



The Ministry of Health and Social Affairs

Responses to questions from the UN Committee on the Rights of Persons with Disabilities

Introduction

Sweden wants to be a positive force through its work to comply with convention obligations regarding human rights. Sweden shall be a leading nation in the implementation of the 2030 Agenda.

Sweden ratified the UN Convention on the Rights of Persons with Disabilities (the Convention) and its Optional Protocol in 2008. The Convention entered into force in 2009 for Sweden, and is one of the core UN conventions on human rights. It does not create any new rights in itself. Instead it clarifies human rights in relation to persons with disabilities. Its aim is to ensure that persons with disabilities can exercise their human rights.

The Swedish Government submitted its first report to the UN Committee on the Rights of Persons with Disabilities (the Committee) in 2011. Sweden's report was taken up for review in dialogue with the Committee at the Committee's eleventh session in 2014. The Committee made its concluding observations in 2014.¹

In October 2018 the Committee submitted its list of questions² ahead of Sweden's combined second and third reports. Responses to these questions must be submitted no later than 1 October 2019. Sweden's responses to the questions are given in this report.

¹ United Nations (2014), Concluding observations on the initial report of Sweden, CRPD/C/SWE/CO/1.

² United Nations (2018), List of issues prior to submission of the combined second and third periodic report of Sweden, CRPD/C/SWE/QPR/2-3.

This report has been coordinated by the Ministry of Health and Social Affairs. All the ministries responsible for questions on the list have been involved in producing this report.

On 16 January 2018 a focused discussion forum was held with civil society to obtain opinions on the recommendations submitted to Sweden by the Committee. A meeting with representatives from civil society was also held at the Ministry of Health and Social Affairs on 10 May 2019 with the aim of obtaining opinions on the list of questions from the Committee and to provide information about the process. On 24 September 2019 another meeting with representatives from civil society was held at the Ministry of Health and Social Affairs. This time the aim was to provide information about the work prior to submitting the report to the Committee, and to answer questions about the report's contents. Information about the work involved in answering questions has also been provided on an ongoing basis at meetings of the Government's Disability Delegation.

A. Purpose and general obligations (arts. 1–4)

Please provide information about:

1 a. The steps taken to incorporate the Convention into national law, both vertically and horizontally, including the right to personal assistance and the equal provision of social welfare services among municipalities

Response: No specific action has been taken to incorporate the UN Convention on the Rights of Persons with Disabilities (the Convention) in its entirety in Sweden. The reason for this is that the most common way of incorporating convention obligations into Swedish law is through transformation (introducing or amending Swedish provisions, to the extent deemed necessary, so that they correspond to the requirements of the Convention) or by confirming norm harmonisation (i.e. that the contents of Swedish law already correspond with the Convention), which means that no legislative changes are needed.

When it comes to the Convention, both confirmation of norm harmonisation and transformation have been used. No legislative measures were deemed to be needed in order for Sweden to be able to accede to the Convention since Swedish law was deemed to be in good compliance with the provisions of the Convention. In connection with accession, a review

was carried out of how Swedish legislation and other conditions in Sweden related to the Convention and it was concluded that much remains to be done in terms of disability policy work before Sweden can be deemed to meet the commitments and requirements of the Convention on every point, but that the Convention should constitute an important statement of goals in this work. During the years when the Convention has applied to Sweden several actions have been taken with the aim that Swedish law should correspond with the Convention.

The only convention on human rights to have been incorporated in its entirety into Swedish law so far is the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Government also decided on 15 March 2018 on a bill for a proposed law on incorporating the Convention on the Rights of the Child.³ The bill proposes that Articles 1–42 of the Convention on the Rights of the Child in the wording of the original text are to apply as Swedish law. On 13 June 2018 the Riksdag (Swedish Parliament) passed a decision to incorporate the UN Convention on the Rights of the Child into Swedish law. The act will enter into force on 1 January 2020.

When it comes to the question of continued incorporation of conventions into Swedish law, the Government intends first to gather experiences of applying the Convention on the Rights of the Child before making further considerations within this area.

1 b. The measures taken to review the indicators system to cover all areas of the Convention and to ensure that municipalities monitor its implementation, including with regarding to access to employment, education, health care, and governmental services

Response: The Swedish Agency for Participation monitors public sector actors' work to implement disability policy at national, regional and local levels.

Between 2014 and 2016, the Agency monitored how municipalities and regional public transport authorities work with accessibility and participation. This was based on a number of indicators and included the labour market, education, culture, sport, physical accessibility and transport (regarding the regional public transport authorities). According to the Agency, this

³ Incorporation of the UN Convention on the Rights of the Child (2017/18:186).

monitoring required relatively extensive efforts from the participants, and certain information was also obtained through other surveys. It was assessed that this was not an effective form of monitoring, and that it would not be feasible to send out a large number of different surveys to each municipality in order to cover all the sections (articles) in the Convention.

In 2015, the Agency began a dialogue with the Swedish Association of Local Authorities and Regions on how this monitoring could be developed. To make monitoring more effective and more manageable, the Agency subsequently reviewed and developed the monitoring process. Since 2017, the Agency has carried out an annual survey directed at all Swedish municipalities, county councils and government agencies, in order to monitor more strategically how a disability perspective is included in the municipalities' operational leadership and management. Questions are asked about targets and monitoring, knowledge-boosting initiatives, procurement, consultation with disability organisations and employer issues. The survey has been developed in consultation with disability organisations, the Swedish Association of Local Authorities and Regions and a selection of municipalities, county councils and government agencies. The Swedish Agency for Participation is currently developing a digital tool that will replace the survey mailings during 2019.

The results of this monitoring show that long-term, systematic work at management level is a success factor in order for disability policy to have an impact in practice. The starting point is that when a disability perspective is included in leadership and management, this characterises operations as a whole and achieves a broad impact within the actors' operational areas of responsibility. By presenting the results on the Agency's website, actors get access to data that they can use for evaluation and continued development. The Swedish Agency for Participation has assessed that this monitoring has contributed towards increasing the actors' awareness of their responsibility for implementing disability policy, and of the importance of integrating a disability perspective into leadership and management.

The Agency has also been specifically tasked by the Government with working together with the county administrative boards to support municipalities and county councils in implementing their disability policy strategies and plans. The remit generates a great deal of knowledge back to national level about the requirements and conditions for implementation

within municipalities and county councils. This information provides documentation for drawing up and giving suitable needs-adapted support for municipalities and county councils, while at the same time contributing towards the Agency's opportunities for more closely monitoring the development of the work towards the national disability policy goal.

The Government has also appointed an inquiry to review management within disability policy, in order that this implementation should be more effective. The Inquiry was tasked with describing the application of the principle of universal design and submitting a proposal for a stable, long-term management and monitoring system based on the new national goal and the new direction. The Inquiry submitted its proposal to the Government on 7 May 2019. This is currently being prepared within the Government Offices, and was circulated for comment in August 2019.

1 c. The review of the Discrimination Act of 2008, to define inadequate accessibility as a ground of discrimination and to prohibit hate crimes against persons with disabilities, in particular women and girls with disabilities and persons with intellectual or psychosocial disabilities

Response: Since 1 January 2015, there has been a prohibition against discrimination in the form of inadequate accessibility.⁴ Since the introduction of protection against discrimination in the form of inadequate accessibility, there has been an increase in reports in relation to the ground of disability. According to the Equality Ombudsman (DO), several of the reported cases have resulted in action being taken to increase accessibility in various ways. The Discrimination Act has subsequently been further strengthened through the expansion of protection against discrimination in the form of inadequate accessibility.⁵ This change means that companies with fewer than ten employees will be included in the prohibition against discrimination in the form of inadequate accessibility when providing goods and services. The change came into force on 1 May 2018.

With effect from 1 January 2017, the rules were also changed in relation to employers' obligations to work actively for preventive and promotional work

⁴ The Discrimination Act (2008:567), Chapter 1, Section 4, paragraph 3.

⁵ Expanded protection against discrimination in the form of inadequate accessibility (Govt Bill 2016/17:220).

in order to prevent discrimination within a business and to otherwise work for equal rights, for example by including the ground of disability.⁶

In terms of hate crimes, it is stated in the Swedish Criminal Code that when assessing the penal value of a crime, the harm, harassment or danger involved in the deed, what the defendant realised or should have realised about this, and his or her intentions or motives should be taken into account. In particular, whether the deed involved a serious attack on someone's life, health or personal security should be taken into account.⁷ In terms of aggravating circumstances when assessing penal value, alongside that which applies for each specific type of crime, particular consideration should be paid to, among other things, whether the defendant took advantage of anyone else's defenceless position or difficulties defending himself or herself.⁸

1 d. Progress made and gaps identified in the State party's disability policy for the period 2011-2016 and about the new disability policy that took effect in 2017, including its benchmarks, baselines and indicators and the resources allocated to its implementation

Response: In order to obtain knowledge about which problems exist and what progress was made during the previous strategy period, the Swedish Agency for Participation has been tasked with evaluating and analysing developments within disability policy during the period 2011–2016.⁹ The Agency's report states that developments within most policy areas have been slow. It is particularly within the areas of culture, media, IT and transport that there have been positive developments. This has created better conditions for increased participation and improved living conditions for persons with disabilities.

At the same time, developments within areas such as physical accessibility and the labour market have been at a standstill or made only slow progress during the strategy period. Compared with the population in general, persons with disabilities still have considerably worse living conditions. Certain groups of persons with disabilities are more vulnerable than others. This is particularly true of women with disabilities, who generally have worse

⁶ The Discrimination Act (2008:567), Chapter 3, Section 4.

⁷ The Swedish Criminal Code (1962:700) Chapter 29, Section 1.

⁸ The Swedish Criminal Code (1962:700), Chapter 29, Section 2, paragraph 3.

⁹ The Swedish Agency for Participation (2016) 'Utvärdering och analys av funktionshinderspolicen 2011 – 2016' ('Evaluation and analysis of disability policy 2011–2016'), A 2016:14.

living conditions than men. In addition, vulnerability varies between groups of persons with disabilities and within different areas. Persons with disabilities have lower levels of education than the population as a whole. Women generally have a higher level of education than men. However, education levels for men with disabilities have risen during the strategy period, and a higher proportion of men with disabilities study.

In 2017, the Riksdag decided on a new national goal for disability policy, taking the Convention as a starting point. The new goal states that: “The national goal for disability policy, taking the UN Convention on the Rights of Persons with Disabilities as a starting point, is to achieve equal living conditions and full participation in society for persons with disabilities in a society based on diversity. This goal shall contribute towards greater gender equality and consideration of the children’s rights perspective.”

In order to achieve the national goal, the implementation of disability policy shall be targeted towards four areas: the principle of universal design; shortcomings in terms of accessibility; individual support and solutions for individual support; and preventing and countering discrimination. This decision also involves a number of measures aiming to contribute towards the national goal for disability policy, including human rights education. The measures coincide with areas where the Committee has submitted recommendations to Sweden, and are in line with those of the subsidiary goals of the 2030 Agenda that refer directly to persons with disabilities.

The decision also states that the management of disability policy should be reviewed by appointing an inquiry. See also the information about the Management Inquiry under question 1 b.

1 e. The new interdepartmental coordination mechanism in the Ministry of Health to advance the rights of persons with disabilities

Response: The Minister for Children, the Elderly and Gender Equality decided in 2015 that an interdepartmental working party should be established within the Government Offices, tasked with supporting the implementation of the disability policy. According to this decision, this will involve working to implement and monitor the Government’s disability policy, if necessary contributing area-specific documentation and preparing initiatives, as well as constituting a forum for information and sharing experiences. Particular importance shall be attached to the perspective that

people have difference needs and conditions, and that all girls, boys, women and men shall be able to participate in society on equal terms. The working party will also exchange information and contribute towards coordinated state action within the Government's ongoing work with issues affecting disability policy.

During 2016–2017, the working party's contributions have included involvement in drawing up area-specific documentation for the work on the new disability policy that was decided on by the Government in 2017. This work was led by a group of state secretaries from the ministries responsible for labour market, education, transport, IT, discrimination, planning and housing issues.

The working party participates in preparing the recommendations that the Committee submitted to Sweden in 2014, and was also involved in drawing up responses to the list of questions from the Committee. In addition, the working group's members have been tasked – in accordance with the applicable principle of responsibility and financing – with working to ensure that the obligations emanating from a convention are complied with at national level within each subject area. These subject area representatives are also responsible for disseminating relevant information to and coordinating with their government agencies and other relevant parties, for example on recommendations received by Sweden.

1 f. The number and proportion of persons entitled to assistance benefits from the Social Insurance Agency since 2014 disaggregated by age, sex and type of disability

Response: The number of individuals entitled to state assistance benefits in 2014 was 16 015, of which 7 384 were women (46 per cent) and 8 631 were men (54 per cent). The number of persons receiving state assistance benefits has dropped by 8 per cent between 2014 and 2018, from 16 015 to 14 596. In 2018, a total of 6 658 (46 per cent) women and 7 938 (54 per cent) men received assistance benefits.

In 2014, the gender difference was greatest among the youngest individuals. 694 (42 per cent) girls and 1 312 (58 per cent) boys aged 0–14 received state assistance benefits. Within the 45–49 age group, 460 (47 per cent) women and 511 (53 per cent) men received state assistance benefits. In 2018, the corresponding distribution for the 0–14 age group was 698 (43 per cent) girls

and 920 (57 per cent) boys. The 45–49 age group consisted of 409 (47 per cent) women and 456 (53 per cent) men.

Within all groups of persons covered by the Act concerning Support and Service for Persons with Certain Functional Impairments, the number receiving personal assistance has decreased since 2014. This number has fallen the most within group 3, dropping by 16 per cent since 2014. See question 14 for descriptions of the groups in the Act concerning Support and Service for Persons with Certain Functional Impairments.

1 g. The participation and involvement of persons with disabilities and their organizations in the implementation and monitoring of the Convention, since 2014

Response: The Government holds ongoing dialogue with the disability movement, and they are involved in various ways in the Government's work and processes. When relevant, they are included as experts in governmental inquiries, when obtaining comments on proposals made by governmental inquiries and as actors in government agency remits. Opinions are also obtained from disability organisations on specific factual issues, including through focused discussion forums. The Government also has a Disability Delegation, which is the Government's main forum for consultation and dialogue with the disability movement. The Delegation is chaired by the minister responsible for coordinating disability policy. The Delegation meets around four times a year for strategic consultation and dialogue on the policy's contents and development. This includes issues regarding implementing and monitoring the Convention. During these meetings it is common for ministers responsible for the policy areas that are discussed, to participate and to report on planned and completed actions within their areas in relation to persons with disabilities and the disability policy.

Active involvement from the disability organisations is also central to the Swedish Agency for Participation's operations. The organisations play an important role in the development of disability policy. To ensure that the Agency's cooperation with the disability movement is in line with the Convention's requirement for active involvement (Article 4.3), this work is based on an agreement between the Swedish Agency for Participation and the disability movement, which was signed in 2018. At the core of this agreement is a disability council that meets three times a year and deals with overall, strategic and fundamental disability issues at management level.

The Agency also actively involves the disability movement and civil society in other ways than those stated in the agreement. In order to do this in the best possible way, the Agency has developed a consultation model for cooperation with the disability movement. The overall aim is to create forms for strategic and effective cooperation. The consultation model shall also be usable in cooperation with civil society as a whole. During 2019, the Swedish Agency for Participation is translating general comment number 7 (Articles 4.3 and 33.3). The disability movement is also represented on the Agency's knowledge council, and the Agency plans to draw up support materials for the municipalities regarding active involvement.

Within the framework of the 2011–2016 national strategy, the importance of consultation with the disability movement in implementation is highlighted in particular.

As part of the work involved in the bill on the national goal and direction of disability policy,¹⁰ special meetings were held during autumn 2016 with the disability organisations as a complement to the information provided at the Disability Delegation. The aim was to obtain opinions from the organisations to support the work on the bill.

In early 2018, the Government carried out a focused discussion forum¹¹ regarding the recommendations received by Sweden in 2014 from the UN Committee on the Rights of Persons with Disabilities. The aim of the forum was to provide information about the Government's current position in the work involved with recommendations and to obtain views from the disability organisations on the bill's continued preparation, thereby improving the quality of the Government's documentation.

Before the preparation of Sweden's responses to the list of questions from the Committee, a proposed structure was presented at the beginning of 2019 with the aim of involving and obtaining opinions from the disability organisations to support the preparatory work. The structure involved the work on the Government's responses being addressed at all meetings of the Disability Delegation and at additional specially arranged meetings with the disability organisations during the period when the work was carried out.

¹⁰ National goal and direction of disability policy (Govt Bill 2016/17:188).

¹¹ Focused discussion forums are a working method used within the Government Offices to obtain knowledge and perspectives from organisations within civil society and other relevant actors on a defined issue.

Two special meetings were held in 2019 with representatives from civil society organisations.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Please provide information about:

2 a. The measures taken to review legislation to ensure that reasonable accommodation is legally defined and provided without any exception, including in the fields of housing, law enforcement and justice

Response: Protection against discrimination in the form of inadequate accessibility was added to the Discrimination Act in 2015, and was further reinforced in 2018 when the exception applying to companies with fewer than ten employees was removed. The actions to be taken shall be reasonable based on e.g. the accessibility requirements in laws and other statutes, and with regard to economic and practical circumstances.¹² The act largely covers all sectors of society. Government agencies that are not covered by the sectors of society included in the act are covered by the prohibition by an employee who is wholly or partly covered by the Public Employment Act¹³ being unable to discriminate when assisting the public with information, guidance, advice or other such help, or otherwise having contact with the public in his or her employment. The question of needing to amend this provision has been investigated within the report 'Bättre skydd mot diskriminering' ('Better Protection Against Discrimination').¹⁴ The investigator was of the opinion that the question should be investigated further.

The area of housing within the Discrimination Act is not covered by the protection against discrimination in the form of inadequate accessibility. However, other provisions place requirements on accessibility when it comes to housing. For example, the Planning and Building Act¹⁵ contains accessibility requirements for persons with reduced mobility or orientation capacity. These requirements apply to new construction and, under certain circumstances, to changes to a building. The act also includes requirements

¹² The Discrimination Act (2008:567), Chapter 1, Section 4.

¹³ The Public Employment Act (1994:260).

¹⁴ 'Bättre skydd mot diskriminering' ('Better Protection Against Discrimination'), SOU 2016:87.

¹⁵ The Planning and Building Act (2010:900).

that accessibility barriers in premises to which the public have access, so-called 'public premises', and in public places should always be rectified if the barrier is simple to remedy with regard to practical and economic circumstances. Examples of barriers that are simple to remedy include small differences in levels, high thresholds, heavy doors and a lack of handrails. These rules apply retroactively.

2 b. The measures taken to assess any mechanisms designed to address intersecting forms of discrimination , with a view to ensuring they target all forms of discrimination on the basis of disability, including the denial of reasonable accommodation, discrimination by association and multiple and intersecting forms of discrimination faced by children, women, migrants, refugees, asylum seekers and lesbian, gay, bisexual, transgender and intersex persons with disabilities, and Sami persons with disabilities

Response: The preparatory work¹⁶ for the Discrimination Act states that combining the discrimination legislation and several ombudsmen into a single ombudsman should make matters easier for those who have been subject to discrimination on multiple grounds. The Equality Ombudsman is able to investigate and drive through discrimination cases on several grounds. It is not uncommon for complainants to state that discrimination has been linked to multiple grounds for discrimination.

Disability policy is based on the Convention and the basic principle of equality and non-discrimination. This principle needs to be understood from an intersectional perspective. When implementing disability policy, other perspectives/grounds for discrimination need to be taken into account. It is also necessary in work with a focus on other perspectives and grounds for discrimination to highlight and consider persons with disabilities and a disability perspective. This provides the rights conditions to take an intersectional approach during implementation in a natural way.

The national goal for disability policy emphasises in particular that it should contribute towards greater gender equality and a children's rights perspective being taken into consideration. Preventing and countering discrimination is also an established prioritised direction for this work. The bill proposing a new goal and direction for disability also emphasises that the Convention's general principles need to be observed in order to be able to achieve the

¹⁶ 'Ett starkare skydd mot diskriminering' ('Stronger Protection against Discrimination', 2007/08:95).

national goal. Overall, these established starting points and prioritisations should contribute towards strengthening the intersectional perspective and towards revealing, analysing and countering intersectional discrimination in relation to persons with disabilities.

Several government agencies also have clear remits within their instructions that contribute towards strengthening the intersectional perspective within state operations on the basis of various grounds for discrimination. In addition, the Government has issued a number of assignments to government agencies and other organisations to illuminate questions from an intersectional perspective.

2 c. Statistics on the number and percentage of claims of discrimination on the basis of disability, disaggregated by sex, age, barriers identified, the sector in which discrimination occurred, and the number and percentage of cases that were resolved through mediation and those that resulted in sanctions for perpetrators and redress for victims

Response:

Information about the number of reports to the Equality Ombudsman, etc.

The reported information relates only to the Equality Ombudsman's operations.¹⁷ Between 1 January 2015 and 31 December 2018, the Equality Ombudsman received 2 945 reports about disability as a ground of discrimination. Based on what can be determined from the information recorded in the Ombudsman's log,¹⁸ 1 495 reports (approximately half) related to women and 1 450 related to men.

The reports are divided up as below by sector of society:¹⁹

Working life	570
Education	605

¹⁷ Information submitted to e.g. antidiscrimination agencies and trades union organisations is not included in this summary. Correspondingly, nor are actions taken by other actors – for example, in the form of discrimination cases taken to court by antidiscrimination agencies, trades union organisations or individuals – reported.

¹⁸ The number of reports disaggregated by gender may differ from the number of unique reports, as some reporters state more than one gender, for example when two parents make a report on their child's behalf. Whether a reporter states their own gender or the gender of the person to whom the report relates may also vary.

¹⁹ The number of reports divided up by sector of society differs from the number of unique reports, as a report may contain information about more than one sector of society.

Goods and services	590
Social services and social insurance	419
Healthcare	310
Housing	94
Other areas, e.g. issues not covered by the Discrimination Act	373

The Equality Ombudsman records information about gender, grounds for discrimination and within which sector of society the information about discrimination is stated to have arisen. No statistics regarding which types of disability the reports relate to are available in the Ombudsman's log. Nor does the Equality Ombudsman record the age of those reporting that they have been subjected to discrimination.

Statistical information about supervision and court cases

Between 1 January 2015 and 31 December 2018 the Equality Ombudsman has notified supervisory decisions in 174 cases where supervision particularly related to disability as a ground of discrimination. Of these, 92 have been initiated on the basis of reports relating to women, and 82 on the basis of reports relating to men. The majority of these supervisory cases have related to working life, the field of education and the provision of goods and services.

During the period the Equality Ombudsman has brought action in seven cases relating to disability and inadequate accessibility. Three of these cases related to state operations, three to private operations and one to municipal operations. Five of the cases have been settled with final effect. In four of these, discrimination has been noted and those responsible have been ordered to pay compensation to the individuals.

Women with disabilities (art 6.)

Please provide information about:

3 a. Measures taken to ensure that gender and disability perspectives are included in legislation and policies, in all areas of life and in all spheres covered by the Convention, and that they effectively address risk and marginalization factors specific to women

Response: Sweden has a feminist government which is of the opinion that the role of politics is to change the prevailing inequality by making decisions that redistribute power and resources for a more gender equal society. This applies within all policy areas, including disability policy. The Government's strategy is one of gender mainstreaming, which takes as its starting point the perception that gender equality is created by a gender equality perspective being integrated into all decision-making, where resources are allocated and where decisions are made and norms are created. One example is gender equality budgeting, a strategic tool that the Government uses to achieve set political goals for gender equality.

The Government communication 'Makt, mål och myndighet - feministisk politik för en jämställd framtid'²⁰ ('Power, targets and agencies – a feminist policy for a gender-equal future') presents a direction and a new structure for gender equality policy including sub-goals. The communication highlights the disability perspective within the gender equality policy and as part of the sub-goal of gender-equal health. The Government is of the opinion that analyses of different power structures in relation to gender may be of great importance for the impact and accuracy of its gender equality policy. The new national goal for disability policy also states that the goal should contribute towards greater gender equality and a children's rights perspective being taken into consideration.²¹ The same bill also emphasises the Convention's general principle, which among other things notes that gender equality between women and men is being particularly important in order to understand what a national goal based on human rights and the Convention

²⁰ Govt Communication 2016/17:10.

²¹ Govt Bill 2016/17:188. National goal and direction of disability policy.

means, and that these issues should be taken into account in order for the national goal to be achievable.

In 2013 the Government initiated the development programme Gender Mainstreaming in Government Agencies which aimed to reinforce the work of the various government agencies on gender mainstreaming. The development programme included 58 government agencies and one organisation. During 2016–2018 the Swedish Agency for Participation was part of the development programme. The Agency has drawn up structures for integrating the gender equality perspective into its core operations and its activities. Given the inequality problems among persons with disabilities, the Agency's gender mainstreaming work involves applying a disability perspective to society's gender equality policy challenges, in order to identify further challenges and barriers.

The Government's two agencies within the fields of gender equality policy and disability policy – the Swedish Gender Equality Agency and the Swedish Agency for Participation – have both been clearly tasked via their instructions to take into account and integrate both these perspectives on the basis of their remits within their own operations and to support other actors in this work, such as other government agencies, municipalities and county councils. The two agencies have also been given a specific joint assignments of mapping the challenges to achieving the gender equality policy sub-goal of economic gender equality for women with disabilities. Within the frameworks of various remits, the agencies have the opportunity to carry out work that includes more perspectives.

In 2017 the Swedish Agency for Participation was tasked with reporting on combined knowledge about men's violence against women with disabilities and to report a plan for how the Agency can contribute within its area of operations towards achieving the objectives in the Government's national strategy for preventing and combating men's violence against women, with a focus on women with disabilities. This plan was reported on in 2017. The Agency's report has contributed towards illustrating how women with disabilities are in a particularly exposed and vulnerable situation when it comes to men's violence against women. The report has also contributed towards developing the Agency's own internal work through new knowledge and perspectives whilst also having a clear effect on other actors.

3 b. Legislative and policy measures aimed at preventing multiple and intersecting forms of discrimination against women and girls with disabilities, including domestic and sexual violence and measures to eradicate such discrimination, and to ensure that affected women and girls effectively obtain justice and redress

Response: See also previous response to question 2 b.

An intersectional perspective that includes all grounds for discrimination in analysis, implementation and monitoring is essential in order to ensure the effectiveness and impact of the work to combat discrimination. The Equality Ombudsman strives to apply a working method in all its operations that involves systematic and consistent integration of a non-discrimination and equal rights perspective regarding all the grounds covered by the Ombudsman's remit, including gender and disability. The Ombudsman thus works to tackle those problems that lead to discrimination, often with a link to one or more grounds and/or to multiple grounds for the same individual.

The Ombudsman has carried out several assignments and activities regarding sexual harassment with the aim of tackling those problems that lead to discrimination against individuals – discrimination with a link to the grounds of disability, gender, both disability and gender and/or equivalent circumstances for other grounds for discrimination. For example, the Ombudsman and other government agencies have worked since 2015 with several different types of effort to increase information and knowledge, in order to raise awareness among employers, trades unions and industry organisations about sexual harassment and employers' legal obligations and responsibilities.

The Ombudsman has also carried out supervisory initiatives regarding the obligation for employers to carry out preventive and promotional efforts to counteract sexual harassment and other forms of discrimination. The Ombudsman's ongoing supervisory work also includes regular supervision based on information about breaches of the prohibition against discrimination.

The Government has also decided on a national strategy to prevent and combat men's violence against women, which came into effect on 1 January 2017. The strategy applies for ten years and aims to develop operations in order to, in the long term, achieve the gender equality policy sub-goal that men's violence against women should end. The strategy contains for political

objectives: increased and effective preventive work against violence, improved detection of violence, stronger protection and support for women and children who are subjected to violence, more effective crime-fighting and improved knowledge and method development. The strategy emphasises that several life situations and circumstances may involve particular vulnerability, such as disability. In particular, it emphasises that efforts to prevent and combat men's violence against women must consistently take a disability perspective and be accessible to all, regardless of functional capacity.²²

New legislation regarding sexual offences based on consent has been adopted by the Riksdag. Sex must be voluntary. If it is not voluntary, it is illegal. The perpetrator is no longer required to have used violence or threats or to have taken advantage of a victim's particularly vulnerable situation to be able to be convicted of e.g. rape. This new legislation also involves a specific liability for negligence for certain serious sexual crimes and a higher minimum punishment for aggravated rape and aggravated rape of a child. In 2018 the Swedish Crime Victim Compensation and Support Authority was tasked with informing all young people about the new sexual offences legislation. This assignment has a clear disability perspective and the Swedish Agency for Participation is involved in the reference group.

In 2018 the Government also appointed a specific investigator to map, analyse and take a position on whether there is a need for greater constitutional support for employers to obtain information about individuals with criminal records (records checks). This includes employers within healthcare operations for the elderly and persons with disabilities. The Inquiry's final report proposes greater constitutional support and the forms this may take. This matter will be prepared further within the Government Offices.

Different forms of vulnerability must always be taken into consideration in the planning and implementation of initiatives for persons who are exposed to violence. The National Board of Health and Welfare has drawn up instructions and general advice²³ on violence in close relationships. According to this, when planning its operations and individual initiatives, the

²² 'Makt, mål och myndighet – feministisk politik för en jämställd framtid' ('Power, goals and agency – a feminist policy for a gender-equal future'), Government Communication 2016/17:10.

²³The National Board of Health and Welfare's instructions and general advice on violence in close relationships (SOSFS 2014:4).

municipalities through their Social Services Committees should take into account the special needs that persons who have been subjected to violence may have due to e.g. disability or age. The National Board of Health and Welfare produced a handbook for this purpose, with an introduction highlighting the Convention as part of the foundation for being able to prevent violence. As well as addressing persons with disabilities as a particularly vulnerable group, the handbook also deals with the issue of violence that relates specifically to disability. The handbook describes the particular vulnerability of women with disabilities and how violence within the group may tend to be treated as a care issue rather than a legal issue, and how this violence more generally tends to be invisible.

Both the instructions and general advice and the handbook and guidance have been disseminated – and continue to be disseminated – to relevant actors through national and regional competence support for which the National Board of Health and Welfare is responsible. The county administrative boards and Uppsala University (the National Centre for Knowledge on Men’s Violence Against Women) are also involved in the implementation of this competence support. With funding from the National Board of Health and Welfare, they have drawn up method support to provide national and regional competence development within this field. The method support ‘Intersektionella perspektiv på våld i nära relationer’ (‘Intersectional perspectives on violence in close relationships’) aims to provide tools that can strengthen the work of various actors to make society’s protection and support available to all, in which disability is an important aspect.

The Government carried out a number of initiatives during 2018 in the wake of the #MeToo movement. One of these involved directing specific educational initiatives towards social services, taking the needs referred to within the #MeToo movement – for example, from women with disabilities – as a starting point.

Regarding access to justice and redress, according to Swedish law all individuals who are victims of crime shall be treated equally regardless of their functional capacity, and everyone has the right to receive the support they need in order for a criminal investigation to be carried out. This applies to suspects, plaintiffs and witnesses. This could, for example, involve sign language interpreting and documents in Braille.

A number of actions have been taken to prevent and counter discrimination within the legal system:

- The Swedish Police have been tasked by the Government with carrying out skills improvement initiatives to address the needs of persons with mental health issues. This assignment will be reported on by June 2020.
- The Swedish Police drew up guidance in 2018 together with the Swedish Prosecution Authority for police officers and prosecutors to use when planning and carrying out questioning of children and of adults with certain disabilities, such as ADHD, ADD and intellectual disabilities.
- The Swedish Police have been involved in a project aimed at ensuring that persons with intellectual disabilities enjoy a stronger position with regard to security, integrity and sexual health, as well as tools for dealing with violence, vulnerability and violations of personal boundaries. This includes providing knowledge about what a sexual crime is and how a police report can be made.
- Work has also been carried out within various assignments to increase competence among various professional groups within the legal system. For more details, see the response to question 9 e.

3 c. Measures taken to guarantee the sexual and reproductive health and rights of women and girls with disabilities

Response: Since 2015 the Government has carried out a major initiative to improve maternity care and to strengthen women's health in general. Within the framework of this, the Government has entered into several agreements with the Swedish Association of Local Authorities and Regions relating to improved maternity care and women's health. One common feature of this initiative is to improve care based on women's specific needs, which also includes improving care for women with disabilities.

In 2016 the Public Health Agency of Sweden was tasked by the Government with carrying out a population study within the field of sexual and reproductive health and rights. The Agency issued its final report on this remit at the end of May 2019. Persons with intellectual disabilities are hard to reach in population-based surveys, and are deemed to be a particularly important group about which to obtain deeper knowledge in relation to sexual and reproductive health and rights. The Public Health Agency of

Sweden therefore carried out an in-depth study together with Malmö University on the sexual health of young individuals with intellectual disabilities. The study was carried out using qualitative interviews. The structure and questions were based on the survey from the population-based study, with certain adaptations in line with the target group. The results show that those who were interviewed live in a heterosexual world with traditional gender roles, sexual exclusion and vulnerability, and that they have a need for knowledge and support.

Within compulsory school for children with learning disabilities and for sexual education aimed at young people and young adults with intellectual disabilities, an app has been developed as part of a project relating to sex and relationship education at compulsory school for children with learning disabilities. The project received SEK 3.5 million of funding from the Swedish Post and Telecom Authority within the framework of its remit to strengthen the development of more and better communication solutions for persons with disabilities. Privatliv is a web app that is fully tailored to the target group and can be used by people who are unable to read or write.

3 d. The number of cases reported of sexual violence against women and girls with disabilities and the number of prosecutions and convictions since 2014, disaggregated by year, age, type of impairment, offense and sanction

Response: The official criminal statistics do not include figures disaggregated in the way requested. The Swedish National Council for Crime Prevention is responsible for official criminal statistics. Statistics on reported and processed offences (where there is a decision on prosecution) are based on the legislation and are recorded according to offence codes. For some types of offence, there is information about gender, age and other circumstances relating to the offence. With the current system of offence codes, it is not possible to carry out many disaggregations. Every piece of additional information requires a new unique offence code, which in practice means many new codes for each classification that may apply. Over-detailed offence codes would make the system harder and more cumbersome to use, which could result in poorer quality of recorded information.

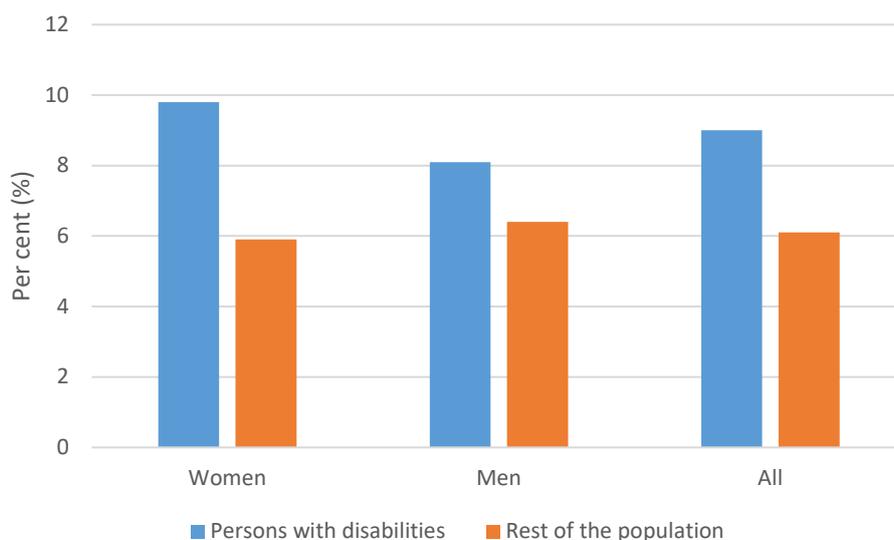
Statistics on persons convicted for criminal offences are recorded according to the section of law and the person against whom proceedings are taken. Details about the victim are not included in the statistics on convictions for

criminal offences. Certain figures from Statistics Sweden’s Living Conditions Survey show how persons with disabilities – both women and men – experience exposure to threats and violence.

Exposure to threats and violence

Information about exposure to threats of violence for persons with disabilities is presented in Statistics Sweden’s Living Conditions Survey every four years. Persons with disabilities state to a higher degree than the rest of the population that they have been subjected to threats and violence. The difference is greater among women than among men. The statistics are disaggregated by disability, but since there is considerable statistical uncertainty there are only limited opportunities to draw conclusions from these.²⁴

Diagram. Proportion (%) who have been subjected to violence or threats among persons with disabilities and the rest of the population aged 16 or older, 2016/17.



Source: Statistics Sweden, Living Conditions Survey (ULF/SILC) 2016/17.

According to the National Board of Health and Welfare, persons with disabilities are highly vulnerable to violence – particularly women. This vulnerability is often reinforced by the position of dependence in relation to

²⁴ Statistics Sweden, Living Conditions Survey (ULF/SILC) 2016/17. The results can also be found here (in Swedish): <https://www.scb.se/hitta-statistics/statistics-efter-amne/levnadsforhallanden/levnadsforhallanden/undersokningarna-av-levnadsforhallanden-ulf-silc/pong/tabell-och-diagram/statistics-om-personer-med-funktionsnedsattning/tabeller-2016-2017/>

e.g. social services staff. However, the conditions for identifying and acting in the event of suspicions of vulnerability to violence are limited within social services' disability operations. A third of municipalities use standardised assessment methods to detect vulnerability to violence among individual adults according to the Act concerning Support and Service for Persons with Certain Functional Impairments. The proportion is somewhat higher within social psychiatry, at just under a half. Moreover, many municipalities still lack procedures for how to act where there is an indication of vulnerability to violence.²⁵ The National Board of Health and Welfare has previously noted that sheltered housing is not always available for persons with disabilities who are vulnerable to violence. Around 60 per cent of such housing accepts persons with physical or psychosocial disabilities.²⁶

Children with disabilities (art. 7)

Please provide information about:

4 a. Measures taken to develop research and data collection on violence against children with disabilities, including the use of straps, seclusion and forced institutionalization and to stop violence

Response: Measures have been taken in recent years to raise awareness of the particular vulnerability to violence risked by children with disabilities. Sweden now has a national knowledge centre called Barnafriid, linked to Linköping University. Barnafriid's role is to gather and disseminate knowledge about violence and other abuses against children. Linköping University's remit for 2015 specifically mentions that the Committee on the Rights of the Child has voiced concern that children with disabilities are exposed to more violence than children without disabilities. Working in cooperation with other actors based on a broad children's rights perspective, the operations at Linköping University shall contribute towards the specific knowledge and roles of all actors being taken seriously. The Children's Welfare Foundation Sweden is a state foundation that works to develop and

²⁵ The National Board of Health and Welfare, 'Insatser och stöd till personer med funktionsnedsättning' ('Initiatives and support for persons with disabilities'), status report 2019.

²⁶ The National Board of Health and Welfare, 'Insatser och stöd till personer med funktionsnedsättning' ('Initiatives and support for persons with disabilities'), status report 2019.

support method and knowledge development with the aim of strengthening the position of children and young people in socially vulnerable situations.

Corporal punishment and other forms of harassment against children have been studied continuously in Sweden at national level since corporal punishment of children was banned in the Parental Code in 1979. The most recent mapping was carried out in 2016²⁷ by the Children's Welfare Foundation Sweden in cooperation with Karlstad University and funded by the Government. See also the response to question 4 f.

In 2016 the Government awarded the Children's Welfare Foundation Sweden funding to carry out a systematic knowledge summary of the overall vulnerability to violence and harassment of girls and boys with disabilities. The knowledge summary was carried out in partnership with Barnafriad, and includes the scope of different forms of violence against children with disabilities in different environments and how this violence is captured/detected by others in the child's surroundings.

In several of its annual reports, the Children's Ombudsman has raised questions of significance for children with disabilities, such as young people in compulsory care, society's support for children and young people in the event of harassment and bullying at school, and refugee children. The 2016 annual report was specifically about children with disabilities and the support that they receive from society.

The Swedish National Board of Institutional Care keeps statistics of the use of specific authorisation, for example within the Care of Young Persons (Special Provisions) Act.²⁸ Specific authorisation refers, for example, to separation, urine samples, body searches and deprivation of property. These statistics are aggregated by gender and age, but not by disability.

The national patient register includes information about psychiatric compulsory care and forensic psychiatric care. The quality of data and statistics on such care has long been inadequate. The National Board of Health and Welfare has therefore carried out various quality improvement initiatives in recent years. However, despite this the quality of data is not yet

²⁷ 'Våld mot barn 2016 En nationell kartläggning' ('Violence against children 2016: A national survey'), the Children's Welfare Foundation Sweden.

²⁸ The Care of Young Persons (Special Provisions) Act (1990:52).

sufficient to issue in the form of official statistics. In 2016 the Government tasked the National Board of Health and Welfare with carrying out measures to improve opportunities for monitoring compulsory care. The National Board of Health and Welfare will also draw up and disseminate clarifying information about instructions for reporting to different groups of staff working with psychiatric compulsory care. The National Board of Health and Welfare is of the opinion that these changes will contribute towards more reliable statistics on compulsory care in the form of improved quality, greater coverage, more secure data about coercive measures and simpler reporting.

4 b. Measures taken to increase psychosocial and mental-health support and psychiatric health care for children with disabilities in the community and the financial resources allocated since 2014

Response: The Swedish Association of Local Authorities and Regions and the Government have had agreements for several years on initiatives within mental (ill-)health. One goal for this work is to improve and coordinate initiatives for children's and young people's mental health. The Swedish Association of Local Authorities and Regions has undertaken, via these agreements, to carry out development initiatives within the field, which has included carrying out initiatives within student health, child and youth psychiatry and youth guidance centres.

In 2019 the Government signed an agreement with the Association on mental health initiatives. SEK 250 million was allocated to county councils during 2019 for initiatives aiming to prevent mental ill-health among children and young people, and to ensure that children and young people with mental ill-health get early and effective care and treatment. SEK 380 million was allocated to county councils to increase the availability of and shorten waiting times for child and youth psychiatry services. A further SEK 130 million was allocated in 2019 within the framework of the agreement with the Association to county councils to strengthen the work carried out by youth guidance centres in the area of mental ill-health.

The Government has adopted a strategy for work within the field of mental health between 2016 and 2020. The 'Participation and rights' and 'Vulnerable groups' areas make particular mention of persons with disabilities. The strategy takes a lifecycle perspective and includes all ages, types and degrees of ill-health. As part of the strategy, the Public Health Agency of Sweden allocated between SEK 15 and 25 million per year during

the period 2016–2019 in operational grants to voluntary organisations carrying out promotional and preventive work within mental health and suicide prevention. The Agency also allocates funding to organisations working to reduce mental ill-health and prevent suicide among trans people or people with trans experience (SEK 1 million in 2019) and to voluntary organisations carrying out promotional and preventive work to combat mental ill-health in children and young people who are asylum seekers or new arrivals (SEK 10 million in 2019). The National Board of Health and Welfare also allocates government grants for information work relating to mental ill-health and mental disabilities. In addition, the Board has been tasked with allocating government grants to municipalities during 2018–2020 to reinforce social services initiatives for children and young people with mental health issues. These grants are worth SEK 100 million annually.

The Government has spent SEK 200 million annually since 2016 on initiatives to strengthen and improve pupil health. This has included the introduction of a government grant²⁹ that can be applied for by those responsible for compulsory forms of schooling, i.e. preschool classes, compulsory schools, compulsory schools for children with learning disabilities, special schools, Sami schools, upper secondary schools and upper secondary schools for individuals with learning disabilities to recruit staff within student health.³⁰ These recruitments should be within the following categories: school doctor, school nurse, school welfare officer, school psychologist and special educational needs teachers. The Swedish National Agency for Education granted a total of SEK 150 million for the 2019 round of grants. Another initiative has involved the Swedish National Agency for Education being tasked by the Government with working to

²⁹ Ordinance (2016:400) on government grants for recruitments within school health services and in special needs education, and for further training in these fields.

³⁰ *Preschool classes* are aimed at children from the year when they turn six and shall prepare them for continued education at compulsory school. *Compulsory school* covers years 1 to 9. *Compulsory school* for children with learning disabilities is for pupils who are deemed unable to fulfil the knowledge requirements of compulsory school due to a learning disability. *Special school* covers years 1 to 10 and is aimed at children who cannot attend compulsory school or compulsory school for children with learning disabilities because they are deaf-blind or visually impaired with additional disabilities, are deaf or hearing impaired, or have a serious language disorder. *Sami school* is aimed at the children of Sami who can fulfil their compulsory schooling at a Sami school instead of years 1 to 6 at compulsory school. *Upper secondary school* is primarily open to young people who have completed their compulsory schooling or equivalent education and who begin their upper secondary education during the period up to and including the first calendar six months when they turn 20. There are 18 national upper secondary school programmes, which are intended to be completed in three academic years. *Upper secondary school for individuals with learning disabilities* is aimed at young people whose compulsory schooling has ended and who are deemed unable to fulfil the knowledge requirements of upper secondary school due to a learning disability. The education consists of national and individual programmes.

improve the preventive and promotional work on student health.³¹ Within the framework of this remit, the Agency chose to establish a grant. During 2018 the Agency also allocated government grants for health-promoting school development. Grants totalling SEK 32 480 289 were allocated in 2018.

In 2017 the Government appointed the ‘Better opportunities for compulsory school pupils to achieve the minimum national knowledge requirements’ inquiry³² with the remit of mapping and analysing schools’ work in connection with support and student health, and to submit proposals in order to create better opportunities for pupils to achieve the minimum knowledge requirements. The inquiry, who is also free to submit proposals regarding upper secondary school and upper secondary school for individuals with learning disabilities, is due to submit a report on 28 February 2020.

The Swedish National Agency for Education has worked together with the National Board of Health and Welfare to draw up guidance for student health.³³ This guidance is intended to strength pupil health work and to contribute towards the development of student health equality within the country. In 2017 the Swedish National Agency for Education and the National Board of Health and Welfare were jointly tasked by the Government with carrying out three-year development work aimed at improving cooperation between student health, healthcare and social services so that children and young people receive early, coordinated initiatives. A final report will be submitted to the Government Offices no later than 31 January 2021.³⁴

In 2018 the Public Health Agency of Sweden was tasked with drawing up and disseminating basic web-based training on mental ill-health and suicide among children and young people for leaders of voluntary organisations who arrange activities for children and young people. This training shall have a

³¹ U2016/02937/S.

³² Committee Directive ‘Bättre möjligheter för elever i de obligatoriska skolformerna att nå de kunskapskrav som minst ska nås’ (‘Better opportunities for compulsory school pupils to achieve the minimum national knowledge requirements’, Dir. U2017:88).

³³ ‘Vägledning för elevhälsan’ (‘Guidance for student health’), 2015.

³⁴ U2017/01236/GV.

disability and children's rights perspective, and shall be completed during 2019.

4 c. Safeguards adopted to ensure that children with disabilities may freely express their views on all matters affecting them, and that their views are given due weight in accordance with their age and maturity, on an equal basis with other children, and age and disability-appropriate measures to support them in this regard

Response: A number of measures have been taken to strengthen children's rights and their right to participation and influence. The law on incorporating the UN Convention on the Rights of the Child comes into force on 1 January 2020. The Children's Ombudsman has been tasked by the Government with supporting municipalities, county councils and particularly relevant government agencies in the work to ensure the application of children's rights within their operations. This remit applies during the period 2017–2019.

The National Agency for Special Needs Education and Schools³⁵ is one of the government agencies working actively to involve children in its operations as part of ongoing work to develop the children's rights perspective. The Agency has a child panel to ensure that the voices of children and young people are heard within its area of operations. The aim is that children's opinions and experiences should be taken into account in the Agency's work.

The Government also tasked the Swedish Agency for Youth and Civil Society and the Children's Ombudsman during the period 2014–2016 with reinforcing and disseminating knowledge among decision-makers and professionals at municipality and county council level about what a children's rights and youth perspective involves in both theory and practice, and how meaningful dialogue can be held with girls and boys, young women and young men.

In 2018 the National Board of Health and Welfare followed up on how the principle of the child's best interests is taken into account in assessments, decisions and planning initiatives in accordance with the Act concerning

³⁵ The National Agency for Special Needs Education and Schools works to ensure that children, young people and adults have the right conditions to achieve the objectives of their education, regardless of their functional ability. The Agency is also responsible for special schools.

Support and Service for Persons with Certain Functional Impairments.³⁶ When determining whether or not the principle of the child's best interests has been fulfilled, the National Board of Health and Welfare took into account the extent to which the child's right to receive information and to express his or her opinions had been satisfied. The final report shows that the child's best interests are not sufficiently taken into account when dealing with initiatives for children in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments. A lack of knowledge about the consequences of disability and how to talk to children who have communication difficulties is making this work more difficult. The investigation has also revealed a lack of access to communication tools.

The National Board of Health and Welfare has drawn up knowledge support about talking to children, aimed at all those who come into contact with and talk to children within social services, healthcare and dental care. This knowledge support especially highlights children with disabilities. The National Board of Health and Welfare has also produced knowledge support aimed at social services about ways of achieving greater participation for persons with cognitive disabilities.³⁷ The aim is to provide support and guidance, and to gather and disseminate effective methods within this area.

To ensure that children with disabilities are given equal opportunities within the legal system, the Swedish Police use a scientifically tested method of questioning. Cooperation has also been developed with municipalities and county councils within the framework of child advocacy centres. At a child advocacy centre, planning takes place in connection with the specific needs of the individual child, and police employees can receive planning support from both social workers and psychologists.

When making decisions on custody, housing and relationships, children's wishes are taken into account in accordance with their age and maturity. This applies to all children, regardless of whether or not they have a disability. Preparations are currently being made by the Ministry of Justice for the

³⁶ It was previously stated in both the Social Services Act and the Act concerning Support and Service for Persons with Certain Functional Impairments that the child's best interests should be particularly taken into account and that the child should receive relevant information and be given the opportunity to convey his or her views.

³⁷ The National Board of Health and Welfare. 'Vägar till ökad delaktighet – Kunskapsstöd för socialtjänsten om arbete med stöd och service enligt LSS' ('Pathways to increased participation: Knowledge support for social services on working with support and service in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments'). 2017.

report ‘See the Child!’ from the 2014 Custody Inquiry.³⁸ Among other things, the Inquiry made certain proposals involving making it clearer in the Parental Code that the child has a right to express his or her opinions freely and to have them taken into account. The rules on adoption have also been modernised recently, clarifying the child’s right to information and to have his or her say in an adoption case.

The Swedish National Agency for Education provides a skills development initiative regarding participation, influence and equal treatment through collegial learning.³⁹ The initiative relates to pupils’ opportunities for participation and influence in teaching (compulsory school and upper secondary school) and to the school’s obligation to ensure equal rights and opportunities for all pupils, regardless of their functional capacity (compulsory school and upper secondary school, and equivalent school forms).⁴⁰

One important initiative by civil society is the Opratat project. Opratat.se is a discussion tool for talking about thoughts and emotions within families with children with disabilities. It is aimed at children aged 4 to 12, and at the child’s family and other adults the child meets. Opratat.se is run by the Swedish Family Care Competence Centre, and has been funded via the Swedish Inheritance Fund.

The Swedish Police were tasked by the Government in June 2019 with developing the practical application, within their field of the Act⁴¹ on the UN Convention on the Rights of the Child. This remit will be reported on by March 2021.

4 d. Methods developed by the Swedish Ombudsman for Children for listening to children with different types of impairments

Response: The Children’s Ombudsman has adapted and further developed a method for listening to children and young people, called Young Speakers. The Young Speakers method aims to create opportunities to listen systematically to children and young people, and is based on children

³⁸ ‘Se barnet!’ (‘See the Child!’), SOU 2017:6).

³⁹ The Education Act (2010:800) already stated that children and pupils should be given influence over education, and that they should be encouraged on an ongoing basis to participate actively in the work to develop education and be kept informed about matters that relate to them. The information and formats for children’s and pupils’ influence should be adapted in accordance with their age and maturity.

⁴⁰ See section 4 b for a description of school forms.

⁴¹ Act (2018:1197) on the UN Convention on the Rights of the Child.

describing things that they themselves have experience of. Children are seen as experts in their own situation and are treated with respect.

In 2014 the Children's Ombudsman reported on an assignment to develop methods for listening to children with various types of disabilities, specifically children with communication difficulties. The Ombudsman interpreted this assignment as relating specifically to the support that may be needed in order for children with disabilities involving communication difficulties to have their say.

4 e. Measures taken to sensitize and train parents and professionals working with children, and to raise awareness of the rights of children with disabilities among in public

Response: The National Board of Health and Welfare has produced an education package about treatment, as a form of support for the child healthcare service in addressing parents who are worried or whose children have been given a diagnosis. The package includes both materials aimed at professionals who come into contact with parents and materials aimed at parents who have been informed that their child has a disability.⁴² The material contains information about the support parents and the child can obtain from society and whom they can contact.

In December 2018 the National Agency for Special Needs Education and Schools reported on an assignment regarding support for parents of children with neuropsychiatric disorders. The Agency, together with the Swedish National Agency for Education and the National Board of Health and Welfare, had been tasked with mapping the support available to parents of children with neuropsychiatric disorders and how this can be used within preschool classes, school-age educare,⁴³ compulsory school and equivalent school forms, and within upper secondary schools and upper secondary schools for individuals with learning disabilities.⁴⁴ The remit stated that, if necessary, the Agency should draw up guidance or other support materials. The Agency has produced a study package for those responsible for these school forms, with the aim that through collegial learning their operations

⁴² The National Board of Health and Welfare (2017) 'Att möta föräldrar till barn med funktionsnedsättning – Kunskapsstöd till barnhälsovården' ('Meeting parents of children with disabilities – Knowledge support for child healthcare').

⁴³ School-age educare are a complement to education at e.g. preschool class, compulsory school, compulsory school for children with learning disabilities, special school and Sami school.

⁴⁴ See section 4 b for information about the various school forms.

should provide a basic understanding of and increased knowledge about children's and pupils' perceptual and cognitive conditions. It should also provide an insight into what it can be like living with neuropsychiatric disorders and being the guardian of a child with neuropsychiatric disorders.

The Government has initiated a government grant for recruitments within pupil health and special education.⁴⁵ The National Agency for Special Needs Education and Schools has also produced support materials for pupil health in order to provide schools with support in developing a more preventive and health-promoting way of working throughout the entire school.

The Government has also tasked the Swedish National Agency for Education with working together with the Swedish Public Employment Service, the Swedish Social Insurance Agency and the Swedish Agency for Participation to develop and carry out an information and education initiative focusing on reducing the difficulties encountered by young people with intellectual disabilities when becoming established in the labour market, and on the support they can obtain from various government agencies. This assignment shall be reported on to the Government (the Ministry of Education and Research) by 28 May 2021.⁴⁶

4 f. The number of reported cases of violence against children with disabilities, and the number of prosecutions and convictions since 2014, disaggregated by year, age, sex, and type of disability, offense and sanction

Response: There are no official statistics regarding the number of reported cases of violence against children with disabilities. There are also no statistics regarding the number of prosecutions or the number of convicted perpetrators. The official criminal statistics in Sweden are not disaggregated in the way requested.⁴⁷ However, violence against children with disabilities can be monitored over time through other studies, such as the pupil survey carried out by the Children's Welfare Foundation Sweden in cooperation with Karlstad University. The two most recent surveys were carried out in 2011 and 2016.

⁴⁵ Ordinance (2016:400) on government grants for recruitments within school health services and in special education, and for further training in these fields.

⁴⁶ U2017/05037/S.

⁴⁷ See the response to question 3 d.

The latest survey shows that children in Sweden with disabilities or chronic diseases are more vulnerable to violence than children without disabilities or chronic diseases. All disabilities in the study had a significant link with child abuse. Here, 'child abuse' relates to an adult subjecting a child to physical or mental violence, sexual assault, harassment or neglecting to meet the child's basic needs. Pupils who reported physical disabilities, those who reported neuropsychiatric disorders such as ADHD, Asperger's syndrome and autism and those who reported having an eating disorder appear to be particularly vulnerable. Psychological abuse and neglect were reported by more than twice as many pupils with disabilities than by pupils without disabilities or chronic diseases. More pupils with disabilities had been subjected to sexual assaults by an adult compared with pupils who did not have a disability.

4 g. The decision reportedly made by municipalities to open "group homes" for children with disabilities; how many children have been affected by this decision and how their right to family life is respected and promoted

Response: Children and young people with disabilities who are unable to remain at the parental home despite various support initiatives may be offered foster care or housing with special service. This initiative should be a complement to the parental home, both for children who can live with their parents for some of the time and for those who cannot live at home at all. The reason for offering this initiative may be an extensive need for medical care around the clock or the child having to attend a school in another location, and not therefore being able to live with his or her parents.

In October 2017, 912 children had been given housing in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments, of whom 327 were girls and 585 were boys. Of these, 44 (roughly as many girls as boys) lived in foster homes and the rest lived in housing with special service. Since 2007 the proportion of children and young people in accommodation for children in accordance with the Act has fallen by 29 per cent. Despite the reduction in accommodation for children, new decisions are still being made. Between 2016 and 2017, 260 new decisions were made which means that 29 per cent of all decisions on accommodation for children in accordance with the Act were new decisions. Compared with previous years, the proportion of new decisions is roughly the same. Most of these children were offered this accommodation due to

attending school in a different location, and some due to extensive disabilities with needs that could not be met at home.⁴⁸

Operational staff have day-to-day contact with the child and practical responsibility for the child's needs being met when the child is staying in this accommodation. The guardians have custody of the child in accordance with the Parental Code and they should make important decisions relating to the child. As far as possible, those running the accommodation should plan care together with both the child and the child's guardians. If the guardians or the child are unable to participate in this planning, the reason for this should be documented. Those running the accommodation should have regular contact with the child's guardian to facilitate their influence and co-determination.⁴⁹

Awareness-raising (art. 8)

Please provide information on:

5 a. The communication campaign conducted from 2015 to 2017 by the Swedish Agency for Participation to address and counter discrimination against persons with disabilities, including the extent to which such persons were meaningfully involved, through their representative organizations, in its design, implementation, monitoring and evaluation. Please explain whether the campaign was grounded on the human rights model of disability and promoted an image of persons with disabilities as dignified, independent and capable individuals

Response: In order to take actions in connection with the Committee's recommendation to draw up a strategy to increase public knowledge about various disabilities and to raise awareness of the Convention (among other reasons), the Government in 2015 tasked the Swedish Agency for Participation with a communication initiative to increase knowledge and awareness of the Convention, in cooperation with the Equality Ombudsman.

⁴⁸ The National Board of Health and Welfare (2019), 'Insatser och stöd till personer med funktionsnedsättning' ('Initiatives and support for persons with disabilities'), status report 2019.

⁴⁹ The National Board of Health and Welfare (2014), 'Stöd till barn och unga med funktionsnedsättning – handbok för rättstillämpning vid handläggning och utförande av LSS-insatser' ('Support for children and young people with disabilities – Handbook for the application of the law when managing and carrying out initiatives relating to the Act concerning Support and Service for Persons with Certain Functional Impairments') and SOSFS 2012:6.

The Agency reported to the Government in February 2018.⁵⁰ The aim of this initiative has been to build up knowledge, devise materials and develop methods in the long term. The Agency's assessment is that these initiatives have contributed towards knowledge about the Convention and about inadequate accessibility as a form of discrimination having increased among the target groups. However, the agency also believes that a great deal of work remains to be done in order for the Convention to be more widely known and used. In addition, the Agency is of the opinion that initiatives to promote the human rights perspective also need to include a disability perspective and the Convention. The Agency will work to ensure that experiences from the initiative are integrated into its ordinary operations.

The Agency's assessment is that the assignment was carried out with a clear starting point that the individual has rights and that those barriers which mean persons with disabilities are unable to participate on equal terms should be remedied, which is in line with the Committee's recommendations. Within the assignment, the Agency also clarified the difference between bearers of obligations and bearers of rights. The Agency is of the opinion that the human rights-based view of disabilities is strengthened in the implementation of the remit.

When it comes to consultation and the active involvement of persons with disabilities, the Government's decision states that during the work there should be consultation with relevant organisations from civil society, particularly the disability organisations.⁵¹ The Agency has carried out this part of the assignment through, for example, strategic consultation with the disability movement (Equally Unique, the Swedish Disability Rights Federation and Network Youth For Accessibility), which was held four times a year. The disability movement was also given the opportunity to participate in most of the forums arranged within the framework of the communication initiative.

Additionally, the Agency was tasked in 2017 with taking knowledge-boosting initiatives to counter discrimination against persons with disabilities in the labour market. The remit included taking appropriate actions to increase and

⁵⁰ The Swedish Agency for Participation (2018), 'Kommunikationssatsning om rättigheter för personer med funktionsnedsättning – slutrapportering av regeringsuppdrag' ('Communication initiative on rights for persons with disabilities – final report on the government remit'), 2018:7.

⁵¹ S2015/2415/FST.

disseminate knowledge about discrimination and how it can be countered from an intersectional perspective.

Within the framework of the assignment, the Agency has translated and disseminated general comments 1 and 2 ('Equal before the law' and 'Accessibility') into Swedish. In addition, the Agency has also translated comments 3 and 4 ('Women and girls with disabilities' and 'The right to inclusive education'). Work on these translations has taken place in cooperation with the disability movement. Since 2018 general comments 1–4 have been published in Swedish on the Agency's website together with summary introductions. Overall, statistics show that those parts of the Agency's website that deal with the Convention – including a number of subpages that also deal with the general comments – had 5 713 page views between 1 June 2018 and 13 May 2019.

Between 14 June 2018 and 13 May 2019 the individual general comments had the following number of page views: general comment 1 had 488 views, general comment 2 had 627 views, general comment 3 had 294 views and general comment 4 had 282 views.

The translated general comments can be ordered in printed format. The Agency is now working to translate and then publish general comments 5, 6 and 7. This work is expected to be completed in 2019.

The close cooperation between the Swedish Agency for Participation and the disability movement on the translation and dissemination of the general comments also resulted in a checklist for the working method used, which proved to work well. The Agency is now using this checklist in its continued work to translate and disseminate the general comments.

5 b. Measures taken to conduct periodic, regular and continuous campaigns targeting public officials and private actors about the rights enshrined in the Convention, such as reasonable accommodation and about disability-based discrimination

Response: As detailed in the response to question 5 a, the Swedish Agency for Participation's assignment also included working in cooperation with the Equality Ombudsman to actively disseminate knowledge and raise awareness – to and among the relevant government agencies and private actors – about

legislative changes in the Discrimination Act⁵² regarding inadequate accessibility as a form of discrimination, which came into force on 1 January 2015.

In order to continue working to combat prejudice and counter discrimination against persons with disabilities, the Agency has emphasised in its report that experiences and learnings from the communication initiative shall be integrated into the Agency's ordinary operations. For example, the support that has been developed within the initiative will continue to be developed and disseminated, and operational support for public operations that is adapted in line with the target group will be developed.

As part of the government remit, the Agency has also – as mentioned in question 5 a – carried out knowledge-boosting initiatives to counter discrimination against persons with disabilities in the labour market, including an advertising campaign about recruitment and a checklist.

As part of the same assignment, the Agency has also begun cooperation with Uppsala University to train all public sector employees on human rights. An important part of this cooperation was the Agency's contribution towards the university's web training on human rights, for which the Agency provided two supplementary modules. One module related to the UN Convention on the Rights of Persons with Disabilities and the other to the emergence of the Convention. Another central aspect of the Agency's cooperation with the university involved ensuring the accessibility of the web training in its entirety. This resulted in it being translated into sign language, being subtitled (in addition to the minority languages) and meeting the accessible web requirements.

The Swedish Public Employment Service has carried out regular campaigns to increase employment among persons with disabilities, including the 'Se kompetensen' ('See the competence') and 'Gör plats' ('Make space') campaigns.

⁵² The Discrimination Act (2008:567).

Different disability organisations have also carried out various projects financed by the Swedish Inheritance Fund, such as ‘Med lagen som verktyg’ (‘The law as a tool’) and ‘Från snack till verkstad’ (‘From talk to workshop’).

Accessibility (art. 9)

6 a. Please provide information about measures taken to: Ensure that legislation, policies and practices at the national, regional and municipal levels are fully aligned with the provisions of article 9 of the Convention as described in general comment no. 2 (2014) on accessibility

Response: See the response to question 1 d regarding the new national goal for disability policy, which is based on the Convention on the Rights of Persons with Disabilities.

In Sweden, accessibility is governed by several different laws. Sweden is also affected to a high degree by the EU’s regulatory framework. At national level, several laws strengthening the regulations in connection with accessibility have been amended since 2014. The following laws have been amended during the period 2014–2018:

The Elections Act was amended in both 2014 and 2015 (see the response to question 22 a).

Inadequate accessibility was added to the Discrimination Act as a form of discrimination in 2015. This means that inadequate accessibility can be seen as discrimination under the law. The law was expanded further in 2018 (see the response under question 1 c).

A new Administrative Procedure Act came into force in July 2018. The new act requires a government agency to be available for contact with individuals, and to inform the public how and when such contact can be made. Government agencies shall also take the necessary actions in relation to accessibility.

The Law on Access to Digital Public Service⁵³ came into force in 2019. This is expected to lead to public sector websites and mobile apps becoming more accessible, particularly for persons with disabilities.

In its bill Policy for designed living environments,⁵⁴ the Government presented a combined policy for architecture, form and design, and proposed a new goal for this area. The new goal was adopted by the Riksdag on 24 May 2018. A specification of the goal states that this should be achieved through environments being designed to be accessible to all.

A new Act on Housing Adaptation Grants⁵⁵ came into force on 1 July 2018. One new feature of the act relates to grants and the construction legislation's accessibility requirements.

The EU's procurement directives,⁵⁶ which have been implemented in Sweden, involve paying greater consideration to accessibility for persons with disabilities.

Below are examples of additional actions carried out during the period:

The Agency for Digital Government was established on 1 September 2018. Among other things, the Agency can give notice of regulations and technical requirements that shall apply, and has also been tasked with promoting digital provision of information and services by public administration that is accessible to all, regardless of functional capacity.

In 2017 the Government commissioned the National Board of Housing, Building and Planning to draw up guidance to support the municipalities in terms of how accessibility, participation and the disability perspective can be implemented in their comprehensive plans.⁵⁷ The Board's guidance addresses how municipalities can work with goals and positioning in their comprehensive planning. The guidance also describes working methods for implementing the disability perspective into organisations and planning processes. The guidance addresses current political goals, regulations and central concepts, and provides suggestions for further information. The

⁵³ Act (2018:1937) on accessibility to digital public service.

⁵⁴ Politics for a designed habitat (Govt Bill 2017/18:110).

⁵⁵ Act (2018:222) on housing adjustment grants.

⁵⁶ Directives 2014/24/EU and 2014/25/EU.

⁵⁷ N2018/05586/SPN.

National Board of Housing, Building and Planning was also tasked in 2017 with reviewing whether the rules for easily remedied barriers, in accordance with the Planning and Building Act, need to be clarified or changed.

In 2017 the Government decided on a national digitalisation strategy⁵⁸ which states, among other things, that all people – regardless of their social background, functional capacity and age – shall be offered the right conditions to make use of digital information and services from the public sector and to participate in society in an equal manner.

The Swedish Post and Telecom Agency works to ensure that everyone should be able to use electronic communication services on equal terms, regardless of their functional capacity. The Agency also works to ensure that functions which increase accessibility and usability are specified in standards and guidelines.

The Swedish Post and Telecom Agency, the Swedish Civil Contingencies Agency and SOS Alarm AB work together to identify inadequate accessibility for persons with disabilities in emergency and conflict situations. This cooperation begins by bringing together user experiences based on needs and barriers, after which any action plan can be drawn up.

The Swedish Post and Telecom Agency works together with other government agencies, academia and industry actors on matters of promoting universal design, as well as the experiences and the needs of users, industry and other actors within society.

In 2014 the Agency drew up guidance for how the standard including accessibility requirements for procuring information and communication technology (ICT) can be applied. The target group for this guidance includes procurers and orderers at procuring government agencies and potential ICT suppliers.

The Agency has contributed towards the work involved in developing guidance on accessibility in mobile ICT devices, within the standardisation body ETSI.⁵⁹

⁵⁸ N2017/03643/D.

⁵⁹ This guidance was published in 2016 under the title ETSI EG 203350 "Guidelines for the design of mobile ICT devices and their related applications for people with cognitive disabilities".

Between 2014 and 2018 the Agency produced webbriktlinjer.se, which includes guidance on the web content accessibility standard WCAG, with good advice on how to go about complying with it in practice, as well as guidance on e.g. good accessibility, information about relevant legislation and tools for organisations to assess the accessibility of their own web content.

In 2018 the Government tasked the Agency with establishing user advice⁶⁰ in order to improve knowledge about needs, barriers and actions, and to ensure that persons with disabilities get access to IT, electronic communications and electronic services on equal terms to others.

Increasing and ensuring the accessibility of premises, operations and communications is an important part of the Swedish Agency for Participation's support for its target groups, i.e. government agencies, municipalities, county councils and private actors, in their roles as service providers and employers. The Agency's support and monitoring is based on, among other things, Ordinance 2001:526 on the government agencies' responsibility for the implementation of disability policy. The Agency has also played an active role in various standardisation work during the period 2014–2018. The aim has been to drive forward the development of accessibility standards and norms.

The Swedish Transport Administration has drawn up an objective regarding physical accessibility in its disability policy work. The aim is that 150 train stations and 2 000 bus stops should be made accessible by 2021. This aim is also stated in the Government's strategy for the implementation of disability policy 2011–2016. The Swedish Transport Administration has currently adapted around 100 train stations and approximately 1 700 bus stops.

The proportion of buses that have been adapted for usability is rising year on year, and stood at just over 80 per cent in 2017. The proportion of adapted trains rose between 2013 and 2014, but has since dropped slightly to 95 per cent. The proportion of adapted boats is rising from a low level, and was just over 20 per cent in 2017. The proportion of adapted trams is stable at 58 per cent.

⁶⁰N2018/00719/D 'Uppdrag att inrätta användarråd i syfte att öka den digitala delaktigheten för personer med funktionsnedsättning' ('Remit to establish user advice in order to increase digital participation for persons with disabilities').

See also the response to question 15 about personal mobility.

6 b. Please provide information about measures taken: To integrate universal design, accessibility standards and the possibility of providing of reasonable accommodation into municipal planning, and to include accessibility requirements in all public procurement agreements

Response: See response 1 d on the new national goal for disability policy and response 1 b on the Disability Policy Management Inquiry.

In 2014 the Government made funding available to municipalities that have surveyed the physical accessibility of their multiple dwelling housing stock. This funding, totalling SEK 15 million, was paid during 2014–2015 at a maximum of SEK 500 000 per recipient. The aim of this funding was that the municipality should be able to obtain information about where and how accessibility shortcomings exist in multiple dwelling housing, and should also be able to obtain knowledge about the potential of existing housing when planning housing provision. Alongside the funding for accessibility surveys, the National Board of Housing, Building and Planning was commissioned by the Government during 2011–2016 to work on promoting increased physical accessibility. One subsidiary goal of this assignment was that more municipalities should have surveyed their multiple dwelling housing stock from an accessibility perspective. The National Board of Housing, Building and Planning produced a digital handbook in 2014 on surveying the accessibility of apartment buildings.

There have been extensive reforms within the field of procurement in recent years: three new procurement acts,⁶¹ a decision on a national procurement strategy⁶² and the establishment of a support agency, the National Agency for Public Procurement. The Public Procurement Act and the Act on Procurement within the Water, Energy, Transport and Postal Services Sectors state that for all public procurement which is intended for use by natural persons, the technical specifications shall be drawn up so as to take

⁶¹ The Public Procurement Act (2016:1145), the Act (2016:1146) on Procurement within the Water, Energy, Transport and Postal Services Sectors, and the Act (2016:1147) on Public Procurement of Concessions.

⁶² <https://www.government.se/4aba88/contentassets/9ec42c71c00442a39d67169d3c25faed/national-public-procurement-strategy.pdf>

into account the needs of all users, including accessibility criteria for persons with disabilities in accordance with the EU's procurement directives.⁶³

The national procurement strategy was decided on in 2016 and aims to highlight procurement as a strategic tool for achieving various societal goals. One of the strategy's seven goals is 'Public procurement that contributes to a socially sustainable society'. The strategy emphasises the importance of procuring government agencies and units applying the principle of universal design at an early stage of the public procurement process, in other words think strategically so as to ensure that products and services can be used by as many people as possible and that they should not exclude certain users in advance. Universal design is part of the concept of 'social considerations'. By using methods for innovation procurement, the public sector can encourage the development of new innovative solutions that can lead to ensuring good accessibility for persons with disabilities.

6 c. Please provide information about measures taken: To ensure funding and guidance to guarantee full accessibility in all buildings open to the public, including residences, restaurants and bars, and in public transport

Response: See the response to question 1 d regarding the new national goal for disability policy, which is based on the Convention on the Rights of Persons with Disabilities. This bill and the Budget Bill for 2019 state that the principle of responsibility and financing must clearly apply.⁶⁴ The principle is fundamental within Swedish disability policy, and means that every sector of society shall have a responsibility for designing, financing and running its operations so that they are available to all citizens, including persons with disabilities.

See also the response to question 1 c on the Discrimination Act.

The national plan for state transport infrastructure is reviewed regularly, approximately every four years. The most recent review took place in May 2018. In the first instance, the plan finances investments in and maintenance of state road and railway infrastructure. For example, the Swedish Transport Administration's and the county councils' accessibility adaptations of train stations and bus stops, and along the state infrastructure, are financed in this

⁶³ Directive 2014/24/EU 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

⁶⁴ Govt Bill 2016/17:188, National goal and direction of disability policy, Budget Bill 2018/19:1, UO 9.

way. In addition to national financing and coordination, measures are also financed by regional and local government agencies. See also the response under 6 a under other rules within the field of transport.

The National Board of Housing, Building and Planning has issued guidance texts on its website on the accessibility requirements included in the Planning and Building Act⁶⁵ and the Planning and Building Ordinance.⁶⁶

6 d. Please provide information about measures taken to: Remove barriers at the municipal level

Response: The municipalities are subject to the new national goal for disability policy reported in question 1 d, which constitutes an important measure in strengthening the work involved in removing barriers to accessibility within municipalities.

Another action that creates the right conditions for removing barriers to accessibility within municipalities is the decision on inadequate accessibility as a new form of discrimination in the Discrimination Act, as also reported under question 1 c.

A central actor for improving accessibility, particularly at municipal level but also at national level, is the National Board of Housing, Building and Planning. The Board has sectoral responsibility for disability issues. See also details of the Board's commissions under question 6 a.

6 e. Please provide information about measures taken: To present the public sector with information and communication in accessible formats

Response: The Law on Access to Digital Public Service⁶⁷ includes accessibility requirements. Digital public service means information and services provided on websites and via mobile apps by a public actor. The law enacts the EU's Web Accessibility Directive. The Agency for Digital Government has been tasked with carrying out supervision.

Within the government remit 'Alla väljare' ('All voters'), the Swedish Agency for Accessible Media has carried out actions relating to accessible

⁶⁵ The Planning and Building Act (2010:900).

⁶⁶ The Planning and Building Ordinance (2011:338).

⁶⁷ The Law on Access to Digital Public Service (2018:1937).

information as a requirement for political participation. An account of these can be found in the response to question 22 a.

Situations of risk and humanitarian emergencies (art. 11)

Please provide information about measures taken:

7 a. To ensure the inclusiveness and accessibility of disaster risk reduction measures and disaster management strategies, as described in the Sendai Framework for Disaster Risk Reduction 2015-2030, and whether these measures take into account the diverse requirements of persons with disabilities and the application of the principles of universal design

Response: There is no national strategy (or local strategies) for disaster risk reduction, as this is dealt with in existing legislation. The Swedish Civil Contingencies Agency does not have any work linked to persons with disabilities within strategy work/risk reduction measures. At local level, the municipality is responsible for crisis and disaster management and thereby also has a responsibility for being able to deal with and assist those people who need special support. (The municipality conducts an assessment.) When it comes to providing information about risks, the Agency carries out a number of initiatives. One example is the leaflet ‘Om krisen eller kriget kommer’ (‘If crisis or war comes’) where the Agency ensured that persons with disabilities would also receive information. This information is available in several languages, and in Braille, in simple Swedish and as text-to-speech on the Agency’s website.

In its report ‘Redovisning av vidtagna åtgärder 2014–2018 – inför regeringens rapportering till FN:s kommitté om rättigheter för personer med funktionsnedsättning’ (‘Report of action taken during 2014–2018 in preparation for the Government’s report to the UN Committee on the Rights of Persons with Disabilities, 2019) the Agency maintains that, to the best of its knowledge, there is no overall picture of how actions to prevent risks in the event of disasters and other crises are inclusive and accessible for persons with disabilities.

7 b. To ensure that persons with disabilities and their representative organizations are meaningfully informed of, consulted at, and actively participate in all stages of the development, implementation and monitoring of strategies, plans and protocols in disaster risk reduction and humanitarian emergencies

Response: The Swedish Civil Contingencies Agency does not currently carry out any work in which the Agency involves persons with disabilities or representatives from interest groups. As mentioned in the response to the previous question, the municipalities are responsible for crisis and disaster management at local level, and here there can be different initiatives.

Equal recognition before the law (art. 12)

Please provide information about:

8 a. The measures taken to replace substituted decision-making with supported decision-making including with regard to consent for medical treatment, access to justice, voting, marriage and work, in particular for persons with intellectual and/or psychosocial disabilities

Response: An individual can have a special representative or an administrator to help them safeguard their rights, manage their property and care for them. If the individual proposes a particular person, this person shall be appointed, provided that he or she is suitable and wishes to take on the position.

The individual who has a special representative retains his or her legal capacity, including the right to vote and to marry. If the individual who has a special representative is able to convey his or her wishes, the special representative in the matter must have the individual's consent for actions carried out. The special representative thereby carries out his or her duty together with the individual in question, and this is therefore a form of supportive decision-making. If the individual is unable to convey his or her wishes, the special representative must act in the manner that he or she deems is best for the individual.

A person cannot have a special representative appointed against his or her will, unless the individual's health conditions prevent his or her intentions from being obtained. Nor may a special representative be appointed if the individual's need for help can be met in a less interventional manner. For

example, an individual can get help managing his or her affairs via a power of attorney or in some other way.

Those who have an administrator appointed lose their legal capacity in the area or areas covered by the appointment. If it can be done in an appropriate manner, the administrator should listen to the individual and the individual's spouse or partner when dealing with important matters. Since administratorship is a major intervention in terms of personal integrity, it should be used very restrictively. An administrator must not be appointed if it is sufficient to appoint a special representative or for the individual to receive help in some other less interventional manner, for example from a relative.

Despite the appointment of an administrator, as a general rule the individual has the right to enter into agreements himself or herself on services or other work, and has the right of disposal over wages or other remuneration received through his or her own work following the appointment of an administrator. The individual to whom the appointment relates can also, for example, decide what treatment he or she wants to receive within care, who to vote for and to marry.

In summary, it can be noted that those who need help managing their own affairs can, in most cases, obtain this through a special representative or in some less interventional manner. A special representative shall carry out his or her assignment together with the individual, and does not replace the individual's opportunities to make his or her own decisions. An administrator is appointed only when an individual is incapable of caring for himself or herself, and cannot get help in a less interventional manner. Even in the case of administratorship, the individual should be involved when appropriate.

8 b. Any safeguards against abuse of supported decision-making systems and/or arrangements that ensure that support provided respects the rights, autonomy, will and preferences of persons with disabilities and protects them from undue influence, misconduct, and conflict of interest, and the extent to which persons with disabilities have access to remedies against these situations

Response: In order to satisfy the requirements detailed in the question, the municipality's chief guardian supervises the activities of special

representatives and administrators. Supervisory responsibility over the chief guardian lies with the county administrative board.

Special representatives and administrators must submit an annual report of administered property to the chief guardian. They are also obliged to provide the chief guardian with the information about activities requested in order for the chief guardian to be able to carry out this supervision. If there are shortcomings in administration, the chief guardian can direct an observation against the special representative or the administrator, or can decide for example on greater chief guardian control or dismissal. The chief guardian shall regularly review whether a special representative or an administrator is still needed.

Certain actions carried out by a special representative or an administrator require the consent of the chief guardian as a safeguard that the action is in the conservatee's interests.

A special representative or administrator who is guilty of abuse or negligence in carrying out his or her assignment, or who for some other reason is no longer suitable to carry out the assignment, shall be dismissed. If a special representative or administrator intentionally or negligently causes the individual harm, the special representative or the administrator is also obliged to pay compensation.

In July 2019 the Government appointed an inquiry to review the rules for special representatives and administrators.⁶⁸ Among other things, this review aims to improve supervision within this area and to strengthen the individual's position and protection. The Swedish Agency for Public Management has also recently considered, on behalf of the Government, how the county administrative boards' coordination of supervision and supervisory guidance within the area of special representatives and administrators can be improved. In addition, those county administrative boards that are responsible for supervising chief guardians have recently drawn up certain guidelines intended to improve supervision within this area.

⁶⁸ Dir. 2019:44 'Ställföreträderskap att lita på – en översyn av reglerna om gode män och förvaltare' ('Authorised representatives to rely on – an overview of the rules on conservators and administrators').

8 c. Procedures and support provided to persons with disabilities who are under trusteeship or guardianship, and whether they are in line with the Convention

Response: An individual can have a special representative or an administrator to help them safeguard their rights, manage their property and care for them. The assignment should be adapted according to the individual's needs. The extent of the support needed by an individual therefore depends on the individual's needs.

A special representative or administrator should always act based on the individual's best interests. The aim of an assignment as special representative or administrator is that the individual should enjoy good living conditions and be able to live as independently as possible.

There is no implementation plan for the assignment of acting as a special representative. Instead, the individual and the special representative should jointly decide what the assistance should involve within the framework of the assignment. Nor is there any implementation plan for the assignment of administrator. Instead, the need for assistance governs how the assignment is carried out.

If a special representative or an administrator is no longer needed, the conservatorship or administratorship should cease.

Access to justice (art. 13)

Please provide information about:

9 a. The legal proceedings available to persons with disabilities under the Discrimination Act (2008:567) and how they ensure unrestricted and effective access to justice for all persons with disabilities at all stages of legal proceedings, and whether the concept of procedural accommodation and age-appropriate accommodation have been implemented and monitored

Response: The Discrimination Act prohibits discrimination in the form of inadequate accessibility for persons with disabilities. This means that reasonable measures must be taken to ensure that persons with disabilities can be in a comparable situation to persons without this disability. The Act covers public sector employees when they assist the public with information, guidance or advice, or any other such help. It also applies when public sector employees have contact with the public in other ways.

Those who believe that they have been subjected to discrimination can file a complaint with the Equality Ombudsman. The Ombudsman monitors compliance with the Discrimination Act, and in the first instance shall try to ensure that those who are covered by the law follow it. The Ombudsman or a voluntary organisation that, according to its statutes, must protect its members' interests may bring a case before a court on behalf of an individual who allows this. Within the field of working life, an employee organisation has the right to bring a case on behalf of an individual.

The Government decided in 2015 and 2017 to strengthen the work against discrimination at national, regional and local levels. The Equality Ombudsman's funding was increased by SEK 20 million per year, and the local operations that work against discrimination – anti-discrimination bureaus – received a total of SEK 14 million in grants.

The anti-discrimination bureaus play an important role when it comes to countering and preventing discrimination at local level. As civil society actors, they also have different opportunities to support and assist individuals compared to government agencies.

9 b. Procedures for the arrest, interrogation and pre-trial detention of persons with disabilities, including those who are deaf-blind, persons with hearing impairment and persons with psychosocial and/or intellectual disabilities

Response: Since 2017 the Swedish Police have had a handbook for *arrest operations*. The handbook aims to provide uniform methods and procedures to ensure that arrest operations are carried out by the police in a uniform and legally sound manner. The handbook contains rules and procedures for persons with disabilities, for example in relation to safety assessments and supervision.

When it comes to the design of arrest premises, particular attention should be paid to accessibility for persons with disabilities. Rooms used for holding intoxicated, violent or sick persons shall have suitable furnishings and fixtures. If possible, the furnishings and fixtures of a holding room shall be designed and equipped with safety arrangements so that the detainees cannot harm themselves or anyone else. Among other things, the room shall have a signalling system to draw attention.

A safety assessment should be carried out of every person arrested and brought in. This safety assessment aims to meet the detainee's need for care in terms of mental and physical health and suicide risk. The assessment should be carried out as soon as possible after admission, and should be documented.

Within arrest operations, supervision of detainees is the highest priority. The aim of such supervision is to be able to check the need to take the individual for medical care or to call a doctor, and to design enforcement in order to counter negative consequences of detention.

Information shall be provided in a language that the detainee understands. The Swedish Police have a special form, translated into more than 40 different languages, which should be used to inform detainees of their rights. However, this form lacks information in sign language. The Swedish Police are also able to order interpreting services, which include sign language interpreting.

Communication with persons who are deaf or have speech impairments can also take place using IT support (chat function) or through the written (analogue) exchange of information. Fixed induction loop systems are not the norm in arrest premises, but a stand-alone audio system with an induction loop system and microphone can be arranged on a temporary basis if required. The Swedish Police are currently carrying out digitalisation efforts to give greater access to technical aids such as video equipment in interrogation rooms, which will facilitate telephony services for remote interpreting or sign language interpreting.

In terms of interrogation, the Swedish Prosecution Authority worked together with the Swedish Police in October 2018 to draw up guidance for planning and carrying out interrogations with adults with invisible disabilities. Invisible disabilities refer to autism or high-functioning autism, ADHD and ADD, and intellectual disabilities. The guidance also relates to questioning children, with or without disabilities. The guidance is intended to provide prosecutors and those questioning children with simple, easily accessible support for planning and carrying out the questioning of children and of adults with invisible disabilities. It also deals with information for those who will be questioned and for accompanying safety persons, custodians and support persons. In addition, the guidance deals with what prosecutors and

those questioning children should think about when it comes to the environment in reception rooms and questioning rooms, the presence of interpreters and aids when carrying out questioning. The guidance aims to increase the uniformity of the work involved in questioning children, and to reinforce cooperation between prosecutors and those questioning children. It also aims to raise awareness that reception and questioning may need to be adapted according to the individual being questioned in the case of adults with intellectual disabilities or certain neuropsychiatric disorders.

When it comes to detention, all individuals who are taken into detention in Sweden are examined by a nurse, who reports to a doctor. This examination is independent, and takes place the day after arrival or on the first working day after arrival. This examination is carried out using a specific template to ensure that all the necessary medical information can be obtained. An examination by a doctor is arranged if the nurse believes that the detainee needs to be examined by a doctor or if the detainee requests such an examination. In other cases, the detainee is informed about how to book a doctor or nurse visit. The assessment of a doctor outside the Swedish Prison and Probation Service is treated as a second opinion. If it is noted on being taken into detention that the detainee has a hearing impairment or is deaf, a sign language interpreter should be summoned. A detainee with serious visual impairment or blindness should be provided with the aids needed to carry out their daily routines while in custody. When the court deems that a suspect's mental condition should be investigated, it will usually request a paragraph 7 investigation as an initial step, primarily to assess whether there is a need to continue with a forensic psychiatric investigation, which is a more extensive examination.

9 c. Initial assessment of requirements when a person is detained and measures taken to allow persons with disabilities to understand and participate in criminal proceedings

Response: No special measures relating to persons with disabilities have been taken during the period to assess the individual's needs or in order for the individual to understand and be able to participate in criminal proceedings. However, the Swedish Prison and Probation Service does provide interpreting support in certain situations, which also includes persons with serious visual, hearing or speech impairments. It is custody staff who determine whether an interpreter needs to be summoned.

However, action has been taken in relation to training to ensure that those who come into contact with the individual have knowledge about human rights. Human rights are part of the Swedish Prison and Probation Service's basic training, which all new employees undergo. During this training, knowledge of human rights is deepened in three stages. This includes studying how the Service's regulations are affected by international declarations, clarifications and conventions regarding human rights. An important part of this training is reflection and dialogue based on participants' own experiences, the principle of everyone's equal value and the responsibilities of the state and the Service to protect the rights of the individual during detention. The training also links to the grounds of discrimination and the Service's equal treatment guidelines. The aim is to raise awareness of human rights and the human rights challenges that exist within officials' day-to-day work.

The Service's basic training and further training also include approaches and treatment to reduce conflict and to support a change process among the Service's clients. The methods and approaches practised during this training are characterised by respect for everyone's equal value and the right to good treatment.

See also the response to question 9 b.

9 d. Measures taken to ensure that children with intellectual and/or psychosocial disabilities who are victims of crimes have access to justice, on an equal basis with other children

Response: The Swedish Police's work to ensure that children with disabilities are given equal opportunities includes the use of a scientifically tested method of questioning and the development of cooperation with municipalities and county councils within the framework of child advocacy centres. The Swedish Police use a structured questioning method with open questions, which aims to ensure that the child himself or herself describes what he or she has been subjected to. It is important to use language that is relevant to the child and to give the child time to explain and describe every question, regardless of the child's age and disability. At child advocacy centres, planning takes place in connection with the specific needs of the individual child, and police employees can receive planning support from both social workers and psychologists.

Since 2008 the Swedish Police have had specially trained police officers to investigate crimes against children. The training is carried out in three stages, in which participants learn to carry out structured questioning.

The Swedish Prosecution Authority has specific prosecutors who are appointed to be responsible for investigating crimes against children. These investigations usually take place in close contact between the police, social services and healthcare in particular, and there is a large degree of cooperation with child advocacy centres.

The Swedish Prosecution Authority has produced a handbook about crimes against children and a handbook for dealing with victims of crime, which includes dealing with children and victims of crime with disabilities. The Swedish Prosecution Authority and the Swedish Police have also drawn up guidance for police officers and prosecutors to use when planning and carrying out the questioning of children and of adults with certain disabilities, such as ADHD, ADD and intellectual disabilities.

The response to question 9e details training initiatives that have been carried out within the Swedish courts.

Children who are victims of crimes can have a counsel for the injured party. The role of the counsel for the injured party is to support the injured party and to help during both the preliminary investigation and the trial. This could involve participating in questioning and carrying out the injured party's actions for damages. If a guardian is suspected of a crime against his or her child, the child can have a special representative. The same applies if the suspect has a close relationship to the guardian. The special representative shall look after the child's rights during the preliminary investigation and the trial, instead of the child's guardian. The representative can, for example, decide whether the child should undergo a doctor's examination, bring the child to police questioning and carry out the child's action for damages. A counsel for the injured party or a special representative is appointed by the court and is paid by the state.

9 e. Measures taken to train lawyers, prosecutors, judges and courts employees on the rights of persons with disabilities and the human rights based model of disability, and to eliminate prejudices against the testimony given by persons with intellectual and/or psychosocial disabilities

Response: In terms of training lawyers, the Swedish Bar Association arranged the seminar ‘Personer med psykisk ohälsa och intellektuell funktionsnedsättning – hur säkerställs deras rättigheter i rättsprocessen?’ (‘Persons with mental ill-health and intellectual disabilities – how are their rights ensured in the legal process?’) in 2017. The seminar was led by representatives from Civil Rights Defenders. For several years, the Association has also – within the framework of one of three compulsory courses for trainee lawyers – held a course day on constitutional law including the Instrument of Government, the ECHR and the Charter of Fundamental Rights of the European Union.

The Swedish Prosecution Authority has handbooks that aim to give prosecutors guidance and support in investigations and criminal prosecutions. One of the Authority’s development centres is responsible for method development in connection with investigating e.g. crimes against persons with disabilities and related treatment issues. The Swedish Prosecution Authority has a handbook for dealing with victims of crime, which includes dealing with children and victims of crime with disabilities. See also the response to question 9 d. The Swedish Prosecution Authority’s website has information about how persons with disabilities should be treated, both as victims and as suspects. There are also links to other government agencies with relevant information.

Within the Swedish courts, training has been devised called ‘Domstolen är till för alla’ (‘The courts are for everyone’). This training is aimed at all staff and the intention is to raise awareness about different types of disabilities, including by showing how different situations can appear to a person with a disability and which adaptations can be made. The disability perspective is also included in existing management training. In addition, questions about treatment in the courtroom, including how the needs of persons with disabilities can be taken into account to achieve good treatment, are discussed within the framework of training for both permanent judges and trainee judges.

When working on the Swedish courts' new external website, which was launched in September 2019, cooperation with accessibility experts ensured that particular attention was paid to these aspects. When the joint intranet was produced for the Swedish courts, this was based on WCAG 2.0 and developed in partnership with Funka, which has extensive experience of working with accessibility issues. Communicators and editors follow these recommendations. A review of accessibility is planned for 2019, based on the Web Accessibility Directive, the Ordinance on Access to Digital Public Service and WCAG 2.1. During 2018, the communicators who administer the intranet have taken part in training on inclusive/accessible communication, and more training is planned for spring 2019.

The Swedish Crime Victim Compensation and Support Authority has worked to increase employees' competence regarding the conditions and needs of persons with disabilities and victims of crime with disabilities. The Authority has also worked to increase knowledge about barriers within the legal system for persons with disabilities and how these barriers can hinder participation in and access to the legal system. One example of this is the assignment⁶⁹ given to the Authority in 2011 regarding developing and delivering a training programme for better treatment of victims of sexual crimes, which included issues relating to various types of disability.

The Authority has been tasked with developing and delivering a training programme aimed at staff within the police, the Swedish Prosecution Authority, the courts system and lawyers. The aim of the programme has been to increase knowledge about victims of sexual crimes and to improve their treatment in connection with police reports, preliminary investigations and trials. The training has focused on the particular vulnerability of children and young people and their needs in relation to these crimes, the judicial system perspective, and cooperation with relevant actors both within and outside the legal system in sexual crime cases.

⁶⁹ 'Bättre bemötande av sexualbrottsoffer, utbildningsprogram' ('Better treatment of victims of sexual crimes, training programme'), Ju2011/3982/KRIM.

9 f. The possibility for persons with disabilities to be employed as judges, lawyers or other legal professionals, and steps taken to facilitate the direct and indirect participation of persons with disabilities in the justice system

Response: The Swedish courts, the Swedish Prosecution Authority and the Swedish Prison and Probation Service work continuously with initiatives to facilitate and adapt workplaces and working methods in order to be inclusive and effective for all, including persons with disabilities.

Liberty and security of the person (art. 14)

Please provide information about:

10 a. Measures taken to repeal any legislation or policy and to eradicate practices that allow the forced institutionalization of persons with intellectual and/or psychosocial disabilities

Response: No specific measures have been carried out to repeal legislation on forced institutionalisation. However, a number of initiatives have been taken since 2014 to ensure the quality and safety of the actions provided. Examples of such actions are given below:

- In 2017 the National Board of Health and Welfare decided on national guidelines for care in the case of depression and anxiety which aim to encourage the use of scientifically evaluated and effective measures within this area, and to serve as a basis for open and systematic prioritisations within healthcare.
- Certain legislative changes came into force on 1 July 2017 with the aim of creating better conditions for patients to participate in care provided with the support of the Act on Compulsory Psychiatric Care and the Act on Forensic Psychiatric Care (see the response to question 12 a).
- Another measure that has been carried out is that the Government has tasked the national coordinator for developing and coordinating initiatives within the field of mental health with carrying out a review of forced measures in accordance with the Act on Compulsory Psychiatric Care directed at children and young people under the age

of 18. The report⁷⁰ has been received, and is currently being prepared by the Government Offices (see the response to question 12 a).

- The National Board of Institutional Care has devised a programme for effective conflict management called ‘No Power No Lose’ (NPNL) (see the response to question 12 a).

When it comes to measures for improving training for medical staff, a systematic development project – ‘Bättre vård – mindre tvång’ (‘Better care – less forcing’) – has been carried out within psychiatric in-patient care during the period 2010–2012 through an agreement between the Government and the Swedish Association of Local Authorities and Regions (see the response to question 12 a).

10 b. Procedures for admission and hospitalization of patients with intellectual and/or psychosocial disabilities

Response: The Patient Act⁷¹ stipulates that the patient’s self-determination and integrity must be respected, and that healthcare must not be provided without the patient’s consent unless otherwise stated in this or any other law. Before consent is obtained, the patient must receive information. The patient can withdraw his or her consent at any time. If a patient refrains from being given certain care or treatment, he or she must receive information about the possible consequences.⁷²

On admission to a psychiatric ward (‘in-patient care’), the individual can either be admitted via a care certificate (see compulsory psychiatric care) or be voluntarily admitted to a ward, which is the most common way. On a ward, the patient has access to help 24 hours a day and receives support and care.

For compulsory psychiatric care, a special doctor’s certificate – a care certificate – is required. The care certificate must be written in connection with an examination by a registered doctor. In order for compulsory psychiatric care to occur, three conditions must be met and this must be stated on the care certificate. First, the individual must be suffering from serious mental health problems. Second, the individual must have an

⁷⁰ Vägskatt (Road Tax) SOU 2017:111.

⁷¹ The Patient Act (2014:821).

⁷² Chapter 4, Sections 1–2.

absolute need for psychiatric care around the clock due to his or her mental condition and personal circumstances. This must take place at a medical institution. The third criterion is that the individual opposes care for his or her mental health condition or is so ill that he or she is unable to assess his or her need for care. Compulsory psychiatric care must not be applied in cases relating only to an intellectual disability or other disability. There is no legal support for applying compulsory psychiatric care to individuals with psychosocial difficulties. As a rule, these individuals instead receive the care and nursing they need through initiatives such as living in group accommodation once they have reached the age of 18.

10 c. Measures taken to adopt a strategy for the de-institutionalization of persons with disabilities, in particular women and girls with disabilities

Response: The previous institution-like forms of accommodation for caring for persons with disabilities were replaced long ago with other forms of accommodation based on the objective that support for persons with disabilities should be designed in a way that creates the right conditions for an independent life on equal terms to other people in society, in accordance with the Convention. Housing is a central aspect of a person's life, and those people who are unable to live in accommodation within the regular housing market due to a disability should receive the support to which they are entitled in accordance with the Social Services Act and the Act concerning Support and Service for Persons with Certain Functional Impairments. A survey carried out by the National Board of Health and Welfare on behalf of the Government⁷³ shows, among other things, that there were certain tendencies towards more people living in group accommodation than the three to five people recommended by the Board in its general advice. The Inquiry appointed by the Government on the Act concerning Support and Service for Persons with Certain Functional Impairments⁷⁴ shows that there is great awareness among government agencies and interest groups that the quality of accommodation for persons with disabilities must be monitored to counter tendencies towards institutionalisation. In the Inquiry's opinion, the National Board of Health and Welfare's general advice and the Health and Social Care Inspectorate's supervision and licensing of accommodation for persons with disabilities are sufficient measures. Those shortcomings that

⁷³ Mapping and analysis of certain initiatives in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments 2015.

⁷⁴ Review of measures according to LSS and the assistance benefit (SOU 2018:88).

have emerged do not therefore constitute any reason for regulating how accommodation should be designed. Instead, any regulation would hamper the development of appropriate accommodation for different groups and individuals according to their needs. According to the Act concerning Support and Service for Persons with Certain Functional Impairments, the individual should be given influence over initiatives provided to the greatest possible extent. One tool for this within operations is the implementation plan. The National Board of Health and Welfare's investigation⁷⁵ shows that the proportion of persons with disabilities living in housing with special service and who have a current implementation plan containing information about participation is 95 per cent.

As mentioned in previous responses, there is now a national goal for disability policy which takes the Convention as its starting point. The new direction for the implementation of disability policy includes individual support and solutions reaching a high level of quality and legal security for persons with disabilities.

10 d. Measures taken, including the review of the Compulsory Mental Care (1991:1128) and the Forensic Mental Care (1991:1129), to ensure the requirement of free and informed consent by the person concerned as the governing standard for mental health services, for both inpatient and outpatient treatments

Response: See the response to question 10 c. The following measures aiming to increase legal security can be mentioned:

Care providers should report forced measures within psychiatry. This applies to restrictions on the patient's right to use electronic communication services and monitoring what is sent, as well as decisions on restraint using straps or isolation.

The Health and Social Care Inspectorate (IVO) shall, in a uniform, effective and legally sound manner, review reports from care providers regarding decisions made on restraint or isolations, restrictions on the patient's right to use electronic communication services or decisions to monitor what is sent.

⁷⁵ Open comparisons 2018.

10 e. Measures taken to ensure that persons with disabilities who were discharged of forensic psychiatric care are promptly released

Response: No specific measures have been taken regarding being discharged following forensic psychiatric care. However, the Riksdag has decided on the Act⁷⁶ on Cooperation during Discharge from In-patient Healthcare. The Act came into force on 1 January 2018 and involves a detailed discharge process in which out-patient care has greater responsibility for the coordination and implementation of planning.

The Act covers all individuals who are deemed to need initiatives from social services, municipal healthcare and/or county council-financed out-patient care after being discharged from in-patient care. Individuals who do not need care or nursing interventions after being discharged from in-patient care are not covered by the Act. The Act covers a heterogeneous group of individuals of all ages with different types of needs in terms of initiatives and coordination, both before and after being discharged. If the individual's health conditions change during the care period, the planning process and the need to coordinate the initiatives required will also change. By assessing the need for planning after discharge as soon as possible after admission, a safe and secure care transition can be ensured for the individual.

10 f. Measures taken to ensure that persons with disabilities have access to procedures to challenge the legality of their deprivation of liberty, and to ensure an independent review of the decision to renew compulsory care

Response: The Act on Compulsory Psychiatric Care and the Act on Forensic Psychiatric Care state which decisions can be appealed by the patient to the administrative court. A patient being cared for with the support of these acts shall be informed of his or her right to appeal certain decisions, etc., as soon as the patient's condition permits this, by the chief consultant.⁷⁷ The chief consultant⁷⁸ shall ensure that a patient receiving compulsory care is informed of his or her right to a support person as soon as the patient's condition permits this. When the patient so requests, a support person shall be appointed. A support person can also be appointed

⁷⁶ Act (2017:612) on Cooperation during Discharge from In-patient Healthcare.

⁷⁷ Act (1991:1128) on Compulsory Psychiatric Care Section 48 and Act (1991:1129) on Forensic Psychiatric Care Section 30.

⁷⁸ In accordance with Act (1991:1128) on Compulsory Psychiatric Care Section 30 and Act (1991:1129) on Forensic Psychiatric Care Section 26.

in other cases if the patient does not oppose this. The Act on Compulsory Psychiatric Care and the Act on Forensic Psychiatric Care shall be posted at the hospital so that they are clearly visible to patients.⁷⁹

10 g. Measures taken to increase resources allocated to persons with intellectual and/or psychosocial disabilities in community-based outpatient services

Response: There are a number of different support initiatives for persons with psychosocial disabilities, including housing support and personal representatives. Housing support has increased in recent years, except from 2016 to 2017. See also the response to question 4 b in relation to initiatives on mental health and agreements with the Swedish Association of Local Authorities and Regions.

It was reported in the Budget Bill for 2018⁸⁰ that the Government is carrying out broad reforms to strengthen healthcare, with a particular focus on primary care, accessibility and employees' conditions. The bill also mentions that it is important for the accessibility of e.g. emergency care and specialist care to correspond to existing needs, for example in relation to care places. Strengthening primary care and specialised out-patient psychiatry increases the opportunities for persons with psychosocial disabilities who live in their own accommodation or in accommodation with special support to get the help they need.

10 h. The number of persons with disabilities detained against their will in a medical facility since 2014, disaggregated by year, age, sex, type of impairment, type of facility and length of detention

Response: When it comes to compulsory psychiatric care in accordance with the Act on Compulsory Psychiatric Care and the Act on Forensic Psychiatric Care, there is a lack of combined statistics at national level.

In terms of psychiatric care in voluntary forms, there is no legal support in Sweden for detaining persons with disabilities at a hospital against their will. Nor is there any legal support for applying compulsory psychiatric care to individuals with psychosocial difficulties. Instead, these individuals receive

⁷⁹ In accordance with Section 48 of the Act on Compulsory Psychiatric Care and Section 30 of the Act on Forensic Psychiatric Care.

⁸⁰Budget Bill 2018 (Gvt Bill 2017/18:1).

the care and nursing they need through initiatives such as living in group accommodation once they have reached the age of 18.

10 i. Steps taken to oppose the adoption of the Additional Protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, given that this Protocol infringes on several provisions of the Convention, especially article 14

Response: Both the Council of Europe's Committee on Bioethics (DH-BIO) and its Steering Committee for Human Rights (CDDH) feature strong support for continued work with the protocol project, the aim of which is – without discrimination – to prevent forced measures being used in contravention of international conventions on human rights, particularly the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Committee of Ministers of the Council of Europe has also given this work its support in a response to a recommendation from the Parliamentary Assembly of the Council of Europe in 2016.

At the same time, it is noted that there is widespread concern that the protocol, in contravention of its aim, may instead be understood as legitimate support for measures that are not in agreement with the Convention. It is therefore positive that DH-BIO is re-examining the draft version and is giving further consideration to the opportunities for more clearly highlighting the need for alternative and preventive measures. It is also positive, and important, that representatives from disability organisations are actively invited to take part in this work. Against this background, it is not deemed to be appropriate to take any actions to oppose the adoption of the protocol.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Please inform the Committee about:

11 a. Measures taken to abolish in law and practice the use of non-consensual practices in medical institutions, including medication and electroconvulsive therapy

11 b. Measures taken to eliminate coercive and involuntary treatment of children with disabilities in mental health care settings, including the use of non-consensual medication, restraining straps and isolation

11 c. Measures taken to prevent informal voluntary treatment, such as instances when the patient is given the option of accepting treatment or of being forcibly subjected to it

11 d. Measures taken to provide training to medical and non-medical staff on non-violent and non-coercive methods of care

Combined response to 11 a, b, c, d: Certain legislative changes came into force on 1 July 2017 with the aim of creating better conditions for patients to participate in care provided with the support of the Act on Compulsory Psychiatric Care and the Act on Forensic Psychiatric Care. Among other things, these legislative changes mean that, as far as possible, there must be a coordinated care plan within out-patient compulsory psychiatric care and that this should be drawn up in consultation with the patient or, if this is not appropriate, with the patient's relatives. The patient's views on the initiatives stated in the coordinated care plan should also be reported as far as possible in connection with applications for care. Another new feature is that the chief consultant in compulsory psychiatric care and forensic psychiatric care must ensure that a patient is offered a follow-up conversation after forced measures have been implemented, as soon as the patient's condition permits this.

Another measure that has been carried out is that the Government has tasked the national coordinator for developing and coordinating initiatives within the field of mental health with carrying out a review of forced measures in accordance with the Act on Compulsory Psychiatric Care directed at children and young people under the age of 18 (see the response to question 10 a). Proposals include establishing a dedicated development

and control body so that operations involving the forced care of children are subject to regular checks.

Legislative changes came into force in 2018 with the aim of strengthening legal security and the children's rights perspective for children and young people who have received compulsory psychiatric care. These changes also aimed to strengthen the specific authorisation of the National Board of Institutional Care for forced institutionalisation at special youth detention centres for care in accordance with the Care of Persons with Substance Use Disorders in Certain Cases Act. These changes apply to the Care of Young Persons Special Provisions Act, the Care of Persons with Substance Use Disorders in Certain Cases Act and the Act on the Enforcement of Closed Juvenile Care.

The National Board of Health and Welfare has been assigned a number of remits by the Government on compulsory psychiatric care, including training for staff at residential care homes and a remit relating to integrated, specialised in-patient care in accordance with the Care of Young Persons (Special Provisions) Act and healthcare (primarily psychiatric care).

The National Board of Institutional Care has devised a programme for effective conflict management called 'No Power No Lose' (NPNL). This programme was devised for staff who work directly with clients and young people. Staff receive education and training on safe behaviour, dealing with their own stress and using preventive strategies to avoid forced measures.

Actions for improving the training of medical staff have also been described in the response to question 10 a.

11 e. The unit in the Office of the Parliamentary Ombudsman responsible for the implementation of the Optional Protocol to the Convention against Torture, whether it is mandated to monitor all settings in which persons with disabilities may be deprived of their liberty, including homes and all residential facilities, and the extent to which monitoring activities are gender- and age-sensitive, and organizations of persons with disabilities are meaningfully involved in the process

Response: Information has been obtained from the OPCAT unit within the Parliamentary Ombudsmen. The OPCAT unit, like the Parliamentary Ombudsmen as a whole, has a mandate to carry out supervision of courts

and government agencies, as well as employed officials. The OPCAT unit regularly inspects public institutions where individuals are detained, such as youth detention centres, psychiatric clinics and criminal care institutions. The unit is also authorised to carry out supervision of other public institutions where de facto detention could take place, such as municipal accommodation in accordance with the Social Services Act and the Act concerning Support and Service for Persons with Certain Functional Impairments. However, similar operations under private management lie outside the authorisation of the Parliamentary Ombudsmen and the OPCAT unit. The question of implementing a broad review of the Parliamentary Ombudsmen's operations is, however, currently being prepared within the Riksdag's Constitution Committee. The OPCAT unit's supervisory operations take physical and mental disabilities, age and gender into particular account, together with the special needs that these circumstances involve. The OPCAT unit also continuously exchanges information with various relevant interest groups.

Freedom from exploitation, violence and abuse (art. 16)

Please provide information about:

12 a. Measures taken to prevent and allow early identification of instances of violence and abuse against persons with disabilities, to provide information in accessible formats and persons with disabilities with assistance and support on recognizing and reporting such instances, and extent to which these measures are gender- and age-sensitive

Response: One measure that has been taken is that in 2014 the National Board of Health and Welfare announced regulations and general advice on the work carried out by social services and healthcare with regard to violence in close relationships,⁸¹ in accordance with which the Social Services Committee – both when planning its operations and in individual initiatives – should take into account the special needs that persons who have been subjected to violence may have due to e.g. age or disability.

Other measures that have been taken since 2014 that do not only apply to persons with disabilities but that aim to counter violence in close relationships, include the Government's remit to the National Board of

⁸¹ SOSFS 2014:4.

Health and Welfare. The assignment contains development funding to municipalities and county councils to work with the county administrative boards and the National Centre for Knowledge on Men's Violence Against Women. The view of the assignment is to provide competence support for staff within social services and healthcare in their work on violence in close relationships, etc., during the period 2016–2019.⁸²

The Government has also commissioned the National Board of Health and Welfare to support the development of work on men's violence against women within care and nursing during the period 2018–2021.⁸³ The county administrative boards have also been tasked by the Government with supporting the work of social services and healthcare within this area at regional level.⁸⁴ The Government and the Swedish Association of Local Authorities and Regions have also entered into a gender equality policy agreement for 2018–2020 which aims, among other things, to support municipalities' and county councils' own regional support and cooperation structures in the work of social services and healthcare regarding violence in close relationships, etc.

12 b. Measures taken to ensure that instances of violence and abuse against persons with disabilities are recorded, effectively investigated, prosecuted and sanctioned

Response: Since 2016 the Swedish Police have had guidelines for operations relating to victims of crime and personal safety, and these were revised in 2018. The Swedish Police also developed method support for work relating to victims of crime and personal safety in 2017. This method support includes support for how the police deal with victims of crime with special needs and information about victims of crime with disabilities. Disabilities refer to lasting physical, mental, intellectual or sensory disabilities.

Within the framework of risk assessments, any disability of the victim is taken into account via vulnerability factors. The risk assessment forms the basis for choosing protective measures.

⁸² S2016/00633/FST.

⁸³ S2018/03516/JÄM.

⁸⁴ S2017/07420/JÄM.

When assessing the penal value, the court shall take particular account of whether the defendant took advantage of anyone else's defenceless position or difficulties defending himself or herself.⁸⁵

12 c. Measures taken to provide gender- and age-sensitive physical, cognitive and psychological recovery, rehabilitation and social reintegration services and programmes to those subjected to violence and abuse

Response: As mentioned in the response to question 12 a, in 2014 the National Board of Health and Welfare announced regulations and general advice on the work carried out by social services and healthcare regarding violence in close relationships,⁸⁶ in accordance with which the Social Services Committee – both when planning its operations and in individual initiatives – should take into account the special needs that persons who have been subjected to violence may have due to e.g. age or disability.

In 2015 the Government also tasked Linköping University with gathering and disseminating knowledge about violence and other abuses against children. As a consequence Linköping University established a national competence centre, Barnafriid. The activities of Barnafriid is aimed at professionals who, in their work, meet children and young people who are subjected to violence and other abuses, as well as those working for bodies such as government agencies.

Those working with caring for traumatised children and young people need knowledge based on science and proven experience. Linköping University has therefore been tasked with devising and implementing a competence development programme for staff within front-line care and specialised psychiatry for children and young people. The final report on this remit is to be presented in 2022.

⁸⁵ Chapter 29, Section 2, paragraph 3 of the Swedish Penal Code.

⁸⁶ SOSFS 2014:4.

12 d. Measures taken to ensure that health and education personnel and the police receive appropriate training on the human rights based model of disability and in particular on interacting with persons with intellectual and/or psychosocial disabilities and avoiding excessive use of force

Response: In 2014 the Government tasked Uppsala University with devising and implementing an overall programme for competence development initiatives for the human rights of state administration employees. As a complement to this, a module on the Convention has been developed.

Since 2014 the Government has had an agreement with the Swedish Association of Local Authorities and Regions on strengthening work for human rights at municipal level. The aim is to develop knowledge about human rights, taking recommendations and views from international review bodies affecting municipalities and county councils as a starting point.

In 2018 the Government tasked the National Board of Health and Welfare with carrying out web-based training on the responsibility of healthcare and social services to work on human rights within professional practice.

The Swedish Police have attached great importance to human rights, as well as knowledge about and conditions for persons with disabilities, when developing its training. Within the framework of the police's training, disabilities are dealt with from various perspectives and are linked to several areas of the police's role and work duties. These include interrogation methods, order and security, and crime in close relationships.

In 2017 the Government tasked the Swedish Police with improving the competence of police employees in dealing with persons with mental ill-health through strengthened training initiatives within this field. This remit will be reported on by June 2020. In connection with this remit, the police will develop their communication tools and training on e.g. dealing with persons with mental health issues.

The Government has taken the initiative for a number of measures within the field of education, such as the opportunity for teachers to carry out special teacher training specialising in e.g. deafness or hearing impairment,

visual impairment or learning disabilities.⁸⁷ In 2018 new objectives were added to the qualification descriptor for special teacher and special educational needs teacher education, whereby students should be given knowledge about neuropsychiatric difficulties within the framework of the education.⁸⁸ The Swedish National Agency for Education also provides an ongoing initiative in the form of training that has been specially devised for supervisors who receive students for workplace learning within upper secondary schools, upper secondary schools for individuals with learning disabilities, municipal adult education and special adult education. This training deals with preparing for workplace learning, planning and dealing with all students in the workplace.⁸⁹

12 e. The number and percentage of persons with disabilities who are victims of violence and abuse, since 2014, disaggregated by year, sex, age, disability status and place of occurrence

Response: In terms of persons with disabilities, there are no Swedish crime statistics disaggregated by this category. Consequently, the requested statistics are unavailable. However, studies have been carried out during the last two decades to increase knowledge within this area.

As mentioned in the response to question 4, the Children's Welfare Foundation Sweden has carried out a systematic knowledge summary, in partnership with Barnafriid, of the overall vulnerability to violence and harassment of girls and boys with disabilities. The knowledge summary includes the scope of different forms of violence against children with disabilities. According to the study, pupils with disabilities reported physical abuse to a greater extent (28%) than pupils without disabilities or chronic diseases (17%). Mental abuse and neglect were reported by more than twice as many pupils with disabilities compared with pupils without disabilities or chronic diseases.

In 2017 the Swedish Agency for Participation presented a report on men's violence against women with disabilities. The Agency has also presented proposals for measures for the national strategy to prevent and combat men's violence against women. The Agency has gathered knowledge about

⁸⁷ U2018/00504/S on continued responsibility for the implementation of the Boost for Teachers II.

⁸⁸ Ordinance (2017:1111) on amendments to the Higher Education Ordinance (1993:100).

⁸⁹ The Swedish National Agency for Education's website: <https://www.skolverket.se/skolutveckling/nationella-skolutvecklingsprogram#h-Programskolaocarbetstlivsamtvadarestudier>.

men's violence against women with disabilities, and has identified development needs and proposed measures for the national strategy to prevent and combat men's violence against women.

Living independently and being included in the community (art. 19)

Please provide information about:

13 a. Measures taken to ensure that personal assistance programmes provide persons with disabilities with sufficient financial assistance to allow them to live independently in the community, and the criteria to be eligible for personal assistance

Response: Persons covered by the Act concerning Support and Service for Persons with Certain Functional Impairments⁹⁰ have the right to various initiatives, one of which is personal assistance. By international comparison, Sweden carries out extensive efforts in this area. Personal assistance relates to personally designed support provided by a limited number of people to those who, due to significant and lasting disabilities, require help in dealing with basic and other personal needs. This should be adapted according to the recipient's individual needs, and should be designed so that it is easily accessible to people who need it and strengthen their ability to live an independent life. Personal assistance is regulated by law and is thereby rights-based, meaning that expenses are dependent on the number of people entitled to allowance. In 2016 the Government decided on a directive for an inquiry⁹¹ to review the initiatives within the Act concerning Support and Service for Persons with Certain Functional Impairments and assistance benefits. In January 2019 the Inquiry submitted proposals that included amended rules for assistance benefits.⁹² These proposals are currently being prepared within the Government Offices.

In July 2019 the Government submitted a bill to the Riksdag on proposed changes to the Act concerning Support and Service for Persons with Certain Functional Impairments, coming into force on 1 November 2019. These changes involve help with breathing being such a fundamental need that it may bring entitlement to personal assistance in accordance with the Act concerning Support and Service for Persons with Certain Functional

⁹⁰ The Act (1993:387) concerning Support and Service for Persons with Certain Functional Impairments.

⁹¹ Dir. 2016:40 'Översyn av insatser enligt LSS och assistansersättningen ('Review of initiatives in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments and assistance benefits').

⁹² Review of measures according to LSS and the Assistans benefit (SOU 2018:88).

Impairments. The Government intends to prepare a bill as soon as possible whereby all stages of help with breathing and enteral nutrition shall bring entitlement to personal assistance.

The Government parties (the Centre Party and the Liberal Party) have in an agreement agreed on a number of proposed actions to be carried out during the mandate period with the intention of ensuring that personal assistance and assistance benefits feature high quality and legal security, and that everyone who is entitled to support receives it. These proposals include the right to personal assistance for self-care.

In accordance with the agreement between the Centre Party and the Liberal Party, the Government also intends to submit proposals during the mandate period on issues relating to parental responsibility and a stronger need for supervision.

13 b. Measures taken to provide persons with disabilities the opportunity to choose their place of residence and where and with whom they want to live on an equal basis with non-disabled persons

Response: According to the Act concerning Support and Service for Persons with Certain Functional Impairments, municipalities are obliged to establish housing with special service for those who need it. The municipality's duty also includes ongoing follow-up of who is covered by the Act and what their needs are in terms of support and service, and working to ensure that their needs are met.

The individual applies for measures in accordance with the Social Services Act or the Act concerning Support and Service for Persons with Certain Functional Impairments. These measures can take the form of housing in group accommodation, service housing or some other specially adapted accommodation. According to the National Board of Health and Welfare's status report,⁹³ the number of people living in housing with special service in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments rose by approximately 25 per cent from 21 600 to 27 800 during the period 2007–2017. The number of people requiring special housing initiatives in accordance with the Social Services

⁹³ The National Board of Health and Welfare (2019). 'Insatser och stöd till personer med funktionsnedsättning' ('Initiatives and support for persons with disabilities'). Status report 2019.

Act has remained steady at around 4 000 for several years, with a slight increase in 2017.

To make it easier for persons with disabilities to move between municipalities, the individual⁹⁴ may be entitled to receive advance notification from the destination municipality of whether or not he or she is entitled to initiatives in that municipality. The destination municipality shall plan and prepare such initiatives without delay if he or she settles in the municipality.⁹⁵

The number of municipalities stating that they do not have sufficient housing for persons with disabilities has risen for several years, but this year's National Board of Housing, Building and Planning survey shows that the total has dropped by seven municipalities.⁹⁶ In 2018 there were 160 municipalities with a deficit of housing and 112 municipalities with a balance. The need for housing is growing, but the municipalities are still not planning to build much more housing than in previous years. Despite this, 55 per cent of all municipalities deem that the need will be covered in two years, and 64 per cent of all municipalities deem that the need will be covered in five years. In many cases, the explanation for the deficit is that the municipalities find it hard to plan for housing provision. Some municipalities comment that the need is highly individual, and that they cannot always meet the service recipients' needs despite the municipality building group accommodation and having a balance. It may therefore be hard to fill places, while at the same time it can also be hard to offer certain people suitable housing. There are insufficient resources to have empty places of all accommodation types in anticipation of a person needing accommodation. In addition to premises, this also includes staff.

The Health and Social Care Inspectorate has been tasked by the Government and the Riksdag with carrying out supervision and issuing licences for housing with special service. If a municipality does not execute a decision on assistance such as housing with special service, the Inspectorate

⁹⁴ Act (1993:387) concerning Support and Service for Persons with Certain Functional Impairments, section 16.

⁹⁵ The right to move is governed by the Social Services Act (2001:453, chapter 2 a, sections 8 and 9.

⁹⁶ The National Board of Housing, Building and Planning, 2019.

can apply to the administrative court for a special charge to be imposed (see question 13 c).

In addition to housing with special service, a number of other measures can be offered that contribute towards persons with disabilities being able to live an independent life in their own accommodation. The Social Services Committee can make it easier for the individual to live at home and have contact with others via home care services and day activities. A personal assistant may allow those who are covered by the Act concerning Support and Service for Persons with Certain Functional Impairments and who have a significant and lasting disability to live independently. See also the response to question 10 g.

In 2018 the Riksdag decided on an Act on Housing Adaptation Grants.⁹⁷ Persons with disabilities may be entitled to financial grants from the municipality to adapt their homes. The Act aims to give persons with disabilities the opportunity to live independent lives through grants for adaptations.

13 c. Measures taken to ensure that decisions granting individual support are implemented promptly by the municipalities

Response: If a decision on support in accordance with the Social Services Act or initiatives in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments are not implemented within three month of the decision being made, the municipality's social welfare board shall report this to the Health and Social Care Inspectorate. The municipalities' reports to the Inspectorate of unimplemented decisions in accordance with the Act have increased by just under 60 per cent during the last three years. For certain initiatives in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments, the median implementation time has fallen. This applies to advice and support, and to relief services.⁹⁸

The Swedish National Audit Office is carrying out a review of the Government's actions when the Social Services Act and the Act concerning Support and Service for Persons with Certain Functional Impairments are

⁹⁷ The Act on Housing Adaptation Grants (2018:222).

⁹⁸ The National Board of Health and Welfare (2019). 'Insatser och stöd till personer med funktionsnedsättning' ('Initiatives and support for persons with disabilities'). Status report 2019.

not complied with. The aim of this review is to investigate whether the reporting obligation and sanctions systems are sufficient to ensure that the intentions of the legislation can be achieved. The results of the review will be presented in September 2019.

13 d. The number and percentage of persons with disabilities who have received personal assistance benefits since 2014, disaggregated by year, sex, age, type of impairment and municipality of residence

Table: Total number of persons receiving municipal and state personal assistance, disaggregated by number and gender.

Number of persons receiving personal assistance	Municipal assistance		State assistance		Municipal and state assistance
	Year	Women	Men	Women	
2014	1 950 (48%)	2 829 (52%)	7 384 (46%)	8 631 (54%)	20 115
2018	2 288 (45%)	2 829 (55%)	6 658 (46%)	7 938 (54%)	19 696

Table: Number of persons receiving municipal and state personal assistance aged 0–24.*

Number of persons receiving personal assistance	Municipal assistance aged 0-22		State assistance aged 0-24	
	Year	Women	Men	Women
2014	441 (41%)	646 (59%)	2 046 (41%)	2 931 (59%)
2018	606 (41%)	995 (59%)	1 658 (41%)	2370 (59%)

*This information is taken from two sources of statistics with different age intervals for municipal personal assistance and state assistance benefits.

Source: The National Board of Health and Welfare and the Swedish Social Insurance Agency

Table: Number of persons receiving municipal and state personal assistance aged 23–64.*

Number of persons receiving personal assistance	Municipal assistance aged 23–64		State assistance aged 25–64	
	Year	Women	Men	Women
2014	1 182 (50%)	1 187 (50%)	3 984 (47%)	4 516 (53%)
2018	1 308 (47%)	1 450 (53%)	3 618 (45%)	4 334 (55%)

*This information is taken from two sources of statistics with different age intervals for municipal personal assistance and state assistance benefits.

Source: The National Board of Health and Welfare and the Swedish Social Insurance Agency

The number of people receiving state assistance benefits has fallen, while the number receiving municipal personal assistance has risen since 2014. There are certain gender differences, and the difference is greater in the younger age groups. The fact that more men than women receive this personal assistance can be partly explained by differences in diagnoses. Certain diagnoses are more common among men than women, and are linked to the groups entitled to assistance under the Act concerning Support and Service for Persons with Certain Functional Impairments, and thereby the right to personal assistance.

The right to personal assistance in accordance with the Act means that the individual should belong to one of the three groups referred to in the Act.

Since 2014 the number of people in group 1 (which includes persons with intellectual disabilities, autism and autism-like conditions) has fallen from 6 800 to 6 550. The number of people in group 2 (which includes persons with significant and lasting aptitude-related disabilities following brain damage in adult years caused by external violence or bodily disease) has fallen from 839 to 721. The number of people in group 3 (which includes persons with other lasting physical or psychosocial disabilities that are not due to normal ageing, if they are significant and cause considerable difficulties in day-to-day life and thereby involve an extensive need for support and services) has fallen from 8 000 to 6 800. This information relates to state assistance benefits. As previously mentioned, the number of people receiving municipal assistance has increased and the distribution between the groups is roughly the same as for state assistance benefits. The number of individuals with disabilities who receive measures in accordance with the Act concerning Support and Service for Persons with Certain

Functional Impairments differs from municipality to municipality. These differences are due to population size and the number of people in the groups referred to in the Act concerning Support and Service for Persons with Certain Functional Impairments within the individual municipalities. For statistics on individual municipalities regarding personal assistance in accordance with the Act, see appendix.

Personal mobility (art. 20)

14. Please provide information about the measures taken to facilitate access to public transport and personal mobility, including financial support for car adaptations and parking permits

Response: The response to question 6, dealing with art. 9, reports on measures in the physical environment to increase the usability of the transport system for persons with disabilities. Other measures relating to personal mobility are detailed below.

Public transport and mobility service

According to the Mobility Service Act,⁹⁹ every municipality is responsible for a good quality mobility service being arranged within the municipality and, if special reasons exist, between the municipality and other municipalities. Authorisation to use a mobility service shall be given to those who, due to a disability that is not merely temporary, have significant difficulties moving around independently or travelling by public transport. In 2017 around 11 million journeys were carried out by mobility service in Sweden.

The Government decided in autumn 2016 to task a specific investigator with analysing the rules for special passenger transport (mobility service, national mobility service, patient transport and school transport) in order to identify barriers to municipal and regional government agencies achieving effective coordination of the organisation and implementation of such transport services, and to propose amended or new rules in order to remove such barriers. The report from the Inquiry was presented in June 2018 and the Inquiry's proposals include new framework legislation for these forms of special passenger transport. The proposals also include a call for systematic quality work by the service provider under the supervision of the regulatory

⁹⁹ The Mobility Service Act (1997:736).

authority. The Inquiry's proposals have been circulated for comment and are being prepared within the Government Offices.

In the appropriation letter for 2018, the Swedish Agency for Participation was tasked with mapping and analysing the quality of implementation of mobility service journeys. This mapping shows that the quality and the rules for mobility services differ around the county. In its report, the Agency makes a number of proposals for measures to improve the quality of mobility services. This report is currently being prepared within the Government Offices.

The Government has tasked Transport Analysis with mapping barriers to accessibility and usability within the public transport system for persons with disabilities. The report¹⁰⁰ was published in March 2019. In the report, Transport Analysis notes that there is currently no overall view of disabilities, barriers and travel within public transport. Despite the fact that a large number of individual physical or technical measures have been carried out, there is still a need for coordination and quality regarding service and information, for example the need for up-to-date, accurate and adapted information about the accessibility of traffic environments before, during and after a journey. This assignment has been carried out in cooperation with government agencies and other organisations, including the Swedish Agency for Participation, the Swedish Transport Administration, the Swedish Transport Agency, the Swedish Association of Local Authorities and Regions, the Swedish Public Transport Association, the Swedish Confederation of Transport Enterprises and the Swedish Consumer Agency. This report is currently being prepared within the Government Offices.

Car allowance

Those who have a lasting disability and have great difficulties moving around or travelling by public transport may be entitled to a car allowance. A car allowance is intended for buying or adapting a vehicle. A purchase grant of up to SEK 30 000 can be awarded to purchase a vehicle. A car purchase grant of between SEK 4 000 and SEK 40 000 may also be awarded, depending on income. A car adaptation grant corresponds to the cost of adapting a vehicle. A car allowance may also be granted for driving lessons.

¹⁰⁰ 'Kollektivtrafikens barriärer – kartläggning av hinder i kollektivtrafikens tillgänglighet för personer med funktionsnedsättning' ('Public transport barriers – mapping barriers to accessibility in public transport for persons with disabilities', Report 2019:03).

The car allowance was reformed in 2017, with the aim of creating an incentive for an individual to buy the most suitable vehicle according to his or her need for adaptation, and to direct the car allowance to a greater degree to those who cannot afford to buy a car. In 2018 the Government decided on an assignment to analyse what consequences the new legislation has had on opportunities for individuals to make use of a car allowance. The follow-up shows that in some cases the reform has made things more expensive for individuals, for example in terms of requirements when buying particularly spacious cars with limited accessibility in e.g. public environments. Against the background of the measures proposed in this follow-up, the Government circulated the memo 'Bilstöd – Ökade möjligheter till anpassning' ('Car allowance – greater opportunities for adaptation') for comment in September 2019. The Government intends to propose that the car allowance for persons with disabilities is adjusted to improve its suitability.

Parking permit

A special parking permit can be issued to persons with physical disabilities who drive their own vehicles and to persons with physical disabilities who regularly need help from the driver outside the vehicle and who travel as passengers. This permit is based on the recommendation of the Council of the European Union dated 4 June 1998. Several initiatives within this area have been carried out since 2014, including in the provisions on new types of environmental zones where there are rules on exceptions for certain vehicles. For example, vehicles used in connection with mobility service, vehicles whose drivers or passengers have a disabled parking permit and vehicles that have been adapted or acquired with a car allowance are exempted. The question of parking permit fraud has also been addressed.

Respect for privacy (art. 22)

15. Please provide information about the meaningful involvement of organizations of persons with disabilities in updates of the online privacy law and regulations

Response: Before drawing up the legislation with supplementary provisions to the EU's General Data Protection Regulation, opinions were obtained in connection with circulating the report for comment,¹⁰¹ including from the

¹⁰¹ The new data protection legislation (SOU 2017:39).

Swedish Disability Federation (now the Swedish Disability Rights Federation). In terms of sector-specific regulation within the Ministry of Health and Social Affairs' area, the report was circulated for comment¹⁰² to the Swedish Disability Rights Federation and to Equally Unique, the Swedish Federation Human Rights for Persons with Disabilities.

Respect for home and the family (art. 23)

16. Please provide information about the measures adopted to prohibit discrimination in adoption procedures on the basis of disabilities and to ensure that persons with disabilities may exercise their rights and responsibilities regarding guardianship, adoption of children or similar institutions on an equal basis with others.

Response: Swedish legislation does not contain any specific regulations for persons with disabilities regarding guardianship, adoption or the actual adoption process.

In all questions relating to the adoption of a child, the child's best interests shall be given the greatest importance and a child may only be adopted if this is appropriate with regard to all circumstances. The Social Services Committee is obliged to carry out an adoption investigation for both national and international adoptions. When assessing whether an adoption is appropriate, particular consideration is paid to the child's need for adoption and the applicant's suitability to adopt. The Committee shall carry out an overall assessment based on all relevant circumstances, in which the applicant's situation as a whole is assessed. Consent may be given if the applicant is suitable for adopting.

Swedish law carefully governs the circumstances under which a child may be separated from its parents against their will. A child may only be separated from its parents against their will when this is deemed to be necessary in view of the child's best interests, and this may be subject to a legal review. The child may not be separated from its parents solely on the grounds of the child's disability or the disability of one or both of the parents.

¹⁰² 'Dataskydd inom Socialdepartementets område – en anpassning till EU:s dataskyddsförordning' ('Data protection within the Ministry of Health and Social Affairs' area – adaptation in line with the EU's General Data Protection Regulation', SOU 2017:66).

A handbook for how social services deals with national and international adoptions was produced by the National Board of Health and Welfare in 2014. The Family Law and Parental Support Authority has also drawn up general advice for social services when dealing with adoption cases, which was last revised in June 2017.¹⁰³ These guidelines are currently being reviewed against the background of, for example, the Committee's observations and recommendations.

Education (art. 24)

Please provide information about:

17 a. Measures taken to include all children with disabilities in their nearest mainstream education school and ensure the availability of the necessary support

Response: According to the Education Act (2010:800), all children and young people shall have equal access to education within the school system irrespective of their geographical location and socioeconomic circumstances. This education shall take into account the different needs of children and pupils.¹⁰⁴ The Swedish education system is based on the principle of inclusion, and the vast majority of pupils receive their education via compulsory school and upper secondary school.

All children and pupils have the right to progress as far as possible in their knowledge development, based on their own circumstances.¹⁰⁵ If a pupil risks not achieving the knowledge requirements, he or she is entitled to support or special support.¹⁰⁶ Several changes have been made to the provisions on support since 2014. For example, the provisions on special support were supplemented with provisions on support in the form of extra adaptations within the framework of ordinary teaching.¹⁰⁷ An addition was made to the Education Act in 2014, whereby pupils who have difficulties achieving the various knowledge requirements or the requirements levels as a

¹⁰³ HSLF-FS 2017:48.

¹⁰⁴ Chapter 1, Sections 4 and 8 of the Education Act.

¹⁰⁵ Chapter 3, Section 2 of the Education Act.

¹⁰⁶ Chapter 3, Sections 5–12 of the Education Act.

¹⁰⁷ Government Bill Time for teaching – teachers' work with support, special support and action programmes (Govt Bill 2013/14:160).

result of a disability shall be given support that aims as far as possible to counter the consequences of their disability.¹⁰⁸

The National Agency for Special Needs Education and Schools shall work to ensure that all children, pupils and adult students with disabilities have access to equal education in a secure environment. Support from the Agency is provided based on requests from schools, and is always voluntary. This support includes special needs education advice, special needs education investigations, information about teaching aids, competence development and special needs education development activities. The Agency also devises various support materials to support the work involved in creating an accessible education and learning environment.

The Government has carried out a number of initiatives to increase access to special educational needs teachers. In 2016 the Government decided on a new government grant to enable schools to employ more special educational needs teachers and to offer further training.¹⁰⁹ The Government has also carried out initiatives for the special needs training education within the framework of the Boost for Teachers II.¹¹⁰ In addition, the Government in 2018 introduced new examination targets for the various special educational needs teacher degrees.¹¹¹ According to the new targets, students on the programme should have knowledge of neuropsychiatric difficulties, and should be able to apply this knowledge in different learning environments.

In July 2019 a guarantee for early interventions in preschool classes¹¹² and primary education was introduced.¹¹³ The aim of the guarantee is that all pupils in need of support should be given adequate support early in according to their needs. The Swedish National Agency for Education and the National Agency for Special Needs Education and Schools have been

¹⁰⁸ Chapter 3, Section 2 of the Education Act, Government Bill Certain Education Act issues (Govt Bill 2013/14:148).

¹⁰⁹ Ordinance (2016:400) on government grants for recruitments within school health services and in special needs education, and for further training in these fields.

¹¹⁰ U2018/00504/S on continued responsibility for the implementation of the Boost for Teachers II.

¹¹¹ Ordinance (2017:1111) on amendments to the Higher Education Ordinance (1993:100).

¹¹² See section 4 b for a description of school forms.

¹¹³ Government Bill Read, write, count – a guarantee for early interventions (Govt Bill 2017/18:195).

tasked with carrying out skills improvement initiatives and providing support ahead of implementation.¹¹⁴

In July 2018 a new provision was added to the Education Act on transferring information when moving between and within school forms.¹¹⁵ When a pupil moves from one school form to another or changes unit within a school form, the school unit that the pupil is leaving provides information needed to facilitate the transition for the pupil. For example, this could involve information about additional adaptations and specific support.

17 b. Steps taken to abolish the provision of the Education Act allowing schools to deny a place to pupils with disabilities, when taking the child would involve significant organizational or financial difficulties, and to allocate sufficient human, technical and financial support to schools

The Education Act (2010:800) does not have any provisions denying pupils with disabilities a place in the Swedish school system. The main principle of the Act is that a pupil in a preschool class, compulsory school or compulsory school for children with learning disabilities should be placed at the municipality's school unit that the pupil's guardian wishes the pupil to attend. Deviations from the main rule are possible if, for example, the desired placement would involve significant organisational or financial difficulties for the municipality, but in such a case the pupil will be given another place.¹¹⁶

The preparatory work for the provision states that the choice of the pupil's guardian and proximity to home should, as far as possible, guide a pupil's school placement and that the education provider is obliged to take extensive actions to meet the pupil's need for support. The preparatory work also emphasises that exceptions from the main rule require the difficulties to be of such a nature that they can be deemed to be *significant* for the municipality.¹¹⁷ Additionally, the preparatory work states that the obvious

¹¹⁴ U2018/02959/S 'Kompetensutvecklings- och implementeringsinsatser avseende en garanti för tidiga stödinsatser' ('Knowledge development and implementation initiatives regarding a guarantee for early interventions').

¹¹⁵ Chapter 3, Section 12 of the Education Act (2010:800), Government Bill Upper secondary education for all (Govt Bill 2017/18:183 p. 61).

¹¹⁶ Chapter 9, Section 15. Chapter 10, Section 30 and Chapter 11, Section 29 of the Education Act (2010:800).

¹¹⁷ Government Bill The new Education Act – for knowledge, freedom of choice and security (Govt Bill 2009/10:165, p. 379).

case at which the exception on significant organisational or financial difficulties is aimed is when the school does not have enough places for everyone who wants to go there.¹¹⁸ Another example of significant organisational or financial difficulties mentioned in the preparatory work is that the school must be changed by rebuilding or extending the school unit. It could also involve additional staff being needed for a pupil where the pupil's need for support is such that it would involve significant organisational or financial difficulties for a municipality to provide this support at the desired school when the support can be provided more easily at another school.¹¹⁹

In summary, there are thus certain situations where an exception must be made from the main rule and the pupil must be given a different place to the one requested. As mentioned initially, these exceptions are not specifically aimed at disability and nor do they mean that the pupil will not have a place, only that he or she will have a different place to the one requested.

In a preschool class, compulsory school or compulsory school for children with learning disabilities,¹²⁰ a decision on a placement at a school unit other than the one requested can be appealed to The Board of Appeal for Education.¹²¹

The Education Act states that every independent preschool class, compulsory school, compulsory school for children with learning disabilities and upper secondary school for individuals with learning disabilities¹²² must be open to all pupils who have a right to that school form.¹²³ When it comes to independent schools, the municipality where the pupil reside shall provide a grant to the education provider for an independent school for every pupil at the school unit. This grant consists of a basic amount and, in certain cases, an additional amount. The additional amount shall be paid for pupils who have an extensive need for special support, and shall be determined

¹¹⁸ Government Bill Freedom of choice at school (Govt Bill 1992/93:230, p. 73).

¹¹⁹ Government Bill Independent schools (Govt Bill 2001/02:35 p. 34) and the Education Council's report 'Fristående skolor' ('Independent schools', Report 2001/02:UbU7 p. 18), Government Bill The new Education Act – for knowledge, freedom of choice and security (Govt Bill 2009/10:165, p. 379).

¹²⁰ See section 4 b for a description of school forms.

¹²¹ Chapter 28, Section 12, paragraph 1, point 6 of the Education Act (2010:800).

¹²² See section 4 b for a description of school forms.

¹²³ Chapter 9, Section 12, Chapter 10, Section 35, Chapter 11, Section 34, and Chapter 18, Section 34 of the Education Act (2010:800).

individually based on the pupil's needs. However, the municipality where the pupil reside is not obliged to pay an additional amount for a pupil who needs special support if significant organisational or financial difficulties arise for the municipality. In such cases, the independent school is not obliged to take or provide continued education for the pupil. The municipality where the pupil reside is then responsible for education being arranged for the pupil in some other way.¹²⁴ The education provider for an independent school cannot, however, refer to organisational or financial difficulties in order not to take a pupil who needs special support if the municipality where the pupil reside pays a grant for the special support.¹²⁵ There are also similar provisions on basic amounts and additional amounts for education at independent upper secondary schools for individuals with learning disabilities and education on national programme at an independent upper secondary school.¹²⁶

In July 2014 a provision¹²⁷ was added to the Education Act whereby the municipality must allocate resources for education within the school system according to children's and pupils' various circumstances and needs. It was clarified in July 2016 that the additional amount that independent schools receive for pupils with extensive needs for special support and that is paid by the municipality where the child or pupil reside, shall be determined individually based on the child's or the pupil's needs.¹²⁸ Additional amounts relate to compensation for the help of an assistant, adaptation of premises or other extraordinary support measures, including those aimed at children and pupils with severe learning difficulties.¹²⁹

The Government has also appointed a special investigator who will analyse and propose measures to reduce school segregation and improve the distribution of resources to preschool classes and compulsory school.¹³⁰ The

¹²⁴ Chapter 9, Sections 17, 19 and 21, Chapter 10, Sections 35, 37 and 39, and Chapter 11, Sections 34, 36 and 38 of the Education Act (2010:800).

¹²⁵ Govt Bill 2009/10:165 The new Education Act – for knowledge, freedom of choice and security, pp. 744, 788.

¹²⁶ Chapter 15, Section 33, Chapter 16, Sections 52 and 54, Chapter 18, Section 34, and Chapter 19, Sections 45 and 47 of the Education Act (2010:800).

¹²⁷ Chapter 2, Section 8 b of the Education Act (2010:800).

¹²⁸ Chapter 8, Section 23, Chapter 9, Section 21, Chapter 10, Section 39, Chapter 11, Section 38, Chapter 16, Section 54, and Chapter 19, Section 47 of the Education Act (2010:800).

¹²⁹ Chapter 14, Section 8 of the Education Ordinance (2011:185) and Chapter 13, Section 7 § of the Upper Secondary School Ordinance (2010:2039).

¹³⁰ See section 4 b for a description of school forms.

aim is also to increase equivalence within relevant school forms. The investigator will analyse and take a position on how the provisions on placements at municipal school units, and on admission to and selection for independent school, could be changed in order to promote a balanced social composition of pupils at preschool classes and compulsory school and, if necessary, compulsory school for children with learning disabilities. This remit will be reported on no later than 30 March 2020.¹³¹

17 c. The number and percentage of children with disabilities with access to education, disaggregated by age and sex, type of impairment, type of school, and municipality

It is not possible to report statistics based on disability for preschool classes, compulsory school, upper secondary school¹³² and municipal adult education.¹³³ The Swedish National Agency for Education is the government agency responsible for the official statistics within the school system, certain special education forms and other pedagogical operations.

Since January 2019 the Government has given the Swedish National Agency for Education the opportunity to process sensitive personal data regarding the health of pupils in compulsory school for children with learning disabilities, special school and upper secondary school for individuals with learning disabilities and adults in special education for adults (Särvux) in order to prepare statistics. Statistics Sweden has also been given the opportunity to process sensitive personal data relating to individuals' health in order to prepare official folk high school statistics.¹³⁴ This change will give the Swedish National Agency for Education better conditions for monitoring and analysing developments within compulsory school for children with learning disabilities, special school, upper secondary school for individuals with learning disabilities and special education for adults (Särvux).¹³⁵

¹³¹ Committee Directive 'Ökad likvärdighet genom minskad skolegregation och förbättrad resurstilldelning' ('Increased equivalence through reduced school segregation and improved distribution of resources', Dir. 2018:71).

¹³² See section 4 b for a description of school forms.

¹³³ Municipal adult education at basic level aims to provide adults with the knowledge they need in order to participate in society and working life. It also aims to make further studies possible. Municipal adult education at upper secondary level aims to provide adults with knowledge at a level that corresponds to upper secondary school education.

¹³⁴ Appendix to the Ordinance (2001:100) on Official Statistics.

¹³⁵ Special education for adults is aimed at adults with learning disabilities. The aim of this education is that adults with learning disabilities should be supported and encouraged in their learning.

More boys than girls attend compulsory school for children with learning disabilities. In the 2017/18 academic year 10 612 pupils attended compulsory school for children with learning disabilities, of whom 4 050 were girls and 6 562 were boys. In the 2017/2018 academic year 6 072 pupils attended upper secondary school for individuals with learning disabilities, of whom 2 446 were girls and 3 626 were boys. During the same academic year 3 605 students attended special education for adults (Särvux), of whom 1 784 were women and 1 821 were men. A total of 650 pupils attended special school that same year, of whom 260 were girls and 390 were boys.

Young people with disabilities are overrepresented within the group who are neither working nor studying. Among young women and men (aged 16 to 29) with disabilities, 12 per cent are neither working nor studying compared with 7 per cent of the rest of the population. There are no significant gender differences for any of the groups.

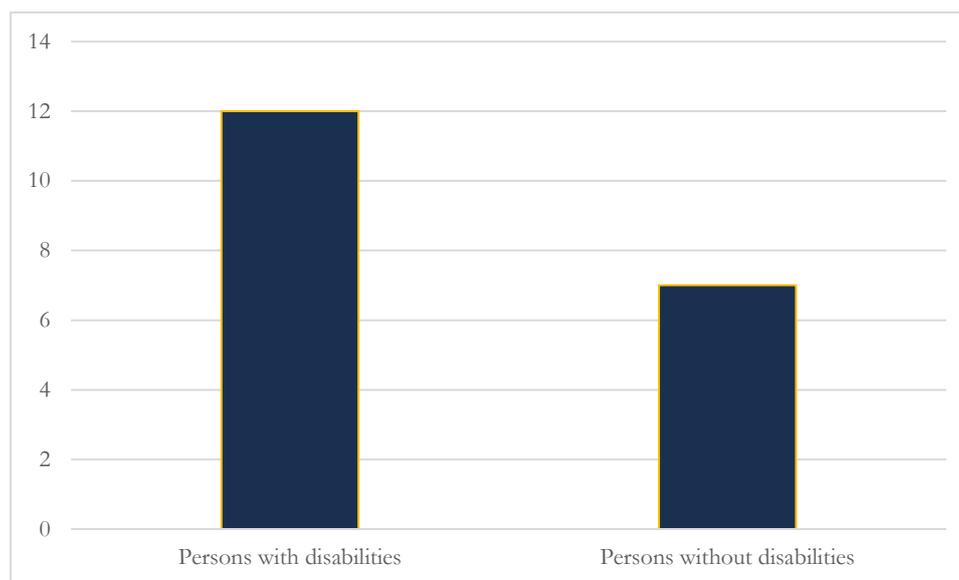


Diagram. Percentage (%) who are neither working nor studying, among persons with disabilities and the rest of the population, 16-29 year, 2016/17. Source: SCB Undersökningen om levnadsförhållanden (ULF/SILC) 2016/17.

Health (art. 25)

Please provide information about:

18 a. The availability of psychiatric services, including outpatient treatments, and of specialized psychiatric personnel throughout the territory of the State party, disaggregated by municipality

Response: There is no overall information about access to psychiatric care at national level or disaggregated by municipality.

It is the county councils that are responsible for access to psychiatric care and treatment, and the Government makes financial contributions. An agreement was reached between the Government and the Swedish Association of Local Authorities and Regions in 2018 worth SEK 1 414 million, with the aim of creating the right conditions for long-term work within the field of mental health and with joint responsibility from the relevant actors. The objective is that the population should be offered needs-adapted, effective, high quality initiatives – both preventative and promotional initiatives – such as medical treatment and social measures. The aims include strengthening both primary care and specialised psychiatry for adults. The agreement also involves reinforcement aimed at child and youth psychiatry and first-line psychiatry for children and young people within county councils, as well as continued funding to strengthen the work of youth guidance centres.

The Swedish Association of Local Authorities and Regions and the Government have also reached an agreement on initiatives within the field of mental health for 2019. This is based on previous agreements and is a continuation of the long-term work encouraged by the Government. The agreement is worth a total of SEK 1 774 million.

18 b. Measures taken to promote access to health-care services for women and girls with disabilities, including sexual and reproductive health services and information on HIV/AIDS, on an equal basis with others

Response: No measures have been carried out with the aim of promoting access to healthcare specifically for women and girls with disabilities. However, the Government has decided on measures to improve maternity care and to strengthen women's health in general. These measures are general in nature, and as such are not specifically directed at women and girls with disabilities. Within the framework of this, the Government has entered into several agreements with the Swedish Association of Local Authorities and Regions relating to improved maternity care and women's health. One

common feature is to improve care based on women's specific needs, which also includes improving care for women with disabilities. The applicable agreement states that measures promoting sexual and reproductive health in general, but particularly in socioeconomically deprived areas, should be prioritised.

See also the response to question 3 c on the Public Health Agency of Sweden's remit.

19 a. Please provide information about: The suicide rate of persons with disabilities compared with that of others since 2014, disaggregated by age, sex and type of impairment, and measures taken to prevent, identify and address situations of risk of suicide in persons with disabilities, especially children

Response: There is no combined information at national level about suicide rates among persons with disabilities disaggregated by age, gender and disability. However, suicide rates have generally fallen by around 20 per cent during the last 15 years, but the positive trend does not apply to young people and young adults, where the number of suicides has remained at the same level for a long time.

Nevertheless, the Public Health Agency of Sweden's national public health survey for 2016 and 2018 reveals the differences between persons with disabilities and the rest of the population in terms of suicidal thoughts and suicide attempts. The number of people who have had suicidal thoughts or attempted suicide is considerably higher among persons with disabilities than among the rest of the population. Twenty-five per cent of persons with disabilities have had suicidal thoughts at some point. The corresponding figure for the rest of the population is 9 per cent. There is no gender difference in the 16-84 age range.

The Government has set a goal that no one should need to take their own life, and in order to achieve this suicide prevention measures are needed at both individual and population levels.

The Government has tasked the Public Health Agency of Sweden with coordinating suicide prevention work at national level (S2015/3986/FS). This involves developing cooperation between actors at national level, developing monitoring and strengthening knowledge-building within this

area. For example, the Agency is working to produce deeper knowledge about various types of suicide prevention initiatives.

The national coordinator for the development and coordination of mental ill-health initiatives submitted its final report in 2018.¹³⁶ The Inquiry is carrying out a combined assessment of the steps required to achieve strategic and sustainable work for good, equitable mental health and improved mental wellbeing throughout the entire population. The Inquiry submits proposals and assessments regarding both the direction this work should take and the measures and initiatives that are necessary in order to create a long-term structure for working with mental health issues. This report is currently being prepared within the Government Offices.

19 b. Measures taken to address and prevent mental health issues among children 10 to 17 years

Response: The Government has tasked the Public Health Agency of Sweden with building up, developing and coordinating the national work aiming to promote good mental health and prevent mental ill-health throughout the entire population. The aim is to strengthen early initiatives and improve care and nursing for persons with mental ill-health, to be responsible for monitoring and analysing developments within this area, to devise and disseminate knowledge support and the promotion of preventive measures, and to work for national coordination. Children and young people are highlighted within the strategy as a particularly important target group for preventive and promotional work.

The Government has also carried out several specific initiatives to counter mental ill-health among children and young people. The Swedish Association of Local Authorities and Regions and the Government have had agreements for several years on initiatives within mental (ill-)health. Information about these initiatives is reported under question 4 b.

More girls and young women than boys and young men experience mental ill-health. It is important for all pupils to feel well in order to achieve success in the education's knowledge remit. The Government has spent SEK 200 million annually from 2016 onwards on continued initiatives to strengthen and develop student health. The Swedish National Agency for Education has

¹³⁶ 'För att börja med något nytt måste man sluta med något gammalt' ('To start something new you have to stop something old'), SOU 2018:90.

also been tasked with working to improve the preventive and promotional work within student health.

The Government allocates funding to voluntary organisations working within the field of mental health through remits to the Public Health Agency of Sweden and the National Board of Health and Welfare. Information about this is reported under question 4 b.

The Children's Ombudsman systematically reviews how well children's and young people's human rights are respected. It publishes an annual report with a special theme focusing on a particular group of children in society. The theme for 2016 was children with disabilities. The report highlights issues including mental ill-health among children with disabilities and the need to adapt the initiatives available for children and young people with disabilities.

Work and employment (art. 27)

Please provide information about:

20 a. Progress made in promoting employment opportunities for persons with disabilities, including psychosocial disabilities, in the public and private sector, including as a result of the measures taken in the Budget Bill 2016 aimed at assisting persons with disabilities in obtaining work

Response: Persons with disabilities involving reduced working capacity continue to be unemployed to a greater extent than the rest of the population. At the same time, there has been an increase in the number of persons with disabilities registered with the Swedish Public Employment Service. The proportion of transitions to work has improved, and a larger proportion of those who left their employment with salary contributions continue to other employment. Compared to the previous year, however, fewer people have received salary contributions or public protected work via the Swedish Public Employment Service, while at the same time the funding for this purpose has not been used. Nevertheless, it should be observed that the number of registered unemployed persons with disabilities involving reduced working capacity has also fallen, and in relation to the number of unemployed people a growing proportion receive a wage subsidy. The overall trend is deemed to be positive, but the need for more persons with disabilities to get into work remains considerable.

The Swedish Public Employment Service has been tasked with carrying out occupational rehabilitation, which includes cooperation with other actors. The Swedish Public Employment Service and the Swedish Social Insurance Agency have a joint remit of providing support to individuals who are signed off sick and young people receiving activity compensation. The Swedish Social Insurance Agency and the Swedish Public Employment Service also have a joint commission to work via the coordination associations to ensure that stronger, coordinated rehabilitation initiatives are carried out for those on long-term sick leave and young people with disabilities.

Samhall AB has been tasked with giving work to persons with disabilities. According to Samhall's core remit, at least 40 per cent of this recruitment must relate to individuals from prioritised groups, which are defined jointly by the Swedish Public Employment Service and Samhall, including persons with psychosocial disabilities, intellectual disabilities, neuropsychiatric disorders or multiple disabilities that together result in reduced working capacity. A clear majority of the company's employees work within services, including cleaning, laundry and property maintenance.

Samhall's operations have grown. More persons with disabilities have received employment within the company, and more have transitioned to other employers. A large proportion of those who have been employed are from prioritised groups who are particularly far from the labour market.

Below are examples of labour market initiatives since 2016 that are of significance in order to persons with disabilities to begin working or studying.

- The Government has reformed subsidised employment and introduced additional positions in connection with ending phase 3 of the job and development guarantee. Employment support has been of considerable significance in order for new arrivals to enter the workforce.
- The Government introduced a 90-day guarantee for young people to prevent young people from going for long periods of time without finding work or initiatives that lead to work. The 90-day guarantee has now been implemented, and the number of young people without support has fallen significantly.

- The labour market policy and municipal initiatives must work together in order for society to provide effective measures to people who need support in order to enter the workforce. Through the Delegation for the Employment of Young People and Newly Arrived Migrants and through targeted government grants for cooperation, the Government has strengthened the relationship between state and municipality in this respect.

- The Government has strengthened initiatives for persons with disabilities, through reinforcing salary contribution remuneration, increasing resources for individual support at a new workplace, increasing interpreting support for persons with disabilities and increasing resources to Samhall so that more people can find employment. In relation to the number of registered and unemployed persons with disabilities with the Swedish Public Employment Service, the proportion with salary contributions has also increased in recent years.

- Specific initiatives have been carried out in order for more people to be able to study at folk high schools.

See also the response to questions 20 c-f.

20 b. The rate of employment of persons with disabilities compared with that of persons without disabilities, disaggregated by occupation

Response to question 20 b: This data is taken from Statistics Sweden's report 'Situationen på arbetsmarknaden för personer med funktionsnedsättning 2018' ('The labour market situation for persons with disabilities 2018').¹³⁷

Workforce participation

Of the population aged 16–64, 85 per cent were part of the workforce in 2018. The corresponding figures were 71 per cent for persons with disabilities and 87 per cent for persons without disabilities. Among persons with disabilities and reduced working capacity the proportion was approximately 69 per cent, and approximately 78 per cent among persons with disabilities without reduced working capacity.

¹³⁷ Statistics Sweden, 'Situationen på arbetsmarknaden för personer med funktionsnedsättning 2018' ('The labour market situation for persons with disabilities in 2018'), www.scb.se/am0503.

According to Statistics Sweden's investigation of the labour market situation for persons with disabilities in 2018, 12 per cent of those aged 16–64 stated that they had a disability. This corresponds to approximately 752 000 people, around half of whom were women and half were men.¹³⁸ Sixty-seven per cent of these individuals were of the opinion that their disability also resulted in reduced working capacity, corresponding to just over 507 000 people of whom 55 per cent were women and 45 per cent were men. Approximately 33 per cent (244 000 individuals) were of the opinion that their disability did not result in reduced working capacity. Of these, 42 per cent were women and 58 per cent were men.

Persons with disabilities that involve reduced working capacity are generally involved in the workforce to a lower degree, have higher levels of unemployment and have a significantly lower degree of employment than among the population on average.

Employment

The degree of employment among the population aged 16–64 was 82 per cent in 2018. Among persons with disabilities overall, the corresponding figure was 64 per cent. The proportions were 60 per cent for those with reduced working capacity and 70 per cent among persons with disabilities without reduced working capacity.

Compared with 2013, the degree of employment has increased among the population, from 76 per cent to 80 per cent. During the corresponding period the degree of employment among persons with disabilities has been around 62 per cent. A small increase was noted during 2018, but this is not statistically proven. A similar pattern can be observed for persons with reduced working capacity, for whom the proportion appears to have risen somewhat in the last year to 60 per cent, but the difference is not statistically proven.

The proportion of the total population in full-time employment in 2018 was 78 per cent: 67 per cent of women and 87 per cent of men. Among persons with disabilities, 67 per cent worked full time: 54 per cent of women and 80 per cent of men. Among persons with disabilities and reduced working

¹³⁸ A considerable amount of data is missing from the survey, and the estimated figures in the statistics are therefore uncertain.

capacity, 60 per cent worked full time: 47 per cent of women and 75 per cent of men.

The proportion of employees and business owners is roughly the same among persons with disabilities as among the population as a whole. A somewhat larger proportion of persons with disabilities work in the municipal sector, particularly among those with reduced working capacity. Generally speaking, persons with disabilities work in the same professions as the population as a whole, but the proportion in management roles is lower.

A higher proportion of persons with disabilities have fixed-term employment, but the difference is not statistically proven. However, it is somewhat more common for persons with reduced working capacity to have fixed-term employment compared with the population as a whole. Within this group, the proportion of women with permanent employment is lower than the proportion of men.

Unemployment

In recent years, unemployment among persons with disabilities has been a few percentage points higher than for the population as a whole. In 2018 unemployment for persons with disabilities was around 11 per cent, and around 6 per cent for the population as a whole. Unemployment among persons with disabilities with reduced working capacity was 13 per cent in 2018. The corresponding proportion for persons with disabilities without reduced working capacity was 8 per cent.

Since 2013, unemployment has fallen among the population. However, this trend has not been seen among persons with disabilities. There are no statistically proven differences in unemployment between 2017 and 2018, either among the population or among persons with disabilities or persons with reduced working capacity.

Professions

Generally speaking, persons with disabilities work in the same professions as the population as a whole, but the proportion in management roles is lower. The proportion in management roles is lower for persons with disabilities, at 4 per cent, than for the population as a whole, at 6 per cent. The three most common types of professions among employed persons with disabilities are those with requirements for in-depth university education and services,

healthcare and sales professions. The same applies for the population as a whole.

Among employed women with disabilities, 33 per cent have a job that requires in-depth university education which is twice as high as men disabilities, at 17 per cent.

Around 26 per cent of employed women with disabilities work within services, healthcare and sales. The corresponding figure for men with disabilities is 15 per cent. The roles held to a greater extent by men with disabilities are those within construction and manufacturing, where 20 per cent work, and within mechanical manufacturing and transport, etc., where 11 per cent work.

20 c. Targeted measures to reduce the vulnerability of persons with disabilities to unemployment, including temporary special measures, and the strengthening of financial incentives for employers, such as tax incentives

20 d. Measures taken to reduce the unemployment rate of and gender pay gap faced by women with disabilities

Response to questions 20 c and 20 d: The Government has introduced several initiatives to make it easier for persons with disabilities to find and keep a job, such as:

- gradually raising the ceiling for the grant-based salary costs for subsidised employment and raising the ceiling level for remuneration for persons in need of interpreting support in further training,
- increased funding for Samhall AB,
- reviewing the regulations for subsidised employment,
- work experience places with government agencies,
- information campaigns to encourage employers to focus on people skills and abilities rather than barriers and disabilities, and
- a review of regulations for specific initiatives for persons with disabilities.

The Government has carried out a number of reforms aiming to improve the opportunities for women and men with disabilities to find and keep jobs. In Sweden women and men with disabilities have access to the Swedish Public Employment Service's full offering of labour market policy initiatives. However, there are also initiatives that have been specially designed for women and men with disabilities. These relate primarily to subsidised employment.

There are several forms of subsidised employment for persons with disabilities, e.g. salary contributions for development, salary contributions for employment and salary contributions for security, as well as protected employment with public sector employers within the municipality and sheltered employment with Samhall AB. Samhall AB is a Swedish state-owned company which aims to create meaningful work for women and men with disabilities.

With both salary contributions and sheltered employment, the Swedish Public Employment Service contributes financially towards the employer's wage costs. This compensates for the employer adapting the work and the workplace, and the workplace support for the individual. The aim is to help women and men with disabilities to find and keep jobs.

In total, the number of employed women and men with disabilities has been estimated at around 90 000 people on average per month in 2018, including Samhall AB.

The Government closely monitors the work begun by the Swedish Public Employment Service in its gender mainstreaming efforts, including in the form of gender equality analyses of labour market policy initiatives for women and men with disabilities.

The Discrimination Act contains requirements to work with so-called active measures. This means that employers and training providers should work in a preventive and promotional manner to counter discrimination and work for equal rights, regardless of the protected grounds in the Discrimination Act. The provisions were changed on 1 January 2017 to cover all grounds in the Discrimination Act, i.e. gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age. Employers also have an obligation to work with pay surveys in order to discover, remedy and prevent unfair terms of employment.

20 e. Steps taken to support persons with disabilities in to exercising their right to freely choose or accept employment in work environments that are open, inclusive and accessible to them, particularly the right to freely chosen work in the labor market

Reduced working capacity can often be compensated for via different types of support and adaptations at work. The Swedish Public Employment Service therefore offers grants for aids in the workplace, grants for personal assistance, interpreters for persons with visual or hearing impairments and special support when starting a businesses as an alternative or in addition to subsidised employment. The Swedish Public Employment Service can also offer support via a consultant for support at a new workplace. The consultant helps during a workplace induction. The consultant works together with the workplace to design the induction, and is responsible for the individual receiving the necessary support.

20 f. Measures taken to review the use in the labor market of the term “persons with reduced capacities or limitations”

In 2018 the Swedish Public Employment Service was tasked with investigating whether the term ‘reduced working capacity’ affects those to whom it refers, and if so how. The remit was reported on in November 2018. The Swedish Public Employment Service is of the assessment that new linguistic usage is needed, proposing that the term ‘reduced working capacity’ as currently used within labour market policy should be abolished. According to the Service, in addition to being perceived as derogatory, the current usage lacks explanatory value. Linguistic usage should instead be based on the actual prevailing situation when a person receives support or adaptations as the result of a disability.

The Service chooses not to propose a replacement term, as it has found it hard to identify a single term to describe the often shifting and complex circumstances and needs for initiatives that may exist due to a disability. Instead, linguistic usage needs to vary in order to describe what is actually being referred to in each individual situation. This issue is been further investigated within the Government Offices.

Adequate standard of living and social protection (art. 28)

Please provide information about:

21 a. The extent to which the “guaranty benefit” adequately covers the living costs of persons with disabilities, including for food, accommodation, transport, rehabilitation and medical care, and any existing differences among municipalities

Response: Regarding the guarantee amount, there is no complete information about how well it covers the individual’s costs. For persons with sickness and activity compensation who receive the guarantee benefit, however, the data suggests that the proportion with a low economic standard is comparatively high. In order to get a complete picture of the current economic situation of guarantee amount recipients, however, other benefits such as housing supplement, disability allowance or additional cost allowance that can be combined with the guarantee benefit also need to be taken into account.

The guarantee level in activity and sickness benefit is intended to cover living costs corresponding to a reasonable standard of living.¹³⁹ In addition to guarantee benefit, housing supplement may be paid to people receiving activity and sickness benefit to cover some of their housing costs. Those who have greater additional costs as a consequence of the disability, such as for rehabilitation, medication and transport, may receive an additional cost allowance. See also the response to question 14 on car allowance.

One group of people receiving guarantee benefit for whom it has transpired that their disposable income has been lower than their own household costs is those living in accommodation in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments (28 200 people in 2018, of whom 16 400 were men and 11 800 were women). The reason for this is that the rent for this form of accommodation is relatively high. However, this group’s disposable income has risen in recent years.

¹³⁹ Govt Bill 2000/01:96 Sickness compensation and activity compensation instead of early retirement, p. 69

21 b. How recent reforms in the National Insurance system have improved the living conditions of persons with disabilities

Response: Over a longer period of time, 1995–2016, economic standards have risen for all income groups. At the same time, income within the lower section of the income distribution has risen relatively slowly. This can be partly explained by transfers making up a larger proportion of income within the lower income layers than the higher layers. These transfers are usually linked to price trends, or are determined at set amounts and have not risen as quickly as salaries.

The policy pursued during the period 2014–2018 has led to stronger financial margins for households in weak economic situations and has increased the tax levy from households in stronger economic situations. These initiatives have involved raising housing supplement and lowering tax for pensioners, raising unemployment insurance payments, raising the level of sickness benefit, raising sickness and activity compensation, raising the income limit within housing allowance, raising child benefit, raising the child portion of income support and raising maintenance support. These initiatives have been funded by measures including various tax increases that have mainly affected those with relatively high income levels.

A total of around 752 000 persons (51 per cent women and 49 per cent men) aged 16–64 who have a disability, of whom just over 60 per cent are in gainful employment. Living conditions for persons with disabilities, measured in terms of economic standard, have changed in different directions. Among those with employment and income from work, economic standards rose between 1993 and 2016. Economic standards also rose for those with no or low income from work, albeit it at a considerably slower rate. For persons with disabilities who receive guarantee benefit, economic standard have shown weaker growth than other groups.¹⁴⁰ This is explained by that work income has risen faster than income from sickness and activity compensation. Another reason for the widening difference in economic standard between those with and without gainful employment is that those with gainful employment have been able to make earned income tax deductions since 2007.

¹⁴⁰ Ekonomiska förhållanden för olika grupper av personer med funktionsnedsättning (Economic conditions for different groups of persons with disabilities). The Ministry of Health and Social Affairs. S2017/06855/SAM.

21 c. Measures taken to reduce poverty among persons with disabilities

Response: Persons with disabilities who have reduced working capacity may have sickness or activity compensation as a form of income. Sickness and activity compensation in the form of guarantee benefit has been increased in two stages during 2014–2018 by a total of 0.13 price base amounts¹⁴¹, corresponding to just over SEK 6 000 per year. Income-related compensation has risen from 64% to 64.7% of assumed income¹⁴². Tax has been reduced for those with sickness and activity compensation with effect from 1 January 2018. Those who receive sickness or activity compensation and have housing costs may be entitled to housing supplement. The housing supplement and the special housing supplement have been raised with effect from 1 January 2018 by increasing the ceiling for eligible housing costs from SEK 5 000 to SEK 5 600 per month and raising the proportion of eligible housing costs below SEK 5 000. In addition, the reasonable cost standard of living was raised within the special housing supplement.

Tax for pensioners has been reduced for those pensioners with pension income between SEK 10 000 and SEK 35 000 per month. Pensioners with a total pension of around SEK 17 000 per month will experience the greatest effect. This may be of significance for persons with disabilities as some of this group may have received sickness and activity compensation for longer periods of time.

¹⁴¹ The price base amount reflects the price trend in society and is used for a variety of calculations: taxation, pension and insurance benefits, and membership and service fees. The price base amount is adjusted annually with reference to the consumer price index.

¹⁴² Assumed income means expected income based on historical income.

Participation in political and public life (art. 29)

Please provide information about measures taken to:

22 a. ensure the full accessibility of voting procedures, voting environment, facilities and materials, and training provided to polling staff

22 b. ensure the right of all persons with disabilities to vote through secret ballot, on their own or to be assisted by a person of their choice and with full respect of their free expression of will

Response to 22 a and 22 b: Following a decision on changes to the Elections Act (2005:837),¹⁴³ the previous opportunity for municipalities to use premises that do not meet accessibility requirements for persons with disabilities was abolished in January 2014. Polling stations and voting premises must be accessible to all. Those premises that are used for receiving votes must be adapted so that all voters have equal access to them. The design of these premises should not prevent voters with physical, psychosocial, intellectual or sensory disabilities from participating in elections.

In connection with this change in legislation, the Swedish Agency for Participation drew up a checklist for the municipalities' work. This checklist was updated before the 2018 general election. The Agency also carried out surveys in 2014 and 2018 of the accessibility of polling station, and will also do so for the 2019 European Parliament election. In 2018 the Agency inventoried accessibility at around 80 advance voting premises and around 100 polling stations.

It has been clarified in the Elections Act¹⁴⁴ that a voter that is unable to arrange their own voting may engage not only voting officials but also some other person to assist with voting.¹⁴⁵ They can get help inserting the ballot paper into the ballot envelope or placing a cross for a candidate. If a person is unable to enter a polling station, voting officials can collect his or her vote outside the premises, provided that ballot secrecy can be maintained. Voters who cannot get to a voting location at all due to disability or similar can also

¹⁴³ The Elections Act (2005:837) via the Government Bill Accessibility and participation in elections (Govt Bill 2013/14:37, Report 2013/14:KU9, Riksdag Comm. 2013/14:124).

¹⁴⁴ See the Government Bill Increased efficiency, security and accessibility in election procedures (Govt Bill 2013/14: 124, Report 2013/14:KU31, Riksdag Comm. 2013/14: (231)

¹⁴⁵ Chapter 7, Section 3 of the Elections Act.

vote by giving their vote in a ballot envelope, which has been sealed in front of a witness, to a messenger. The messenger then transports the vote to the polling station. Alternatively, the voter can hand his or her vote in a sealed ballot envelope to a specifically appointed proxy arranged by the municipality, known as a travelling proxy.¹⁴⁶ It has also been decided that only individuals who have received such training as is required for the role can be appointed as proxies.¹⁴⁷ These changes came into force in January 2015.

To make things easier for voters who have difficulties reading and to reduce the risk of confusion, the political parties use their party symbols on the ballot papers.¹⁴⁸ This change came into force in January 2015.

To further strengthen the secrecy of the ballot, amendments were made to the Elections Act on 1 January 2019 involving a requirement that the place in a polling station where ballot papers are set out should be screened off from the sight of other voters. In connection with this, the opportunity was introduced for a voter to write a name notified by the party on a blank ballot paper or a party-marked ballot paper. This change makes it easier for voters with visual impairments, for example, to cast a preferential vote.¹⁴⁹

In order to promote a high and more equal level of voter participation between different groups of eligible voters, the Swedish Agency for Accessible Media has been tasked with operating the website 'Alla väljare' ('All voters'), www.allavaljare.se. It is a website about elections and politics in easy-to-read Swedish.¹⁵⁰ This is aimed particularly at groups of eligible voters with low levels of participation in previous general elections, such as young people, foreign-born people and persons with disabilities. The intention is to improve opportunities for people with reading difficulties to assimilate information and to take part in the political debate during general elections and between elections. Before the 2018 general election, the Government assigned specific funding to the Riksdag parties for information campaigns to promote a high level of voter participation.¹⁵¹ This funding made it easier

¹⁴⁶ Chapter 7, Section 3 of the Elections Act.

¹⁴⁷ Chapter 3, Section 5 of the Elections Act. This was decided the Government Bill Increased efficiency, security and accessibility in election procedures (Govt Bill 2013/14:124, Report 2013/14:KU31, Riksdag Comm. 2013/14:231).

¹⁴⁸ These legislative changes were made via the Government Bill Proportional allocation of mandate and prior registration (Govt Bill 2013/14:48).

¹⁴⁹ Govt Bill 2017/18:286 Strengthened protection for ballot secrecy.

¹⁵⁰ Ku2019/00338/MD.

¹⁵¹ Ku2018/01280/D.

for the parties to reach out to voters, particularly to groups of eligible voters with low levels of participation in previous elections, including persons with disabilities.

22 c. Please provide information about measures taken to: Provide support to persons with disabilities elected to public positions;

22 d. Please provide information about measures taken to: Enable access to information in all formats to persons with disabilities to allow them to stand as candidates on an equal basis with their non-disabled counterparts

Response to questions 22 c and d: Municipalities, county councils and the Riksdag are responsible for persons with disabilities who are elected to the relevant assemblies receiving the support they need to carry out their duties.

No specific measures have been taken to ensure that persons with disabilities who stand as candidates for public office receive information in an accessible format.

The reason for this is the principle of responsibility and financing, which is fundamental within Swedish disability policy and means that every sector of society shall have a responsibility for designing and running its operations so that they are available to all citizens, including persons with disabilities.

Chapter 1, Section 2, paragraph 5 of the Instrument of Government also states that society shall work to ensure that all people can achieve participation and equality in society, and that children's rights are protected. Society shall not discriminate against people on the grounds of gender, skin colour, national or ethnic origin, linguistic or religious affiliation, disability, sexual orientation, age or any other circumstance that applies to the individual as a person.

Participation in cultural life, recreation, leisure and sport (art. 30)

23. Please provide information on a national strategy in place to protect the right to participate in leisure, sports and cultural activities in an inclusive manner and describe the extent to which austerity measures affected this right

Response: See the response to question 1 d regarding the new national goal for disability policy, which is based on the Convention.

The Government has appointed the Swedish Arts Council and the Swedish National Heritage Board as strategic agencies within the field of culture. During the period 2011–2016, these agencies worked in particular with achieving specific subsidiary goals linked to the Government’s strategy for disability policy. There has been regular formal consultation with the disability movement on the work involving accessibility.

The Swedish Agency for Participation’s evaluation and analysis of disability policy during the period 2011–2016 and the cultural agencies’ final reports of the work relating to the strategy show that these initiatives improved the conditions for persons with disabilities to participate in cultural activities. At the same time, it is also noted that persons with disabilities still participate in cultural activities to a lesser extent and that shortcomings remain in terms of accessibility, and that the work relating to accessibility within the cultural sector therefore needs to continue. The work of Swedish Arts Council and the Swedish National Heritage Board and their remit as strategic agencies continue.

The Swedish Arts Council has been tasked with driving through developments so that persons with disabilities can participate in cultural activities, and can do so on equal terms with others. This involves imposing a number of minimum accessibility requirements linked to certain grants distributed by the Swedish Arts Council and government grants allocated within the cultural cooperation model.

The EU ratified the Marrakesh Treaty on 1 October 2018 and became a party to the Treaty on 1 January 2019. To implement the Treaty, the EU adopted an ordinance and a directive during 2017. The ordinance applies from 12 October 2018 and the Member States shall have implemented the directive no later than 11 October 2018. Sweden has implemented the directive through legislative changes to the Swedish Act on Copyright in Literary and Artistic Works. These changes came into force on 11 October 2018.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Please provide information on:

24 a. The status of the voluntary follow-up system on statistics and the collection of data on persons with disabilities

Response: The combined monitoring of disability policy includes a number of different aspects, which together form a whole and provide an overall and combined picture of developments within disability policy over time. This monitoring includes individual statistics on living conditions, player monitoring, monitoring barriers to participation in society and qualitative in-depth studies and research.

Participation in surveys and panels for statistical purposes is always voluntary for individuals, and participation is based on the individual's consent regardless of which player is responsible for the statistics. Monitoring actors such as government agencies, municipalities and county councils is governed to some extent by law. Sweden has official statistics which are governed by law.¹⁵² The law states that municipalities, county councils and local authorities are obliged to provide certain information to statistical authorities for the purpose of official statistics.

Government agencies that do not have official responsibility for statistics can gather information from municipalities and county councils on a voluntary basis. However, it is not possible for government agencies to require responses from municipalities and county councils without legal support. According to the Instrument of Government,¹⁵³ regulations on municipalities' and county councils' authorities and obligations are announced through legislation. Nevertheless, there is nothing to prevent government agencies without formal responsibility for statistics from sending out surveys, for instance, to municipalities and county councils and collecting information through voluntary participation.

¹⁵² The Official Statistics Act (2001:99).

¹⁵³ According to the Instrument of Government Chapter 8, Section 2, paragraph 3.

The Swedish Agency for Participation (the Swedish Agency for Participation) works to monitor the implementation of disability policy at levels including local and regional level. However, the Agency does not have official responsibility for statistics. The Agency currently sends out surveys to municipalities and county councils once a year. In 2018, the response frequency was 63 per cent for municipalities and 90 per cent for county councils. The Agency is of the opinion that this will increase as monitoring becomes more established. This monitoring should be regarded as voluntary.

The Agency is currently developing a digital tool that will replace the survey format. The tool includes feedback on answers, information about applicable legislation, agreed standards, links to responsible government agencies or other actors and access to various support materials to facilitate development work. The tool was ready for use by government actors in spring 2019, and another version will be released at the end of the year for use by municipal and regional actors.

24 b. The development of data collection tools and indicators in accordance with the human rights based approach to disability, and the criteria and formula used

Response: Developing tools for monitoring based on a rights perspective is an ongoing process. One starting point for this is access to statistics and data, which the Government has worked to strengthen. It is also important that there are opportunities to monitor the implementation of disability policy at different levels and within different sectors of society. There is a need to be able to monitor 1) which structures are in place, 2) the actual prevailing conditions and active ongoing measures, and 3) the results that this work leads to. This approach is based on a model from OHCHR on applying a rights perspective to monitoring.

The Swedish Agency for Participation works with several tools for collecting knowledge and information of significance from a rights perspective. The Agency compiles and analyses individual statistics that are gathered from other actors regarding living conditions for persons with disabilities. These statistics aim to report the outcome of efforts made and the situation for persons with disabilities within various sectors of society in relation to the rest of the population. When the Agency selects which data to present at results level, for example from Statistics Sweden's Living Conditions Survey

(ULF/SILC) or other population studies, the selection is based on what is most relevant from a rights perspective.

The Agency has also developed 'actor monitoring' which follows government agencies' work to implement disability policy¹⁵⁴ and the work carried out by municipalities and county councils. The aim is to follow the development of ongoing work and to identify prevailing conditions for and barriers to participation in society from a rights perspective. Current steering documents and the Convention are taken as starting points. The Agency works to ensure that indicators promoting equal access to rights for persons with disabilities form the basis for this actor monitoring.

The Agency obtains responses to questions from its survey panel (Rivkraft) on an ongoing basis, as a supplementary source of knowledge about living conditions. The panel involves participants aged 16 or over with their own experiences of disabilities responding to online surveys relating to various issues and sectors of society. The questions take the Convention as their starting point. The panel is a way of giving persons with disabilities a voice and taking the next step to identify what causes the prevailing conditions for and barriers to participation.

The Agency also carries out various forms of in-depth studies and qualitative studies to provide deeper knowledge and understanding about conditions for and barriers to participation for persons with disabilities within various areas and based on different disabilities.

See also the response to question 1 b on the Management Inquiry.

24 c. The collection of data disaggregated by age, sex and type of impairment for the purpose of formulating and implementing policies to give effect to the Convention, such as with regard to health, education, labour, social services, culture, the arts and sports

Response: The Government has taken action to ensure access to statistics and to strengthen the opportunity to monitor the development of the situation for persons with disabilities with the framework of implementing disability policy.

¹⁵⁴ In accordance with Ordinance 2001:526 on the government agencies' responsibility for the implementation of disability policy.

During the disability policy strategy period 2011–2016, Statistics Sweden was tasked by the Government with reporting and proposing the development of data on living conditions for persons with disabilities.¹⁵⁵ Statistics Sweden provided statistics to the Swedish Agency for Participation in 2012 and 2016. The data used is mainly from the national Living Conditions Survey (ULF/SILC). This survey captures details of living conditions for persons with disabilities regarding housing, finances, health, leisure, civic activities, social relationships, employment and working environment, security and safety.

Statistics Sweden was subsequently also tasked with reporting data during 2018, and as far as possible to report details disaggregated by age, gender and type of disability. The remit also included reporting opportunities for future development regarding statistics on living conditions for persons with disabilities.

Ahead of 2020, the Government has once again tasked Statistics Sweden with reporting statistics on living conditions for persons with disabilities that is broken down as far as possible by age, gender and type of disability. There are currently no official criteria in Sweden to establish who is included in the group of persons with disabilities. As a result, Statistics Sweden has also been tasked by the Government with reviewing the definition of disability and producing a definition that can be used as a basis for national statistics and surveys. This review shall take the harmonisation work being carried out within the EU as its starting point, and shall be adapted according to national requirements.

In addition, Statistics Sweden has been with carrying out mapping and analysis work to produce an overall report of the agency's assessment of those areas needing development in terms of statistics for persons with disabilities. The starting point for this remit is the national goal for disability policy,¹⁵⁶ which in turn is based on the Convention and the goals of the 2030 Agenda. The remit shall be carried out in dialogue with central government agencies and the disability organisations.

¹⁵⁵ Ref. S2012/2210/FST Commission to report and propose the development of data on living conditions for persons with disabilities

¹⁵⁶ Govt Bill 2016/17:188 National goal and direction of disability policy.

Other government agencies with responsibility for official statistics, such as the Swedish Public Employment Service, the Public Health Agency of Sweden and the National Board of Health and Welfare, contribute statistics on living conditions for persons with disabilities within various areas, such as work, care and healthcare. These statistics supplement Statistics Sweden's statistics and are also used to monitor developments in relation to the national goal for disability policy. All individual-based official statistics and all statistics reported by government agencies in their annual report shall be divided up by gender if there is not specific reason for not doing so. Access to statistics on the situation for persons with disabilities within different sectors of society vary.

The opportunities for compiling statistics within education have also been strengthened – see the response to question 18 c.

There are currently general difficulties in Sweden in breaking down statistics for different disabilities, particularly together with other variables such as gender and age, since the investigation selection sizes involve great uncertainty in the results for certain groups. There are also other challenges. For example, younger people respond to surveys to a lesser extent, and the methods used – primarily surveys and interview – are not accessible for many persons with disabilities. There is a need to use more different methods, investigations and sources in order to monitor the national disability policy goal.

24 d. Measures taken to systematically collect, analyse and disseminate data on girls, boys, men and women with disabilities, including from indigenous groups; and how data are disseminated at all levels of government

Response: For measures taken for systematically collecting data, see questions 24 b and c.

Regarding knowledge about the Sami indigenous group, the Nordic Welfare Centre has received funding from the Government to investigate the conditions for Sami with disabilities in the 19 municipalities included in the Sami administrative area in Sweden. This work was carried out within the framework of a Nordic project that ran between 2014 and 2017, and which also includes two Norwegian studies, a Finnish study and an additional Swedish study.

Several different initiatives are being carried out to gather, analyse, disseminate and communicate the statistics produced. Each year the Government reports overall developments within disability policy to the Riksdag in the Government's Budget Bill, taking the national goal decided on by the Riksdag as its starting point. This includes results from the previous year with related analysis and the political direction for the coming year. In addition, specific results and analyses are reported within the various expenditure areas detailed by the Government in its Budget Bill, such as the labour market, education, democracy and gender equality. The Budget Bill is central to the entire Government at all levels, and also for the Riksdag and government agencies, in order to monitor developments, work and direction within various policy areas.

In addition, various ministries within the Government Offices – in accordance with the principle of responsibility and financing – carry out their own work to gain access to data and statistics, and produce analyses relating specifically to persons with disabilities in relation to their areas of responsibility, such as various remits to government agencies with responsibility for statistics within different areas or through specific analyses from the ministry's own analysis units. Reports of specific remits from government agencies, for example, are disseminated within the Government Offices to relevant parties, including through the inter-ministry working party for disability issues.

The Swedish Agency for Participation shall, in accordance with its instructions, obtain combined knowledge of the work for greater accessibility and of developments and differences in living conditions for persons with disabilities by carrying out mappings, monitoring, evaluations and analyses, including socioeconomic analyses. The Agency shall also monitor, evaluate and analyse initiatives from government agencies, municipalities, county councils and other actors in relation to the national disability policy goal.

The Agency compiles and analyses individual statistics gathered by other actors. Each year, the Agency reports developments within the disability policy in order to provide an overall and combined picture of the situation. The report is disseminated to the Government, government agencies, other actors and the public. It is also used by the disability organisations, among others.

The Agency's work to analyse developments has also been particularly focused on deepening knowledge within prioritised areas of key importance for improving living conditions. The Agency has carried out in-depth studies of democratic participation, parenting, the situation for persons with intellectual disabilities and persons with impaired hearing, and economic conditions.

Another important part of effective monitoring of living conditions for persons with disabilities involves actors within every sector of society analysing and drawing conclusions from the knowledge they gather from a disability perspective. Such efforts would considerably improve the reliability and usability of data on living conditions. The Agency works via various channels to support such a development.

The Agency's remit also includes disseminating knowledge about disability policy, its implementation and rights for persons with disabilities. The target group consists mainly of government agencies, municipalities and county councils. The Agency works actively to disseminate knowledge about persons with disabilities and publishes statistics and data as well as other monitoring and knowledge on its website. It also participates and disseminates knowledge within many other contexts in order to reach out with its message, and strive to take advantage of the opportunities offered by digitalisation in various ways.

24 e. The meaningful participation and involvement of organizations of persons with disabilities

Response: Statistics are primarily compiled by government agencies with official responsibility for statistics, which should consult with the organisations representing persons with disabilities on the basis of the Convention. The Swedish Agency for Participation monitors which government agencies currently consult with the disability organisations. The Agency's own knowledge development work is carried out in consultation with the organisations representing persons with disabilities. The Agency's knowledge acquisition also includes qualitative methods for capturing the perspectives and knowledge of persons with disabilities.

See also the response to question 1 g.

International cooperation (art. 32)

Please provide information about:

25 a. The measures taken to integrate a disability rights-based approach into the Sustainable Development Goals and their target indicators

Response: Sweden has taken measures to ensure that a rights-based disability perspective is integrated into the work with the 2030 Agenda. For example, efforts have been made to strengthen the social dimension of implementation – both nationally and globally – with an emphasis on human rights and that no one should be excluded.

Sweden has drawn up a national action plan for the Agenda's implementation during the period 2018–2020. This action plan refers to disability policy, the new national goal based on the Convention and the direction as important measures driving the transition forwards, and which – together with other decisions in the spirit of the Agenda – will have an effect in coming years. This action plan takes an inclusive perspective, with an equal and gender equal society as one of its focus areas. Persons with disabilities and a disability perspective are integrated into – and highlighted in various ways within – the Government's policy for implementing the action plan.

The targets that have been agreed within the framework of the Agenda are an important aspect of the disability policy work. The Government Bill for a new target and direction of disability policy¹⁵⁷ specifically highlights the 2030 Agenda in relation to human rights and persons with disabilities. In addition, visibility is given to the Agenda's subsidiary goals which clearly indicate a number of areas where initiatives for persons with disabilities are needed. Those goals where there are specific references to persons with disabilities are particularly prominently mentioned.

Statistics Sweden has been tasked by the Government with analysing how Sweden complies with the 2030 Agenda, and has drawn up proposals for statistics-based monitoring with indicators for Sweden's implementation of the Agenda. This includes statistics broken down by persons with disabilities where relevant and as far as possible, as well as proposals for how these

¹⁵⁷ Govt Bill 2016/17:188 National goal and direction of disability policy.

statistics can be developed within the field of disability in relation to monitoring the Agenda. Statistics Sweden has subsequently been tasked with continuing to develop its monitoring of the Agenda nationally.

In addition, many government agencies have been asked to contribute data for Sweden's implementation of the 2030 Agenda, including the Swedish Agency for Participation.

Between 2015 and 2018 the Swedish Agency for Participation was part of a UN reference group working on how to include the disability perspective within the 2030 Agenda. This resulted in report highlighting how the implementation of the Convention within the framework of the 2030 Agenda can strengthen this work, both in the UN's member states and within the various UN bodies. The Swedish Agency for Participation is also part of the 2030 Agenda's collaboration forum, which was established in 2016. The forum consists of a number of Swedish government agencies that contribute expert knowledge on how Sweden can drive forward the work to achieve economically, socially and environmentally sustainable development in line with the 2030 Agenda. The Swedish Agency for Participation is one of the 40 government agencies that signed a joint declaration of intentions in 2017 for sustainable development as part of the cooperation on the 2030 Agenda. Since 2018 the Agency has also been part of the Council for Sustainable Cities, the work of which is partly based on the 2030 Agenda. Within the Council, the Agency contributes by highlighting universal design with a focus on how cities can be designed according to this principle so that they work for all people, regardless of their functional capacity.

Key initiatives for the disability perspective and the 2030 Agenda have also been taken within civil society. In 2018 Equally Unique launched the three-year Equally Unique Academy Swedish Inheritance Fund project which uses training initiatives to give various actors within society more in-depth knowledge and insights into the disability and rights perspective, taking the 2030 Agenda as its starting point.

Several measures and initiatives have been taken to include a disability perspective in the implementation of the 2030 Agenda. What has been achieved so far is good but not sufficient, and this work needs to continue.

25 b. Please provide information about: The steps taken to share the State party's good practices of both mainstreaming and twin-track approaches to disability-inclusive international development

Response: There is a specific policy framework for Swedish development cooperation and humanitarian aid that governs Swedish development cooperation and humanitarian aid.¹⁵⁸ This policy framework is concretised in the appropriation letter and strategies which govern the work of the Swedish International Development Cooperation Agency (Sida). The global strategy for development cooperation regarding working with human rights, democracy and the rule of law includes a goal of equal rights for all. The rights perspective, whereby persons including those with disabilities are made visible, characterises the entire strategy.

In accordance with the Government's decision in the appropriation letter for the 2018 budget year (13 December 2017), Sida was tasked in 2018 with working in dialogue with the Swedish Agency for Participation to report on how persons with disabilities are included in the Agency's initiatives and monitoring within international development cooperation. Sida and the Swedish Agency for Participation were also tasked with providing information about how these initiatives contribute towards fulfilling the established 2030 Agenda goals, as well as identifying and proposing development areas for ensuring that the disability perspective can be included more effectively. According to the report on this work, the most important area for improvement is the need to deepen the application of the multidimensional poverty analysis tool, with a focus on the application of the rights perspective and poor people's perspective at both strategy and initiative levels. Sida began using the new policy markers for the inclusion of disability in 2019. This will provide better opportunities for monitoring disability within development cooperation.

Sida is a member of the global network Global Action on Disability. Within this network, Sida has worked on such as disability in inclusive education, humanitarian aid and social insurance systems, as well as improved statistics and data.

In 2018 the Government produced a handbook for its feminist foreign policy as a resource for international gender equality work. The handbook

¹⁵⁸ Government Communication 2016/17:60, 'Policyramverk för svenskt utvecklingssamarbete och humanitärt bistånd' ('Policy framework for Swedish development cooperation and humanitarian aid').

contains methods and experiences that can provide examples and inspiration for ongoing work within both the Swedish Foreign Service and other areas of civil service and society. The handbook features a clear intersectional perspective, and is characterised by the idea of how different power structures based on categories other than gender – such as functional capacity – affect people’s circumstances and opportunities.

In March 2019 Sida, together with the Swedish Agency for Participation and the organisation MyRight held a major knowledge-boosting forum, Development Talks, on the theme of rights and persons with disabilities. This was based on Sida’s mapping and monitoring work, and was aimed at various government and voluntary actors within international development cooperation.

Within the framework of Nordic Plus – a group of like-minded nations discussing prioritised development issues – there was substantial discussion during Sweden’s 2018 presidency with the aim of sharing experiences of how disability is included in development cooperation.

National implementation and monitoring (art. 33)

Please provide information on:

26 a. The mandate and work carried out by the Equality Ombudsman to monitor the implementation of the Convention, including with regard to complaints filed by persons with disabilities under the Discrimination Act (2008:567)

Response: The Equality Ombudsman has been tasked with working to ensure that discrimination relating to grounds such as disability does not occur within any area of society. The Ombudsman shall contribute, by providing advice and via other means, towards those who encounter discrimination being able to exercise their rights. Within its area of operations, the Ombudsman shall inform, educate, confer and have other contact with government agencies, businesses, individuals and organisations. For example, the Ombudsman provides oral and written advice to individuals, cooperates with various actors and carries out communication initiatives. The Ombudsman’s website shall also provide support to various actors in order to promote equal rights and counter discrimination.

See also the response to question 5 b on the Equality Ombudsman's communication initiative.

26 b. Steps taken to establishing an independent monitoring mechanism, in accordance with the Paris Principles, to monitor the implementation of the Convention

Response: In March 2018 the Government appointed an inquiry to investigate and submit proposals on establishing a national human rights institution in Sweden. According to the assignment description, the investigator should submit proposals for designing a human rights institution in order to comply with the Paris Principles. The investigator should also investigate and submit proposals for how a human rights institution could be the mechanism required in order to promote, protect and monitor the Convention's implementation in accordance with article 33 of the Convention. In October 2018 the investigator submitted proposals for a national human rights institution in Sweden. According to this, the institution should fulfil the tasks incumbent upon an independent national mechanism in accordance with the Convention on the Rights of Persons with Disabilities. These proposals have been circulated for comment.