

Sweden

NGO PROGRESS REPORT
ON THE FOLLOW-UP OF THE CONCLUDING
OBSERVATIONS
(CCPR/C/SWE/CO/6)

NAME OF THE NGO

The Swedish Disability Federation

With the support of : **Project » Agenda 50- tools for our rights « This is a project run by the swedish disability movement in order to work for the implementation of the « Convention on the Rights of Persons with Disabilities »**

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Status:

Concluding observations adopted in April 2009

State replies due in April 2010

State replies submitted April 2010

CCPR/C/SWE/CO/6/Add.1

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Concluding observations selected for the follow-up procedure

Paragraph 10

10. The Committee notes that the State party has ratified the Convention on the Rights of Persons with Disabilities in December 2008, and has taken steps to increase awareness among persons with disabilities about their rights. The Committee is concerned about reports of physical abuse of disabled persons who reside in institutions and sheltered housing. The Committee is also concerned that persons with disabilities often face difficulties in obtaining adequate services and housing through their municipalities, and face difficulties when they attempt to change their residence to another municipality. The Committee also regrets that the employment rate for persons with disabilities has decreased in recent years (arts. 2 and 26).

- (a) The State party should increase the awareness among persons with disabilities about their rights and the possibilities to seek protection and redress against violations of their rights;**
- (b) The State party should provide updated information on the impact of its awareness-raising programmes, how the accessibility of disabled persons to social services and goods is ensured in practice including at the level of municipalities, and details on the implementation of its disability policy in its next periodic report;**
- (c) The State party should take effective measures to increase the employment rate for persons with disabilities, including those with reduced work capacity.**

With regard to point A the Swedish disability federation would like to make the following comments:

As shown in the alternative report it is sometimes more difficult for people with disabilities in comparison to people without disabilities to utilize their civil and political rights. Article 2, point 2 a, in the covenant shows that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity”.

As the alternative report indicates (articles 14 and 2) the knowledge of disabilities and human rights in different authorities, including personnel in courts, is often too insufficient. There is a risk that it would lead to that individuals with disabilities will not have equal opportunities regarding access to effective remedies. Many of the civil and political rights are included in the European convention concerning human rights and fundamental freedoms. The European convention has been incorporated in the Swedish law and can therefore be referred to the courts.

The Swedish Discrimination Ombudsman can free of charge support individuals both with conciliation cases and pursue legal proceedings. The disability ombudsman can only pursue cases in court relating to the discrimination act and parental leave act. These laws cover more or less only the economic, social and cultural rights. The Discrimination ombudsman can when pursuing cases related to these acts rely on the “European Convention”, but cannot pursue cases that are only based on the European convention.

The Swedish Disability Federation considers that:

- Sweden must ensure that individuals in Sweden have equal support and access to effective remedies both in view of civil and political rights as economic, social and cultural rights
- The Swedish Disability Ombudsman must be able to pursue cases to court that only are based on the convention on human rights and fundamental freedoms.

With regard to point B the Swedish disability federation would like to make the following comments:

The Swedish Disability Federation welcomes the measures taken by the government while we are critical of how the Swedish government has dealt with the issue of lack of accessibility. Large parts of the work and decisions that are necessary in order to obtain better accessibility for persons with disabilities in the Swedish society have for a long time been postponed to the future. The Swedish Disability Federation considers it particularly remarkable that the government does not take stronger action related to the lack of accessibility as a result of the ratification of the UN convention on rights of persons with disabilities.

As shown in the alternative reports by the Swedish disability movement there are already in Sweden laws aiming at making Sweden more accessible. The big problem is that the laws are not always complied with. As late as 2009, the train company Veolia bought trains that cannot be used by a person using a wheelchair. Despite the fact that we since 1979 have a law¹ stating that the public transport shall be accessible. The Swedish evaluation of the national action plan for disability policy shows for example that only 56 % of the polling stations are completely accessible. Despite the fact

¹ Act 1979:558 on making public transportation accessible

that Sweden has a law² stating that the municipalities must use polling stations that are accessible. In the light of the fact that laws despite strong pressure are not complied with the Swedish Disability Federation considers that Sweden must take more effective measures immediately!

The government has earlier chosen not to comply with the proposal of the Discrimination Committee that failure to take accessibility measures is to be viewed as discrimination. The Swedish Disability Federation considers that it is necessary to have such a compliment in the Discrimination Act in order to make stakeholders comply with existing discrimination laws in the discrimination field. Individuals with disabilities are those who are excluded when laws on accessibility are not complied with. An individual's possibility to have an impact on their own situation must be stronger. The government has now carried out a new governmental inquiry on lack of accessibility as ground for discrimination. Also this inquiry proposes that failure to take action on accessibility shall be viewed as discrimination. The proposal has been sent for consultation. Prior to a possible legislation an authority will be commissioned to further address the costs that may arise for private and public parties. The consultation replies and additional cost calculations will be evaluated before the government could take decision on this issue. The Swedish Disability Federation considers that the government without delay must ensure that persons with disabilities cannot be excluded as currently is the case.

The Swedish Disability Federation considers that:

- The Swedish government must take urgent action so that the laws are complied with.
- Failure to take action on accessibility has to be legislated as discrimination

² Election Act 2005:837