



## Strasbourg

Observations by the Swedish Government on the report by Nils Muiznieks, Commissioner for Human Rights of The Council of Europe, following his visit to Sweden from 2 to 6 October 2017

### Swedish disability policy in general

The Swedish Government has in 2017 presented several initiatives with the aim to make the disability policy more efficient and more explicit on human rights. The initiatives taken by the Government, covers a wide range of policy areas in the field of human rights of persons with disabilities.

On the 11th of May 2017 the Government decided on the Government Bill "National objective (goal) and direction of the disability policy". The proposal contains a new national goal for the disability policy based on the UN Convention. To achieve the national objective, the implementation of the disability policy is proposed to focus on the principle of universal design, existing gaps in accessibility, individual support for empowerment and prevention of discrimination.

The bill also contains initiatives with the aim to meet several of the challenges presented in the report by Commissioner Muiznieks, for example measures in areas such as employment, education, accessibility, non-discrimination and public procurement.

Furthermore, the Bill contains a proposal of a Government investigation with the task to propose human rights based goals and targets on disability, as well as a coherent system for follow up.

Against this background The Swedish Government in December 2017 decided on an investigation with the aim to review the Swedish disability policy, i.e. to propose sub-goals for different policy areas, review the regulations and responsibility of the State agencies for implementation of disability policy and propose how long-term follow-up for the objectives of disability policy should be performed. The investigation shall submit its report to the Government in January 2019.

#### Personal assistance services

The Act (1993:387) concerning Support and Service for Persons with Certain Functional Impairments (LSS) and the state-funded assistance benefit (Social code (2010:110)) have significantly improved the living conditions for women, men, girls and boys with extensive disabilities. Personal assistance has given the opportunity to participate in community life and has contributed to making living conditions more equal for persons who are in great need of support to meet basic needs. The Government considers that it is important to protect these reforms and to strengthen the quality and accuracy of the systems, based on the human rights objectives and the possibility of participation.

It has been more than 20 years since LSS went into force and the legislation needs to be modernized. The challenges that have been highlighted over the years in the state-funded assistance benefit remains and new ones have been added. There has been criticism of case law and cost developments in this area. Furthermore, there are reason to review how the LSS measures have evolved and are able to fulfill the purpose of the legislation. But it also concerns legal certainty, equivalence and quality in the measures. LSS and the state-funded assistance benefit needs to be developed to be a sustainable and effective so they can meet the reforms intentions.

These challenges in LSS and state-funded assistance benefit (Social Code (2010: 110)) are the reasons why the government in 2016 appointed a special investigator to conduct an investigation into the legislation on state-funded assistance compensation and LSS. The investigator shall report the assignment by 1 October 2018.

*Development from 2016*

The condition for granting state-funded assistance benefit is that basic help needs exceeds 20 hours a week. If the basic help need is less than 20 hours a week, the user is instead granted so-called personal assistance granted by the municipalities according to LSS. The measure is the same regardless of it is granted by the state or the municipal. There is no upper limit for how many hours a user can be granted.

During the period 2010-2016, the number of persons with state-funded assistance benefit has been relatively constant around 16,000 annually. By the end of 2016, a reduction began and escalated in 2017. In December 2017 there were approximately 14,900 people with state-funded assistance benefit. However, the number of persons with personal assistance granted by the municipality has increased during the same period, but not at the same extent.

The government has not taken any decisions on economic cut-backs. The background to development is mainly new case law in this area. The new case law has affected the application of legislation, which means that it is harder to be granted assistance benefit. Applicant authorities are however required to comply with applicable law, which incorporate new case law. The case law in this area has had a big and rapid impact on the granting on state-funded assistance benefit. The government has therefore taken further action even pending the LSS-investigation. Among other things, the government has submitted a series of missions to various authorities to increase knowledge of the consequences for the users of the new case law.

In November 2017 the Government also announced a work on drafting a number of legislative proposals to mitigate the impact on the users of the development of the new case law. One legislative proposal has already been submitted to the Parliament during January 2018 and an another one will be submitted during the spring. The measures have been taken in pending of the investigator's long-term proposals to ensure that the situation of users is more stable while the LSS investigation get the opportunity to work with long-term solutions.

Miscellaneous

Page 21, number 78 regarding Personal Ombudsmen (PO): The figures are not updated. According to the last report from The National Board of

Health and Welfare, 312 POs provided support to 8 986 persons in 2016 and 240 municipalities included POs in their social service system.