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| **Memorandum**  |  |
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| 19 May 2016 |
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| **Ministry for Foreign Affairs** **Sweden** |
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Special Rapporteur on the rights of persons with disabilities

Ms. Catalina Devandas-Aguilar

Questionnaire on "Disability-inclusive Policies" - Swedish response

*Links which lead to detailed information in English are included in this document for some of the questions.*

1. **Please provide information on how your country is considering the rights of persons with disabilities in their policies aimed at implementing and monitoring the Sustainable Development Goals.**
2. *Existing national strategies and action plans:*

The current national strategy for implementation of Swedish disability policy 2011-2016 is based on the national goals for Swedish disability policy and the UNCRPD. The strategy is now being evaluated in the perspective of how it has achieved its aims to promote that the national agencies, county councils and municipalities implement the UNCRPD. With systematic follow up, the Government evaluates what impacts measures have in the everyday life of individuals with disability.

From experience gained 2011-2016, the government is working towards developing a more efficient and systematic disability policy, both in the implementation and monitoring. The Agency for Participation received a governmental assignment to propose the orientation for the national disability policy after 2016 in line with the UNCRPD and Agenda 2030. The Agency is preparing a report for the Ministry of Social Affairs intended to assist the government to set priorities. The report is to be delivered in the summer of 2016. The government will consult with disability organizations and collaborate with all stakeholders before making a decision on a new strategy in late 2016.

The Swedish government intends to take a great responsibility for the Agenda 2030 implementation both nationally and internationally. The empowerment of girls and women is a goal in itself as well as a means for the implementation of the Agenda.

The Swedish Agency for Participation is coordinating a two-year information campaign (2015-2017) in cooperation with the Equality Ombudsman and the Children's Ombudsman with main focus on increasing knowledge and awareness of the content of the Convention on the Rights of Persons with Disabilities and the amendment to the Discrimination Act which has included disability as a ground for discrimination since 1 January 2015.

1. *Budget allocation for their implementation:*

Every sector of society should be designed so that it is accessible for all. The costs are taken within the budget for ordinary operations.

1. *Existing mechanisms or frameworks to monitor their implementation:*

The national strategy for implementation of Swedish disability policy 2011-2016 focuses on the implementation of the disability policy in all sectors and at all levels of society. Within the strategy a framework for a monitoring/follow-up system has been developed. This follow-up system complies with the recommendations of the UN High Commissioner for Human Rights in terms of its structure and indicators for monitoring the enjoyment of human rights. It focuses, among other factors, on changes in policy and control mechanisms and on measures undertaken in the public sector and examines the consequences of such measures for persons with disabilities compared with the consequences for persons without disabilities.

The follow-up system includes cooperation with the municipalities, county councils and the Swedish Association of Local Authorities and Regions. Indicators enabling follow-up of developments at the local level are formulated for such sectors as the labour market, education, social welfare and culture/sports. Moreover, The Swedish Agency for Participation has established a disability advisory committee together with the three major umbrella organizations of persons with disabilities in Sweden. The Agency holds thematic dialogues in collaboration with these organizations and agencies.

Statistics Sweden has broadened the Living Conditions Survey (ULF) so that it includes some questions that identify if persons with disabilities experience obstacles in their daily lives. Statistics from the ULF survey are used to monitor how living conditions in general develop over time. The figures can show differences in the enjoyment of human rights among persons with disabilities compared with persons without disabilities. Another measure taken to facilitate for the agencies to monitor implementation of the UNCRPD is the establishment of a web panel of approximately 2 000 persons with disabilities. This panel provides detailed data reflecting views of persons with disabilities and their proposals concerning how obstacles encountered in the community could be eliminated. As web questionnaires include only a subset of persons with disability and cannot give a deep understanding of the issues, qualitative studies are also carried out.

Under Ordinance 2001:526, the Swedish Agency for Participation has monitored how central government agencies are progressing in their efforts to improve accessibility. Outcomes are communicated via open comparisons of the results of the individual authorities on the Swedish Agency for Participation’s website.

1. *How do these strategies/plans take into consideration the situation of women and girls with disabilities, and of children and older persons with disabilities?*

In 2015, the Agency for participation received a governmental assignment to study the situation of persons with disabilities compared to the rest of the population from a gender perspective. The report produced as a result of this assignment shows how men and women with disability receive different amounts of support from the society. The national disability strategy places an emphasis on a gender and child based approach.

The Government has in 2016 decided to grant Allmänna Barnhuset 500 000 SEK to compile facts on the existence of violence against girls and boys with disabilities.

1. *How is the participation of persons with disabilities and their representative organizations ensured in the development and implementation of such strategies/plans?*

The Ministry of Health and Social Affairs is the focal point responsible for the national implementation and monitoring of the UNCRPD. To ensure implementation in all sectors of the society there is a high level inter-ministerial working group with representatives from most of the ministries. The Minister responsible for disability policy regularly convenes a delegation, comprising representatives of Disabled Persons Organisations (DPO) and State Secretaries for consultation and exchange of information. Governmental agencies are recommended to have meetings for consultation and exchange of experience with representatives from the organizations of persons with disabilities.

Organizations of persons with disabilities are consulted in the evaluation process of the current strategy and also in the work of writing a proposal for the future national disability policy strategy.

1. **Please provide information on the legislative and policy framework in place in your country concerning non-discrimination.**
2. *Whether “disability” is specifically mentioned as a prohibited ground of discrimination.*

Yes, disability is included as a prohibited ground of discrimination. The discrimination act 2008:567 which prohibits such discrimination can be found at the following link: <http://www.do.se/other-languages/english-engelska/discrimination-act/>

1. *The existence of any budgetary mechanism to ensure the provision of reasonable accommodation by public entities.*

There is no certain budgetary mechanism to ensure the provision of reasonable accommodation. In Sweden the costs for measures to increase accessibility are to be taken within the budget for ordinary operations.

Ordinance 2001:526 gives government agencies (including those at regional, county and municipal level) the responsibility for working toward a higher level of accessibility than mandated in building and other similar legislation. Government agencies are intended to be a role model.

The Swedish Agency for participation provides accessibility guidelines to assist all relevant agencies to fulfil their responsibilities concerning accessibility. These guidelines are a basis for determining if measures to provide accommodation are reasonable or not.

1. *Whether the denial of provision of reasonable accommodation amounts to discrimination.*

The discrimination act 2008:567 contains a paragraph about inadequate accessibility (reasonable accommodation) Chapter 1 Section 3:3. See also above.

If there are no guidelines or laws for accessibility in the area where there is a prohibition of discrimination, only simple/uncomplicated measures are covered. Such simple/uncomplicated measures include reading up a menu for a person who is vision impaired or holding up a door or giving goods to a person who has mobility impairment. In the concluding observations for Sweden this is recognized. The exceptions for private entities are recognized as well. More information is found via the following link: <http://www.manskligarattigheter.se/Media/Get/721/ladda-ner-dokument-engelska-pdf>

1. *The existence of any affirmative action measures for persons with disabilities.*

The discrimination act 2008:567 contains provisions for affirmative action in schools and higher education. Chapter 3, sections 14, 15 and 16. (<http://www.do.se/other-languages/english-engelska/discrimination-act/>)

Due to a proposal from the parliament, from 1 January 2017 affirmative action in work life includes people with disabilities.

1. *The existence of any legal, administrative or other effective remedies available for persons who have been subject of discrimination on the basis of disability (including denial of reasonable accommodation).*

The discrimination act 2008:567 contains provision for the supervision of compliance by the Equality Ombudsman and for the obligation to provide information upon request to the Equality Ombudsman by natural or legal persons who are subject to the prohibitions of discrimination and reprisals, to investigate and take measures against harassment or the provisions on active measures. The act also contains provision for financial penalties for those who do not provide relevant information and comply with requests made by the Equality Ombudsman as well as procedures for ordering compliance subject to financial penalties for those who are found not to fulfil obligations laid out in the act. (Chapter 4 and 5)

The discrimination act 2008:567 contains a provision which gives the Equality Ombudsman and non-profit organisations whose statutes state that it is to look after the interests of its members (and that is not an employees’ organisation referred to in the act), the right to bring a court action on behalf of an individual who consents to this. (Chapter 6 section 2).

1. *The establishment of governmental agencies or other similar institutions to guarantee to persons with disabilities equal and effective protection against discrimination.*

The Equality ombudsman is established and provisions on the duties of the Ombudsman are contained in the Act concerning the Equality Ombudsman (2008:568). (<http://www.do.se/other-languages/english-engelska/act-concerning-the-equality-ombudsman/>).

One of the main duties of the Equality ombudsman is to supervise compliance with the discrimination act 2008:567. The Ombudsman tries in the first instance to induce those to whom the Act applies to comply with it voluntarily.

The Board against Discrimination has the duty to examine applications for financial penalties and appeals against decisions concerning orders for financial penalties in accordance with the discrimination act 2008:567. The Board against Discrimination is also tasked with ensuring that cases are adequately investigated. When necessary, the Board arranges for additional investigation.

The Swedish Agency for Participation has a mandate to ensure that disability policy will have an impact in all parts of society by monitoring and analysing developments, proposing methods, guidelines and guidance, disseminating knowledge, initiating research and other development work, and providing support and proposing measures to government.

1. **Please provide information on the legislative and policy framework in place in your country concerning accessibility for persons with disabilities in relation to the physical environment, transportation, information and communications, and to other facilities and services.**
2. *The existence of national standards, guidelines, and regulations on accessibility and universal design, including access to Information and Communication Technologies.*

Built environment

The Planning and Building Act (PBA) and the Planning and Building Ordinance (PBO): A general requirement for accessibility and usability for people with impaired mobility or orientation capacity is given in Chapter 8, Sections 1, 4, 7 and 9 of the Planning and Building Act (2010:900), PBA, and in Chapter 3, Sections 4, 18 and 23 of the Planning and Building Ordinance (2011:338), PBO.

The National Board of Housing, Building and Planning (Boverket) publishes Building Regulations (BBR) which include mandatory provisions concerning accessibility. The Building Regulations (BBR) apply for a new building and for an alteration, including altered use. Most of the regulations concerning accessibility are found in section 3, and also in section 8.

Buildings must be accessible and usable for people with impaired mobility and orientation. Sites intended for development must be accessible and usable if this is not unreasonable with reference to the terrain and conditions in general. This also applies to streets, squares, bathing facilities etc.

Holiday homes with no more than two dwellings are exempt. Work premises are exempt if it is unjustified to make the premises accessible and usable with regard to the nature of operations.

Standards: The BBR's general recommendations refer to standards that give detailed information associated to the general recommendations. The general recommendations also give examples of ways to meet their requirements. Alternate methods are accepted if proofs of compliance to requirements of the mandatory provision are met. Standards are available from the Swedish Standards Institute (SIS Förlag AB).

Easily eliminated obstacles, HIN: Easily eliminated obstacles must be remedied according to the National Board of Housing, Building and Planning’s mandatory provisions and general recommendations on the removal of easily eliminated obstacles to and in premises to which the public has access and in public spaces (BFS 2013:9 - HIN 3). The regulations of HIN apply retroactively.

Accessibility and usability in public spaces, ALM: New public spaces and areas shall be constructed so that they are accessible and usable. This applies, for example, to streets, squares, parks, recreational areas and outdoor baths. The regulations are contained in the National Board of Housing, Building and Planning’s mandatory provisions and general recommendations on accessibility and usability for people with limited mobility or orientation capacity in public spaces and in areas for constructions other than buildings (BFS 2011:5 ALM 2).

ICT

There is no special legal framework for accessibility to ICT. An EU directive is in process concerning web accessibility in the public sector.

Sweden has guidelines on internet accessibility, ‘Guidance for Web Development’, produced by the e-Government Delegation. The guidelines are intended for official bodies and contain a wide range of general recommendations for the development of websites based on WCAG 2.0, level AA. (WCAG: Web Content Accessibility Guidelines). By following these recommendations, designers can develop web pages that are more accessible to persons with a variety of disabilities.

Transportation

Sweden has an act (1979:558) which defines the responsibility for making public transportation accessible and delegates overall responsibility.

The EU regulations for railways, COMMISSION REGULATION (EU) No 1300/2014 of 18 November 2014, gives technical specifications concerning interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility.

The EU REGULATION (EC) No 661/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 July 2009 concerns-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor. This regulation has a provision in article 7 that states that Vehicles of Class I (vehicles for more than 22 people) shall be accessible for people with reduced mobility, including wheelchair users.

Ordinance 2001:526 responsibilities for Government agencies

As previously mentioned Government agencies are intended to be a role model concerning accessibility. The Swedish Agency for participation publishes accessibility guidelines to assist the Government agencies to fulfil their responsibilities concerning accessibility. These guidelines include information concerning operations/procedures, information and communication (including information and communication technology, ICT), and the premises. The guidelines for ICT covers the international standard on web-accessibility WCAG level AA and the European standard EN 301 549 with accessibility requirements to be used in procurement of ICT.

1. *The existence of time bound action plans to make public and private facilities and services accessible for persons with disabilities.*

Ordinance 2001:526 gives the Government agencies responsibility to continuously improve accessibility. For the built environment the easily eliminated obstacles, HIN, previously mentioned, apply retroactively. In that perspective the agencies and the local municipalities develop action plans.

1. *The existence of accessibility requirements for public procurement.*

According to a recent EU directive, accessibility requirements on procurement are to be mandatory on the 18 of April. Sweden is delayed in the process; new laws on procurement are foreseen to be in place by January 2017.

1. *The existence of any enforcement mechanism of accessibility standards*

The local municipalities have an enforcement mechanism on requirements concerning the built environment. In the other areas there is no similar mechanism.

1. *The provision of training on accessibility issues for State officials and other actors.*

There is no coherent training organised by the Government. There are several private initiatives.

Certification.

In the building sector, the Administration for Town Planning in the municipalities often require a certified expert to control that accessibility requirements are met in cases where the client/owner's self-implemented control is not adequate.

The certification of experts in accessibility is managed by the company Kiwa Swedcert. The National Board of Housing, Building and Planning does not issue any such certificates.

The National Board of Housing, Building and Planning drafts the regulations that define requirements that apply for certification as an expert in accessibility. The National Board of Housing, Building and Planning has outlined the reasoning upon which the regulation is based and how the control system is intended to function in the regulation’s impact assessment.

1. **Please provide information on the legislative and policy framework in place in your country concerning support services for persons with disabilities.**
2. *The diversity and coverage of services available (e.g., services for supported decision-making, communication, mobility, personal support, housing and living arrangements, access to general services such as education, employment, justice and health; and other community services)*.

The State’s responsibility for individual support and services for people with disabilities is regulated by the Social Services Act (SoL), the Act concerning Support and Service for persons with Certain Functional Impairment (LSS) and by the Social Insurance Code (SFB)

The Social Insurance Code entered into force on 1 January 2011. Replacing more than 30 laws (with little substantive changes), the purpose of the Code is to make the rules more accessible and easier to apply and thus provide greater security against inconsistent application. It is comprised of eight chapters and covers family benefits, sickness or work-related injuries, disability, old-age benefits, subsidies for survivors, housing subsidies and common regulations. Authorities that apply the Code are the Swedish Social Insurance Agency, Swedish Pension Agency and the Swedish Tax Agency.

The Social Insurance Code is available in English at the following address: <http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=88493>

Social Services Act (SoL) applies to measures that are the responsibility of the municipality such as ; personal contact, special housing, home services, companion service and meaningful daily activities/occupation.

The Act Concerning Support and Service for Persons with Certain Functional Impairments (LSS) applies to measures that are the responsibility of the municipality; A complement to other legislation, this act gives a legal right to ten basic measures for persons with certain functional impairments: consultation and other personal support, personal assistance, attendant/companion service, assistance by a personal contact, relief service in the home, short-term stays outside of own home, short-term supervision for schoolchildren over the age of 12 years, residence in a family home or housing with special service for children, residential arrangements with special service for adults and daily activities for people of working age who are unemployed and not studying.

The Health and Social Care Inspectorate is responsible for supervising activities under the LSS and SoL.

The new Education Act. Sweden has a well-developed inclusive education system. Only 1.5 per cent of school-aged children are instructed outside of the mainstream school systems and only in accordance with a decision made together with the child’s family. The new Education Act, which entered into force in 2011, introduced the right to appeal decisions concerning special support before a Board of Appeal.

The responsibility for providing pre-school and school education lies mainly with the municipalities and private sector providers. The Education Act (2010:800) regulates the various types of schools, and the national education authorities. Chapter 1, Section 4 of the Education Act states that the payment per pupil to schools takes into consideration the varying needs of children and pupils. Children and pupils are to be given appropriate support and encouragement so that they can develop to their greatest possible extent. One aim is to compensate for differences in the capacity of children and pupils, so that all children can benefit from education. Chapter 3 of the Education Act states that all pupils are to be given guidance, encouragement and appropriate support based on their specific capabilities to ensure that they attain their personal and educational development and goals.

Access to health care. The Health and Medical Services Act (1982:763) states the overall objectives of the health care system in Sweden. According to section 2 of this law, the goal of the health and medical service is good health care on equal terms for the entire population. It also states that care should be provided with respect for equality and for human dignity and that those who are most in need of health care should be given priority access to care.

In the Strategy for Good Quality and Equal Care, 2012–2016, the Government outlines an overall plan for the improvement of equality in the care sector. The strategy involves identifying and eliminating unjustified differences in outcomes and treatment and monitoring developments. Equal care implies that interpersonal contact, care and treatment are provided on the same terms regardless of factors such as personal characteristics, locality, age, sex, disability, education, social status, ethnicity, religious affiliation or sexual orientation. With the primary focus on the study of health inequalities between various socioeconomic groups in society and between men and women the Government set up the Commission for Equity in Health with the task of submitting proposals that can help to reduce health inequalities in society.

As of 1 January 2013, new provisions apply regarding dental care for persons with need of dental care due to a significant medical condition or disability. These persons are eligible for subsidized dental care which is covered by provisions concerning fees within health care system. The purpose of this new support is to ensure that there are no serious financial obstacles to prevent these persons from receiving the dental care that they need.

Rehabilitation is provided in three main categories: medical-, social- and vocational with focus on opportunities and not limitations. According to the Health and Medical Services Act (1982:763) the provider is obligated to provide rehabilitation, habilitation and means to restore or maintain functional abilities.

Work and employment are key areas to increase the participation in society of people with disabilities. The Employment Service is mandated to carry out vocational rehabilitation in terms of guidance, advice and/or work preparatory efforts. The Employment Service cooperates with the Social Insurance Agency and local governments as per the Act concerning Financial Coordination of Rehabilitation Measures (2003: 1210).

Assistive technology. Regulation and financing of assistive technology is governed by the Health and Medical Services Act (1982:763). The responsibility for assistive technology provision varies depending on the context in which the device is used. Assistive technology in the home, school and the local environment as well as for daily life and for care and treatment is the responsibility of county councils and municipalities. Tariffs and the assortment varies among the counties and municipalities.

1. *The availability of certified sign language interpreters.*

There are many more professional sign language interpreters active in Sweden of whom 169 are certified. Most sign language interpreting is financed by the county councils, who have 178 employed sign language interpreters, real-time text transcribers and interpreters for deaf-blind persons. In addition, there are a number of small companies which provide sign language interpreting services to county councils, authorities and others. Education for sign language interpreters is provided at seven schools in Sweden. The education is not standardized and length varies from three to four years. Certification of sign language interpreters is not part of the curricula of the education.

1. *The types of service delivery arrangements (e.g. direct provision, public-private partnerships, partnerships with community-based or non-government organizations, contracting out, privatization).*

There is a mix of direct and private provision of services. Service provision is publically funded. For personal assistants provided according to LSS, the individual receiving assistance has the right to decide on provider (private company or the municipality)

1. *The financial mechanisms to ensure affordability of support services for all, persons with disabilities.*

Support services are publicly financed, mostly by municipalities. The state assumes costs for personal assistance that exceeds a defined limit per week for persons covered by LSS receiving personal assistance.

1. *How services enable direct choice and control of users with disabilities?*

Persons with disability can choose provider (municipality or private actor).

1. **Please provide any other relevant information (including information from surveys, censuses, and administrative data – statistics, reports, and studies), in relation to the implementation of existing disability-inclusive policies and action plans in your country.**

The following is the summary from the latest report (2015) published by the Swedish Agency for Participation on the ongoing development in the disability area.

Summary

This is the fourth follow-up of the developments in the disability policy. The follow-up shows that the development is moving towards a more inclusive and sustainable society, if ever slowly. Many initiatives are taken, and many ac-tors are actively involved in increasing accessibility. Despite the increased efforts, it may take some time before the effects can be seen in society. There are still many people with functional disabilities – girls, women, boys and men – who cannot participate in society on equal terms. Among other things, the results show that:

People with disabilities that entail a reduced work capacity still represent more than a fourth of all those registered with the Swedish Public Employment Service. However, the trend is positive, and an increasing number finds employment each year.

Schools continue to fail in providing pupils with the special support they are entitled to, and a large proportion of teachers are unable to give the necessary support. It is also more common for pupils with disabilities to feel overwhelmed and stressed by their schoolwork, and that it is difficult.

The perceived health is much worse among people with disabilities, and many more in this group have financial difficulties compared with the rest of the population.

The follow-up also indicates gender-based differences in several areas. Men are on average granted more hours with assistance allowance. A larger proportion of women have special transport permits. Among the children who train often, there are no noticeable differences, in terms of functional ability, among the girls. On the other hand, there are large differences between boys with and without disabilities. More knowledge about the causes of these differences is needed. Another pattern emerging in the follow-up is that the role of family members influences participation and involvement. Every fifth adult is estimated to care for, help or support a family member. To give an example, people with functional disabilities who live with someone tend to vote to the same extent as the rest of the population. But people with functional disabilities who are single tend to vote to a lesser extent than other single people. Many teachers feel that pupils whose parents get involved will get special support to a greater extent. There is currently a great lack of knowledge regarding the role and influence of family. Many initiatives are underway to increase participation. In most areas, there are now laws and guidelines concerning the accessibility of people with disabilities.

The results indicate that:

* There is an increased awareness in the municipalities when it comes to being an equal opportunities employer.
* More government agencies are inventorying and rectifying accessibility flaws in their premises.
* The accessibility of vehicles and transit points in public transport is increasing.
* More television broadcasts have subtitles and sing language or visual interpretation.
* The accessibility of the Swedish Courts is increasing somewhat.
* Knowledge about how individual supports contribute to participation is growing.

In order to move these developments along, there are opportunities to make increased demands for accessibility in procurement. This would lead to more products, premises, goods and services being made accessible from the start. It would also reduce the need to rectify accessibility flaws at a later stage, which leads to reduced costs. The work of the 22 strategic agencies is improving. At several of them, there is an increased awareness of the disability perspective. The development of several targets in the strategy is gaining in a positive direction.