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| **Ministry of Health and Social Affairs, Sweden** |
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Human Rights Council resolution 21/23 - "Human rights of older persons"

1. Please provide information on the main challenges related to promotion and protection of the human rights of older persons that your country is facing.

**Answer:** The number of reports of discrimination based on age and studies on perceived discrimination on the basis of age has increased. There are cases of older persons feeling that they are discriminated in the working life.

2. Please indicate whether your country’s constitution or legislation explicitly forbids discrimination on the basis of old age. Please include information on the existence of specific bodies which protect against age discrimination or are mandated to protect and promote the rights of older persons.

**Answer:** The Swedish Discrimination Act prohibits discrimination on the ground of age. The prohibition has some exceptions. For instance the differences of treatment on ground of age shall not constitute discrimination, if they are objectively justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary. The Equality Ombudsman is a government agency that seeks to combat discrimination on the basis of sex, transgender identity or expression, ethnicity, religion or other belief, sexual orientation or age. The Ombudsman’s principal task is to ensure compliance with the Discrimination Act. The Ombudsman registers and investigates complaints based on the legal prohibition of discrimination and harassment and can represent victims in court free of charge.

3. Please provide information on specific legislation, national policies, strategies and plans of action adopted by your country to ensure the equal enjoyment of rights by older persons, particularly in the areas of prevention and protection against violence and abuse, social protection, food and housing, employment, legal capacity, access to justice, health support, long-term and palliative care.

**Answer:** National measures for the support and service for elderly persons are prescribed in The Social Services Act (SoL). The act covers all citizens. The first paragraph stipulates that the social services in the society shall promote economic and social safety, equality in life conditions and full participation in the society for every person. In the SoL there are regulations on national fundamental values in elderly care, called ‘living in dignity’. An amendment to the SoL states that elderly care personnel must help persons to live a dignified and comfortable life. The Government has through a decision related to the SoL created a more advantageous situation for persons who give care to a relative who is elderly, has a long term disease or a disability. This measure is also of importance for the equality between men and women because there are more women than men who take care of relatives that are elderly, have a long-term disease or a disability.

For such matters as income, food and housing there is specific legislation regulating pensions and housing supplementary allowance.

The Government has assigned an investigation to present proposals in order to facilitate employment for persons who have reached the age of retirement. The investigation is assigned to present its final report in April 2013.

For such matters as long-term and palliative care, the Government has decided on a development program for ”Elderly persons with the most severe health problems”. The program consists of national funding in order to stimulate the County Councils and the Municipalities to develop the quality in the measures given to this group of people.

The Government is presently considering alternative measures in order to combat restrictions in personal freedom for elderly persons in special housing.

The national Board of Health and Welfare will later this spring publish study material with the purpose of highlighting the problem with violence against women older than 65 years old.

Health support is regulated in The Health and Medical Services Act (HSL). Support is being offered on equal terms to the whole population. The responsibility for the medical care rests mainly with the County Councils but to some extent also with the Municipalities. The performance of the health care is monitored by The National Board of Health and Welfare.

It is a fundamental right in Sweden that a legal case is to be considered by an impartial and independent court. An individual always has the right to seek legal advice from a legal representative. If he or she is unable to pay for the legal representative, legal aid can sometimes be provided. Legal aid is provided by the state to those who are unable to pay for*, inter alia*, a legal representative. Legal aid is regulated in the Legal Aid Act (1996:1619).