To the Human right Committee

Proposals on questions for the List of issues of Sweden

The Swedish Disability Federation represents 38 member organizations with nearly 400,000 individual members.

The Swedish Disability Federation welcomes the opportunity to give the following information to the committee and hope it will be useful for the adoption of the list of issues of Sweden.

In this document, the Swedish Disability Federation focuses on issues we believe are of importance from a holistic perspective. Most of the aspects/questions concern several rights in the Covenant.

National implementation and monitoring, Article 2

Concluding observation no 4

Sweden has still not established a human rights institution. The report SOU 2010:70 from the Delegation of human rights in Sweden gives proposals on “A New structure for protection of human rights”. In 2011, the civil society and the authorities had opportunities to submit comments and suggestions on the proposals. Since then the work appears to have been down.

1. How will Sweden ensure independent monitoring in conformity with the Paris principles?

Concluding observation no 5

Part from strengthen the possibilities and right of persons with disabilities to vote, no other legislative measures has been taken to give effect to the full range of standards of the Covenant in the State party’s domestic law.

The ICCPR has not been incorporated into Swedish law. Interpretation conforming to the Covenant shall be used instead. As seen in the report from the Delegation of human rights in Sweden SOU 2010:70, but also in article 13 in the Swedish disability moments alternative rapport on the CRPD, authorities’ and courts’ lack of interpretation that conforms with the treaty, inadequate knowledge about disability, its consequences and individuals’ human rights are
significant reasons that explain why individuals cannot receive the support and service they are entitled to.

2. What steps will Sweden take to ensure that the judicial system interprets the national laws in a manner that complies with the Covenant?

3. What measures are planned to give effect to the full range of standards of the Covenant in the State party’s domestic law.

**Lack of effective remedies Article 2**

As may be seen in Article 2 in the Swedish disability movement’s alternative report on ICCP(2007), as well as in The item 10 and 228 in the alternative report on CRPD(2011), there is a lack of efficient legal remedies.

To enable persons to pursue cases in courts, some may receive legal aid. The provisions of the Legal Aid Act regulate this and aim to help persons who cannot find legal assistance elsewhere. Legal protection normally covers precise disputes in general courts. It does not, usually cover administrative cases. This could lead to that people are not able to take their cases to court.

When it comes to discrimination, the Equality Ombudsman (DO) can at no cost pursue cases where individuals feel they have been discriminated against. DO can however only pursue cases handled in the Anti-discrimination Act and the Parental Leave Act, mainly discrimination related to economic, social and cultural rights. Many civil and political rights are written into the European Convention for the Protection of Human rights and Fundamental freedoms. The European Convention has been incorporated into Swedish law¹ and can be invoked in a court of law. DO can, within the framework of a charge revoke the European Convention, but cannot pursue a case that rests only on it.

4. What measures will Sweden take to ensure that individuals receive support and access to efficient legal remedies in connection with all rights in the ICCPR?

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¹ Law 1994:1219 – The European Covenant concerning protection of human rights and fundamental freedoms
Equality between men and women, Article 3

The Swedish Disability Federation refers to the parallel report on CRPD of Forum Women and disability (2012) and agrees with the organization's conclusion that the gender perspective often is absent in statistics and inquiries relating to people with disabilities. On the other hand, the incidence of disability, ethnicity and sexual orientation is very often absent in general studies concerning living conditions and opinions of men or women.

5. What measures will the Government take to ensure that a gender perspective will permeate all studies and research related to persons with disabilities,

6. What measures are planned to tackle intersectional discrimination?

Concluding observation 10

Implementation of the CRPD

Since the ratification of the CRPD, several actions have been taken in Sweden, especially with regard to children and youth with disabilities. However, even though several important measures have been carried out, the understanding of the aim and the usefulness of the CRPD in the various decision-making processes have not taken root. The evaluation of the National Disability Strategy, 2013 shows that only 29 per cent of judges and 44 percent of preparing lawyers are familiar with the CRPD. The knowledge of the relation between the ICCPR and the CRPD are not sufficient.

Employment

In Sweden, the employment rate for people with reduced work ability due to disabilities, has gradually declined since 1998 and is in March 2013 historically low at 44 percent. The gap between persons with and without disabilities has increased! Regardless of economic conditions during the past 15 years, the employment rate for persons with disabilities has continued to decline, which indicates structural problems. Today, one in four job seekers who are registered in the Employment Service has a disability. Sweden has not been able to take effective measures to increase the employment rate for persons with disabilities as is recommended by the committee.

The government inquiry of labor market programs for persons with disabilities (2012), shows shortcomings in the Swedish Public
Employment Service. The methods of employment rehabilitation lack evidence base. Only a few come to work or study and a large number go around in different actions. The advisers who work with persons with disabilities have far fewer resources than those working with other groups of job seekers.

The time to have a disability identified and thus have access to various efforts, has increased and is now up to an average of 270 days. Handisam’s evaluation of the national disability strategy (2013) shows that it takes on average 86 days longer for a person of foreign origin to get a code of disability than for a Swedish person.

The Swedish Social Insurance Agency report, "Ten years with activity compensation" (2012) shows that very few young people with reduced work capacity aged 19-29 have jobs. The proportion of young people with disabilities is lowest in the public sector. Of 12,938 young people with reduced work capacity were only 155 people employed by Government authorities and county councils! Most of the young people with disabilities were found in small, private companies.

7. What steps is the Government planning to take to tackle the structural barriers that exclude persons with disabilities from the labour market?

8. What measures will the Government take to overcome the Employment Service’s major shortcomings for job seekers with disabilities?

9. How will the Government ensure that the efforts that the Employment Service provides job seekers with disabilities will be quality assured, and that the expertise of different disabilities is ensured within the agency?

Accessibility

In concluding observation no 10 the Human Right committee ask the Swedish government to provide the committee with up-dated information on how the accessibility of disabled persons to social services and goods is ensured in practice including at the level of municipalities.

The Swedish Disability Federation is very critical to how the Government has dealt with the question of inadequate accessibility
and complying with the laws connected to accessibility. Much of the work and the decisions that are necessary to achieve better accessibility for persons with disabilities have been postponed to a later date. For more information see article 9 in the alternative report on CRPD, item 128 – 132).

Several articles in the alternative reports include statistics that show that the legislation concerning accessibility is not always abided by. In 2011, the Parliament decided that the failure to take measures for accessibility by the law must be regarded as discrimination. During 2012 the parliament once again asked the Government to hurry up and change the legislation. But, still the Government has not implemented this decision.

10. How does Sweden deal with neglect to take measures for accessibility stipulated in law?

11. Are there any sanctions, if so, within with areas and how are they monitored?

12. What actions will the Government take due to the decision taken by the parliament that lack of taking measures for accessibility shall be considered as discrimination?

13. What other measures is planned to be taken to promote accessibility?

Service and support

In Concluding observation 10 the Human rights committee is concerned that persons with disabilities often face difficulties in obtaining adequate services.

“The Swedish Social Insurance Inspectorate reported in December 2012 that the number of people being newly granted personal assistance has declined since 2008 and that more and more get their assistance withdrawn after reconsideration.”

14. How will the Government deal with the fact that the court made a narrower interpretation of the individual’s right to assistance than is provided for by both the CRPD as in the Swedish law?

http://www.regeringen.se/sb/d/15508/a/194574
15. Which steps has the Swedish government undertaken to monitor the living conditions of persons in need of personal assistance, in particular their ability to study or work, raise children and take part in society in all fields at all levels?

The right to live article 6

The report "Young adults with activity compensation - risk of suicide attempts" shows that the risk of suicidal behavior is higher among young adults with activity compensation than among other young adults of the same age, i.e. 19-23 years. The difference persists over time despite the number of young adults with activity compensation more than doubled 1995-2005. This should be seen against the background that suicide rates have decreased in all other age groups in Sweden, except among the very young adults. The authors conclude that young adults with activity at elevated risk of suicidal behavior, which indicates a strong need for better preventive measures in the form of regular follow-up and individualized action plans.

16. What are the reasons for the increased risk of suicide among young people in receipt of activity compensation?

17. What measures will the Government take to reduce the suicidality among these young people?

Equality befor the courts artikcle 14

As may be seen in the evaluation of the development of the disability strategy (2013), only 29 per cent of judges and 44 percent of preparing lawyers are familiar with the CRPD. The evaluation also shows that less than half of the judges know which support a court can offer a person with a disability. Among other lawyers in the courts is the knowledge even lower. Knowledge of the support that the court can give to a person in order to obtain access to documents is also very low. Only 4-6 percent of the lawyers know that this support exists.

Because the lack of knowledge among court personnel, the need for advocacy is of particular importance for persons with disabilities who wish bring a case to court.
18. What measures will Sweden take to promote adequate knowledge about different disabilities and its consequences and individuals’ human rights, among staff in the courts and authorities?

**Children with disabilities, Article 24**

Since 2011, several inquiries concerning the situation of children and youth with disabilities have been undertaken. The Swedish Disability Federation welcomes these studies. However, the studies show the situation for children and youth with disabilities is very much neglected. Unfortunately, still, statistics for children with disabilities is gender neutral, which means that unequal differences in for instance school between girls and boys with disabilities are not addressed.

2013, the Swedish Government is developing a Government bill concerning youth. It will be adopted by the Parliament during of 2014. The Swedish Disability Federation welcomes this youth bill but fears that it does not cover all rights of the ICCPR. The existing proposal only deals with mental health, livelihood and influence.

The Swedish Government has also set up an inquiry about the status of the Convention on the rights of the child (CRC) in Sweden. The inquiry will look at the enjoyment of the various rights and analyze the weaknesses but also whether the CRC shall be incorporated into Swedish law or not. The assignment will be completed in 2015. The Swedish Disability Federation refers to article 7 in the alternative report and will underline that the shortcomings of the regulatory framework, or its implementation, as seen in articles 9, 12, 19, 20, 24, 26 and 30 need to be addressed in order that children with disabilities will have equal opportunities as other children to participate in society. The Swedish Disability Federation will also underline that the full understanding of article 7 point 3 is still missing especially when it comes to children in the need of alternative communication.

19. What measures will the Government take to ensure that a gender perspective should permeate all studies and research related to children with disabilities?

20. How will the Government and the investigator of the status of the CRC treat the information and proposals from the disability movement?
Participation in publice life article 25

In particular, I wanted to propose that you could include mention with respect to Art 25 of the ICCPR (on the right to political participation) that Sweden has no restrictions of the right to vote regarding persons with disabilities in its legislation so there is universal suffrage for all persons with disabilities. Very recently, the Swedish government has adopted a new government bill which strengthens the responsibility for those who are providers of polling stations to make those. However, there are still practical difficulties, for instance for persons who have reading difficulties. Still there are not possible to vote on a special candidate in secret if you are blind. For more information see article 29 in the alternative report on CRPD.

21. What measures are planned to ensure all persons will be able to vote by secret ballot?

Unequality before the law article 26

There are still laws in Sweden that discriminate against people with disabilities. Here are some examples:

The Education Act (Skollagen SFS2010:800) the principle guideline is that the state provides education for all young people at all levels. However, the wording of the new Education Act (for example chapter 10, § 30), permits schools to refuse admission to pupils who require extensive extra resources. The Penal Code (Brottsbalken) chapter 16, § 8, agitation against a national or ethnic group. The provisions in The Penal Code concerning agitation against national and ethnic groups are more limited than those parts of the Constitution that regulate Freedom of Expression. The current system of rules does not ban describing people with disabilities in an offensive manner. The crime “agitation against national and ethnic groups” covers only grounds for discrimination against sexual orientation and ethnicity, not disability.

22. What measures are taken to secure equality before the law?
The Diseases Act  
(Smittskyddslagen, lag 2004:168)

With the current wording of the law, people with, for example, HIV risk being isolated against their will in a manner that seems incompatible with Article 14. practically all of those who have been condemned to compulsory isolation have been persons with HIV. Most of the cases of isolation are persons who are addicted to drugs and/or have psychiatric problems which could lead to them spreading disease.

When crimes are committed, for example consciously spreading disease, it is the criminal code’s provisions that are applied. Sweden has been criticised twice by the European Court of Justice because compulsory isolation is inconsistent with the European Convention. Despite this, Sweden has not yet changed the wording of the law.

If you have questions, please contact:  
Annika Jyrwall Åkerberg  
Lawyer in Human Rights

Best regards,

THE SWEDISH DISABILITY FEDERATION

Ingrid Burman  
President

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3 [http://www.humanrights.gov.se/extra/faq/?module=instance=3&action=question show&id=2835&category id=ee](http://www.humanrights.gov.se/extra/faq/?module=instance=3&action=question show&id=2835&category id=ee)