

The Swedish disability movement's views to the Committee of Economic, Social and Cultural Rights, pre-session November 2007.

In view of the Swedish official report to the Committee of Economic, Social and Cultural Rights as well as the Committee on Human Rights the Swedish Disability Federation has submitted 2 alternative reports. The purpose has been to provide a comprehensive image of how Sweden complies with the Human Rights with regard to persons with disabilities. The alternative reports consist of:

- Facts and statistics regarding the respective right
- the Swedish disability movement's view on the situation in Sweden
- the Swedish disability movement's recommendations of how to improve the situation

57 disability organisations agree with the respective report

This document is a complement to the alternative report concerning the economic, social and cultural rights. This document summarises the Swedish Disability Federation's views on:

- the Swedish government's fifth report to the Committee of Economic, Social and Cultural Rights
- the development concerning economic, social and cultural rights since the turn of the year 2005/2006.

General views

1. The Swedish Disability Federation states that the government has clarified the situation to a larger extent than earlier reports to the UN monitoring committees. Though the disability organisations state at the same time that the government's report is sometimes too positive and without nuances and that the perspective of persons with disabilities is missing in several sections. Particularly as regards articles 12 and 13.
2. In 2006-2007 several government commissions of inquiries have been carried out concerning economic, social and cultural rights. The Swedish Disability Federation states that unfortunately the perspective of persons with disabilities is often missing. As shown below the perspective of persons with disabilities is also neglected in direct relevant basis for political decisions.
3. On 20 September 2007 the government presented 2008-year budget bill. The budget bill consists of the government's proposal to the State budget for the forthcoming financial year. The Swedish Disability Federation has taken note of the budget bill and states that the perspective only to a certain extent and that the government has completely failed to mainstream the perspective of persons with disabilities in the different areas of expenditure.

Article 2

Regarding the points 17-19 in the government report

4. The Swedish Disability Federation welcomes the national action plan for human rights (Skr.2005/06:95). The national action plan addresses continuously discrimination on grounds of disability. The Swedish Disability Federation can however state as described below that the perspective of persons with disabilities has not been successful in practice concerning the realisation of Human Rights.
5. In the Ministry of Justice's report "An evaluation comment on the national action plan for Human Rights" the Swedish Disability Ombudsman states that "in our contacts with among others public authorities and municipalities persons with disabilities are still not first of all considered as bearer of Human Rights but as patients or receivers of welfare initiatives from society. Lack of necessary accommodation for persons with disabilities to participate in the Swedish society is today treated as social welfare deficiencies and not as violation of their Human Rights".
6. Furthermore the Swedish Agency for Disability Policy Coordination, Handisam, has stated that the sector authorities do not fully see their role and responsibility to promote disability policy within their areas of activity as the main activity and it will therefore not be a natural part of their activities.

Regarding the national action plan for disability policy

7. The Swedish Disability Federation states that the government has not at all mentioned the national action plan for disability policy "From patient to citizen" (prop. 1999/2000:79). For further information see the introduction to the alternative report. In March 2006 the Swedish government presented their second follow-up of the national action plan for disability policy. In this document the government states, inter alia, that education and employment is the real basis for economic and social security but the situation on the labour market for persons with disabilities have deteriorated in recent years. The government states that the analyses of the world around us carried out by the sector authorities indicate both incentives and disincentives. The purpose of these analyses is to identify the processes within the community sector which has an impact on the opportunities to comply with the aims of the disability policy. The government states that the technical development and the internationalisation are central development areas that will promote accessibility to goods as well as services. The government states also that a challenge for the continuation of the work will be to develop the knowledge and methods of how to develop both child and gender perspective in the disability policy work.
8. The Swedish disability movement had high expectations on the national action plan for disability policy, but states now that the work on the realization of the action plan in practice goes extremely slow. It seems as if the aims will not be achieved to 2010. As an example according to the action plan "More knowledge is needed in which areas legislation or other regulations are missing concerning accessibility and to what extent current regulatory framework prevents or excludes women and men with disabilities from taking part in community services and products." Such an inquiry has not yet begun 7 years after the establishment of the action plan.

The Swedish Disability Federation considers that such an inquiry is of outmost importance for Sweden to obtain such a comprehensive protection as possible. The Swedish Disability Federation considers that the inquiry cannot wait and the knowledge of the disability movement must be considered when the mission is drafted as well as carried out.

Regarding the points 21-22 in the government report

9. The Swedish Disability Federation welcomes the establishment of an HR-delegation but will strongly question the HR-delegation's reluctance to let the Swedish Disability Federation be represented in the reference group of the HR-delegation. As described in the government report point 22 the delegation shall according to their mission have a reference group consisting of representatives from the voluntary sector. When discrimination against persons with disabilities is very extensive it is most surprising that the Swedish Disability Federation has been denied a seat in the delegation's reference group.

Regarding the points 24-27 in the government report

10. The Swedish Disability Federation's opinion on the proposal of a new act on prohibition and other measures against discrimination is summarized in the alternative report on civil and political rights, page 23. Though it should be empathized that the new law proposes that neglecting accessibility measures is considered as discrimination. The Swedish Disability Federation calls for the time of writing that this is just a proposal and would therefore particularly stress how important it is that the proposal will be realized.

Regarding points 27 in the government report

11. The Swedish Disability Federation welcomes the regulation (2006:260) regarding non-discrimination conditions in the award of public procurement. Though the Swedish Disability Federation considers that:
 - All authorities must be covered by the provisions in the regulation. Not as it is now, only some larger public authorities.
 - Involvement of user organizations in the process of drawing up clear specifications that could be used in public procurement must be ensured.
 - It is necessary to develop efficient tools to verify that the suppliers comply with the clauses
 - Conditions of nondiscrimination in procurement contracts have to be used in all public procurement also at local and regional level.
 - According to the national action plan for disability policy (section 5.1.4) "Accessibility and usability should be taken account for in all public procurement. All measures that are financed by state aids should have a disability perspective". The national action plan has now existed for 7 years. This perspective has not yet been realized.

Regarding the points 29-31 in the government report

12. Concerning the act against discrimination as described in section 2.4 in the alternative report that disability as a ground of discrimination is not covered by all

paragraphs in the law. The Swedish Disability Federation considers that immediate action is required. It is most surprising that an act on prohibition against discrimination not per se cannot provide the same protection to the different grounds of discrimination.

Article 3

Regarding the points 36-47 in the government report

13. Referring to article 3 in the alternative report. In conclusion it should be mentioned that the gender perspective is often missing concerning the situation for persons with disabilities.
14. In connection to government point 42 it must be empathized that lack of accessibility to homes for battered women has the effect that many children and women with disabilities cannot have the necessary support when they have been victims of some form of abuse. As shown in article 10 in this alternative report as well as in articles 7 and 8 in the Swedish disability movement's alternative report concerning civil and political rights children and women with disabilities are especially victims of abuse.
15. The Swedish Disability Federation will draw the committee's attention to a new review of knowledge from municipalities and county councils in Sweden. According to the review of knowledge "equality between women and men in health care" from 2007 women are still often more affected by lack of quality and problems in health care in many areas. The inventory shows inter alia that women have less chance than men to have newer, better and more expensive medicinal products and that women must wait longer than men for a cataracts operation. Moreover it shows that women receive rehabilitation allowances during a shorter period than men and that more men than women have their applications approved for disability allowance and that men more often receive the highest amount. The study shows also that women often feel that they are worse treated in health care than men. Fewer women participate in early clinical tests of medical products. Genus medicinal researchers point out that there is a non balanced participation of women and men primarily in so called phase 1 studies, the first studies on human beings with a new medical product.
16. Statistics Sweden's labour force study from 2007 shows that women receive accommodations to a considerably lower extent than men. While 80 % of men get their needs met in terms of adapted work rate and adapted work tasks, the women's rates are 65 and 70 percent respectively. The study shows also that nearly one woman out of ten with reduced working ability due to disability has been victim of bullying, harassment or violations by managers or work colleagues.
17. Regarding the points 48-53 in the government report
Regarding trafficking. Referring to the Swedish disability movement's alternative report on civil and political rights article 8.

Article 6

Regarding the points 60-160 in the government report

18. As clearly shown in article 6 in the alternative report is participation in gainful employment and in labour market policies considerably lower among persons with disabilities compared to persons without disabilities. The labour force study of Statistics Sweden from June 2007 indicates that employment has improved for all groups except for persons with reduced working ability due to disability. For those persons the tendency is the opposite. Between 1998 and 2004 has the share of employed in this group decreased from 65 to 62 percent. The latest labour force study from 2007 indicates that the employment rate has decreased to 52 %.
19. The Statistics Sweden's labour force study from 2007 shows that the unemployment among young people in general has been better. Though at the same time the Swedish Disability Federation states that the number of pre-retirement benefits in the youngest group, i.e. activity compensation for persons between 19-29 years, is increasing this group is the only group that still is increasing in terms of persons that receive pre-retirement benefits. This is shown in the social insurance office's study: "Diagnosis patterns in change – newly approved pre-retirement benefits, sick pay and activity compensation 19-71-2005".

Regarding point 68 in the government report

20. A circumstance that has been particularly addressed in the alternative report is the lack of cooperation and measures that lead to work (articles 6 and 9). The Ministry of Social and Health Affairs presented in 2007 a report: "From social assistance to work" (SOU 2007:02). The Swedish Disability Federation welcomes the purpose of the inquiry, to find ways to facilitate for an individual to break a dependency on social assistance and take a step closer to the labour market. The Swedish disability Federation would, however, strongly criticize the inquiry. In spite of that persons with disabilities are unemployed to a considerably higher extent than persons without disabilities a clear perspective of disabilities is missing throughout the report. The specific problems that a disability has for an individual's opportunities are mentioned in the introduction of the report. This important aspect has totally disappeared in the texts on specific proposals.
21. The Swedish government has not at all mentioned that Sweden has ratified the International Labour Organisation's Convention 159 concerning Vocational Rehabilitation. The articles 6, 9 and 12 in the alternative report describe the absence of a coherent rehabilitation. The national "Rehabilitation inquiry" (SOU 2006:107) shows also very clearly how bad the administrative procedures are functioning for an individual affected by illness and who has a need for work oriented rehabilitation. Significant changes are needed in order to have an efficient work oriented rehabilitation.
22. In the Budget Bill for 2008 the government tabled proposals for action that should lead to work. The Swedish Disability Federation welcomes the government's ambition to reduce social exclusion and to get more people into work. We support the government's proposal to create clearer rules for sick leaves and assessment of

work ability. We also support the government's effort to create a better rehabilitation organization. The proposal however that the government presented show ignorance of how the conditions are for 100 000 people with chronic deceases and other disabilities.

The Swedish Disability Federation reemphasizes the government's inability to cooperate with the disability movement and to benefit from their experience and knowledge. It must be said that the government's proposals in particular concern measures in relation to the individual. The government has not presented concrete proposals for measures aimed at level out the unbalance on the labour market. The alternative report describes the existence of negative attitudes of employers and also preconceptions of careers advisers and employment agencies. Concrete and positive actions need to be put in place to remove negative attitudes and prejudices towards persons with disabilities. In order to be effective, this is a precondition for political and labour market measures.

23. The Swedish disability movement has under article 7 addressed the consequences of that people are not entitled to reasonable accommodation measures during ongoing employment. Fortunately a change was made in "Act (1999:132) on prohibition of discrimination in working life on grounds of disability in the field of employment". The provisions came into force in December and place a greater responsibility on the employers to meet reasonable accommodation measures. The employer's obligation implies now except as earlier in relation to jobseekers and employees in issues related to promotion – now also in relation to employees during ongoing employment in all situations within the law prohibition against direct discrimination. At the time of writing, the Swedish Disability Federation cannot comment on if the law is sufficient.

Article 9

24. The government intends as soon as possible to set up a parliamentary inquiry while there is a need for structurally reforming the sickness insurance. The Swedish disability movement will once again stress that it is important that the government is cooperating with the disability movement and benefit from experiences and knowledge that exist.

Articles 10 and 11

Regarding points 256, 310-316 in the government report

25. The Swedish Disability Federation refers to the Swedish disability movement's report article 10 in which there is a lack of handling, coordination and implementation of positive decisions.
26. The lack of coordination of different initiatives is extensive and is described in articles 6, 9, 10, 11 and 12. Fortunately the National Board on Health and Welfare adopted in June 2007 general advices concerning: "Coordination of measures for habilitation and rehabilitation" (SOSFS 2007:10). The Swedish Disability Federation considers that the responsibility of coordination must be developed and considerably more

effective but this is a first step in the right direction.

It is very important that the Swedish Government ensure that the administrative provisions and general guidance of the National Board of Health and Welfare are followed.

27. Lack of knowledge and bad treatment from those who decide on support services to persons with disabilities leads to that persons with disabilities will not have their preconditions for participation met (see article 10 and 11). Neither SoL, LSS or relevant preparatory work address the competence required for officials to handle these matters. The laws are inadequate in this respect. Persons with disabilities are affected by this lack of competence. In April 2007 the National Board of Health and Welfare presented a "Draft description of competence for officials". The National Board of Health and Welfare's proposal is a contribution in the right direction. In view of the information that is highlighted in the alternative report the Swedish Disability Federation considers that it is the laws that must be strengthened in this respect.
28. It is very apparent in the alternative report that support services, rehabilitation and health care often not comply with current laws and national guidelines. Examples of this are that inquiries are slowed down and decisions are not made. This is inter alia shown in the project plan from the national auditors dnr 31-2004-0809 (review of state supervision). The Swedish Disability Federation considers that the government must make strong efforts to secure that current legislation is complied with.
29. Concerning the existence of non implemented decisions the National Board of Health and Welfare states in "News from the National Board of Health and Welfare" no 33/2007 that "the recent appraisal of decisions within the social services shows that the non implemented decisions increase but the non implemented judgements decrease. The largest increase concerns non implemented decisions pursuant to Social Services Act, 63 percent more during the period 2004-2006. The increase related to LSS is 20 percent. Fortunately there was a law change in summer 2006. According to the law change (Act 2006:495) a municipality, which not implement an approved decision within reasonable time is pursuant to the Social Services Act, is obliged to pay a special fee for an amount of up to 1 million SEK/measure. The same implies if a municipality don't implement decisions granted by the court. The Swedish Disability Federation considers that a system of sanctions must be introduced to stop defiance of laws and courts pursuant to LSS. Access to support services is a precondition for persons with disabilities in order to be able to take part in society and to be empowered to exercise their human rights.

Article 12

Regarding points 379-423 in the government report

30. The Swedish Disability Federation considers that the government provides a too positive image concerning article 12. The Swedish Disability Federation states also that the perspective of both genus and disability is missing. The Swedish Disability Federation is also criticising that the government is not tackling the causes of ill

health. The Swedish Disability Federation refers to the alternative report but will particularly emphasise the fact that laws and national guidelines in the field of health care are not complied with and that the experience of discrimination and abusive treatment, deteriorated living conditions as well as lack of rehabilitation are usual reasons to ill health.

Article 13

Regarding points 432-487 in the government report

31. The Swedish Disability Federation will strongly criticise the government for not at all having addressed the situation for pupils with disabilities. The Swedish Disability Federation would refer to the telling description in the alternative report and emphasise that it is important that all pupils also pupils in need of special support – are provided the opportunity to accomplish the objectives of the education.

32. For the period 1996-2006 an increasing number of pupils have been placed outside their ordinary school in special education groups, in common with several schools and municipalities. The Swedish disability movement describes this phenomenon as well as the consequences of an incorrect placement in the alternative report “Towards an inclusive school?” from 2006. The report highlights particularly the development of education groups bringing together pupils with different disabilities. Many pupils with contradictive needs could be placed in the same group. The basis for placement in such groups is sometimes unclear and there are different forms of admission procedures. This report also shows that it is not unusual that the groups are isolated from other school activities. Another serious problem is that there is a risk that the pupils will not have all the education they are entitled to. In certain groups education is only in Swedish, English and mathematics. The quality of the education often doesn’t correspond to what the pupils have the right to have.

33. The alternative report (article 13) the Schools Act makes it possible for a free school to deny a pupil entry if the pupil needs substantial extra resources. The number of free schools is rapidly increasing. As an example the number of independent compulsory schools has doubled in ten years (from 238 schools 1995/96 to 596 schools 2005/06). The clause in the Schools Act must be removed so that free schools have no possibility of being able to refuse pupils with disabilities. All pupils must have the same opportunity to education and all parents must have equal opportunities to choose a school which has such a religious and moral education that correspond to their own conviction.

Article 15

The points 488-512 in the government report

34. The Swedish Disability Federation welcomes the initiatives taken so that persons with disabilities could take part in cultural life on equal terms as persons without disabilities. The Swedish Disability Federation would once again emphasise that activities are designed after the notion Design for all as well as that the disability perspective is taken into consideration.

35. The alternative report describes among other things circumstances leading to that children with disabilities don't have equal access, as children in general, to organised cultural activities. The official government inquiry: (SOU 2006:45) the Action group for child culture "Think forward, but do it now. So strengthen we the child culture" has submitted a proposal of how the child culture could be supported and developed. The Swedish Disability Federation supports the inquiry's proposals but states once again that the report is entirely lacking proposals of how initiatives for children and young persons with disabilities should be developed in order to remove barriers for their participation.

Regarding point 497 in the government report

36. The Swedish Disability Federation welcomes those initiatives that the government has taken to raise the TV broadcaster's level of ambition concerning the opportunities for persons with disabilities to benefit from the broadcaster's offer and to improve the accessibility. Access to radio and TV is an important part of cultural life, but, it is also a precondition for individuals to use their liberty of speech (see the Swedish disability movement's report on civil and political rights article 19). The Swedish Disability Federation welcomes that the demands of improved accessibility in the broadcasting programme licence for public service are valid until 2010, but considers that 65 % is at a too low level. Current technology and methodology must be used and developed. The new broadcasting programme licence must require 100 % subtitling, clearly raised level of ambition in terms of voice subtitling and audio description, responsibility for promoting accessibility to the new media for interactivity with the audience and to undertake efforts of a more nuanced media image of persons with disabilities.

37. The Committee of Inquiry into legislation governing Radio and Television SOU 2006:51 proposes that both public service and commercial channels will have demands on a share of subtitled, voice subtitling and audio description programmes, and that supervision of the compliance with the legislation is incorporated. The Swedish Disability Federation welcomes the proposal but states that the proposals from the inquiry has still not been realised. There are still no texts about voice subtitling or audio description in current broadcasting licence conditions.

Concluding comments

38. Since the end of 2005 three legislative changes have been carried out which are in accordance with the recommendations of the Swedish disability movement. These legislative changes concern:

- termination of employers' co-financing responsibility
- reasonable accommodation during ongoing employment
- sanction provisions for not implemented decisions pursuant to Social Services Act

Moreover the National Board of Health and Welfare has presented two general advices, one refers to qualification criteria for officials and the other to habilitation/rehabilitation initiatives. The Swedish Disability Federation considers

that the National Board of Health and Welfare's general advice is a measure in the right direction, but, the national normative approach must develop considerably.

39. As both the alternative reports show the Swedish society has today a range of very good government decisions, laws and other normative approaches but the state governance has great deficiencies. There has been a gap between visions and decisions of national politicians and the implementation of local politicians. The Swedish Disability Federation demands the government and the parliament that they take responsibility for decisions they have adopted. Decisions must be implemented and laws must be followed and complied with!
40. As described in the alternative report no social body takes a cohesive responsibility for care, treatment and rehabilitation. The individual has to run the gauntlet between various responsible authorities. These are functioning as "sectoral drainpipes" in form of for example county councils, employment agencies and social insurance offices with their own budgets and cultures.

The various responsible authorities and players involved must cooperate so that the individual could be able to receive required help and support. The Swedish Disability Federation considers that a review of the Government Office's organisation must immediately be undertaken in order to clarify the difference between politics and the preparatory work of experts. The review must also give the opportunity to inter sector comprehensive governance and a follow-up.

41. The information in this document shows that the perspective of persons with disabilities often is forgotten in the decision-making process and also in directly relevant basis for decisions. The Swedish Disability Federation considers that the government must take actions to address the perspective of persons with disabilities constantly in inquiries and basis of decisions. The Government should for example develop a more efficient and systematic cooperation with the disability movement in all areas of society.