



28 April 2017

To: Bat-Erdene Ayush
registry@ohchr.org
Copy: disability@ohchr.org and vlee@ohchr.org

Our contact: mia.ahlgren@hso.se

Subject: Reply to survey concerning article 13 of the convention on the rights of persons with disabilities
Human Rights Council resolution 31/6, Reference LW/FCP/Ky

Dear Sir / Madam

The answers to this survey have been collected with short notice by the Swedish Disability Rights Federation, the main national umbrella with 39 member organisations representing persons with disabilities and Independent Living Institute in Sweden, with contributions from Civil Rights Defenders and the Swedish National Association for Social and Mental Health on the subject of rights linked to criminal proceedings etc.

We would like to highlight that member organisations of the Swedish Disability Rights Federation have raised the issue of lack of knowledge and policies about rights, accessibility, medical conditions and disabilities within the justice system for many years. During the Swedish Strategy for Disability 2011-2016 four Public Agencies under the Justice department were given special tasks concerning education and training of their staff. The results have been presented in reports to the government in 2016. The Disability Movement has been represented at meetings with three of the public Agencies – Swedish Courts Administration (Domstolsverket), the Police Authority and the Swedish Crime Victim compensation and Support Agency. The awareness of the human-rights based model seem to have reached a strategic level in the Police Authority but it is subject to major a reorganization, including outsourcing of education. Despite these efforts we see that there is still a long journey to get the CRPD known and recognized by individuals working in the justice system.

In the end of April 2017 the government had still not decided on a new Disability Strategy. Many of the 22 so called “Strategic Agencies” are waiting for further guidance on policy, including those linked to the justice system.

In recent years, court rulings have played an important part in much more restrictive decisions by public agencies concerning the right to independent

living (CRPD article 19). A parallel debate is going on about Public Policy and trust, which has a long and strong tradition in Sweden. As some rights linked to access are not explicit in legislation or guidelines, it is often difficult for the public to use the law to complain in the right forum. Other identified areas for concern are linked to for example: The lack of clarity regarding what institution to turn to when your rights have been violated leads to a situation where victims do not know where to turn to for redress¹. There is a lack of quality data and statistics on persons with disabilities. The area of economic, social and cultural rights is a huge problem because they are generally not properly understood as human rights in Sweden. Digital data is often used by public authorities without taking into consideration issues of accessibility for everyone, leading to exclusion.

1. Does your country have laws, policies or guidelines on access to justice, at any level of government, which ensure persons with disabilities, particularly women and children with disabilities:

a. to participate in judicial and administrative proceedings on an equal basis with others in their role as witness, juror, complainant, defendant or other, including through the provision of procedural and age-appropriate accommodations (please identify and share the text of those provisions);

Answer: Yes

When Sweden implemented Directive 2012/29/EU² of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA only minor changes in Swedish law - mainly linked to the right to a language interpreter and translations - were considered necessary by the government and parliament. According to the parliament decision 2014/15 JuU21³ “The Government points out in particular that a directive is binding on the Member States in terms of the results to be achieved, but it is up to the Member States to determine the form and procedures for implementation. This means that the terminology or systematics of the Directive are not binding if the intended result can be achieved otherwise.“

For example: Article 3 chapter 2 of the Directive 2012/29/EU about the right to understand and be understood is according to the government covered by for example the language law stating that public agencies should use appropriate language, so the text from the directive is not implemented as such. As there are no records of complaints and no grievance mechanism at

¹ Round table report A Swedish National Human Rights Institution, Raoul Wallenberg Institute, June 2016 <http://rwi.lu.se/app/uploads/2017/02/Roundtable-on-A-Swedish-National-Human-Rights-Institution.pdf>

² Directive 2012/29/EU <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1493366002986&uri=CELEX:32012L0029>

³ Parliament decision 2014/15 JuU21 https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/genomforande-av-brottsofferdirektivet_H201JuU21/html#_Toc421273699

Swedish Courts Administration known to the public it is not possible to know whether Sweden is actually achieving the intended result. Lawyers from the Swedish Disability Rights Federation's member organisations representing persons with intellectual disabilities are stating that there are many instances where the right to understand and be understood is not fulfilled by the court, but there is no systematic monitoring from the Court administration. Neither the concerned authorities nor the Disability Rights Federation is aware of any further academic research on the subject.⁴

We would also like to refer to research by Katrin Lainpelto⁵. She has for example shown in study that prejudices lead to that children with neuropsychiatric disabilities were rated less credible when their disabilities were known⁶.

The implementation of Directive 2013/48/EU⁷ of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, has led to an enquiry made by the European Commission. **We would like to refer to the full alternative report to that enquiry from Civil Right Defenders and the Swedish National Association for Social and Mental Health, RSMH** submitted in November 2016⁸ that takes up serious lack of procedures, and makes recommendations to the state for improvements concerning for example:

- Ensuring continuous access to healthcare and medicines for all incomes.
- Providing guidelines so that all suspects or accused get information about their rights in a way that they can acquire and understand.
- Increasing awareness and knowledge among legal counselors about the disability of a disability on the person's ability to participate in a legal process.

⁴ Collected from meeting with representatives of the Swedish Courts Administration and the Police Authority 25th of April 2017

⁵ Example of research by Lainpelto collected 2017-04-28

<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=256956>

⁶ Article written 2015 collected 2017-04-28 from web of the Swedish Crime Victim compensation and Support Agency

<https://www.brottsoffermyndigheten.se/nyheter/samre-rattstrygghet-for-barn-med-funktionsnedsattning>

⁷ Directive 2014/48/EU <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32013L0048>

⁸ Alternative report to the Swedish Government's response on the compliance of the EU-Commission's recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings (2013/C 378/02) collected from web 2017-04-27

<https://www.civilrightsdefenders.org/files/CRD-Report-on-EU-Commission-Recommendation-on-procedural-safeguards-for-vulnerable-suspected-or-accused-in-criminal-proceedings-2013C-37802.pdf>

We would also like to recall relevant concluding observations from the UNCRPD committee in 2014 and the Human Rights Council in 2016⁹ as well as CSO alternative reports.

Accessibility and right to interpreter in courts

Persons who have severe hearing impairments or who have severe speech or language impairments may receive assistance from an interpreter. Persons who have severe visual impairments are also entitled to some support, e.g. translation to/from Braille. The right to an interpreter is not absolute, an individual assessment is to be made by the court. See § 50 the Administrative Court Procedure Act. Chapter 5 section 6 paragraph 3 of the Code of Judicial Proceedings state that a general court should use an interpreter if a party or other person is hearing or speaking impaired that shall be heard by the court. Instead of an interpreter, technical solutions may be used if appropriate.

There is no absolute right to an oral hearing in administrative proceedings, see further § 9 the Administrative Court Procedure Act. The European convention on human rights and fundamental freedoms is Swedish law, thus enhancing the right to such a hearing concerning civil and political rights. In this regard it is worth mentioning that the European court on human rights has found social security cases to concern civil rights.

We would like to highlight the importance of holding oral hearings in cases where this may facilitate participation for a person with a disability.

b. to have individual legal standing in all administrative and judicial procedures, including the right to be heard as part of their right to fair trial;

Answer:

According to the Code of Judicial Procedure anyone may be a party to a trial in a civil case. However, if the party lacks legal capacity to independently decide about the matter at hand, he or she must be represented by his or her legal representative. See chapter 11 § 1 of the Code of Judicial Procedure. In Sweden there are two forms of substituted decision making for adults: administrators and deputies, see chapter 11 § 4 and 7 of the Parents Code. If a person has an administrator appointed he or she loses his or her legal capacity in the areas covered by the administratorship. A person who has an administrator must therefore ask the administrator to act in case of a civil action. Having a deputy on the other hand does not deprive the principal of legal capacity to have individual legal standing. In essence having a deputy could be considered a valid form of supported decision making. With two exceptions: a deputy may be appointed without the principal's consent if he or she is deemed unable to consent and understand the matter. Furthermore,

⁹ For example para 5 and 13 in the concluding observations from HRC in 2016, rights of persons with disabilities including access to justice.

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SW&Lang=EN

a deputy may act without the consent of the principal regarding some types of everyday actions.

The principal having a deputy or administrator may him- or herself submit an application for the termination of the deputy- or administratorship. See chapter 11 §§ 15 and 21 the Parents Code. If possible the person concerned is to be given the opportunity to express his or her opinion before appointing a deputy or administrator, chapter 11 § 16 of the Parents Code.

As concerns criminal cases the defendant may represent himself, chapter 21 § 1 and chapter 11 § 1 of the Code of Judicial Procedure.

The Administrative Court Procedure Act does not contain specific provisions concerning legal standing. According to chapter 11 § 9 of the Parents Code administrators take over the legal capacity of the principal in the areas covered by the administratorship. The administrator act as the principal's representative in all these matters.

In this connection we would like to mention a new verdict from the European Court of Human Rights concerning legal capacity and the right to make one's own choices, *A.M. v. Finland*, application 53251/13, judgment 23 march 2017. The claimant was a person with an intellectual disability having been appointed a mentor, a kind of substituted decision making. The claimant wanted to move to another part of the country this was refused by the mentor. The claimant filed an action for change of mentor but this was also denied. The European Court of Human Rights states that the UNCRPD article 12 is relevant international law to be considered when applying article 8 of the European Convention, respect for private and family life etc. The European Court of Human Rights then proceeds to make a proportionality assessment and finds that the keeping of the mentor, and hence the decision to refuse the claimant to move, was proportional. The arguments for this conclusion being that the claimant did not fully understand the consequences of the move and that his health and living conditions would risk being compromised. In our view this is not compliant with the interpretation of article 12 found in General Comment no. 1 on article 12. The Committee on the Rights of Persons with Disabilities clearly states that persons with disabilities must be accorded full legal capacity on an equal basis with others. Substituted decision making is to be prohibited, while supported decision making should be applied instead. Supported decision making may never amount to substituted decision making. Persons with disabilities have the right to choose for themselves and to make mistakes.

c. to have access to effective remedies that are appropriately proportional to the right(s) infringed and which are tailored to their specific situation;

Answer:

If the state breaches rights of individuals, they often have a right to use different remedies. Depending on the matter, different remedies are relevant.

As a general remedy for breaches of rights in the European Convention on Human Rights, including Article 6 that grants individuals right to a fair trial, individuals may sue the state for damages in a general court or demand damages from the Chancellor of Justice. For breaches of rights in the UNCRPD, however, there are no formalised direct remedies for the individual in the Swedish legal system. In general, the remedies are of reparative nature, and there is no explicit remedy in terms of specific performance for things like reasonable accommodation.

Legal costs are in general an obstacle for individuals, including persons with disabilities, for access to justice in cases where the state does not cover the costs.

In June 2015 the Swedish Government finally accepted the recommendation within Universal Periodic Review (UPR) to establish a National Human Rights Institution (NHRI). In October 2016 the communication “The Government Strategy for Human Rights”¹⁰ handed the responsibility to the parliament. The Civil Society Organisations has not yet been officially involved in planning of the organisation of the NHRI, but some organisations, including the Swedish Disability Rights Federation and Civil Right Defenders have expressed strong concerns about the lack of a strong mandate, enough resources and involvement of the CSO:s in the process. Further issues cover the role in monitoring the CRPD as stated in article 33, the role when it comes to individual complaints¹¹ and to ensure effective remedies appropriate to rights infringed and which are tailored to their specific situation.

and d. to have effective access to justice in the context of disasters, migration and asylumseeking, conflict and post-conflict situations and transitional justice, and formal or informal systems of customary, indigenous and community justice, among others.

Answer:

There are no official public policies or easy to find advice on rights and access to justice for asylum seekers, including children, with disabilities, despite the fact that Sweden has had many asylum-seeking persons arriving the past years.¹² A project about the rights for migration and asylumseekers with

¹⁰ Government communication to the Parliament 2016/17: 29, October 2016
<http://www.regeringen.se/4a9b03/contentassets/c2fc9f2915394fd6841e46fce2be16bb/regeringens-strategi-for-det-nationella-arbetet-med-manskliga-rattigheter-skr.-20161729>

¹¹ The need for effective Complaint mechanism is covered in a Round table report on NHRI, June 2016 from the Raoul Wallenberg Institute.
<http://rwi.lu.se/2017/02/exploring-models-and-options-for-a-swedish-nhri/>

¹² Oral information from head editor of unpublished report from the Swedish Public Agency of Participation collected in April 2017 and web information by the same agency at an event for Children’s Rights in April 2017
<http://www.mfd.se/nyheter/2017/barnrattsperspektiv-pa-migration-barnrattsdagarna-25-26-april-i-orebro/?platform=hootsuite>

disabilities initiated by the Independent Living Institute in Sweden has just received funding from the Swedish Inheritance Fund and is about to start.¹³

We also recall lack of public policy on the right to access to communication in emergency situations, also noted by the UNCRPD committee in 2014 in relation to article 11. No action has been taken and there have been recent protests from deaf and hard of hearing associations¹⁴ as to lack of information at a lorry attack in the center of Stockholm in April 2017.

2. Do you have examples from your country on:

a. how procedural and age-appropriate accommodations are provided and applied, including protocols or other guidelines;

Answer:

In the parliament decision on the implementation of the directive 2012/20/EU there is reference to the following: A handbook for information to victims for crimes, Rikspolisstyrelsen 2012, about information to persons with special needs, where persons with disabilities and children are specially mentioned. We have asked for updated information from the Public Agencies but we have not received it in time to include it in this answer. There has been a debate about methods for interviews with children both as victims and suspects of crimes, and we believe there has been work within the Police Authority, but there are no known guidelines for persons with disabilities.

According to the Swedish Courts Administration¹⁵ there are no written guidelines concerning persons with disabilities. It is rare for children under the age of 14 to be heard in general courts.

b. training programmes on the right of access to justice for persons with disabilities for judges, lawyers, prosecutors, police, social workers, language and sign language interpreters, legal aid centres, other judicial and administrative bodies intervening in judicial or quasi-judicial instances;

Answer:

There are some voluntary courses that take up persons with disabilities for staff and judges since Swedish Courts were appointed a strategic public agency for implementation of the government. One web based training that is not open to the public for all employees about accessibility that has been evaluated within the Disability Strategy. Despite the training leading to improvements the level of knowledge about the CRPD and other relevant

¹³ Information collected from web in April 2017

<http://www.independentliving.org/content/project-disabled-refugees-welcome-has-been-granted-funding-swedish-inheritance-fund>

¹⁴ Information collected from web April 2017

<http://www.sdr.org/component/k2/item/1646-allvarliga-brister-pa-information-i-kris-drabbar-dova-och-teckensprakiga-hart>

¹⁵ Information received at meeting with representatives of the Swedish Courts Academy (and Administration 25th of April 2017

issues remains extremely low among those who answered the survey.¹⁶. As far as we know the training is mainly based on accessibility not on the CRPD in itself and the human-right based model.

In the yearly updated program of the Swedish Courts Academy, some voluntary courses mention persons with disabilities. The training is related to how to “handle situations in courts”¹⁷. One short course brings up the research from Lainpelto, but they have not coordinated the content with the Public Agency that have been more involved in this research. Despite repeated questions to the Swedish Courts Administration we have not received an answer about what compulsory training for law clerks entering the courts system related to CRPD related articles such as article 13. We conclude that it is not included, and that the training is based on how to “treat” (“bemötande”) persons with disabilities, not on the human-rights based model.

The education for police officers, both the professional training and further training contained some reference to the CRPD. But an ongoing change in the organization of the Police Authority has resulted in outsourcing of the training to three universities. We have not received answers from the Police Authority on how details such as this are ensured and monitored.

c. education programmes on the right of access to justice for persons with disabilities for law students as well as in schools of social work, sign language interpretation, forensic science, psychiatry and psychology, among other relevant faculties;

Answer:

Access to justice for persons with disabilities is not generally taught in law faculties.

There is no overview of inclusion of CPRD / human-rights based model in professional training and education in relevant areas, despite a strong recommendation from the UNCRPD committee in 2014 linked to article 8. The government gave an assignment with special funding to the Public Agency of Participation, the Equality Ombudsman and the Children Ombudsman to raise awareness. We have expressed concern and made

¹⁶ Final report from Swedish Courts Administration 2016

<http://www.mfd.se/globalassets/dokument/uppfoljning/strategiska-myndigheters-aterrapportering/2016-domstolsverket-slutrapport-strategi-funktionshinderspolitiken-2011-2016.pdf>

Results survey about knowledge of human rights and discrimination attachment to the final report from Swedish Courts Administration 2016

<http://www.mfd.se/globalassets/dokument/uppfoljning/strategiska-myndigheters-aterrapportering/2016-domstolsverket-enkatsammanstallning-2016-slutrapport-funktionshinderspolitiken.pdf>

¹⁷ Information received at meeting with representatives of the Swedish Courts Academy, the Police Authority and the Swedish Crime Victim compensation and Support Agency 25th of April 2017

several recommendations to improve the execution of the assignment including a survey to find out which education programmes include the CRPD and the human-rights based model. But we have yet not received a positive reaction. Some web-based voluntary courses for public servants have been created in cooperation with the University of Uppsala, but we have also had reason to criticize the content¹⁸ of the courses related to general problems with the selection of content, lack of problematization and recommendations from the UN to Sweden. All in all, there is a risk for not ensuring individuals their human rights.

and d. legal aid programmes, public and/or private, which include the right of access to justice for persons with disabilities in their practices, including the availability of support and liaison services for courts or other judicial or quasi-judicial instances.

Answer: The Alternative report from the Swedish Disability Movement submitted to Human Rights Council brought up recommendations already in 2007¹⁹, but we are still lacking political action in parliament in issues concerning legal aid.

The Swedish judicial system encompasses inter alia general courts and administrative courts. The procedural regulation of the two are quite different. The legal aid act entitles persons under certain circumstances to public funding for costs incurred by legal proceedings. The legal aid act applies to both general and administrative courts. However, it is in general much more difficult to receive legal aid for administrative proceedings. According to the main rule costs incurred through legal action are to be paid by the individual (criminal cases aside), e.g. by a legal expenses insurance. Most such insurances do not cover administrative procedures. In some types of administrative cases there is a right to a public counsel, e.g. cases concerning forced psychiatric care. In administrative court cases the complainant does not risk paying the other party's legal expenses.

In the following we will discuss some rules pertaining to legal aid in administrative cases. However, we would like to emphasize, that where there is no right to public legal counsel, the chances of receiving legal aid are very low.

Legal aid can be provided for administrative procedures to persons with disabilities provided that the person due to his or her disability have difficulties in self-representation, see §§ 7 and 8 of the Legal aid act together with court practice. Especially the following: the Administrative Court of

¹⁸ Comments on web-based courses on Human-rights from the Swedish Disability Rights Federation in March 2017

[http://www.hso.se/Global/Skrivelser/2017/KommentarerWebutbildningarMR-forumFinal%20\(002\).pdf](http://www.hso.se/Global/Skrivelser/2017/KommentarerWebutbildningarMR-forumFinal%20(002).pdf)

¹⁹ Alternative report on the Covenant on civil and political rights 2007

<http://www.hso.se/Global/Projekt/M%c3%a4nkskliga%20r%c3%a4ttigheter/Engelska%20-Mop%20-07.pdf>

Appeal in Stockholm, case no 1825-10, 2010-06-11, the Administrative Court of Appeal in Sundsvall, case no 412-11, 2011-04-12, the Administrative Court of Appeal in Jönköping, case no 2015-13, 2013-08-01. However, according to a verdict from the Administrative Court of Appeal in Gothenburg you will not receive legal aid if you have a deputy or administrator. The deputy or administrator is, without any individual assessment, deemed able to represent the person concerned, see case no 5976-16, 2016-12-08.

On the other hand the administrative process is considered to be a simpler process than the general one. Essentially, the process is in writing, but you may require an oral hearing. There is no absolute right to an oral hearing, even in a court of first instance, see § 9 of the Administrative Court Procedure Act. The court is supposed to assist and guide claimants through the process, see § 8 of the Administrative Court Procedure Act. Appeals and other submissions by the claimant are to be interpreted favourably in relation to e.g. claims, taking into account the general lack of legal counsel in these proceedings. The obligations conferred on administrative courts by § 8 is one of the main reasons behind the much more restrictive approach to legal aid in these kind of proceedings.

We submit that the assistance and guidance provided by the courts are insufficient to provide claimants with disabilities with the support they may require in the legal process. The counterpart in administrative proceedings is on the other hand most often a municipal or public authority. The resources of the authorities considerably outweigh those of the claimants, thus severely compromising the principle of equality of arms.

As legal expenses insurances in general do not cover costs for administrative proceedings the availability of legal counsel depends on the financial situation of the individual.

In cases in front of the **general courts** the situation is different compared to the administrative court system. Criminal cases are in principle entirely funded by public means, and a defendant in a criminal case is never obliged to pay any legal costs incurred by the procedure, not counting possible damages as a result of a conviction. Civil proceedings differ depending on the type of case. In actions amenable to out-of court settlement, including civil discrimination cases, the general rule is that the loser pays the legal costs of the winning party (chapter 18, section 1 of the code of judicial proceedings). There are *lex specialis* rules in some specific types of civil litigation, such as a rarely used rule in chapter 6, section 5, of the discrimination law (2008:567), which states that a losing plaintiff may be awarded to not pay the winner's costs, if there was a legitimate reason for the action. If a case concerns a small monetary claim (no more than half a price base amount; 22,400 SEK for 2017), the court may treat the action so that the parties stand their own costs indifferent to the judgment (chapter 18, section 8 a of the code of judicial proceedings).

Legal protection is generally included in private household insurances, but there have been cases where the insurance companies do not consider discrimination cases civil claims covered by the household insurance. For individuals who have household insurance, the excess is in general the only expenses involved in a legal process. Legal protection is usually related to disputes in a general court and does not usually cover disputes involving labour legislation or divorce in the general courts.

Under some circumstances individuals can get legal aid from the state if the dispute is not covered by the legal protection in the individual's household insurance. Legal aid may be awarded to individuals in civil proceedings under certain conditions laid down in the social protection legislation, the Legal Aid Act (1996:1619)²⁰. The rules are not specifically regulating rights persons with disabilities. Legal aid covers some of the costs for lawyers or other specialists. Compensation can also be received for costs for evidence (these general rules on what is included in legal aid applies equally to administrative cases).

In practice the rules on legal aid can lead to a person who is an inferior financial position being forced to abstain from having their case heard. One issue with the granting of legal aid is that it is not always possible to know early in the proceedings if the legal costs will be compensated.

There are a number of reports from NGO:s on the courts in issues related to the Swedish Act concerning Support and Service for Persons with Certain Functional Impairments and the importance of legal support for a positive court ruling.²¹

3. Does your country have laws, policies and strategies to ensure the participation of persons with disabilities on an equal basis with others in the judiciary or other judicial or quasi-judicial instances, including in their role as judges, witnesses, jurors, lawyers or any other active party to judicial or quasi-judicial procedures?

Answer:

The government has targets for employment gender equality and persons born outside Sweden in the Public Sector. The police force, for example, are working to increase employment for these groups. Increased demand for police officers and investigation concerning the education is ongoing. A recent change in the recruitment and education program has made it impossible for persons with neuropsychiatric disabilities to become police

²⁰ Summary in English the Legal Aid Authority collected April 2017
<http://www.rattshjalp.se/In-English/In-English/>

²¹ Who gets their rights? The local Stockholm county branch of the Swedish National Association for Persons with Intellectual Disability, December 2016
<http://reclaimlss.org/wp-content/uploads/2012/06/vem-far-ratt.pdf>

officers²². In combination with an increase of young persons needing the diagnosis to get support in ordinary education has led to a debate, as there is a very wide spectrum within this area. The organisations representing persons with neuropsychiatric disabilities are saying that passing the medical and psychological tests for all applicants should be enough to consider whether you are suitable for the police force.

According to oral information 2017-04-25 from the police authority it is linked to a matter of cost for more advanced testing methods that is the reason for deciding that a diagnosis will disqualify applicants. There are police officers that get a diagnosis after employment and they stay employed.

There is an ongoing public enquiry about diversity in recruitment of judges but the directives does not relate to persons with disabilities²³.

The Agency for Participation conducts a yearly follow up of the ordinance 2001:526 for all public agencies about accessibility According to the follow up 2016²⁴ only 1 in 5 Swedish Courts have a budget for accessibility improvements.

The Discrimination Act covers lack of accessibility as a form of discrimination since 2015, and is included as part of employers' obligations to conduct active anti-discrimination measures since January 2017. The Equality Ombudsman monitoring the obligations has given guidance on expected measures concerning salaries etc, but there is still no information in April 2017, about expected measures with regard to accessibility.

4. Does your country monitor and collect disaggregated data with respect to access to judicial or quasi-judicial procedures concerning:
a. the participation of persons with disabilities in judicial or quasi-judicial procedures, including the number of complaints submitted, nature of complaints and outcomes;

Answer: NO – there has been reports about disaggregated data, for example an assignment to the disability ombudsman²⁵. But the lack of independent and reliable data is a huge problem, also in relation to Agenda 2030. There seems to be a confusion between the registration of persons with disabilities which we of course strongly oppose, with the voluntary collection of data in

²² Web information from the Police Authority collected in April 2017

<https://polisen.se/Bli-polis/Ansokan/Antagningskrav/Forklaring-av-antagningskraven>

²³ Directive for public enquiry about recruitment of judges

<http://www.regeringen.se/4aafae/contentassets/9de875abd6e34c1681642da4f6423fcf/rekrytering-av-ordinarie-domare-dir.-201689> .

²⁴ Report collected from the web in April 2017

<http://www.mfd.se/globalassets/dokument/publikationer/2016/2016-10-sa-tillganglig-ar-staten-2016.pdf>

²⁵ Report from the Disability Ombudsman Role of statistics in Discrimination, 2012

<http://www.do.se/globalassets/publikationer/rapport-statistikens-roll-arbetet-mot-diskriminering2.pdf>



statistics anonymous. The methods used for data collection are often excluding persons with cognitive disabilities²⁶.

b. persons with disabilities obtaining remedies and the nature of those remedies, whether they are adequate, effective, prompt and appropriate, responding to their specific situation;

Answer: NO see above

c. persons with disabilities being convicted, the nature of their sentence, and whether they benefitted from safeguards of the right to fair trial on an equal basis with others;

Answer: NO see above

and d. the opening and conduct of impartial and independent investigations of human rights violations of persons with disabilities, particularly those relating to the right to life, liberty and security of the person, freedom from violence, abuse and exploitation, and freedom from torture or cruel, inhuman or degrading treatment or punishment.

Answer: NO see above

²⁶ Why are we missing from statistics, Study by Stefan Johansson financed by the Swedish Post and Telecom Agency in 2014
<https://www.pts.se/upload/Rapporter/Funktionshinder/Varf%C3%B6r%20syns%20vi%20inte%20i%20statistiken.pdf>