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# Submission to the European Court of Auditors on the Rights of Persons with Disabilities

The Swedish Disability Rights Federation welcomes the initiative with an audit based on the Rights in the convention. This document is a summary of our input, and we are available to reply to any further questions from ECA.

## The Swedish Disability Rights Federation

The Swedish Disability Rights Federation is a national umbrella for organisations of persons with disabilities founded in 1942, with 50 member organisations representing approximately 400 000 persons. We are active members of the [European Disability Forum](https://www.edf-feph.org/), EDF.

## Background

[The European Court of Auditors](https://www.eca.europa.eu/) met with representatives of the Swedish Disability Rights Federation on the 21st of June 2022 as part of an audit related to assess whether the EU’s contribution to ensuring equality for people with disabilities is effective[[1]](#footnote-1).

Before the visit we were asked to prepare input regarding three questions:

1 The EU strategy on Disability and the national strategy or policy to implement the UNCRPD

2 Effectiveness of EU co-financing for measures to include persons with disabilities in Sweden (ESF/CRII/CRII +/React-EU)

3 Implementation of the UNCRPD in Sweden, the effects of COVID and the current situation

During the meeting there were also questions about our ideas for further initiatives to ensure equality for persons with disabilities.

## 1 European and Swedish Disability Rights Policy

**There are considerable differences between the European Disability Rights Strategy and the Swedish Disability Policy, and lack of coherency between the two.**

The European Union has more focus on rights and actions, including reference to the CRPD in legislative proposals (article 4) and inclusion of representatives of persons with disabilities in decision-making and monitoring of the convention (article 4.3 and 33.3 further explained in general comment 7). The European Parliament and other EU institutions, the EU ombudsman, Fundamental rights Agency etc are involved in the process. The actions in the strategy are followed up[[2]](#footnote-2) by the commission.

The Swedish policy has no actions, and the political level has given the responsibility to the 10-year strategy for “follow up” to the Public Agency for Participation (MFD) without mandate to make political decisions and there are no actions. The CRPD is mentioned in the national goal for Disability Policy decided by the Parliament in 2017. Organisations of persons with disabilities were involved in the state funded enquiry after the last strategy ended 2016, but the government decided on a new strategy in September 2020 without taking our proposals into account and actively involving us in line with the convention article 4.3 and 33.3.

### Our input to the European Disability Rights Strategy 2021-2030

During the former EU strategy 2010-2020 we worked with EDF, and directly with the European Commission in several legislative processes. We submitted our position on the new strategy in 2019[[3]](#footnote-3) where we highlighted the word Rights in the strategy, to further show the connection to the human rights approach to disability and CRPD. We also asked for indicators and suggested a European equivalent of [US Access Board](https://www.access-board.gov/). We participated in about five digital meetings with the European Commission during the second half of 2020 with other representatives from the Disability movement and highlighted the importance of the EU role as **legislator** to implement the CRPD, the need to strengthen the **Equality** directive, protection from **hate speech and hate crimes**, **access to justice** in line with UN guidelines[[4]](#footnote-4), **active involvement in decision-making** and strengthening of **national implementation** of the strategy, including better **monitoring** of legislation (for example **public procurement**).

After the adoption of the EU Disability Rights Strategy, we wrote a letter to the Swedish Parliament in April 2021[[5]](#footnote-5) as they were meeting with the government to get information (we were not invited), where we highlighted both the Swedish and the European strategies.

## 2 EU co-financing for inclusion in Sweden

The question about the efficiency of EU co-financed measures for inclusion of persons with disabilities, is a very good question but difficult to answer. There is no tool to assess the efficiency as we are aware of, other than looking at the facts we found when we coordinated the civil society report on the implementation of the CRPD in 2019 called Respect for rights? We claim that we see regression, instead of progress during the prosperous period with good state finances, and long before anybody could mention crisis or pandemic. Higher cost of living for persons with disabilities, and budget cuts on disability benefits has contributed to this.

We also see a tendency of increased social exclusion, instead of inclusion in for example schools, employment and housing. The state has goals for employment of civil servants in the state budget that covers promotion and balance when it comes to gender and persons born outside Sweden. But for persons with disabilities there are only a program for internships. It is not even working and when we have asked the government why there are no targets to increase employment, we got a strange answer that there are specific requirements concerning skills for civil servants[[6]](#footnote-6).

Budget cuts have also included the Public Employment Agency, resulting in less support for persons with disabilities to get employment[[7]](#footnote-7). Sweden also got criticism from the UN for lacking procedures and dialogue in the process of reasonable accommodation[[8]](#footnote-8). But the government seem to ignore the critique.

The Swedish Disability Rights Federation have been represented in monitoring committees related to the EU structural funds, especially in the European Social Fund. We had a project with the Public Agency Handisam 2009-2013 to provide accessibility knowledge and support to organisations applying for funding. Still the European Social fund has information about accessibility on their web[[9]](#footnote-9), but no special support projects anymore as far as we know. A special initiative on Universal Design resulted in a big project where we were involved called Universal Design of the workplace (Universell Utformning av Arbetsplatser, UUA)[[10]](#footnote-10). Since the project ended there is an organisation of stakeholders that are continuing the work to raise awareness and provide training.

The Regional fund administrated by the Swedish Agency for Economic and Regional Growth, has never implemented accessibility requrirements, nothing is mentioned on the web[[11]](#footnote-11). There are national goals for infrastructure covering accessibility but not in the sense “accessibility for persons with disabilities”. Whenever disability is mentioned, it seems to be referred to the ministry of Health and Social Affairs. This causes issues with the budget, as none of the ministries wants to pay for accessibility, it should not cost anything[[12]](#footnote-12). We have given inspiration from Poland and the Access Board with financing from structural funds. But no reaction.[[13]](#footnote-13).

For the new period we have no details about for example article 9 and 15, attachment III related to the CRPD and accessibility.[[14]](#footnote-14) But we have had issues with illness of representatives. We were however active in the committee preparing the transposition of the Europan Accessibility Act. We fought hard to explain the connection to other Union Acts in article 24 (including the structural funds) but the secretariat said it was not possible to implement article 24.2 despite our position[[15]](#footnote-15). We still wait for the draft bill from the government to be presented for the Council on Legislation before a bill is sent to the parliament for decision.

## 3 Implementation of the UNCRPD in Sweden, effect of covid, and the current situation.

In the report Respect for rights? [[16]](#footnote-16) and in our input to the UN [[17]](#footnote-17) we concluded that none of the recommendations from the UNCRPD committee had been fully implemented. But one recommendation was realised in January 2022 when the National Human Rights Institution with the tasks mentioned in article 33.2 (promote, protect and monitor) opened. Not clear how they will protect the rights as they will not accept individual complaints. We could nominate a person for the board that was approved. But the institute is still getting organised. We do not know how they will ensure expertise.

Sweden has a more rights-based approach and structured work on the rights of the child. The CRC has been incorporated into Swedish law and there is an ombudsman as well as a yearly budget for raising awareness on the CRC of more than 20 million SEK per year. The national implementation of the CRPD in the government, has low status and is of an ad hoc nature[[18]](#footnote-18) – there is need for a systematic approach and several focal points within the government and regional/local level.

In the state party reply to UN[[19]](#footnote-19) list of issues prior to reporting in 2019 the government admits that they have done nothing at all about the critique concerning article 11. Communication and preparation to deal with emergency situations have been lacking. There are issues with the responsibility and differences across the country. This includes the situation to respond to the needs of migrants and refugees with disabilities. During the refugee crisis 2015 we had meetings with public agencies and supplied positions, but since the war in Ukraine it seems as if no lesson was learned from the responsible public agencies.

The pandemic[[20]](#footnote-20) put the light on the difficulties to govern when there are so many different public, regional, local and private stakeholders with different responsibilities. The negative trend that started before the pandemic got worse, and some municipalities started charging rent for wheelchairs and assistive technology. There are issues with children with disabilities being locked up in institutions[[21]](#footnote-21) and lack of support in schools. When we are approaching a global recession and increased inflation how are we going to stop lack of progressive implementation of economic, social and cultural rights.

Another issue is lack of access to justice[[22]](#footnote-22) and gaps in legislation and lack of enforcement of legislation. We are trying to raise some of these issues among others this year when we have elections in September.

See also other input from us: EU semester[[23]](#footnote-23), second voluntary national report on SDG:s 2021[[24]](#footnote-24) .

## Ideas for further initiatives for inclusion

We have big issues with funding of organisations of persons with disabilities. We administrated a big Equal project in the beginning of the century that almost made us bankrupt, as we could not afford the administrative burden and lacked money without prepayment.

### Easier to apply and administrate funding for small CSO;s

Applying for EU-funding for civil society is difficult, it takes a lot of time with applications. We risk not getting enough money to manage project administration. We often say no or end up being an advisory partner or similar, depending on other stakeholders.

### Funding for National Access Boards

Need for funding for accessibility that is managed by the state, with financing for inclusion of stakeholders like us. Every member state needs a National Access Board that could finance monitoring and enforcement. Maybe the flagship Accessible EU could gather best practise from these. Is it possible to provide a program for funding?

### Funding for Access to justice and legal aid

It is extremely difficult for an individual to make a complaint if they find that their human rights have been violated. It is almost impossible to get funding for legal aid and representation if the complaint is against a public body (data from research available) for persons with disabilities legal aid is essential. We – civil society organisations representing persons with disabilities - need funding to provide advocacy and legal aid for persons (including children and migrants) with low incomes and disabilities.

### Funding for data collection and indicators to monitor the CRPD

The UN has a resource package for indicators. But disaggregated data on persons with disabilities to monitor SDG:s and the CRPD is lacking. Persons living in institutions, or so called “group homes” are not included in statistic in Eurostat. As you might need other, more costly methods, to collect data from persons with disabilities there might be a need to get funding and methods for better data collection and comparable data to use for monitoring of inclusion.

1. Page 9 [2022+ Work Programme (europa.eu)](https://www.eca.europa.eu/lists/ecadocuments/wp2022/wp2022_en.pdf) [↑](#footnote-ref-1)
2. <https://ec.europa.eu/social/main.jsp?langId=en&catId=1137&furtherNews=yes&newsId=10274> [↑](#footnote-ref-2)
3. <https://funktionsratt.se/wp-content/uploads/2019/11/Position-on-EU-Disability-Strategy-2020_OCT2019.pdf> [↑](#footnote-ref-3)
4. <https://www.ohchr.org/en/special-procedures/sr-disability/international-principles-and-guidelines-access-justice-persons-disabilities> [↑](#footnote-ref-4)
5. <https://funktionsratt.se/wp-content/uploads/2021/04/Funktionsratt-Sverige-om-EU-funktionsrattsstrategi-2021_20210412_RKl.pdf> [↑](#footnote-ref-5)
6. [Skriftligt svar till Funktionsrätt Sverige från Lena Micko](https://funktionsratt.se/wp-content/uploads/2020/10/Skriftligt-svar-till-Funktionsratt-Sverige.docx) 2020 [↑](#footnote-ref-6)
7. Suggestion to reform employment support from the disability movement last year <https://funktionsratt.se/funktionsratt-ratten-att-fungera-i-samhallet-pa-lika-villkor/ratten-till-forsorjning/73-punktsprogram-om-arbetsmarknadspolitiken/> and recently an open letter to the Swedish National Audit Office <https://funktionsratt.se/nyhet-funktionsrattsrorelsen-begar-att-riksrevisionen-granskar-reformeringen-av-arbetsformedlingen/> [↑](#footnote-ref-7)
8. <https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/SWE/CRPD_C_23_D_45_2018_32057_E.docx> [↑](#footnote-ref-8)
9. <https://www.esf.se/att-ansoka/horisontella-principer/tillganglighet/> [↑](#footnote-ref-9)
10. https://www.uua.se/ [↑](#footnote-ref-10)
11. <https://tillvaxtverket.se/vara-tjanster/guider-och-vagledningar/handbok-for-eu-projekt/ansoka/sa-bedomer-tillvaxtverket-er-ansokan/urvalskriterier-for-vilka-projekt-som-far-eu-stod.html> [↑](#footnote-ref-11)
12. See 156.279 in Swedish response UPR <https://www.government.se/49be67/globalassets/government/dokument/arbetsmarknadsdepartementet/response-from-the-swedish-government-regarding-upr-recommendations.pdf> [↑](#footnote-ref-12)
13. <https://funktionsratt.se/wp-content/uploads/2019/11/Skrivelse-Riv-hindren-Tillg%C3%A4nglighet-oktober-2019.pdf>. [↑](#footnote-ref-13)
14. <https://eur-lex.europa.eu/legal-content/SV/TXT/PDF/?uri=CELEX:32021R1060&from=EN> [↑](#footnote-ref-14)
15. <https://funktionsratt.se/wp-content/uploads/2021/08/Funktionsratt-Sverige-Tillganglighetsdirektivet-2021_44_korr.pdf> [↑](#footnote-ref-15)
16. Report launched 3rd of December 2019 <https://respektforrattigheter.se/> [↑](#footnote-ref-16)
17. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSWE%2f31836&Lang=en> [↑](#footnote-ref-17)
18. See description [HR\_PUB\_16\_1\_NMRF\_PracticalGuide.pdf (ohchr.org)](https://www.ohchr.org/sites/default/files/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf) [↑](#footnote-ref-18)
19. <https://www.regeringen.se/4ada4d/globalassets/regeringen/dokument/socialdepartementet/funktionshinder/crpd---submission-of-the-combined-second-and-third-reports-of-sweden.pdf> [↑](#footnote-ref-19)
20. <https://funktionsratt.se/funktionsratt-ratten-att-fungera-i-samhallet-pa-lika-villkor/om-coronaviruset/> [↑](#footnote-ref-20)
21. <https://barnrattsbyran.se/app/uploads/2021/10/SiS-rapport-uppslag-1.pdf> [↑](#footnote-ref-21)
22. <https://funktionsratt.se/funktionsratt-ratten-att-fungera-i-samhallet-pa-lika-villkor/valet-2022/vara-kampanjveckor/27-juni-1-juli-reformera-rattshjalpssystemet/> [↑](#footnote-ref-22)
23. <https://funktionsratt.se/wp-content/uploads/2022/03/Bidrag_Funktionsratt-Sverige_EUNationellaReformProgrammet_mars2022.pdf> [↑](#footnote-ref-23)
24. <https://funktionsratt.se/wp-content/uploads/2021/03/FuntionsrattSverige-VNR-HLPF2021-20210311.pdf> [↑](#footnote-ref-24)