



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### List of issues in relation to the initial report of Sweden, adopted by the Committee at its tenth session (2–13 September 2013)

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

###### Definitions (art. 2)

1. What is the understanding within the legal system (including judges) and the administrative system (civil servants) of the human rights model and concept of disability in the light of the Convention? What concrete initiatives are in the pipeline to ensure a unified understanding of the concept of disability among Swedish authorities, for example, training of judges and civil servants (including the Probation Service)?
2. Please provide information on what kind of measures have been and will be taken to secure the proper understanding of the human rights model of disability and the scope of disability in accordance with the Convention (including with respect to association with disability) in all relevant sectors and by all persons.
3. Please provide relevant statistical information regarding the specific development and output of the national plan of action on disability and how this development has been included in a constructive dialogue with organizations of persons with disabilities.
4. How, including in terms of new or amended legislation, has the international financial crisis (2008) affected the daily life of persons with disabilities in Sweden at all levels of society, including in urban and rural areas? How have the Swedish authorities fulfilled their obligation to use the maximum available resources to prevent negative effects of the financial crisis, bearing in mind both short- and long-term perspectives?
5. Please describe the initiatives that have been taken to ensure the effective, continued and optimal involvement of organizations of persons with disabilities in the preparation and implementation of policies and legislation in Sweden concerning persons with disabilities regardless of age, ethnic origin, sexual orientation, religious background, and gender. Do the political and administrative authorities provide resources and reasonable accommodation to enable persons with disabilities to become more involved in the preparation and implementation of policies and legislation, for example by providing financial support, sign language interpretation, personal assistance and compensation for extra expenditures caused by a disability? How does the State party statistically register or document the direct involvement of organizations of persons with disabilities and the impact of such involvement?

6. In which ways are persons with disabilities who belong to ethnic minorities, including the Saami peoples, fully and equally included in and covered by Swedish disability policies and legislation, and in which ways have they been consulted in accordance with article 4, paragraph 3, of the Convention?

7. Please inform the Committee as to whether persons with disabilities living in self-governed areas of Sweden are fully included in the initial report from Sweden, and in which ways they have been consulted as part of the involvement of organizations of persons with disabilities in accordance with article 4, paragraph 3, of the Convention.

## **B. Specific rights**

### **Equality and non-discrimination (art. 5)**

8. Please provide information on whether the Swedish Anti-Discrimination Act encompasses all sectors and areas covered by the Convention.

9. What steps have been taken by Sweden to ensure that the Swedish translation of the Convention, and the use of that version, does not affect the understanding of any rights within the Convention in ways that would have the consequence of reducing the protection of persons with disabilities from discrimination?

10. Is the concept of reasonable accommodation as set forth in the Convention understood and applied in a unified way in all legislation in Sweden, with respect to areas both within and beyond the scope of Council of the European Union directive No. 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and if so, how?

11. Please describe the coverage and competence of bodies designated in Sweden, such as the Equality Ombudsman, to address discrimination in all forms against persons with disabilities. Do these bodies have competence in all spheres and at all administrative levels of society in Sweden, including the private and public sectors?

12. Please provide statistical information regarding lawsuits and cases of discrimination on the grounds of disability in the court system and in the legal administrative system, with specific reference to the sectors in which the act of discrimination was alleged to have happened. Please supplement this information with statistical data on the outcome of these cases and indicate how these statistics are collected.

13. Please describe the procedure in force for implementing the decisions adopted by the Committee under the Optional Protocol to the Convention. Please indicate the measures taken to give effect to the Views published in communication No. 3/2011, *H.M. v. Sweden* (adopted on 6 December 2010), in which the Committee identified a violation of the Convention by the State party.

### **Women with disabilities (art. 6)**

14. Please provide information on how the State party secures the involvement of women and girls with disabilities in the preparation and implementation of policies and legislation and their inclusion in statistical analysis regarding persons with disabilities, in particular women and children from ethnic backgrounds other than Swedish or who belong to the Saami peoples.

**Children with disabilities (art. 7)**

15. What initiatives have been taken by Sweden to guarantee full respect for the views of children with disabilities, in accordance with article 7, paragraph 3, of the Convention, regardless of the need of the child to be assisted in communicating?

**Awareness-raising (art. 8)**

16. In its report, the State party describes several campaigns that have been or are to be undertaken. Some of the campaigns have been criticized by civil society for not portraying persons with disabilities in line with the human rights approach, instead perpetrating negative, charity and/or medical approaches. How does Sweden plan to ensure that a human rights perspective is used in all campaigns? What kind of methodology and strategies are used by Sweden in preparing such campaign materials and language, including the prioritization of the specific discrimination issues that may be faced by persons with disabilities due to cultural prejudices?

**Accessibility (art. 9)**

17. Please describe how laws and regulations in Sweden cover obligations to remove barriers to accessibility for all persons with disabilities in accordance with the provisions of articles 1 and 9 of the Convention, and indicate whether there is a comprehensive national plan of action covering all groups of impairments, including plans for introducing new binding regulation, including legislation. Please provide information on what monitoring mechanisms have been established to secure compliance with existing accessibility regulations and obligations, and on how these mechanisms function in reality. Have there been any concrete changes in policies and plans of action concerning accessibility since the ratification of the Convention? If so, please describe them. How is the State party using public procurement as a tool to obtain a higher level of accessibility with respect to the physical environment, transport, communication and information technologies and electronic technologies, including public websites?

**Equal recognition before the law (art. 12)**

18. Does Swedish law allow for substituted decision-making in relation to adult persons with disabilities in financial matters, living arrangements or any other area?

19. Please describe how a person who has been given an administrator because of a disability can ask for, and be given, less intrusive personal support (i.e., support to decision-making) from someone chosen by the person himself or herself, for example if the person has a more “complex” intellectual disability.

**Access to justice (art. 13)**

20. What kind of reasonable accommodation is provided for persons with disabilities, regardless of the disability, to overcome disability-related barriers in accessing the legal court and administrative systems, for example to overcome barriers of communication (such as providing for the use of sign language, pictograms, alternative communication, Braille and/or hearing loops in court rooms, and ensuring physical accessibility)? If there is any lack of access to reasonable accommodation, please provide information on the plan of action to reach full and equal access to justice.

21. Are there any groups of persons with disabilities who, for any reason, are not able to become a layman or a juror in courts or administrative judicial bodies? Is it possible for a person with a disability to receive the necessary reasonable accommodation to become and function as a layman or juror?

**Liberty and security of the persons (art. 14)**

22. Are there any circumstances in which persons with disabilities, for example persons with a psychosocial or intellectual disability, could receive a sentence that is longer than sentences for persons without disabilities who have committed the same type of crime?

23. Please also inform the Committee as to whether persons with disabilities below the age of 18 can be sentenced to jail or any other form of custody where they might be held together with adults.

24. How are the police and other law enforcement officials trained in dealing with persons with various kinds of disabilities to ensure the proper treatment of persons with disabilities in their custody?

25. Are there cases in which persons with disabilities, because of their disability, are deemed unfit to stand trial for crimes they have committed? If so, what administrative or legal procedures are followed to guarantee justice for the person?

26. Please provide detailed information on the type and nature of treatment in situations where persons with disabilities are being treated without their full and informed consent, and describe the safeguards that are put in place to prevent abuse of persons in such situations. Please also provide information on the maximum period of time during which such treatment may be administered without the person's full and informed consent.

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

27. How many incidents of electroconvulsive therapy, both voluntary and involuntary, being administered to persons with psychosocial disabilities occurred between 2009 and 2012 (inclusive)? Who is authorizing this kind of treatment? How are these incidents registered? Who controls the use of electroconvulsive therapy?

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

28. How, and to what extent, are abuse and violence against women, girls and boys with disabilities registered statistically? What has been done to prevent such incidents of abuse and violence? What support is provided to women and children with disabilities who are experiencing violence and abuse? How are they able to take shelter in accessible crisis centres and receive the personal assistance necessary? Were any incidents reported to the authorities (police or others) in 2012, and if so, what was result of the action taken, if any?

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

29. Is it possible for a person with a disability, regardless of his or her disability, to choose freely where and how to live in the local community and at the same time be able to receive the necessary individually assessed support or personal assistance? Has the number of persons receiving personal assistance as a personal budget increased or decreased since 2008? Please provide figures reflecting the annual development since 2008, including the development of the average support received, disaggregated by gender and age (adult/child) and by impairment, and describe the reasons for the development. How does the State party monitor the possibilities for persons with disabilities to be fully included in the local community and to participate on an equal basis with others in education, employment, culture and leisure?

**Education (art. 24)**

30. Please provide information on how accessibility of schools is achieved, and to what level and where, in relation to all children with different disabilities and in accordance with the concept of disability in article 1 of the Convention. Please provide information on

whether there is a concrete plan of action to ensure the accessibility of the school system in both urban and rural areas, including the northern areas, allowing access by and inclusive teaching of all pupils with disabilities in their local community. Please indicate how the qualifications and competences of the headmaster, teachers, specialists, technical staff and others regarding inclusion are guaranteed through education and courses to realize the vision of high-quality inclusive education in regular schools to the highest possible level. How is the positive attitude towards inclusive education developed and maintained among parents of children with or without disabilities and among children themselves?

#### **Health (art. 25)**

31. Please provide information on the initiatives Sweden has taken or is planning to take with the purpose of increasing access to all kinds of health services, especially for persons with disabilities in need of more intensive support, including those living in various types of supported community-based accommodation.

32. Please provide information on initiatives being taken by the State party to reduce the high level of suicide among persons with disabilities, including, in particular, information regarding young persons with psychosocial disabilities.

#### **Habilitation and rehabilitation (art. 26)**

33. Are both habilitation and rehabilitation provided without any differences in quality for all persons with disabilities regardless of whether they were born with their impairment or acquired it at a later stage in life? Are habilitation and rehabilitation assessed and provided in a cross-sectoral and holistic manner (including a 24/7 perspective) based on a comprehensive and concrete individualized plan of action decided with the express consent of the person involved?

#### **Work and employment (art. 27)**

34. Please provide information regarding the development of employment of persons with disabilities, disaggregated by gender and age. Please provide information regarding the reasons for the decline in the percentage of persons with disabilities in the open labour market. Further, please provide information on initiatives being taken by Sweden to reverse this trend and to significantly increase, as soon as possible, the percentage of persons with disabilities in the open labour market; please distinguish between initiatives targeting women and those targeting men.

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

35. To what extent does the State party provide financial compensation for loss of income to families with children with disabilities when they assist their children in securing access to community-based services and in connection with treatment at medical facilities, especially in situations where a child is being treated far from home and for longer periods of time?

#### **Participation in political and public life (art. 29)**

36. Are there any persons with disabilities who, for any reason, are deprived of the right to vote and, if so, what are the reasons?

37. Do persons with disabilities who are unable to handle voting ballots by themselves because of their disability have the right to choose a person of trust to assist them in voting?

38. Are voting ballots available in different formats, allowing persons with disabilities to be able to read and understand them regardless of their impairment?

39. How are new technologies used to eliminate different kinds of barriers that prevent persons with various types of disabilities to be able to carry out the voting procedure by themselves?

40. How are electoral candidates with disabilities being accommodated according to their needs in the electoral process?

41. What measures are in place to ensure that political parties provide their material in accessible format, giving persons with disabilities the ability to be fully included in the political process before the actual elections take place?

## **C. Specific obligations**

### **Statistics and data collection (art. 31)**

42. The concept of disability advanced by the Convention focuses on discrimination caused by social, physical, communicative and attitudinal barriers that prevent equal participation. Please provide information on the shift from the statistical approach to measuring discrimination and lack of participation of persons with disabilities since, and as a consequence of, the ratification of the Convention. How is the positive impact of the ratification described and evaluated statistically?

### **International cooperation (art. 32)**

43. In which ways has the Government of Sweden played an active role in international cooperation, both North-North and North-South, with respect to preventing negative impacts caused by the financial crisis on persons with disabilities?

44. What initiatives have been taken to ensure the mainstreaming of disability into all areas of international cooperation regardless of the origin of the actor, for example public or private companies, United Nations bodies, the European Union, non-governmental organizations or disabled persons' organizations?

### **National implementation and monitoring (art. 33)**

45. Please describe the set-up and functioning of the focal point(s) established within the administrative system, in accordance with article 33, paragraph 1, of the Convention, in particular with regard to coordination and collaboration among different ministries within the Government and the involvement of organizations representing persons with disabilities. Please include a description of the concrete output of this mechanism.

46. Please describe the set-up and scope of competence of the independent monitoring mechanism that aims to meet the requirements in article 33, paragraph 2, of the Convention, and to what extent it is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); please also explain what kind of resources were added to this function in connection with the ratification of the Convention as a consequence of the new tasks. What measures are taken to ensure the meaningful involvement of organizations of persons with disabilities in relation to the monitoring mechanism? Does the State party have concrete plans for establishing a unified monitoring mechanism covering the disability perspective across all international conventions and their protocols, including the Convention, to minimize the risk of multiple discrimination against persons with disabilities?