what specific policies are being set up to ensure their inclusion and equality?

Damjan Tatic

Re Articles 1 through 4, in paragraph 22 of Sweden’s responses, the State party admitted an approximately 100% increase in the number of registered unemployed persons with disabilities since 2008 because of the economic crisis. The changes in insurance are one of the main factors. Are there possible plans to change the framework of sickness insurance in the way it would contribute to a less increase in registered or number of registered unemployed persons with disabilities?

Re Article 5, what’s the most recent update about the progress made in ensuring the enjoyment of the rights on the rights of persons with disabilities?

Re Article 9, is there more detail about the monitoring mechanism that would ensure application of accessibility standards and practice in Sweden, including data on sanctions against those who failed to apply accessibility standards and the use of public procurement procedure in promoting accessibility? Also, in the context of EU legislation, I would like to know more pertaining to public procurement as a tool to promote accessibility.

Theresia Degener

Re Article 6, they are referred several times but national discrimination act does not include any provision to women who suffer multiple discrimination. Are there any plans to amend the law accordingly?

Re Article 7, the Swedish Education Act implemented in 2011 which, according to the source we have, allows municipal and private schools to refuse entry to certain pupils claiming organizational and economic hardship as reasons. Can you inform us how many children those schools have rejected since 2011?

Lofti Ben Lallahom

Re Swedish policies, what are the main shortcomings from your point of view, regarding the rights of persons with disabilities in Sweden and very briefly how do you see your future priorities?

Ana Pelaez Narvaez

Re Articles 6 and 7, what situation do children with disabilities enjoy in terms of participation and equal conditions with other children when it comes to designing and drafting policies pertaining to them? How is Sweden taking into consideration participation of children with disabilities and children with hearing and visual disabilities? How you are working to guarantee their right to an inclusive education system?

Silvia Quan Chang

Re Article 1, there is a concern about the definition in the anti discrimination legislation and the law for support and services for persons with disabilities, the LSS. Is there an intention to harmonise that? But I’d like to know if they have another remedy, if they can receive the support to which they have a right and whether in case of the discrimination they are able to seek appropriate reparations.

Monthian Buntan

Re decentralisation and Article 4, has the Swedish government been able to tackle the problem of scattered various standards of services for persons with disabilities being practiced by different regions and municipalities in Sweden and how do you think such problems can be solved given the fact that decentralization is still going on in Sweden?

Mohamed Al Tarawneh

Re the sickness insurance, does it not reflect more a charitable view or more encouraging towards more people to follow that path rather than find other remedies to solve the problem?

Chair

Re Article 10, the suicide rate of persons with disabilities in Sweden increased. Therefore, have you looked at the causes of this situation and what measures have been taken to remedy it?

Safak Pavey

Re Articles 1 and 4, it seems that the national law is not necessarily harmonised with CRPD. Additionally, more clarification is needed about the indicator system to monitor the convention set by the State parties. Would you please expand further on this, the harmonisation of CRPD with national law and the views of the government on this? As well as how the voluntary nature of the municipal reporting fits into the lack of indicators? How is the situation in the educational sector, regarding the decision making process?

**Delegation’s responses**

Regarding the discrimination question, an exception is made for the areas of goods and services and also healthcare but businesses with less than 10 employees are not included. Additionally, the Discrimination Act entered into force in 2009, which simplifies the work for someone who has been victim of multiple discrimination.

As for the questions on national minorities, Sweden does not have those statistics. However, the Swedish government had regular meetings for national minorities and there was no sign that there were particular problems. The Sami people have a special status in Sweden with rights to self-determination in the Swedish Constitution. It should however be noted that in some studies the higher load of anxiety and depression and higher exposure to suicide was found among young and middle aged men, therefore there is an on going discussion on how to address these risk factors. It was underlined that the Swedish government generally consults the Sami parliament and that there was no indication to address this issue in general regarding Sami people with disabilities.

The Swedish government decided in June 2011 to adopt the strategy for implementation of the disability policy. The aim of the strategy is to present the direction of the policy during the period 2011 to 2016. Representatives of the disabled persons organisations and secretaries of state were present for exchange of information. The national authorities report their progress every year to both them and the government.

Re accessibility, the current framework is good but the rules are not followed because the supervision is low in the municipalities. The new current building act stipulates that fines should be paid to the municipalities which led to increased interest when it comes to ensuring that the provisions are enforced. Since they own vast public spaces, removing obstacles costs money so the motivation was lacking. This development is not satisfying. New goals to improve the way the municipalities deal with these issues. One measure is to provide better guidance on the national laws. Last year the government also commissioned the county administrative boards to particularly investigate and evaluate how the 290 municipalities are dealing with issues concerning accessibility and easily eliminated obstacles. The national board of housing, planning and building will gather the information later and report to the government in April next year.

As for public procurement, it is regulated by EU directives which provide different measures to obtain higher levels of accessibility. The most important is the one on technical specifications, whereby the contracting authority determines the subject matter of the contract, whether it is a supply or service or works to be procured. When establishing these technical specifications, the contracting authority should whenever possible define them to take into account accessibility criteria for people with disabilities. Now in the new directives, the corresponding provision on technical specification says that the authority shall accept the duly justified cases. Whether the procurement is intended for general public or authorities taking into account such accessibility criteria for people with disabilities.

So this provision has changed from one which is practically voluntary to a mandatory one.

Another topic was regarding to schools. Municipalities can deny a pupil a place on the grounds that this would lead to considerable organisation and financial difficulties for the municipality. An independent school cannot, thanks to the new Education Act, deny this if the municipality pays for the extra support.

The new wording clearly states that pupils who have difficulties reaching proficiency requirements as a result of a disability shall get support that as far as possible counters the effects of the disability. The proposal also clarifies that municipalities and head teachers shall allocate resources in accordance with pupils' different abilities and needs.

In the beginning of 2013, the government appointed a national coordinator to support municipal, state and independent school organizers who conduct teaching for pupils who are deaf or hard of hearing. The purpose is to enhance the pupils' goal attainment and increase the flexibility for the pupil to choose different schools.

Regarding how children with disabilities are involved in the decisions concerning their life, a number of amendments have been made into key legislation, such as provisions stating that legislation has to be based on children's rights and the best interests of the child have to be at the center. For instance, there has been a mission given to the disability policy coordination authority together with the children’s ombudsman to develop methods to best enable the life of children with severe communicative disabilities but also creating different kinds of focus groups where they are actually talking to children with disabilities in different situations to find out their different views on questions concerning their lives.

Regarding suicide, the risk is higher in persons with mental illnesses. Sweden has many ongoing actions and plans preventing suicide and identifying risk persons, such as strengthening family support, lowering the consumption of alcohol and drugs, using first aid tools to prevent suicide in risk groups and develop better knowledge and better competence in the healthcare sector and also increased access to cognitive therapy.

Regarding the decentralised system and issues regarding the transport sector,   
legislation covers that quite well. But we find this is not enough. We need to use coordination, communication and also cooperation. That is actually happening in an increased manner; just recently the transport administration and authorities are launching together with their municipal association in Sweden a system for benchmarking the public transport planning in all our counties, to look into and compare how they perform concerning the accessibility for disabled people.

**Questions on Articles 11 – 20**

Ronald McCallum

Re Sweden’s guardianship laws, there was nothing about guardianship in State party report on Article 12, paragraphs 9 and 10. Can you give details of attempts and plans to modernise guardianship law to make it more compatible with modern life and Article 12?

Diane Mulligan

Re Article 12, are there any plans to review the current law on incapacity and any plans regarding involuntary treatment?

Carlos Rios Espinosa

Re replies to the list of issues paragraph 86, regarding article 13, do you have examples of reasonable accommodation which would be provided to ensure that a person with a disability has been able to participate in these panels of laymen or jurors?

Re replies to the list of issues, article 14, paragraph 87, 88 and 89, particularly as to whether a person with a disability may be deprived of liberty because of their disability. You recognize this is the case and I would like to know if there have been situations where a person with a disability has been deprived of their liberty for this reason for life and if you can give us any examples of this.

Damjan Tatic

Re accessibility, you have any information about the actual number of buildings that did not receive building permit because they did not meet accessibility standards?  
Also, you said that if it is considerable difficult for a municipal or private school to provide supports to students with disabilities, he or she can be denied that support.

What is considered a “considerable difficulty”?

Re Article 19, please elaborate on the admitted increase of rejected applications for assistance and support since 2008, which was referred in paragraphs 120 and 121 to the response to the list of issues. Do you have more information about redefining of basic needs as well as the complete effect of measures in regional support services including special personal assistance?

What are the measures your government is taking to continue to allow persons with disabilities in your country to live independently in their respective communities in accordance with Article 19 of the convention?

Lászlo Lovaszy

Re Articles 12 and 13, what are the main differences between the institutions for administratorship and guardianship and representativeship and, in terms of the administration competency and power, can the person perform alone the administratorship and what are the procedures in these cases?

Re access to justice, please can you clarify if someone needs an interpreter, for example, sign language interpreter, due to hearing  
or speech disabilities? My specific question, who and in what conditions can decide about that need of the client before the court? In addition, can, for example, the judge refuse the sign language interpreters services even when the client applies for it?

Ana Pelaez Narvaez

The CEDAW & CRC Committees identified the issue of violence against women and children with disabilities as a priority.

Did the results of the reports on violence have any impact on your initiatives to protect women and children with disabilities from violence?

To what extent are women with disabilities affected by genital mutilation and how have recommendations been implemented?

Re Article 17, are any measures in place to provide reparations or compensation to victims of forced sterilization?

Hyung Shik Kim

Re Article 19, also on paragraph 1.5 on this report, personal assistance has been one of your initiatives. It essentially has been declining since 2008 and subsequently more have withdrawn from these services. Also under Article 27, you acknowledge that personal assistance as a means of improving employment is very important. It appears that it is not receiving such support from the State Department. Please elaborate what measures you might have to address this issue.

Theresia Degener

Re Article 9, the Swedish government has promised to undertake an investigation on the quality and quantity of services of sign language interpretation in Sweden in order to assess the issue of accessibility for deaf persons in Sweden. Could you inform us when this long ago promised investigation will be carried out?

Mohamed Al Tarawneh

Do the Swedish laws apply to migrants or refugees with disabilities who migrate to Sweden or does Sweden take them as migrants?  
Have they denied immigration to some people with disabilities due to their disability?

Monthian Buntan

Re Article 11, has the Swedish government any concrete plan to include persons with disabilities in its national humanitarian emergencies or disaster risk reduction policies or legislation, given the fact that we are seeing increasing number of disasters around the world?

Will Sweden still continue to practice electroshock as a means to provide treatment to those with psychosocial disabilities?

One of the supreme administrative court ruled that persons with disabilities may not have the right to choose where and with whom they want to live because of disabilities. Is there any truth to that? And if so, is there any measure or any progress to correct such damage that may be put upon those people who would like to live independently in the community?

Chair

The Human Rights Committee referred to ill-treatment of persons with disabilities in psychiatric institutions and the Special Rapporteur on Health has raised this too. Re Articles 15, 16, and 17, are there situations that occurred in institutions that violates the rights of persons with disabilities? What measures the State Party has taken in that regard?

Safak Pavey

Could you clarify on the voluntary nature of reporting of local authorities? If a local authority does not wish to report, what do you do? How do you deal with that to keep the indicators and monitoring at a more healthy level?

**Delegation’s Responses**

Regarding the LSS law and the regulations on assistance benefits, assistance benefits are granted in the form of a number of assistance hours that a person may use within a certain period of time. The individual has the right to choose which assistant she or he wants to hire. The responsibility for the personal assistance and the assistance benefit is divided between the local municipality and the central government. The social service administration is responsible for the costs regarding the assistance if a person needs assistance for basic needs for more than 20 hours a week on average, but the municipality always finances the first 20 hours even if the social insurance association has the overall responsibility. In an interim report that was covering the period 2001 to 2012 to show that there was a break in the assistance benefit, fewer new claimants were recorded in that year and the number of rejected applications rose by almost 50 percent. The inspectorate cites a number of factors that may have influenced the outcome. One explanation may be that the term "basic needs" has been gradually specified more closely since 2006.  
Another possibility according to the inspectorate is that more people who did not meet the criteria applied for the assistance benefit at that time. But the result of this investigation is due in October 2014 when the inspectorate is presenting the final report.

As for vulnerable groups, the objective for this Swedish national system is to protect the physical and psychological health, assuring that asylum seekers are provided an adequate of living during the waiting period. There is temporary accommodation available for asylum seekers. The Swedish aliens act recognizes three categories of persons in need of protection - refugees, persons liable for due to protection and persons otherwise in need of protection. The alien act states that if a residence permit cannot be awarded on other grounds, a permit may be granted to an alien on overall assessment of the alien situation. If they are found to be such exceptionally distressing circumstances, he or she should be allowed to stay in Sweden. In making this assessment, particular attention shall be paid to the alien's state of health, his or her adaption to Sweden, and his or her situation in the country of origin. All aspects of the state of health should be taken into consideration. This includes degree of disability and the possibility to receive adequate care in the country of origin. For children with disabilities, it is possible to take greater consideration to prognosis, need of care, psychosocial development, and level of support in Sweden compared to the country of origin done for adults. With ongoing legislation process in Sweden, the section for residents permit on the grounds of exceptionally distressing circumstances will be adjusted to further clarify that children may be granted residence permanently if there are especially distressing circumstances.

Concerning deportation, if that would be the case, all efforts to enforce decisions on deportation should be carried out with full respect for the fundamental rights and freedoms and the dignity of the individual returnees. According to the Convention on the Rights of the Child, children have the right to be reunited with their parents. Where there is no risk for persecution or other need for protection, the main approach is to reunite the child with his or her parents in the country of origin as soon as possible.

As for the question regarding denying a placement in school due to considerable organisation difficulties for municipalities, the municipalities’ decision may be appealed, during which the authorities will decide what considerable organisational difficulties mean in that situation.

Concerning the questions about building legislation, applications have been denied on the grounds of accessibility. According to the building legislation, the planning of building act, the different aspects on accessibility are evaluated in different steps. The municipality in the procedure evaluates the most important aspects before the building permit is granted or denied (if there is enough and big elevators, if doors are wide enough). Others aspects are evaluated after the building permit has been granted and are the responsibility of the builder.

Regarding sign language, there was a Working Group appointed in the spring to try to improve the availability of interpreter services in the workplace and to consider possible solutions for one single entry for users. To date, there are interpreter services in Sweden. For example, the national post and Telecom agency in Sweden is ensuring essential services in the areas of electronic communication and postal services. They are, for example, providing relay service for video telephoning, this service allows the sign language interpreter to convey conversations between signs and speech. Both the person who uses the sign language and the person who has the capability to hear may contact the relay service. Furthermore, the agency provides relay service for text telephoning. This service conveys calls between persons who use text telephone and those who use ordinary telephones. This service increases opportunity for individuals who are deaf or having difficulties to hear or who have speech impairments and cannot community with parts of the society that cannot be accessed via a text telephone. Exchange between those who are using the phones and text telephones are conveyed literally in Swedish and English. The service includes talks to and from abroad. The service is also available via an internet portal IP based text and voice phones as well as through Facebook and Google hang outs. The agency also provides a service called teletalk, this offers telephone support for speech, voice and language difficulties when one or both persons in the call have disabilities and need support to implement the call. The service means that an interpreter who can interpret difficult speech interprets or provides support in order to clarify remember or take notes during the phone calls. The service is available by using a normal telephone.

Concerning the harmonisation of the law, incapacity is no longer a legal institution in Sweden, however if needed a special representative may be appointed. In general, the person that requires a special representative still has the legal capacity but gets assistance. A decision to place a person under administratorship or representatuveship is taken by the court. The basic rule when choosing between a special representative and an administrator is the least intrusive as possible should be chosen and the measures should be adapted to the needs of the individual in each case and the administratorship may be restricted to only specific tasks or property.

As for the Swedish Layman System, the laymen serves as a representative for the municipal and the counter counsels should strive to let the group of laymen represent the whole society according, for example, to age, gender, ethnical background and profession and there are no former obstacles to oppose the disability to becoming a laymen. We have no statistics on how many disabled laymen there are but our group experience here is that there are disabled peppers working as laymen.

Regarding the concerns about the interpreters in court, according to the law, a person who is hard of hearing or has a speech difficulty and needs an interpreter has the right to such assistance. A suitable assisted device may be used instead of an interpreter. The legislation is not always mandatory but in general it is an interpreter offered if a person says that it is needed, however in criminal cases courts are obliged to make interpreter available.

The Committee asked whether a person with a disability can be deprived of freedom for life due to his or her disability. There are no lifetime sentences, taking into account the need or not for the care. The basis for a commitment under the compulsory mental care act, is that the person concerned have a serious mental disturbance, is in need of care and refuses such care. When assessing care needs, consideration must be given to whether, as a result of his or her mental disturbance, the person represents a threat to someone else's personal safety or physical or mental health. The aim of compulsory care is to enable the patient to voluntarily accept the care or support that he or she needs.

ECT is administered to persons suffering from severe depressions with risk of suicide. According to the national board of health and welfare there is evidence based on the effectiveness of ECT and the board recommends it. There are also guidelines from the college of psychiatrists acknowledging positive effects of ECT for severe depression with risk of suicide.

The Delegation was also asked about the occurrence of female mutilation. Female mutilation is prohibited by law rendering sentences of up to a maximum of 10 years in prison regardless of the girl's alleged concerns.

As for violence against women, in order to work with this process, the government and local authorities and regions and also representatives the local governments in Sweden, they have an agreement with sickness insurance in the healthcare sectors. This agreement entails different goals and efforts: action plans and guidelines regarding the risk that violence in close relationships, for instance, spousal abuse, may be the underlying somewhat even sometimes the reason why a person is on sick leave. Regarding the concerns about violence against children with disabilities, there are no statistic materials. The government has launched research projects to investigate; it indicates that children with disabilities are exposed to violence more than other children. There are different examples to explain this situation, such as families can be on very hard constraints. At the moment the government has put a lot of efforts into different kinds of parent education. A strategy has recently been launched and a number of different initiatives have been taken. Some of them are generally involving all children and parents, but we also have specific funding and projects more looking at the situation on parents with children with disabilities especially focusing parents with intellectual disabilities that may be the most exposed group. To educate and to support parents seems to be an important part to mitigate violence against children.

At for the assistance in the workplace, there is financial support to the employer, due to the extra-costs. An assistant could help with reading or writing or moving around. Support can be granted in vocational training and students and it is provided by the public employment service. The support is important, and the requirement to get this support is growing by the year. The government has also from 2013 increased the flexibility regarding how this support for a personal assistant can be combined with a different form of subsidy and making the system more flexible to use both forms at the same time for people that need this support.

In relation to Article 11, the Committee asked the question about what Sweden is doing to persons with disabilities regarding humanitarian response.   
There is a national responsibility to coordinate measures to protect all persons, including persons with disabilities in a situational disaster or increased risk in the Swedish society. They're cooperating with disability organizations at the national level in this task.

As for the right to decide where to live, the regulations stipulate that persons with disabilities who have support and service contribution under the social services act or the LSS are eligible to move to other municipalities.

**Questions on Articles 21 – 33**

Ronald McCallum

Re Employment, more clarification on what steps are being taken to increase the levels of employment in your country.

Diane Mulligan

Is there financial compensation for people who undergo forced sterilisation; could you further clarify on the issue of forced sterilisation in Sweden?

Re Article 31, in your report you said there is no registration of crime victims with disabilities. Are there plans to change this?

Is hate crime against persons with disabilities a category that is available when a crime is reported?

Regarding monitoring and evaluation, I would like to know how effective the trainings have been, because if the training is not effective it does not change the problem in municipalities.

Regarding international cooperation, specifically the Swedish position on the post 2015 development agenda, your recent summary of your position mentions a human rights based approach but it does not refer to the rights of persons with disabilities.

Carlos Rios Espinosa

Re Article 14, it is said that a person with disabilities cannot be held for more than 6 months without medical review regarding forced treatment. Do these decisions take into account the rights of persons with disabilities? Also is this criminalised in the legislation? Are there any assumptions made with regard to the person's conduct if there is a determinant decision made with regard to whether or not they are a danger to themselves or to others and how long does it take to make this decision and this determination?  
Re Article 30, in Sweden is it mandatory to provide access to the various historical monuments and cultural monuments? Are there measures in place to ensure that historical monuments are protected while at the same time they are accessible to persons with disabilities?

Theresia Degener

Re Article 33, currently there is no independent monitoring body in Sweden, it is an agency from the government. Does Sweden plan to implement an independent monitoring body as in the Paris Principles?

Does Sweden plan a formal process of participation for full participation of Civil Society in the national monitoring body?

Ana Pelaez Narvaez

Re Article 23, what measures are in place to provide support to expectant mothers who have disabilities? Are there still cases in which mothers are separated from their children?

Re Article 24, could you give more information about the education policy with regard to deaf/blind children? What policies are in place to protect them as part of an inclusive education policy?

Re Article 25, specifically the report “Breaking the Silence”, the Human Rights defender in this report highlights a number of issues, references are made to the need to ensure that children with disabilities receive the necessary support for their mental health. Legislation is also needed to promote the rights of children who participate and also to receive psychiatric care. The Human Rights defender also refers to the need to strengthen the rights of children to self-determination and to integrity. It was reported a distinction between adult and child treatment, in the context of forced or consented treatment (use of restraint belts and other devices, and isolate the children). What measures will be implemented taking into account this information?

Re Article 31, does Sweden plan to ratify the Marrakech Treaty, which would guarantee the real and effective rights of individuals with visual impairments?

Hyung Shik Kim

Why is the support declining?

Re Article 24, how do the education authorities monitor the progress of inclusive education?

Re Article 26, you started charging fees for the use of assisting devices. Forcing people to pay makes it tough for person with disabilities to pay when they are struggling due to poor employment.

Re Article 32, regarding the effectiveness in terms of persons with disabilities being able to play a key role in designing, implementing and monitoring the disability projects, are they equal partners? Also how do the projects address the issue of women and children who are born with disability in this world?

Martin Babu

Re Article 32 a), please elaborate on the measures the Swedish government has taken to ensure the promotion of the Convention, especially regarding to development aid through SIDA to the developing countries of the global South.

Damjan Tatic

Re Article 31, how are accessibility standards met?

Is there any research about the accessibility and data/research on accessibility on tourist, cultural services in Sweden?

About assistance in the workplace, the maximum annual amount of funding that can be given for that purpose is 63,000 SEK. Can you give an idea of how many hours of assistance that would be?

Edah Maina

Re Article 25 and 26, is the Swedish government working on complete transition from forced treatment models to fully include rehabilitation programs of people with mental and psychosocial disabilities?

To what extent personnel in medical programs are equipped with effective alternative modes of communication and particularly those that pertain to people with intellectual and mental disabilities like alternative modes of communication and sign language?

Monthian Buntan

Since Sweden is the birthplace of internationally recognised digital talking standards, I want to know what is Sweden’s position with regard to ratification and implementation of the Marrakech Treaty and how Sweden would take steps and measures through its international cooperation to implement this treaty.

Chair

Re Article 24, I want to know what indicators you have with regard to quality of education, especially regarding persons with disabilities.

With regards to the first case that the Committee on Persons with Disabilities decided under the communications mechanism, I want to know how the resolution /decision was adopted.

Safak Pavey

Re access to justice, whether the costs related to the interpretation (sign or other) is carried by the court or by the client?

Re Article 33, was there any specific criteria used by the social services when it comes to families with disabilities asking for adoption of a child?

Re poor participation in decision making, will there be any steps taken by the state to encourage this?

Re accessibility of voting booths in Sweden, will there be assurance of further steps taken?

Lászlo Lovaszy

Re Article 24, what kind of reasons and justification are given for not providing support to pupils with special needs?

Also, please specify what kind of supports and on what conditions are used and provided for people with disabilities in teaching aids and special needs education support.

Re Article 27, specify how many new jobs have been created, how many persons with disabilities have found new jobs and what kind of other incentives are given to the private companies to encourage them to engage persons with disabilities.

Re Gender topics, it was found that in the northern regions in Sweden, the figures of women with disabilities are about 5% higher than that of men. Please explain this and explain in your plan how you would like to deal with it.

**Delegation responses**

With the reform of the legislation in 2008 it was sought to increase opportunities for people on sick leave. The purpose is to achieve a more actively process of reinsertion. Since July 2008 there were amendments to open more possibilities to stay longer in this system. The cooperation between insurance and public employment services is important. Since 2012, the government has allocated a budget each year to facilitate the cooperation in order to help persons that have reduced capacity to work to receive rehabilitation to return to the labour market. A central part of this cooperation is early and active interventions based on the joint evaluations by the two agencies and with focus on the specific needs of the individual person. There will be a final report later on in April regarding this.

As far as employment is concerned, the number of people with disabilities looking for work through the public service has increased. In 2013, one in four people registered have had a disability and a reduced capacity to work. The reason for this increase is the reforms the government has carried out. The participation in the workforce has increased as it states in the report, showing positive changes. The proportion of persons with disabilities that take part in the workforce has increased as well as the employment rate. There are also the special labour market programs for persons with disabilities who also have a reduced capacity to work. These programs are designed to lower the thresholds to the labour market by different forms of wage subsidies where the subsidy is based on the individual's capacity in relation to specific employment situations. These programs are directed exclusively to persons who have a disability and reduced capacity to work. The new national program for the EU social fund 2014-2020 involves 12 billion krone to be allocated to develop and to strengthen employability and work. Persons with disabilities are a priority group for activities and projects within this program.

Regarding the differences between men and women – it’s true. The participation in the market is uneven as well. There are programs to evaluate the situation and training to help to start a business. It’s a first step to be more even.

Concerning the question on how many hours would be granted for personal assistance at the work place, it’s specified for the amount of money per person, 300h/year. It was pointed out that with special needs the amount can be doubled.

Regarding on how to provide an inclusive education for deafblind pupils, the legislation about right to receive support applies to all schools. Deafblind pupils can choose to attend a regular school and the school can receive help from the national agency for special needs, which provides teaching aids, Braille, grants, investigation for specific pupil and learning environment (students who are deaf/blind) to help the school and principle organizer to adapt an education to suit the different needs of the pupil. From 2013 the national agency collects statistics in compulsory school. Furthermore, the national agency monitors how schools are progressing in their provisions of special needs.

Regarding statistics and data collecting, due to the definitions of disability in Sweden, persons are not registered on the grounds of disability. Sometimes it is a registration on the measures provided to the persons by the municipalities. Furthermore, it is against Swedish law to register persons on the ground of disability, ethnicity and political opinion.

Regarding international relations, specifically to the Swedish position on the post 2015 framework, there is specific reference in education to persons with disabilities. In the full position there is a clear focus in persons with disabilities as part of the human rights perspective. Persons with disabilities’ organizations composed the delegation as well. In relation to Article 32, the Swedish government has recently decided on a new policy framework for the Swedish development cooperation. The rights of persons with disability are specifically mentioned in several places of the new framework.

As for health and psychiatric care, the representative started by referring to the forced sterilisation as a practice not allowed since 1975. It may only be performed after request from the person itself, which is evaluated by the national board of health and welfare. Between 1934 and 1975 the law allowed forced sterilisation of persons with mainly mentally disabilities. 63000 persons were sterilised and 50% of those were deemed forcefully sterilised, mainly women. The government is granting compensation to those victims.

As for psychiatric care specifically, the Swedish government and the government association of municipalities have together since 2009 worked on together to find new ways of working, changing the way of the mental health caregivers, the values and strengthen the participation of the patients less than the need for compulsory measures and compulsory care.

Regarding the children's ombudsman report, the government has not been able to yet make any forceful changes in anyway but the government did also last week assign the national board of health and welfare to, one, develop information aimed at children and young persons in psychiatric care on their rights, and, two, to analyze why corrective measures are administered to young girls in a much higher measure than to young boys.

Concerning the question about expecting mothers, in general, there are no restrictions in the economic support. There are programs of primary health care to support parents, mothers, by offering health check-ups. For parents with intellectual disabilities, there is a need for extra support to ensure the child and the parent will have a good situation at home and the parents will have the right kind of support.

Adopting as a disabled parent is always based on investigating the family but the disability is not considered a disadvantage. It may also depend on the communication between the country where the parents are and where the child is, but there are no restrictions in Swedish law.

As to examples of parents and child separation due to disability, there are situations where children and parents are separated because, for example, they lack capacity to take care of the child. Disability could be part of the decision but not as such. The general focus of the social services is trying to support parents to be able to take care of their family and stay with the child.

In order to ensure the knowledge of the convention in municipalities, there is a voluntary system to monitor the implementation of the convention and the disability policy in the municipalities.

As for the statistics on disabled persons, crimes against peoples with disabilities are recorded regarding robbery, fraud, pick pocketing, bag snatching and petty theft from flats and private houses. Persons with disabilities are defined as persons with a reduced power of resistance due to old age, physical or psychological disabilities which the offender has taken advantage of. One of these types of offenses constitutes a crime of violence, robbery of person with a disability.

Regarding the question on who will bear the costs of the interpreter in court proceedings, no one has to pay anything at all.

In response to concerns about accessibility to the voting booths, voters can appoint someone to assist them, like the vote receivers. As for assistance, the government has presented a legislative proposal suggesting that a provision should be introduced into the election act making clear that voters who are unable to prepare their votes themselves may also get assistance not only of the vote receivers but also of a private individual who can help them with this task. Also, the vote reception has to be customized so that all voters have equal access to the premises. The government has also presented legislative proposal suggesting the possibility of the casting of outside a polling station under certain circumstances, for example, if a lift temporarily stops working, it is to be available at all voting facilities whether voting on election day or in advance. In another proposal it was suggested that voters who due to illness, disability or age are unable to get to a vote reception point, on request may submit his or her ballot to especially appointed vote receivers. This applies for example if the voter because of a physical disability is unable to prepare his or her vote. Also, there are ballot voting papers in Braille. The option of voting by Internet is still not possible, however there is a proposal about the possibility to introduce e-voting in 2018.

Regarding historical monuments, the Swedish national heritage board participated in a collaboration and they have been given the task to make the monuments to be accessible, not to be changed to make them accessible although amendments and changes have to be done with utmost care, however, the board considered that many national monuments can be made accessible without effecting the monuments cultural value.

Concerning the fees for assistive devices, in medical services act, there is a responsibility for supplying the assisted devices depending on the context in which the devices are to be used.

As for culture and tourism, there are fewer persons with disabilities that have been in any cultural events in the past year compared to persons without disabilities. In order to improve this situation, the state is focusing in making museums and libraries accessible. The Swedish counsel is supporting work aimed at developing devices for visual and sign language interpreting in cooperation with the disability organization. It is common for professional theatre and dance groups to include actors and dancers both with and without disabilities. The Swedish institute is tasked to encourage Swedish in a broad context and the 2013 agreements between the Swedish government and other parties provide funding of the support for production of Swedish bills. A necessary condition for a film to receive production fund is that it can be exhibited with the Swedish subtitles. Also, the radio and television act includes a provision whereby tv protocols must be formulated so that they're accessible to persons with disabilities

**Closing remarks**

Ms Jenryd, Head of Delegation

The Convention is a cornerstone to full and equal enjoyment of society. The questions gave the government motivation to continue working towards a more fair society.

Safak Pavey and Lászlo Lovaszy, Co-Rapporteurs

The co-rapporteurs thanked the presence of all and appreciated the open and constructive participation of the Delegation of Sweden in constructive dialogue.

Chair

The Chair recognised the efforts of the experts across all issues and underlined the constructive dialogue was exemplary and successful in time management.

1. \* This summary compilation is provided by the IDA secretariat and is not an official record of the proceedings. The review was webcast live and archived with [English](http://www.treatybodywebcast.org/crpd-11-sweden-english-audio/) and [French audio as well as international sign interpretation](http://www.treatybodywebcast.org/crpd-11-sweden-sign-interpretation-and-french-audio-2/). [↑](#footnote-ref-1)