Swedish response to the UN Special Rapporteur on the right to adequate housing, on the questionnaire focusing on the right to adequate housing for persons with disabilities

**1. Please explain how the right to housing of persons with disabilities is guaranteed in domestic law, including, constitutional provisions and human rights legislation.**

In order to understand Swedish building regulations for residential buildings, it is important to stress that the national housing policy from the 1930s and onwards has focused on implementing a general standard of appropriate housing qualities. These qualities refer to:

* Adequate spatial requirements so that the individual dwelling will be accessible and usable in a life-course perspective, thus, vouching for an appropriate user-environment fit even if the resident/-s have or will acquire any type of disabilities or impairments;
* Adequate installations in terms of central heating (water-bound, electrical, or district heating), plumbing and ventilation, so that interior dampness inside the dwelling is minimal and the physical construction of the building sound to avoid mould or rot (presence of such spores may cause allergies and respiratory problems);
* Safe and secure emergency exits from the building in case of fire, in addition to fire-safe building constructions so that fire can be controlled;
* Aesthetical values that emphasize the feeling of belonging and, in turn, promotes the feeling of being at home and at ease (the word home has several emotional connotations in the Nordic languages and is often used as an ethical value).

These qualities have substantially evolved since the 1930s. Since 1967, equal access to public buildings and accessible space in housing has been part of the Swedish building legislation. In 1975, this approach was converted into the principle of accessibility, guaranteeing minimum spatial requirements in both housing and public buildings. Since the 1970s and following the extensive research on appropriate housing measurements at the Swedish technical universities, national minimum standards for bathroom size, kitchen size, storage and recommended measurements for various furniture was assembled into two standard documents.

Since 2008, the concept of accessibility has been paired with usability in the Swedish building code following the Swedish signature of the UN CRPD. Building regulations further specify the building act and are issued by the National Board for Housing, Building and Planning (*Boverket*). Given that the indicated housing qualities only define general requirements, additional adaptations of the home environment are often needed due to age-related problems or disabilities. This is covered by the consultation process that is integrated in the planning of new buildings and part of the municipal supervision of the realisation of stipulated requirements according to the building code with regulations.

Although the main ambition of Swedish housing policy is to provide appropriate housing for everyone regardless of age or potential disabilities within the ordinary stock of dwellings, some groups of people may have special needs that motivate a group-living with 24-hour assistance or caregiving. According to the Swedish Act on Support and Service for Persons with Certain Functional Impairments, anyone in need of extra support have a right to residential arrangements with special service for adults or other specially-adapted residential arrangements. It either means a legal right to live in group housing, where staff provides 24-hour assistance or a legal right to a serviced flat; people can live completely independently but are able to call for assistance at any time. Group housing usually comprises a number of apartments with a range of common amenities. The family home is another option and legal right, enabling children with functional disabilities to live with a family other than their own during certain periods.

It has to be emphasized that even in these contexts, the emphasis on homelikeness and a homelike environment is fundamental and primordial. The responsibility for providing such housing falls upon the Swedish municipalities. Special housing is covered in the building code, but, since they most often are built by municipal real-estate owners, additional requirements may emerge during an expanded consultation process. This process will then include architects, engineers and contractors as well as representatives of care service providers (municipal or private).

Since the egalitarian and inclusive approach of persons with disabilities can be traced back to the 1960s in Sweden, Swedish legislation in the area of design of housing, provisions of assistance and support to older persons and persons with disabilities precedes the UN CRPD. Therefore, the same ideological intent with accessibility and universal design that is found in the UN CRPD can be found in the Swedish acts. The UN CRPD has not been integrated in Swedish legislation but serves as a guiding instrument in conjunction with the different acts and, thereby, clarifies the intention with the Swedish legal framework concerning housing, care and caregiving.

The indicated development process presented above has also included the promotion of subsidies for home adaptations to individual needs in dwellings that are part of what could be labelled as the ordinary stock of dwellings. Persons with disabilities can apply for municipal grants so they can have their accommodation modified. This may involve having doorsteps removed, support rails mounted, doorways widened, automatic door openers fitted, or special elevators installed. Such grants cover all types of disabilities, including mobility disabilities, impaired vision, mental disabilities and allergies. The first such grant was made available on a trial basis in 1959, and was introduced formally in 1963.

The access to such subsidies requires a medical assessment were the level of personal needs is defined according to the ICF instrument, i.e. International Classification of Disability and Health (ICF).[[1]](#footnote-1) The application is addressed to the local administration for social welfare. Due to changes on the Swedish housing market, a national register of dwellings that have additional home adaptations has been lost, and the availability of home adapted dwellings has to be addressed directly to the housing company.

**2. Please provide any useful statistical indicators, analyses or reports regarding housing conditions for persons with disabilities, the extent of homelessness and discrimination (including failure to provide reasonable accommodation) in the private and public sectors. Please provide references to any documentation (written, visual or otherwise) of the lived experiences of the housing conditions of persons with disabilities.**

Annually, the National Board for Housing, Building and Planning gives an overview of the status of the Swedish housing market. This statistics cover both private and public sectors of housing. The shortage of housing that prevails in Sweden since the end of the 1980s is a factor that has a great influence on any age group or any other characteristics. The following bullets were established last year for the period 2016 to 2017.[[2]](#footnote-2)

* In total, Sweden has 290 municipalities, of which 240 municipalities claim that there is a shortage of local housing. This is an increase with approximately 19 per cent in comparison with the figures of 2015.
* The shortage of housing is particularly difficult for groups that are entering or in search of new housing, i.e. young persons, persons with an immigrant background and older persons.
* The number of housing owned by municipal housing companies is increasing, which is a positive trend that was established in 2015. In addition, the conversion of municipally owned rental dwellings into condominium corporations decreased, and in the large-city region of Stockholm, this negative trend for rental dwellings was completely stopped.
* About 94 per cent of the Swedish municipalities estimate that there is a considerable shortage of housing for recently arrived people due to the Syrian exodus. This fact was communal for all municipalities regardless of geographical location or number of inhabitants.
* Concerning the group of persons with disabilities, i.e. people under the age of 65 years, more than half, 150, of the Swedish municipalities state that there is a shortage of housing with integrated assistance and care. Only 123 municipalities state that there is a balance between demand and supply of such dwellings, while only 4 municipalities present a larger number of dwellings than needed. Some 13 municipalities declined to answer the question.[[3]](#footnote-3)
* The availability of housing for persons with disabilities is particularly high in the larger cities with ample opportunities to education and in particular the greater Stockholm region. About 89 per cent of the larger Swedish university cities have a shortage of housing for this group of people, while 82 per cent of the smaller university cities state the same fact. In the greater Stockholm region, 77 per cent of the municipalities present a deficiency in the number of this type of housing. Primarily, smaller municipalities, about 56 per cent, with a population around 25.000 inhabitants present a balance in demand and offer.
* Concerning the number of housing for persons with disabilities, a considerable decrease is expected to follow in the close future. The number dropped with 44 per cent over just one year, from 2015 to 2016. The decrease is expected to continue in the larger city regions, and the only detectable increase is situated to the Gothenburg region and to municipalities that are located outside the larger cities and university cities.
* The supplier of housing for persons with disabilities is predominantly the municipalities with 40 per cent, municipal housing companies with 35 per cent, and merely 13 per cent supplied by private entrepreneurs. Only some 6 per cent of housing for persons with disabilities is provided by NGO or other stakeholders.

The figures stated above concern a personal status of being in search of an individual flat or other types of housing. As a consequence, this results mostly in a situation with shared spaces with family members or co-tenants.[[4]](#footnote-4) For some people, this might result in an overcrowded residential situation. The Swedish definition of an ordinary type of dwelling stipulates that the dwelling shall include the following spatial functions:[[5]](#footnote-5)

* Space for preparing and serving meals, where the size is proportional to the programmatic number of residents that the dwelling is designed to accommodate;
* Space for social activities inside the family or with guests;
* Space for sleeping for each individual member of the family who resides in the dwelling with the exception of people living in pair who are assumed to share one bedroom.

If the dwelling does not meet these requirements, then, the residential situation can be described as overcrowded. Using this definition, households consisting of only one person that is living in a residence with a combined space for socializing and sleeping, falls within this definition. According to the National Board for Housing, Building and Planning statistics show that two thirds of households are considered as overcrowded, although the number of residents is just one per dwelling.[[6]](#footnote-6)

Overcrowded dwellings are mostly a larger-city area problem in which smaller dwellings tend to be more overcrowded than larger dwellings.[[7]](#footnote-7) People born outside Sweden are prone to live in more crowded dwellings than other citizens. About 19.5% of the Swedish population experience this problem, however, these statistics do not reflect the situation for persons with disabilities. Given the fact that a lease in a special housing for persons with disabilities, regardless of age, is a civil right that is handled according to Social Services Act (SoL according to the Swedish abbreviation), and the Act Concerning Support and Service for Persons with Certain Functional Impairments (LSS according to the Swedish abbreviation). This means that an individual assessment of needs is juxtaposed with the size of the individual dwelling and potentially extra adjustment of the space. Given this circumstance, it is likely that overcrowding in housing for people would not occur, since this type of housing is under municipal control.

The above mentioned figures show that housing for persons with disabilities is dominantly part of municipal real estate property. In addition, care giving or nursing provided in this type of housing is under municipal control, so that quality in care and respect of the residents are maintained on an equal level and in harmony with national standards. In turn, discrepancies in the quality of housing for persons with disabilities are controlled by the regional counties. In case of poor conditions, the ‘Swedish Health and Social Care Inspectorate’ (*Inspektionen för vård och omsorg*) may start an investigation, which might result in penalty fines and demands on reorganising and restructuring the housing. In exceptional cases, the housing may be banned from being used as housing for persons with disabilities. In ordinary housing overcrowding may be a reason for why persons with disabilities apply for home adaptation grants from the municipality. The level of this type of crowded housing situation rests unknown.

Concerning homelessness in Sweden, pertinent statistics that describe the current situation is lacking, especially the situation of persons with disabilities. The most recent survey of homelessness on a general level in Sweden was realized in 2011 by the National Board of Health and Welfare (*Socialstyrelsen*).[[8]](#footnote-8) This survey does not take into account a potential disability issue as a parameter, merely addiction or drug-related problems. This survey proceeds from four scenarios of homelessness:

* Acute homelessness: In 2011, the acute homelessness touched some 4.500 persons, of whom the majority were men. Another characteristic for this group was a high frequency of abuse- or drug-related problems and a large group was born outside Sweden. In addition, a large group were parents to children aged 18 or below.
* Preliminary housing in institutions or special types of housing: In 2011, the number of people staying in institutional forms of housing, i.e. housing linked to a special treatment like alcohol overconsumption or detox facilities, was around 5.600 persons. Even in this group, men dominated, as well as abuse- or drug-related problems or instable mental health. A smaller number in this group were parents to children aged 18 or below.
* Permanent temporary housing solutions: In 2011, long-term homelessness touched approximately 13,000 persons. Included in this group, there are many families. In comparison with the total group of homeless Swedish people, drug-related problems were the least frequent problem. However, the number of people born outside Sweden was high.
* Temporary housing arranged by the individual: In 2011, people in housing on short-term lease but motivated out of personal reasons were about 6,800 persons. They were considerably younger than in the three other groups, and many persons in this group had addiction and drug-related problems.

This survey also recorded for the first time homelessness among children and adolescents, i.e. 18 years or younger, who for various reasons chose to live in a situation without a fixed address outside the family. About 400 children and adolescents found themselves in an intermediary situation between the family home and a temporary housing form according to the Swedish Social Services Act, all recorded under a single week in 2011. 51% of this group were girls and 49% were boys. 35% were born outside Sweden. The most frequent cause for this group living outside their family was an internal conflict within the family, which caused them to search temporary accommodation with friends or acquaintances.

**3. Please provide data on the number of persons with disabilities living in residential institutions and relevant information on the progress towards developing or implementing de-institutionalisation strategies to facilitate a sustained transition from institutions to community based living arrangements.**

Since the beginning of the 1980s, the principle of de-institutionalisation and the right to an adequate dwelling has been a fundament for Swedish policies that concern caregiving and nursing for older persons as well as persons with a large range of disabilities. This implementation has resulted in the creation of various types of group-living, co-housing or single dwellings integrated in the surrounding stock of ordinary housing. All three types involve some level of personal assistance and support. This level has been assessed through an individual application to the local administration for social welfare and health. This application includes a medical diagnosis as well as other documents that pertain to establishing the need of assistance and caregiving, e.g. physiotherapy, cognitive therapy or other complementary care services. Table 1 presents an overview of number of people in housing for persons with disabilities with regular care and caregiving.[[9]](#footnote-9)

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Table 1. Approximate number of persons with disabilities who live in special housing with assistance and support according to the Special Services Act, 2007-2016. Entries in yellow include assistance and support to children or adolescents. Source: Registret över insatser enligt lagen om stöd och service till vissa funktionshindrade, (Socialstyrelsen, 2016).**7 | | | | | | | | | | |
|  | | | | | | | | | |  |
| **Number of persons with assistance and support 2007-2016** | | | | | | | | | | |
| **classification** | **2007** | **2008** | **2009** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** |
| 1. Råd och stöd   Advice and support | 8 200 | 6 700 | 5 800 | 5 100 | 4 700 | 4 500 | 4 300 | 4 300 | 4 400 | 4 100 |
| 1. Personlig assistans   Personal assistant | 3 300 | 3 500 | 3 400 | 3 600 | 3 800 | 3 900 | 3 900 | 4 100 | 4 300 | 4 600 |
| 1. Ledsagarservice   Accompanying person | 9 700 | 9 700 | 9 600 | 9 300 | 9 200 | 8 700 | 8 500 | 8 400 | 8 300 | 8 000 |
| 1. Kontaktperson   Contact person | 18 000 | 18 400 | 19 200 | 19 500 | 19 500 | 19 600 | 19 400 | 19 500 | 19 500 | 19 400 |
| 1. Avlösarservice   Family relieve services | 3 400 | 3 300 | 3 400 | 3 400 | 3 400 | 3 400 | 3 500 | 3 600 | 3 800 | 3 800 |
| 1. Korttidsvistelse   Temporary accommodation | 10 100 | 10 200 | 10 000 | 10 000 | 9 900 | 9 700 | 9 600 | 9 600 | 9 700 | 9 600 |
| 1. Korttidstillsyn   Temporary care stay | 5 100 | 5 200 | 5 100 | 5 200 | 5 000 | 4 800 | 4 500 | 4 500 | 4 400 | 4 400 |
| 8 Boende, barn  Housing for children and adolescents | 1 300 | 1 400 | 1 400 | 1 400 | 1 300 | 1 200 | 1 100 | 1 000 | 1 000 | 1 000 |
| 9. Boende, vuxna | 21 600 | 22 300 | 22 900 | 23 400 | 23 900 | 24 400 | 25 000 | 25 800 | 26 500 | 27 100 |
| 10. Daglig verksamhet | 27 000 | 28 100 | 29 000 | 30 200 | 31 100 | 32 000 | 32 400 | 33 800 | 35 300 | 36 600 |
| **Totalt antal insatser** | **107 700** | **108 800** | **109 800** | **111 100** | **111 800** | **112 200** | **112 200** | **114 600** | **117 200** | **118 600** |
| Källa: Registret över insatser enligt lagen om stöd och service till vissa funktionshindrade, Socialstyrelsen | | | | | | | |  |  |  |

It has to be emphasized that the types of housing presented in the table are all to be considered as non-institutional. Both interior and exterior architecture progresses from a case-to-case interpretation of the Nordic notion of home and homelikeness. These types of housing can be sub-divided into individual studio-flats of approximately 35-60 square-metres with separate space for sleeping, space for socialising, space for kitchen or a mini-kitchen. Often, these different types of usages are combined into a single open space that forms the major part of the flat. In addition, these types of housing share a communal space for dining, preparing meals, laundry room, and space for social activities around which the studios are configured in small clusters, normally 6-9 flats. Depending on the characteristics of the particular user group, the amount of space for kitchen and preparing meals of the individual studio apartment can be transferred to the communal space.

If the type of housing concerns single dwellings that are integrated in an ordinary stock of housing, these dwellings are designed according to the general standard for Swedish housing, with potential individual home adaptions, and with some assistance and support provided by ambulating care staff members of either municipal or private care providers. In case of private care providers, these have been contracted on the basis of a public procurement process in which the client is the municipal administration for social welfare and health.

**4. Please provide information on relevant legislation, policies or programmes that are intended to ensure equal access to and enjoyment of the right to adequate housing for persons with disabilities and provide an assessment of their effectiveness and shortcomings.**

**Policy:**

The national policy issues for persons with disabilities, taken in 2000 in Parliament as cross-political and mutual statement, often associated with the headline of the white paper: ‘Leaving the patient’s perspective, embracing citizen’s rights’ (*Från patient till medborgare, proposition 1999/2000:79).*[[10]](#footnote-10) The policy had a 10-year perspective, 2000-2010, and was prolonged for a five-year period with a strategy for implementation, 2011-2016.

The supervision and monitoring of this policy falls under the responsibility of the Swedish Agency for Participation, SAP, a merger between a former authority in this field and a non-profit organisation, co-owned by the state, counties and municipalities, (*Myndigheten för delaktighet*, former *Myndigheten för handikappolitisk samordning and Hjälpmedelsinstitutet*).[[11]](#footnote-11)

**Legislation:**

UN CRPD – functions as an umbrella concept for all Swedish legislation on building, planning and care and social services.[[12]](#footnote-12)

Built space

Legislation for conceiving housing for persons with disabilities.

Planning and Building Act (Plan- och bygglagen, 2010:900)[[13]](#footnote-13) – imposes accessibility and usability as planning and physical minimum requirements.

Planning and Building Ordinance (Plan och byggförordningen, 2011:338)[[14]](#footnote-14) – stipulates that the municipalities have to provide physical planning documents based on population prognostics and monitor local building through building permits and inspections concerning poor level of accessibility in existing built environment.

The National Board for Housing, Building and Planning, Building Regulations (Boverkets Byggregler)[[15]](#footnote-15) – supply minimum requirements to respect in the programming of the built space.

NWEA regulations on appropriate work environment (National Work Environment Authority, Arbetsmiljöverket, Anvisningar för arbetsplatsens utformmning)[[16]](#footnote-16) – supply minimum requirements to respect in the programming of the built space out of concern for the future care staff.

SAP Guidelines on accessibility (‘Riktlinjer för tillgänglighet, Riv Hindren,’ Myndigheten för delaktighet, MFD) – supply recommendations on an improved level of accessibility for communal space in shared housing for persons with disabilities.[[17]](#footnote-17)

The legal frameworks make direct or indirect reference to two Swedish standards for appropriate measurements for housing, e.g.

SS 91 42 21:2006 Byggnadsutformning – Bostäder – Invändiga mått [Design of buildings – Housing – interior measurements]

SS 91 42 22:2006 Byggnadsutformning – Bostäder- Funktionsplanering [Design of buildings – Housing – Room functional planning].

Care and social matters

Social Services Act (Socialtjänstlagen, 2001:453) – sets the legal framework for the municipal implementation of Swedish welfare goals for persons with special needs due to age-related problems or disabilities.

The Act Concerning Support and Service for Persons with Certain Functional Impairments, (Lagen om stöd och service till vissa funktionshindrade, LSS*,* SFS 1993:387) – sets the legal framework for municipalities concerning special services for persons with disabilities.

Act on grants for home adaptations (Bostadsanpassningslagen, SFS 1992:1574) – supplies the premises for grants for home adaptations for older persons or persons with disabilities. However, a current reform proposal may affect the possibility for persons with disabilities, who live in special housing, to apply for this grant – the underlying argument is that legal requirements for the built environment would vouch for a high level of accessibility, and therefore additional adaptations would be unnecessary.

The National Board of Health and Welfare, Assessment if medical care assistance and support can be supplied as self-care (Socialstyrelsen, SOSFS 2009:6 Bedömningen av om en hälso- och sjukvårdsåtgärd kan utföras som egenvård)[[18]](#footnote-18) – supplies advice and regulations for licensed medical staff in special housing.

The National Board of Health and Welfare, Housing with special services for children and adolescents (Socialstyrelsen, SOSFS 2012:6 Bostad med särskild service för barn eller ungdomar enligt LSS)[[19]](#footnote-19) – sets the framework for special housing with individualised care for children and adolescents.

Programme:

The National Board of Health and Welfare also supplies guidelines on the conception of appropriate housing for persons with disabilities according to the Act Concerning Support and Service for Persons with Certain Functional Impairments, LSS, in a special publication from 2007: Housing with special care and services for adults according to LSS – legal guidelines and implementation (Bostad med särskild service för vuxna enligt LSS – stöd för rättstillämpning och handläggning).[[20]](#footnote-20)

Assessment:

Assessments of special housing with individualised assistance and support are performed by the Health and Social Care Inspectorate (Inspektionen för vård och omsorg), mainly focusing on quality in care.[[21]](#footnote-21)

Deficiencies in the built environment should be reported to the municipal administration for building matters and assessed according to minimum requirements for housing standards.

Research-based assessments of housing for persons with disabilities, i.e. physical environment along with quality in care, are performed by the National Board of Health and Welfare, the latest report with a comparative approach (Sweden in comparison to Norway) was made in 2011.[[22]](#footnote-22)

**5. Please indicate what programmes, policies and strategies are in place to:**

**i/ progressively close institutions;**

The policy for de-institutionalising housing for persons with disabilities, but also other types of housing for frail older persons and persons with mental impairment was developed during the 1960s in conjunction with the elaboration of reforms that would constitute the current Social Services Act, SoL.

Guidelines for the implementation of the policy were developed in the early 1970s by the National Board of Health and Welfare. The policy was gradually implemented over the decades that followed. Full de-institutionalisation was achieved by the mid-1990s.

**ii/ protect the human rights of persons with disabilities still living in institutions;**

Institutional types of housing for persons with disabilities do not exist. The design of this type of housing shall assume homelike features and respect the individual’s right to privacy. Care provided in this housing should respect the individual’s personal rights. In case neither is met, the person living in this type of housing or a proxy could report the problems back to the municipal administrations for built environment or for care.

In turn, these administrations will look into the matter and start an inquiry depending on the gravity of the violation. The person living in this type of housing or a proxy could also choose to report believed violations of the individual’s civil rights to the Health and Social Care Inspectorate (Inspektionen för vård och omsorg). Depending on the case, the inspectorate will open an inquiry or give the municipality a recommendation on how to address the problems.

**iii/ to ensure that persons with disabilities can challenge their placement in institutions; and**

Following the Swedish legal tradition, any appealable decision from a public authority can be appealed to higher court if the applicant finds that the answer from the municipality is violating individual rights. Also, a guardian or a proxy could do this on behalf of the person with disabilities.

**iv/ to ensure that upon leaving institutions that persons with disabilities can access adequate housing and support services in the community.**

This situation is covered by the Social Services Act, or in special cases depending on original cause the Swedish Health Care Act (Hälso- och sjukvårdslagen (1982:763). Both converge into developing an individual care plan for the person with special needs and in need of either individualised care or special housing.

This plan vouches for a safe transition from institutional care, probably called for due to medical reasons, into either care services provided in the home or care services in special housing that includes a lease of a rental studio flat. In this case, relatives and family are invited to help prepare the move from the old home to the new special housing so that the new place will become homelike.

**Please also provide any information on policies or programs concerning reasonable accommodation and accessibility for persons with disabilities in relation to housing in both the formal and informal housing sectors. What measures have been taken to increase the number of “universally designed” flats or houses in communities?**

The type of ‘universally designed’ flats or houses is the intended outcome of any built environment that undergoes the Swedish building process. Legislation mentions minimal requirements to respect in the architectural design. However, regulations are only supposed to frame the professional discussion among architects, builders, realtors and other experts involved in the conception of a new building so that the design will assume a long-term usefulness with respect to individual privacy, work environment and aesthetical and functional values. Instead of using the concept of universal design, Swedish design thinking tends to focus on the concept of ‘disability perspective’. This perspective is in line with the universal design concept, but developed in parallel track to the American concept and the European concept of ‘Design for all’.[[23]](#footnote-23) The disability perspective proceeds from the idea that the built environment and infrastructure shall implement the highest possible level of accessibility and usability for the widest range of users. The ambition is to allow persons with disabilities an independent usage of all types of space. In the case, that this approach is not sufficient, then, assistive technology can bridge that gap.

**6. Please indicate what national and sub-national institutions that are primarily responsible for overseeing compliance with the right to housing for persons with disabilities, such as the National Human Rights Institutions; an office on disability issues; an ombudsperson or a commissioner.**

The organisation of the Swedish welfare society puts the responsibility for providing adequate housing, health care, and education, access to culture, sports and outdoors activities on the 290 municipalities, Act on municipalities (Kommunallagen, 1991:900).[[24]](#footnote-24)

The regional counties control that the municipalities comply with national regulations concerning the physical conception of housing as well as the municipal organisation of social matters. Counties might overthrow municipal decisions.

National authorities control both regional bodies and municipal ones. They monitor and supervise the realisation of national welfare objectives. In critical matters, they might intervene in cases that relate to the municipal implementation of regulations for buildings and social matters, previously demonstrated above.

Since 2015, prohibition of discrimination include inadequate accessibility which means that if a person with a disability is disadvantaged through a failure to take accessibility measures to place people with disabilities in a situation comparable to that of people without such disabilities. Only reasonable measures are required. When assessing what should be reasonable, consideration should be taken to for example accessibility requirements in laws or other statutes and the financial and practical preconditions and other circumstances of importance. The prohibition covers for example access to goods and services with the exception for smaller companies with less than 10 employees. The Discrimination Act also covers other aspects of discrimination like discriminatory behaviour that target persons with disabilities. The Act also cover discrimination on grounds of sex, transgender identity or expression, ethnicity, religion or other belief, sexual orientation or age.

Besides the indicated legal bodies, Sweden has a long tradition of allowing the citizen to make appeals on various matters in the case this person experiences being treated in a disrespectful way: the parliamentary ombudsman (JO).[[25]](#footnote-25) This board of four experts are appointed by the Swedish parliament and ensures that public authorities with staff comply with national laws and other statues that govern their actions.

**7. Please explain whether and in what ways courts, national human rights bodies and/or independent monitoring mechanisms have recognized the right to housing of persons with disabilities, including those who remain institutionalized.**

The right to appropriate housing for everyone regardless of age or potential disabilities is an integral part of the construction of the Swedish welfare society, expressed in legislation that concerns both built environment and social matters. This is a civil right open for any Swedish citizen.

In case of residing in housing forms that through its access requirements, management and maintenance appear as institutional, the homelike aspect out of an individual or communal perspective is always emphasized. The general principle for Swedish policy on appropriate housing is to avoid institutional traits and emphasize the individual space.

**Please also indicate what judicial or other appropriate remedies have been required where violations have been identified and describe the extent to which these have been successfully implemented. Please provide links or documents relating to relevant jurisprudence.**

A special programme for addressing problems in housing for persons with disabilities is not identifiable in the Swedish context. Rather, the National board of Health and Welfare is monitoring and supervising the area by use of regular reports. These reports assume a research-oriented profile, for instance a report of 2011 that supplies guidelines on how to conceive special housing: Co-housing with special care and daily activities, research overview (Bostad med särskild service och daglig verksamhet, en forskningsöversikt).[[26]](#footnote-26)

**8. Please refer to any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the right to housing for persons with disabilities and identify lessons learnt from these.**

Since 2008, Sweden implements the principle of individual choice of care supplier, Act on freedom of choice concerning care (Lagen (2008:962) om valfrihetssystem**,** LOV).[[27]](#footnote-27) The consequence of this act is that the supply of special housing for persons with disabilities including care has created an arena for entrepreneurs, both municipal and private, to supply appropriate housing with care.

The entrepreneurs are contracted for a four-year period. The contract stipulates that the municipality as the contract-owner has the right to repeal the contract in case of breach of confidence or malpractice. Until 2008, this area for care did not exist, however, sometimes complicated for the individual person to apply, the law seems to generate a business interest as is reflected by a new topic for conferences.[[28]](#footnote-28) [[29]](#footnote-29)

In addition, several Nordic countries are exploring the meaning of appropriate housing for persons with disabilities, for instance, demonstrated by a Finnish research report.[[30]](#footnote-30)

**Please also identify ways in which your Government or organisations considers that the Special Rapporteur on the right to housing and other international human rights bodies or procedures could play a role in ensuring the right to adequate housing for persons with disabilities.**

Swedish planning of special housing for persons with disabilities has a long-term perspective with sustainability intent for both the building and the care provided in the housing. Hence, the focus lies on quality perceived by the residents and his or her relatives, members of care staff and aesthetical values in terms of homelikeness.

The understanding of home is often a cultural phenomenon. Therefore, the Special Rapporteur on the right to housing could play an important role in collecting research on the matter, as well as presenting exemplary models of housing for persons with disabilities, preferably easy accessible on a website dedicated to this cause.

1. <http://www.who.int/classifications/icf/en/> [↑](#footnote-ref-1)
2. <http://www.boverket.se/sv/samhallsplanering/bostadsplanering/bostadsmarknaden/bostadsmarknadsenkaten-i-korthet/> [↑](#footnote-ref-2)
3. <http://www.boverket.se/sv/samhallsplanering/bostadsplanering/bostadsmarknaden/bostadsmarknaden-for-olika-grupper/personer-med-funktionsnedsattning/> [↑](#footnote-ref-3)
4. <http://www.scb.se/sv_/Hitta-statistik/Artiklar/Trangboddheten-i-Sverige-minskar/> [↑](#footnote-ref-4)
5. <http://www.scb.se/sv_/Hitta-statistik/Artiklar/Trangboddheten-i-Sverige-minskar/> [↑](#footnote-ref-5)
6. Ibid. [↑](#footnote-ref-6)
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