Human Rights Council resolution 37/20 “Rights of The Child”

**Question 1a-b and in part question 5.
Answer:** The Swedish education system is based on the principle of inclusion therefore most children and young people with disabilities consequently receive their education within the framework of the regular forms of education. Only 1.3 per cent of all pupils within compulsory and upper-secondary school receive their education outside of the regular forms of education, in other words in education for pupils with intellectual impairment or in special schools for children with certain disabilities.

According to the Education Act, all children shall have equal access to education in the national school system. This includes children with disabilities. The Education Act states that the tuition provided is to take into consideration the varying needs of children and pupils. Children and pupils are to be given support and encouragement so that they may develop to the greatest possible extent, based on their own specific capabilities. One aim in this effort is to offset differences in the capacity of children and pupils to benefit from the education.

The act also stipulates that if it may be anticipated that a pupil will not achieve the minimum knowledge requirements, the pupil shall promptly be given support in the form of additional adjustments in the context of the regular teaching. It has also been clarified that pupils who have difficulties reaching the different knowledge requirements as a result of disability, shall get support that as far as possible counters the effect of the disability, and the municipalities and head teachers shall allocate resources in accordance with the pupils’ different abilities and needs.

To support municipalities, private education providers and schools are responsible to provide a good learning environment for all pupils. The National Agency for Special Needs Education and Schools offers special needs education support, accessible teaching aids and government funding for development initiatives of various kind.

The Government has implemented major education initiatives to ensure access to special education needs support, especially in the preschool class for six-year-olds and the early years of compulsory school. Moreover, an initiative has been carried out to further develop general special education skills among teachers. During the spring of 2018, the government decided to implement changes to the Education Act aimed at all young people to begin and pursue secondary education. The changes concern both upper secondary school and upper secondary education for pupils with learning disabilities. The changes include that support is given on the basis of the student's education as a whole.

**Question 2 a**. In 2017 the Riksdag decided on the Government Bill “National objective (goal) and direction of the disability policy”. The decision contains a new national goal for the disability policy based on the UN Convention. The national goal is to achieve equality in living conditions and full participation in society for persons with disabilities, with the UN Convention on the Rights of Persons with Disabilities as a platform. The goal shall contribute to increased gender equality and that the rights of child are taken into consideration.

The Swedish Agency for Participation is a state agency in the field of disability. The Agency pursue development, follows up disability policy and disseminates knowledge in the area. Starting points are the UN Convention on the Rights of Persons with Disabilities and the national objective of disability policy. The mission of the agency is to promote disability policy throughout society.

Based on the recommendation from the CRPD-committee regarding article 8 in the CRPD, MFD was assigned by the government in 2015 to conduct a campaign to raise awareness of the CRPD. MFD cooperated with the Equality Ombudsman and the Ombudsman for Children. The campaign was conducted during 2015–2017 and had, besides increasing awareness of the CRPD, the aim to increase the knowledge about the recent changes in the Swedish Discrimination Act concerning inaccessibility as ground for discrimination.

MFD is also one of the governmental agencies that has been commissioned to work for increased knowledge on the rights of the child within the agency.

**2 b.** In accordance to the law concerning support and service for the functionally impaired (LSS), children are active involved in decision-making processes who are affecting them. The article 8§ in LSS specifies that when a service concerns a child, children will have the opportunity to receive relevant information and opportunity to express their views. The opinions of the child must be given importance in accordance to the age and their maturity. Article 6§ also states that when measures are taken, the best interest of the child should always be taken into account.

The National Board of Health and Welfare has been commissioned by the government to develop a knowledge base on methods for increased participation and independence for persons with cognitive impairments with the aim to provide support and guidance as well as gather and disseminate effective methods in the field.

**2 c.** Reference to question 2b. The four most important laws that determines the support to parents with children with disabilities are: The Social Services Act, the LSS Act, the Education Act and the Health and Medical Services Act. The different laws guides which support you can get e.g. medical, pedagogical, financial etc. The Swedish Social Insurance Agency (Försäkringskassan) administers social insurances for people with disabilities and for parents who have children with disabilities. These insurances are complements to the regular financial support.

**2 d**. Reference to question 2b. In order to promote full participation, non-discrimination and equality for persons with disabilities, Sweden has phased out all institutional accommodation for persons with disabilities and built up support and service in the community. Examples of support and service to enable individuals to live independently in society include assistance in accordance with SOL and support and service in accordance with LSS.

**Question 3.** There is no certain organization for crisis management for children with disabilities. The municipality has the responsibility to plan for all citizens in the society. The school organization has the primary responsibility for i.e. children with disabilities during school-hours. The responsible authority for housing for persons with disabilities is responsible for children living in residence for children.

**Question 4**. Reference to answer 2a and 2b.

In 2010, the Swedish parliament approved “The strategy for strengthening the child's rights in Sweden”, that were proposed by the Government. The strategy aims to strengthen the rights of the child in Sweden and consists of several principles addressed to the parliament, the Government, authorities, county councils and municipalities.

**Question 5.** In March 2018 the Government appointed an inquiry to assist the Ministry of Culture in drafting proposals concerning the establishment of an institution on monitoring the implementation of human rights in Sweden. The remit of the inquiry includes, on the basis of the Paris principles, analyzing the establishment concerning function and authority, as well as its organization and guarantees for its independence. The remit also includes proposing how the institution may promote, protect and monitor the implementation of the UN Convention on the Rights of Persons with Disabilities, in accordance with Article 33 of the Convention. Drafted proposals will be presented at the latest 31 October 2018.

The Parliamentary Ombudsmen are appointed by the Swedish parliament to ensure that authorities, courts and their staff comply with the laws and other statutes governing their actions. The Ombudsmen have mainly the authority to issue statements if the measures taken by an authority or a civil servant is in conflict with an existing law or other statute or are incorrect or inappropriate in some other way. The ombudsmen also have the right to issue advisory opinions intended to promote uniform and appropriate application of the law. In addition to the Parliamentary Ombudsmen, Sweden has a number of other ombudsmen who review specific fields for example the Ombudsman for Children.

The Ombudsman for Children in Sweden is a government authority representing children regarding their rights and interests on the basis of the UN Convention on the Rights of the Child (CRC). The Ombudsman for Children monitors how the CRC is complied within society and pushes for its implementation. The authority shall draw attention to faults in the application of the CRC and propose changes to laws, provide information and build opinion. The Ombudsman for Children has legal powers to request information and to summon parties to talks, but has no regulatory powers and may not interfere in individual cases. Every year, the authority submits a report to the government. In 2016 the authority submitted the report “Respect” on the theme children with disabilities.

**Question 6 b.** Number of children with disabilities in residence for children in accordance to the law concerning support and service for the functionally impaired (LSS) has reduced between 2015 – 2017. The majority of children are probably granted the service due to schooling or due to severe impairments.

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| **Barn i boenden** | **2015** | **2016** | **2017** |
| **Antal barn 0-22 år** | **1000** | **990** | **894** |
| **Antal barn 0-12 år** | **70** | **80** | **69** |