

Study on article 8 of the UN Convention on the Rights of Persons with Disabilities

Subject: Human Rights Council resolution 37/22

Reference: JS/VL/PD

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Submitting organisations: The Swedish Disability Rights Federation
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Introduction

The Swedish Disability Rights Federationⁱ is a national umbrella for organisations of persons with disabilities founded in 1942, with **44 member organisations** representing approximately 400 000 persons.

Independent Living Institute is a project-based policy and competence development centre that works with promoting self-determination for people with disabilities.

We welcome the study on article 8 of the UN CRPD and hereby submit answers to the questions

1(a). Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities, in particular initiatives to:

- foster respect for the rights and dignity of persons with disabilities;
- combat stereotypes, prejudices and harmful practices relating to persons with disabilities; or
- promote awareness of the contributions of persons with disabilities?

No. There is no active disability strategy or action plan since 2016. The goal for disability policy (decided by parliament in November 2017) refers to human rights. Neither the goal nor the ordinance for public agencies 2001:526 about accessibility are covering the content in the bullet points.

1(b). What are the challenges to implementing the above?

The Human rights based approached is not fully implemented in legislation, despite the fact that human rights are mentioned in a

goal for disability policy without any strategy och action plan. The rights of persons with disabilities are not mainstreamed in policy or practices of the government on any level. In comparison the Convention on the Rights of Child, will be incorporated in Swedish law January 2020.ⁱⁱ There is an independent Ombudsman for Children, the policy is called Policy for rights of the child, and there has been special budget allocation on a yearly basis equivalent to more than 200 million SEK for increasing the rights of the Child since 2005. The Disability ombudsman was removed in 2009, and the government has not changed from Disability policy to Disability Rights policyⁱⁱⁱ. The government budgeted for a temporary assignment 2015 - 2017 for the Agency of participation, the Equality ombudsman and the Ombudsman to children to raise awareness about the CRPD, without any lasting strategy.^{iv} There is no money allocated for empowerment of DPOs related to rights.

2(a). What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?

The constitutional act Instrument of government (RF 1:2) mentions disability as one of seven grounds for discrimination as a goal to strive for which is not legally binding. The discrimination act (2008:567) a civil act, includes protection from harassment for people with disabilities in relation to work or services.

Since January 2019 the constitution act Freedom of the press (TF 7:6) and several parts the penal code related to hate crime, insults and harassments were updated to cover transgender persons^v. Persons with disabilities are not protected from hate crime and hate speech. The Swedish Disability Rights Federation and other CSO:s raised this on several occasions. There has been no investigation.^{vi}

2(b). In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation? Are there legal provisions to sanction perpetrators, including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities).

There are provisions for limited sanctions in the Discrimination Act. The main remedy for having been discriminated against is economic

compensation of lower values. There is no protection under criminal law. The scope and the enforcement of the whole Discrimination act has been under review, and administrative sanctions for failures to comply with proactive measures in employment and education are never used.^{vii} Very few claims of discrimination are even considered, so an even smaller amount results in compensation, and the level of sanctions is low^{viii}. No case related to harassment of persons with disabilities has been tried, as far as we know.

3(a). What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?

The Swedish Disability Rights Federation project on Media from 2006-2009 commissioned a study from the university of Gothenburg,^{ix} provided a method for measuring portrayal in Television, performed several workshops^x and have raised the issue several times to government and public service broadcasters, PSB:s but there has been no reply from government nor PSB:s. The legal requirements with reference to disability on broadcasters are limited to accessibility.

The ethical codes for press, radio and television does not mention disability.^{xi} Might be related to lack of legal protection from hate crimes does not cover persons with disabilities.

The Agency for employment financed a campaign to encourage employment.^{xii} We are not aware of measuring effects of it.

3(b). In addition, what legal framework, measures or good practices exist to regulate social media in accordance with Article 8 and human rights standards on freedom of expression?

There is no specific regulation for social media. We have informed the Swedish Media Council about CRPD etc, but they do not work with disability.

4(a). Please provide information on the existence and implementation of the programmes and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of:

- training, including human rights education;
- research, including studies on perception and attitudes;
- surveys and data collection.

There is a voluntary web-based course for civil servants about human rights, one part covers the CRPD. A survey from Uppsala university commissioned by the government about human rights in courts and public agents, showed that the European convention on Human Rights that has been incorporated to Swedish law, and sometimes the CRC is used for decision making. But not the CRPD. The Public Broadcaster for Education, Utbildningsradion, has made programs about disability and specific disabilities.

The Swedish Disability Rights Federation has managed several projects funded by the Swedish Inheritance Fund. But they are limited to three years. The last one producing a web-based guide and a toolkit for the CRPD^{xiii} is finished.

4(b). Please indicate their objective, scope, target audience, impact (including available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organisations, and any key factors of success.

We are not aware of data to follow up, after projects have finished.

5. Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).

The Swedish Disability Rights Federation and 2 other DPO umbrellas were involved in meetings during the assignment 2015-2017 for the Agency of Participation, that were supposed to be strategic. We made several suggestions for long term strategies, with continuous awareness raising activities, a long-term strategy to build deeper knowledge about human rights-based approach, especially on regional and local level, including both decision makers and DPOs, research to find out inclusion of disability rights in curricula in selected professional training etc. Only one of our proposals was accepted. It was about a process to involve DPO:s in translation of general comments. It is a slow process, but it has been realised in the translations of the first four general comments.

Resources were used to give short lectures about human rights on a general level to different stakeholders on demand. Two reports were procured targeted at private sector, one of these was never published and the other was published but not actively promoted.

The Swedish Disability Rights Federation

i The Swedish Disability Rights Federation, founded in 1942, is an active member of European Disability Forum and the coordinating organisation for CRPD reporting within the network of Human rights within the United Nations Association of Sweden. <http://funktionsratt.se/om-oss/in-english/>

i Government measures to strengthen LBTQ rights collected 2nd of July 2019 <https://www.government.se/articles/2018/07/chronological-overview-of-lgbt-persons-rights-in-sweden/>

ii Government presentation of Rights of the child, collected 2nd July 2019 <https://www.government.se/government-policy/childrens-rights/>

iii Hit when searching for disability rights on the government web 2nd July 2019 <https://www.government.se/government-policy/disabilities/>

iv Final report of the assignment from the Agency for participation, 2018. <http://www.mfd.se/stod-och-verktyg/publikationer/rappporter/rappporter-2018/kommunikationsattsning-om-rattigheter-for-personer-med-funktionsnedsattning/>

vi The agency for Crime prevention reported in 2007 that the knowledge about violence against persons with disabilities is insufficient <https://www.bra.se/publikationer/arkiv/publikationer/2007-11-29-vald-mot-personer-med-funktionshinder.html> In a report from 2016 mentions the agency mentions issues with statistics due to lack of legal protection for persons with disabilities from hate crimes https://www.bra.se/download/18.4c494ddd15e9438f8ada9786/1513175214923/2017_11_Hatbrott_2016.pdf

vii <https://lagensomverktyg.se/wp-content/uploads/sites/4/2018/10/RapportomDOstillsyn181018.pdf>

viii Government commissioned investigation Better protection from discrimination SOU 2016:87 <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2016/12/sou-201687/> Former equality ombudsman presentation 2018 about cases solved by the current ombudsman <https://lagensomverktyg.se/wp-content/uploads/sites/4/2018/05/LenaSvenaesus.pdf>

ix Ghersetti, Marina, University of Gothenburg, 2006, https://gupea.ub.gu.se/bitstream/2077/39731/1/gupea_2077_39731_1.pdf Jarlbro, Gunilla Rubsamen, Michael, University of Lund, 2007 <https://lup.lub.lu.se/search/publication/0dd0aa9a-24b4-405c-9f29-b4deb19b9c2b>

x Example of seminar from the Swedish Disability Rights Federation project on media portrayal, two academic studies on portrayal in TV and a method was also financed in this project that ended 2009 <https://mediebild.wordpress.com/english/>

xi Ethical code for press, radio and television, point 10 and 16, collected 2nd of July 2019 <https://po.se/about-the-press-ombudsman-and-press-council/code-of-ethics-for-press-radio-and-television-in-sweden/>

xii Campaign site for "Make room" to encourage employment of persons with disabilities, collected 2nd of July 2019 <https://gorplats.se/>

xiii The Swedish Disability Rights Federation, Project and toolkit for using the CRPD, 2018 <https://funktionsrattskonventionen.se/>