

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 51st session (13 February - 2 March 2012)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations based on references to persons with disabilities to be found in the State report, list of issues and replies, and treaty body concluding observations (see annex).

NORWAY

Norway has signed but not yet ratified the Convention on the Rights of Persons with Disabilities.

State Report

Selected references to persons with disabilities in the state report:

Paras 35 and 36

... There are some areas where Norway lacks the necessary knowledge of the situation, and where the Government is making an effort to obtain new statistics and knowledge base for Norway's 9th report to CEDAW in some of these areas. This applies, for example, to knowledge and statistics associated with social developments for marginalised groups, such as **people with disabilities** and development and results in areas such as gender-related violence. Norway is making continuing efforts to prepare the knowledge base in areas covered by the Convention by means of new statistics and studies and by evaluating existing measures.

Article 2 b) Anti-discrimination legislation

We refer to Chapter 1.1.2 of Norway's seventh report to CEDAW. Important milestones in the fight against discrimination in Norway were achieved with the Anti-Discrimination Act, and the establishment of the Equality and Anti-Discrimination Ombud in 2006. For further information see Norway's Common Core Document (2009) para 140–146, para 217–227 concerning the Ombud and the Tribunal and para 184–216 concerning the national legal protection against discrimination. In 2007, a law commission was appointed by the Government with the task of studying how to further strengthen the legal framework on discrimination. The commission submitted its proposal to the Cabinet in Official Norwegian Report 2009: 14 "Et helhetlig diskrimineringsvern" [Comprehensive legal protection against discrimination] (see Annex 21). The proposal in the report includes a Bill with a broad perspective, prohibiting discrimination in all areas of society on all grounds, such as gender, ethnicity, religion, **disability**, sexual orientation and age. The report was circulated for comments in 2009. The report is currently being considered by the Ministry of Children, Equality and Social Inclusion. The Institute for Public Law at the University of Oslo submitted its report on the evaluation of section 21 of the Gender Equality Act in December 2008.

Section 21 enacts the principle of gender balance in committees, boards, councils, etc. appointed or elected by public bodies. The proposals in the report include applying the principle of gender balance when appointing delegations to visit foreign countries, stricter regulations for granting exemptions and more efficient sanctions for failing to fulfil the requirement concerning gender balance. The report was circulated for comments in 2009, and the proposals are currently being considered by the Ministry of Children, Equality and Social Inclusion.

Another important milestone in the fight against discrimination was achieved by means of the Anti-discrimination and Accessibility Act, which entered into force on 1. January 2009. The objectives of the act are to promote equality and ensure equal opportunities for and rights to social participation for all persons regardless of **disabilities** and to prevent discrimination on the basis of **disability**. The act applies to all areas of society with the exception of family life and relationships of personal nature. Since 1 January 2009, public authorities, employers and employee organisations have been legally obliged to make active efforts and to report on their efforts to promote equality as regards gender, **disability**, ethnicity and religion. Since 2003, the corresponding obligation has applied to the same group as regards gender. As the central government employer, the Ministry of Government Administration, Reform and Church Affairs is responsible for ensuring that government agencies meet their obligations to make active, targeted and systematic efforts to promote equality and prevent discrimination in their activities. See also paragraphs 205 and 251 of the Common Core Document, Annex 1.

Article 2 c) National Gender Equality Machinery...

The **Norwegian State Council on Disability**, provides advice to public bodies and institutions, especially ministries and the Civil Service in general. The Council is responsible for advising public authorities on the formulation and implementation of policies relating to **persons with disabilities** in all areas of society.

Article 3 Gender Equality and Human Rights..

The Government also views it as important that more groups are ensured better access to information concerning their rights, for example immigrant women, **persons with disabilities**, children and old people. Providing minority women with information concerning their rights is important both for integration and for gender equality. The Ministry of Children, Equality and Social Inclusion is further examining how these efforts can be strengthened and how new information can be facilitated. A number of relevant measures in this context have already been implemented. All government agencies are required to conduct user surveys, which increase the knowledge of users' information needs. The Ministry of Justice is in process of preparing information materials for relevant groups of the population with the aim of improving their genuine potential to issue complaints on the basis of the discrimination provisions of the Penal Code.

We refer to Chapter 1.2 of Norway's seventh report to CEDAW.

Women's security in reception centres. In 2009, the Directorate of Immigration was granted NOK 30 million earmarked for measures to adapt reception centres for single women and **persons with disabilities**.

Article 6 Violence, Trafficking in Women and Prostitution..

We refer to Chapter 1.5 of Norway's seventh report to CEDAW. Cooperation at local, regional, and national levels. A major area of focus in the handlingsplanen mot vold i nære relasjoner (2008–2011) "Vendepunkt" [Action Plan to Combat Domestic Violence (2008–2011) "Turning Point"], see Annex 17, has been to ensure a firm foundation for the provision to persons subjected to domestic violence. At the national level, the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) gathers and strengthens competence on violence, family violence and sexual abuse, refugees' health and forced migration, stress

management and collective strain situations. In cooperation with Alternative to Violence (ATV), NKVTS is carrying out a four-year research project to further develop treatment methods at ATV and survey the effects of the treatment in relation to further violence. At the regional level, it is the regional resource centres for violence, traumatic stress and suicide prevention (RVTS) in each health region that provide guidance to municipalities and establish cooperation in the support services (the police, "Children's Houses", the Child Welfare Service, rape clinics, crisis centres, etc.). The municipal level is subject to the Act relating to municipal crisis centre provision (Crisis Centre Act), which entered into force on 1 January 2010. The Act requires municipalities to provide crisis centre facilities for women, men and children. See also the response to the Committee's comments 21–22, above. Statistics are collected annually concerning **persons with disabilities** who seek help at crisis centres in addition to registering accessibility for **persons with disabilities** at the centres. See also responses to comments 19 and 20 and to 21 and 22, above

Article 13 a) The Right to Family Benefits

Reference to Norway's sixth report to CEDAW. We refer to Norway's previous reports to CEDAW. The National Insurance Act, which regulates the right to national insurance benefits in connection with retirement, sickness, **disability**, childbirth and adoption, provides in general the same rights to women and men. Parents are entitled to 46 weeks leave with full pay in connection with childbirth (43 weeks for parents who are adopting). However, nine of these weeks are reserved for the mother for health reasons (this does not apply to adoptive parents) and ten weeks are reserved for the father. The remaining period can be divided between the parents as they wish.

List of Issues

4. Please inform the Committee if there is an existing strategy to ensure that population of the State party, including immigrants and other minorities, receive information about their rights and duties in a way they can understand. Please provide information on measures taken to ensure the right to legal information for people with language difficulties, such as migrant women and women with disabilities, and specific strategies taken in this regard.

16. Please provide information on specific measures taken by the State party to ensure gender equality for women, who experience intersectional discrimination based on factors such as ethnicity, religion, age, disability, class and sexual orientation, in all areas covered under the Convention.

17. It has been reported that disabled and migrant women are more exposed to violence than other women. Is there any systematic research on how gender and other grounds of discrimination interact in relation to being at risk of violence, including sexual violence?

18. The report refers to several measures taken to address the issue of disabled persons. Please provide more information on measures taken to improve the situation of disabled women. Please inform the Committee as to whether the State party is considering ratifying the Convention on the Rights of Persons with Disabilities.

19. The report acknowledges (CEDAW/C/NOR/8, para. 23) the need to improve the access to and participation of women with minority backgrounds in the labour market. Please provide updated information on measures taken to achieve this goal.

Replies to list of issues

3. A proposal on a comprehensive legal protection against discrimination was submitted by a law commission in 2009. The Norwegian Ministry of Children, Equality and Social Inclusion is currently working on following up the commission's proposals. Instead of one comprehensive single act, the Government is now working on a legislative proposal with adjustments in existing anti-discrimination legislation, with an aim to harmonize the rules in the different acts. This approach takes into consideration that a separate act on gender equality provides the best framework to promote women's rights and position in society. Furthermore, that separate acts will provide the best framework for equality with regard to ethnicity and disability. In addition to this, the Government is preparing a bill prohibiting

discrimination on grounds of sexual orientation and gender identity. The aim is to extend the protection against discrimination on the basis of sexual orientation to all areas

5. In June 2010 the Government decided to develop a new national action plan for gender equality. The new action plan for gender equality will be launched later this year (2011) and covers the period from 2011 to 2014. The purpose of the action plan will be to provide an overview of Norwegian policies for gender equality in different areas of society. The action plan will also serve as a strategic plan to further develop gender equality policies. The areas to be addressed in the plan are: 1) a segregated working life, 2) gender and education, 3) distribution of economical power, 4) equal parenting, 5) domestic violence, 6) gender stereotypes, 7) gender and power, and 8) gender and health. The action plan will include political goals and new initiatives in the specific areas mentioned above, together with a set of statistical indicators. The purpose of these indicators will be to monitor the outcome of the action plan in a long term perspective. The Ministry of Children, Equality and Social Inclusion has consulted the main employer and employee organisations, and civil society organisations within the field of gender equality and related areas in the making of the action plan. The action plan must therefore be seen in connection with policies for equality and anti-discrimination in general. The government regards ethnicity, disabilities issues and sexual orientations as different aspects of gender equality. The Government will submit to the Committee the English version of the new Action Plan on Gender Equality as soon as it has been launched.

6. The main tool to include gender equality in the budget propositions of all ministries is the Master Budget Document that requires all ministries to incorporate gender and a gender perspective where this is found relevant and appropriate. The Norwegian Ministry of Children, Equality and Social Inclusion has a particular responsibility for coordination and for initiatives on gender equality in the public sector, and for preventing discrimination on grounds of gender, religion, ethnicity, disability and sexual orientation for both children and adults at ministerial level. The Ministry also coordinates the High Level Group of Senior Official on Gender Equality and uses this high level group to discuss gender equality issues such as how the ministries are managing to include specific objectives and indicators for gender equality in their budget proposals. Gender budgeting is an ongoing continuous process that has to be followed up on an annual basis. Every year, after the budget has been presented to the Parliament, the Equality and Discrimination Ombud scrutinizes a some of the ministries' gender budgeting. The Ombud addresses those cases where the ministries fail to follow up their obligations.

18. The Government has this autumn (2011) presented a strategy for including persons with disability in the labour market. The strategy was launched together with the Government's budget proposal for 2012, as a separate attachment. Both the strategy and the other measures directed towards persons with disabilities mentioned in Norway's eighth report to CEDAW are gender neutral. However the strategy underlines that the measures shall be individually tailored, taking into account the prerequisites and preference of the person. However, there gender specific indicators related to most of the measures directed towards persons with disabilities. In other words it is possible to assess the situation for both women and men, and to design specific measures, if needed. Norway signed the Convention on the Rights of Persons with Disabilities in 2007. The Government is contemplating the question of ratification. Norway considers however that the convention cannot be ratified before national laws are in compliance with the convention. The Norwegian government has examined to what extent the convention will necessitate changes in Norwegian law and politics. The Norwegian legislation on legal capacity is considered not to be in compliance with art.12 of the convention. A new act on legal capacity has been passed, but has not yet entered into force. Apart from the legal capacity act, Norwegian legislation and politics are considered to be in line with the convention.

19. *..The labour market policy aims at achieving the inclusion of more immigrants in the*

labour market. Efforts to mobilise immigrant labour are important for the utilisation of resources needed in the Norwegian economy. Immigrants, along with other vulnerable groups such as vocationally disabled, youth and long-term unemployed, are considered as target groups within the labour market policy, and are given priority when it comes to labour market measures. In May 2011 nearly 50 percent of all women who participated in labour market measures for unemployed (job programmes) were immigrants. In comparison, female immigrants constitute about 36 percent of all women who were unemployed or participated in job programmes. In addition, there are also specific labour market and job seeking courses designed for immigrants. Typically, these offer language training combined with theoretical teaching and/or work practice.

Recommendations from IDA:

Articles 2, 3, 4, 5

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and protection from violence, including training for professionals working with women and girls with disabilities.
- Address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities.
- Undertake legislative reform and repeal legislation that authorises deprivation of liberty linked in legislation to “mental disorder”, psychosocial or intellectual disability, or in other ways being based on disability (in order to comply with CRPD art. 4 and 14). Notably, the Mental Health Act authorises deprivation of liberty and compulsory treatment based on psychosocial disabilities in contravention of the CRPD.
- Take steps to ratify the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol.

Article 10

- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above. Include inclusive education as an integral part of core teacher training curricula in universities to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers.

Article 11

- Ensure the provision of reasonable accommodation in employment and vocational training for women with disabilities, including accommodations for different types of disabilities.

- Ensure the provision of support services, including psychosocial support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities. In particular, ensure that services and assistance are rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance.

Articles 12 & 16

- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the latest international standards.
- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health, both including physical treatment and psychological counselling, are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).
- Adopt measures to ensure that all education, information, healthcare and services relating to sexual and reproductive health, HIV and STIs, are made accessible to women and girls with disabilities in age-appropriate formats.

Article 15

- Reform the law in accordance with Article 15, CEDAW and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify a person from exercising her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.¹

ANNEX- Disability references in treaty body Concluding Observations with respect to Norway

Human Rights Committee Concluding Observations, 2011, [CCPR/C/NOR/CO/6](#)

10. The Committee is concerned at reports of excessive use of coercive force on psychiatric patients and of poor mechanisms of the Control Commissions in monitoring mental health care institutions. (arts. 7, 9 and 10)

The State party should take concrete steps to put an end to the unjustified use of coercive force and restraint of psychiatric patients. In this regard, the State party should ensure that any decision to use coercive force and restraint should be made after a thorough and professional medical assessment that determines the amount of coercive force or restraint to be applied to a patient. Furthermore, the State party should strengthen its monitoring and reporting system of mental health care institutions so as to prevent abuses.

CRC Committee Concluding Observations, 2010, [CRC/C/NOR/CO/4](#)

¹ See also report of Special Rapporteur on Torture, 28 July 2008, A/63/175, paras 73 and 44.

Non-discrimination

19. The Committee welcomes the entry into force in January 2006 of the Antidiscrimination Act and the establishment also in 2006 of an Equality and Anti-Discrimination Ombud, an Equality and Anti-Discrimination Tribunal and the adoption of an Action Plan to Promote Equality and Prevent Ethnic Discrimination. The Committee takes note of the ongoing debate as to whether age discrimination of children should be included in the law and whether children should be given the right to file complaints if they are discriminated against due to their age. However, it is concerned at information, including from children, that minority and indigenous children feel stigmatized and maltreated, including by other children, and that **children with disabilities** complain that their rights are not respected.

20. The Committee urges the State party to take all necessary steps to combat discrimination against children from minority groups, indigenous children and **children with disabilities** and to familiarize children from an early age with the right of every child to be protected against discrimination. The Committee also recommends that the State party carefully examine the possibility of expanding legislation to provide protection of children against discrimination on the grounds of their age.

62. The Committee recommends the State party to consider ratifying international human rights instruments which are also relevant for the implementation of child rights, to which it is not yet party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the **Convention on the Rights of Persons with Disabilities**, the International Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Mental Health

42. While noting that mental health services for children are being improved through the National Programme for Mental Health, the Committee is concerned at the increasingly long waiting period for mental health care for children and young people. The Committee is also seriously concerned about studies that indicate a rapid increase within a short period of time of the prescription to children of psycho-stimulants such as Ritalin and Concerta diagnosed with Attention Deficit Hyperactivity Disorder (ADHD).

43. The Committee recommends that the State party continue to develop all components of a mental health care system for children and young people, including prevention, treatment of common mental health problems in primary health care and specialised care for serious disorders through an increasing number of specially trained professionals working with children in the field of mental health care, and reduce the waiting period in mental health services. The Committee also recommends that the State party carefully examine the phenomenon of over-prescription of psycho-stimulants to children and take initiatives to provide children diagnosed with ADHD, as well as their parents and teachers, with access to a wide range of psychological, educational and social measures and treatments.