



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Sweden*

I. Introduction

1. The Committee considered the initial report of Sweden (CRPD/C/SWE/1) at its 123rd and 124th meetings, held on 31 March and 1st April 2014, respectively, and adopted the following concluding observations at its 140th meeting, held on 11 April 2014.
2. The Committee welcomes the initial report of Sweden, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for the written replies (CRPD/C/SWE/Q/1/Add.1) to the list of issues prepared by the Committee.
3. The Committee appreciates the fruitful dialogue with the State party's delegation and commends the State party for the strength of its delegation, which included many representatives of relevant Government ministries.

II. Positive aspects

4. The Committee commends Sweden on a number of achievements. It notes that Swedish sign language is equal to the 5 national minority languages, according to the Language Act, and welcomes this important step. The Committee commends Sweden for its inclusive education system where 1.5% of children are instructed outside of regular schools based on their families' sovereign decision. In addition to that the new Education Act introduced in 2011, a right of appeal against decisions concerning special support was also introduced to the Board of Appeal for Education which is an improvement regarding the extension of safeguards available. The Committee also notes the adoption of a new legislation which classifies denial of reasonable accommodation as discrimination. The Committee commends Sweden for its system ensuring confidentiality of the voter and the government for its new legislation making multi-choice flexible assistance system for voters with disabilities that will enter into force in 2015 as well as for the preparations and plans in piloting fully accessible e-voting towards 2018 elections as the delegation has informed. It is pleased to learn that the State party has brought a disability policy perspective into its international cooperation work, and that it has financed the participation of representatives from the disability movement both at the latest State party meeting and at the High Level Meeting on the post-2015 development framework. The Committee also

* Adopted by the Committee at its eleventh session (31 March-11 April 2014).

notes the commissioning of 22 state agencies to implement the Convention within their fields, to annually monitor progress under the coordinating authority of Handisam, the Swedish Agency for Disability Policy Co-ordination, and that Sweden ensures all persons with disabilities, including persons with psychosocial and intellectual disabilities, the right to vote and to be elected.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned that the indicators system to monitor the Convention set by the State party is based only on those areas that strictly relate to the disability policy and does not cover broadly all of the Convention's rights areas, and that there is a lack of indicators. It is further concerned that this reporting system is voluntary based at the municipal level, even though the State Party had not made reservation here when ratifying the Convention.

6. The Committee recommends that the State party review the indicators system to ensure its coverage of all areas of the Convention, and design measures to incite municipalities to monitor its implementation.

7. The Committee is concerned that the Convention has not been integrated into Swedish law and is therefore left to the interpretation of authorities and courts. Thus the Convention articles cannot serve as guidelines in court rulings as they are not explicitly included in the texts of the national Law. There is a serious gap between the policies followed by the state party and the municipalities for the implementation of the convention. This concern also has been raised in the official communications between the State party and the Committee with regards to the individual communication case HM vs. State party.

8. The Committee urges the State party to ensure that the Convention is properly transformed into Swedish legislation in order to be applicable as Swedish law.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. The Committee is concerned that the new bill on discrimination classifying the denial of reasonable accommodation as discrimination exempts organisations employing less than 10 employees. The Committee is concerned that the concept of denial of reasonable accommodation has no general application to all the legal framework of the Swedish state and that authorities from the different levels of government are not bound by this legal obligation.

10. The Committee urges the State party to review the proposed draft bill with the view of its full harmonisation with the provisions of article 5 of the Convention, to take all appropriate steps to ensure that reasonable accommodation is provided in all parts of society, public and professional conditions without any exemption on the principle of equal opportunities for all. It also urges the State party to adopt a legal definition of reasonable

accommodation in all the relevant statute law in order for it to be applicable in all areas of government, including judicial and administrative.

11. The Committee is concerned that systems for dealing with cases of intersectional discrimination, for example disability combined with gender or ethnicity, require more development.

12. The Committee recommends that the State party examine the appropriateness of the current structure used to deal with situations of intersectional discrimination.

Women with disabilities (art. 6)

13. The Committee is concerned that there is little knowledge about whether women with disabilities are discriminated against because of their gender, and to which degree women and girls with disabilities are discriminated against compared to men and boys. It is further concerned that studies, policies, or action plans concerning persons with disabilities do not include a gender perspective.

14. The Committee recommends the State party to ensure that the perspective of gender and disability permeate its legislation and policies, surveys, plans, implementation, evaluation and monitoring activities, or its services. It further recommends that the State party adopt effective and specific measures to prevent intersectional forms of discrimination against women and girls with disabilities.

Children with disabilities (art. 7)

15. The Committee is concerned at reports indicating that children with disabilities are exposed to higher rates of violence than other children, and that there is a lack of awareness among the staff working with children.

16. The Committee recommends the State party to develop research as well as collection of data and statistics on violence against children with disabilities. It further recommends reinforcing its strategy and initiatives for the sensitisation and training of parents and staff working with children as well as awareness-raising for the general public.

17. The Committee is concerned at reports revealing high rates of mental health, psychosocial issues and disorders among young people, and showing that school health services are under-resourced and access to school psychologists and psychosocial support system takes a long time.

18. The Committee recommends the State party increase resources available for school health services to ensure that children have access to and receive appropriate psychosocial, mental health support and psychiatric health care in a timely manner.

19. The Committee is concerned that children with disabilities are not systematically involved in decisions concerning their lives and that they lack opportunities to express their opinions on matters concerning them.

20. The Committee recommends the State party to ensure as well as adopt further safeguards on the right of children with disabilities to be consulted in all matters concerning them.

Awareness-raising (art. 8)

21. The Committee is concerned about the lack of knowledge about different disabilities, relevant factors and reasonable accommodation needs related to disabilities in the general population, in particular in the education system and among decision-makers.

22. The Committee encourages the State party to create a strategy that increases public knowledge about different disabilities, and to reinforce not only a positive but also an informative image of men and women with disabilities as dignified independent and capable individuals who are holders of all the human rights recognized in the Convention with the aim to remove socio-cultural discrimination barriers in the public life. The Committee further recommends that specific programmes be established, in consultation with disabled persons' organizations, to raise awareness among public sector employees.

23. The Committee is concerned about the lack of general promotion of the contents of the Convention, amongst public officials and private actors, above all, the new concepts that have been incorporated to human rights law, such as, reasonable accommodation and disability based discrimination.

24. The Committee recommends the State party to launch periodical, regular and continuous national campaigns and other training courses targeted to public officials and private actors to enable them be acquainted with the general and specific contents of the Convention that are of recent adoption in human rights law.

Accessibility (art. 9)

25. The Committee is concerned that rules pertaining to accessibility in buildings are not abided by, and notes that public procurement procedures are not used to fully foster accessibility.

26. The Committee recommends the State party to ensure that municipalities, local authorities are sensitised about the accessibility principle in the aim to align relevant local, regional laws, such as building & planning codes, in accordance with Article 9, have the necessary funding and guidance to monitor, evaluate and secure full accessibility to buildings as well as to allow reasonable accommodation needs of persons with disabilities to be integrated in municipal planning as appropriate. It further recommends to systematically include accessibility requirements in all its public procurement agreements.

27. The Committee is concerned that public material published by the state, regions, county councils or municipalities, including new laws, statutes or regulations, are rarely published in accessible formats.

28. The Committee encourages the State party to supplement the regulatory framework concerning the public sector's responsibility to present its information and communications in accessible formats.

Right to life (art.10)

29. The Committee expresses its deep concern about the increasing high rate of suicide among persons with disabilities, including boys and girls in the State party.

30. The Committee urges the States party to adopt all necessary measures to prevent, identify and address these situations of risk of suicide in persons with disabilities, including boys and girls.

Situations of risk and humanitarian emergencies (art. 11)

31. The Committee is concerned at the lack of information on the State party's efforts to reduce risks and on its preparedness to provide persons with disabilities with the necessary support in the event of disaster.

32. The Committee recommends the State party undertake to ensure that disaster risk reduction is fully accessible and disability inclusive, and to take measures to ensure its preparedness to provide persons with disabilities with the necessary support in the event of a disaster.

Equal recognition before the law (art. 12)

33. Even though declarations of incapacity have been completely abolished, the Committee is concerned that the appointment of an administrator is a form of substituted decision-making.

34. The Committee recommends that the State party take immediate steps to replace substitute decision-making with supported decision-making and provides a wide range of measures which respect the person's autonomy, will and preferences and is in full conformity with article 12 of the Convention, including with respect to the individual's right, in his/her own capacity, to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry, and to work.

Liberty and security of the person (art. 14)

35. The Committee is concerned that Swedish law allows for a person to be confined against his or her will in a medical facility if he or she has a psychosocial disability and is considered to be a danger to himself or herself or to others. The Committee is further concerned that the law also allows for psychiatric compulsory care in medical institutions or within the community.

36. The Committee recommends the State party to take all the immediate necessary legislative, administrative and judicial measures to ensure that no one is detained against their will in any medical facility on the basis of actual or perceived disability. The Committee also recommends the State party to ensure that all mental health services are provided with the free and informed consent of the person concerned. It recommends that the State allocate more financial resources to persons with intellectual and psychosocial disabilities who require a high level of support, in order to ensure that there are sufficient community-based outpatient services to support persons with disabilities.

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

37. The Committee is deeply concerned at the reported number of cases relating to the use of ECT and at their possible use as compulsory treatments. The Committee is also concerned at reports that these treatments are more often performed on women.

38. The Committee recommends that the State party abolish the use of non-consensual practices with regard to persons with psychosocial disabilities in medical institutions. It further recommends that the State party provide training to medical professionals and personnel in care and other similar institutions on the prevention of torture, cruel, inhuman or degrading treatment or punishment, as provided for under the Convention.

39. The Committee is concerned about the methods used in the coercive and involuntary treatments infringed on boys and girls with disabilities in mental health care settings, particularly in the use of straps or belts and the use of seclusion, as it is stated in the report "Breaking the Silence" of the Ombudsman for Children in Sweden.

40. The Committee urges the State party to implement the recommendations issued by the Ombudsmen for Children of Sweden in its report "breaking the Silence", in relation to boys and girls with disabilities in mental health care settings.

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

41. The Committee is concerned at reports showing the level of violence to which women with disabilities are being exposed, and at the low percentage of shelters accessible to persons with disabilities.

42. The Committee recommends that the State party ensure that violence and abuse against girls and boys, and women with disabilities are identified and that necessary support is available; and that the issue is addressed in national training courses for personnel working with health and medical care, schools, the police force and judiciary.

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

43. The Committee is concerned that state-funded personal assistance has been withdrawn for a number of people since 2010 due to revised interpretation of "basic needs" and "other personal needs", and that persons who still receive assistance have experienced sharp cutbacks without known or seemingly justified reason. It is further concerned at the reported number of positive decisions under the Swedish Act concerning Support and Service that are not executed.

44. The Committee recommends that the State party ensure that personal assistance programmes provide sufficient and fair financial assistance to ensure that a person can live independently in the community.

Respect for Home and the Family (art. 23)

45. The Committee is concerned that social services can deny international adoption of a child, upon requirement by countries of origin to families where one partner has a disability, as well as families with disabilities being subjected to

additional investigations in national adoption system assessing them on their ability to parenthood by local authorities and social services.

46. The Committee recommends the State party to ensure prohibition of discrimination on the basis of disability in adoption procedures.

Education (art. 24)

47. The Committee is concerned by reports that schools can refuse admission to certain pupils with disabilities on grounds of organization and economic hardship. The Committee is further concerned at reports indicating that some children with needs for extensive support cannot attend school due to a lack of support.

48. The Committee urges the State party to guarantee inclusion of all children with disabilities in the mainstreaming education system and ensure that they have the required support.

Work and employment (art. 27)

49. The Committee is concerned that the trends in the employment of persons with disabilities are controversial. The recent trends are unclear and overall unemployment is higher for persons with disabilities than for the general population. Even though there are promising achievements in terms of receiving support for personal assistants or the support provided by the public employment service, a 100 percent increase in the number of registered unemployed persons with disabilities since 2008 due to changes in insurance scheme is quite alarming. The Committee is also concerned that there remain a significant gender gap in the employment and income of women with disabilities, compared to men with disabilities.

50. The Committee recommends that the State party takes measures to improve opportunities for persons with disabilities to obtain work on the basis of the report presented by the *Funkautredning*. It further suggests to increase measures of support such as personal assistance in employment, technical assistance in performing in the workplace, reduced social fees, financial support to employers, rehabilitation, vocational training, etc., and to put in place measures to narrow the employment and pay gender gap. The Committee recommends the State party to assess the impact of the term used in the labour market referring to persons with disabilities as “people with reduced capacities or limitations” and revise it accordingly on non-discrimination principle.

Participation in political and public life (art. 29)

51. The Committee is concerned at the lack of information on accessibility and accommodations for persons with disabilities’ right to vote during the electoral cycle, and at the low number of persons with disabilities running for or holding public offices.

52. The Committee recommends the State party to ensure that voter education through mass media is made accessible, that information about elections is provided in accessible formats, that electoral campaigns are made fully accessible, that support at polling stations is made available and the mechanisms put in place to facilitate voting assistance are developed in close

consultation with organisations of persons with disabilities to suit their needs, and that polling assistants are trained to accommodate voters. It also recommends the State party to ensure that all persons with disabilities who are elected to a public position are provided with all required support, including personal assistants.

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

53. The Committee is concerned that the State party has not signed nor ratified the World Intellectual Property Organization Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled which allows access to published material to blind persons, persons with visual impairments or persons with other difficulties in having access to printed materials.

54. **The Committee encourages the State party to adopt all appropriate measures to sign, ratify and implement the Marrakesh Treaty as earliest as possible.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

55. The Committee regrets the low level of disaggregated data on persons with disabilities. The Committee recalls that such information is indispensable to: understanding the situations of specific groups of persons with disabilities in the State party who may be subject to varying degrees of vulnerability; developing laws, policies and programmes adapted to their situations; and assessing the implementation of the Convention.

56. **The Committee recommends that the State party systematize the collection, analysis and dissemination of data, disaggregated by gender, age and disability; enhance capacity-building in this regard; and develop gender-sensitive indicators to support legislative developments, policymaking and institutional strengthening for monitoring and reporting on progress made with regard to the implementation of the various provisions of the Convention.**

57. The Committee is concerned that data is scarce on matters affecting girls, boys, and women with disabilities, including those belonging to indigenous groups

58. **The Committee recommends that the State party systematically collect, analyse and disseminate data on girls, boys and women with disabilities, including those belonging to indigenous groups.**

International cooperation (art. 32)

59. The Committee commends the State on its adoption of both the mainstreaming and twin track approach to disability-inclusive International development work.

60. **The Committee recommends that it shares its good practice with member States, UN bodies, and other relevant stakeholders. In addition, the Committee calls for the integration of a disability rights based perspective in the post-2015 development framework.**

National implementation and monitoring (art. 33)

61. The Committee is concerned that the State party has not yet introduced an independent mechanism based on the principles relating to the status and functioning of national institutions for protection and promotion of human rights (the Paris Principles) to monitor the Convention's implementation. The Committee is further concerned that coordination responsibility lies under the ministry of social affairs instead of the ministry responsible for human rights and discrimination.

62. The Committee recommends that the State party establish an independent monitoring mechanism fulfilling effectively the obligation enshrined in the Convention in accordance with the Paris Principles.

Follow-up and dissemination

63. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant Ministries, local authorities, members of relevant professional groups, such as education, medical and legal professionals, as well as the media, using modern social communication strategies.

64. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons' organizations, in the preparation of its second periodic report.

65. The Committee requests the State party to disseminate these concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

Next report

66. The Committee requests the State party to submit its combined second and third periodic reports no later than 15 January 2019, and to include therein information on the implementation of the present concluding observations. Likewise, the Committee offers to the State party the possibility that the above-mentioned reports be submitted under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the date when the combined reports are due. The replies of the State party to this list of issues are considered as the report of the State party.