

Alternative report to the UN Committee on

# The Rights of Persons with Disabilities

THE CIVIL SOCIETY COALITION NORWAY 2019  
JOINT SUBMISSION FROM 125 DPOs/NGOs

# Introduction

This is civil society's alternative report to the UN on Norway's implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD). This joint report deals with all the articles of the CRPD and highlights the context of the human rights of disabled people in Norway. It contains comments and recommendations to the Committee.

The report is based on broad cooperation between organisations of disabled people and other organisations in Norway. The report is based on open input meetings, as well as several consultation rounds amongst the organisations regarding the report itself. A working group was established to handle input and to actively participate in the writing process. The report has been thoroughly documented with references to research, practices and the experiences of DPOs.

The Civil Society Coalition Norway are responsible for the report. The coalition consists of four umbrella organisations in addition to another ten civil society organisations. The umbrella organisations are: the Norwegian Federation of Organisations of Disabled People (FFO) with 84 member organisations, the Norwegian Forum of Disabled Peoples' Organisations (SAFO) with three member organisations, the Norwegian Association of Youth with Disabilities with 37 member organisations and the Atlas Alliance with 17 member organisations. The Atlas Alliance is an umbrella organisation consisting of DPOs that are involved in international work. Some of the organisations are member of several umbrella organisations.

Most of the affiliated organisations to the report are representative organisations where disabled people constitute a majority of the overall staff, board, volunteers, and have disabled people as members. Most of the organisations work at both national and local levels and several work internationally. An extensive list of affiliated organisations can be found below.

In this report, we use the term «disabled people» rather than «persons with disabilities». We use the term 'disabled people' as this is the correct translation of "funksjonshemmede" in Norwegian and reflects our commitment to the social and human rights model of disability. The distinction between "disabled people" and "persons with impairments" is recognised by the disability rights movement in Norway as a useful tool to separate between individual prerequisites on the one hand, and on the other hand the fact that persons with an actual or perceived impairment become disabled by barriers in the environment and society.<sup>1</sup>

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# Summary

The CRPD is not incorporated into Norwegian law. The interpretative declarations restrict the Convention's legal protection. The Optional Protocol has not been signed or ratified. Norwegian law authorizes the use of force and deprivation of self-determination based on a diagnosis. The paradigm shift from 'substitute decision-making' to 'supported decision-making' (decision support system) has not been implemented. In areas where legislation complies with the Convention, the practices are incompatible with the CRPD and disabled people are not necessarily given the rights they are entitled to, even though they have rights under the law. Access to free legal aid is very limited. Municipal self-government leads to inequalities in the allocation of services and benefits depending on residential status. The coordination between sectors is poor and a uniform professional approach is missing. It is unclear how local authorities relate to the Convention and what training professionals receive. Documentation, and research and statistics on discrimination against disabled people are imprecise and human rights indicators to measure the national implementation of the CRPD are insufficiently used. There is a lack of research on multiple discrimination.

A gender perspective is often lacking in studies on disabled people (Article 6). The principle of the child's best interests is not specified in central laws for disabled people. Little research has been conducted on the fulfilment of the right of disabled children to be heard, to participate and make an impact in decision-making processes (Article 7).

Disabled people cannot satisfactorily access buildings, transport and outdoor areas. No deadline has been set for existing buildings and modes of transport to be universally designed. Disabled people are not ensured access to goods, services and information (Article 9). The Guardianship Act gives the authorities the possibility to deprive a person wholly or partially of their legal capacity and sets as a condition that the person must have a diagnosis. The arrangement of guardianship does not fulfil the Convention's requirement to receive support based on one's own will and preferences. Several other laws have rules that in practice mean that people lose their legal capacity (Article 12).

The Mental Health Act applies to people diagnosed with 'severe mental illness' and authorises deprivation of liberty and coercion. People with intellectual and other cognitive impairments are also subjected to coercion and force and there are indications of a sharp increase in the use of coercion (Article 14). Forced drugging in accordance with the Mental Health Act is extensively used. Electroconvulsive therapy (ECT) is used without informed consent, allegedly based on the principle of necessity (Article 15). Disabled people are subjected to abuse considerably more often than other people and sentences to perpetrators are reduced. Disabled people are subjected to prejudice-based discrimination, such as bullying, harassment, exclusion, violence, hate speech and hate crimes (Article 16).

Many disabled people do not live the way they want. Municipal services are often inflexible and frequently organised without safeguarding the individual's wishes (Article 19). Disabled people are offered training in other locations more frequently than other pupils. Schools have poor accessibility. Disabled people are less qualified than the general population (Article 24). The proportion of Disabled people who are employed (43 percent) is far lower than the general population (73.3 percent). The figures are from 2017, but they have been stable for decades, regardless of economic conditions and measures (Article 27).

**We call upon the Government to:**

1. Initiate and promote the necessary shift in understanding of the concept disability. Acknowledge disabled people as equal citizens, with a complete set of rights and duties.
2. Secure the legal status of CRPD by incorporating it into the Norwegian Human Rights Act.
3. Abolish discriminatory legislation on use of coercion. Secure the right to self-determination and the right to be provided support to exercise legal capacity. This must include the right to choose or refuse support options, based on the free and informed consent of the person concerned.

# Affiliated organisations<sup>2</sup>

## The Norwegian Federation of Organisations of Disabled People (FFO)

ADHD Norway  
The Aphasia Association of Norway  
Association for Eating Disorders  
Association for the Electro Hypersensitive  
The Autism Society of Norway  
Bardet-Biedl Syndrome Association  
CarciNor  
The Children's Cancer Society  
DEBRA Norway  
Dyslexia Norway  
HivNorway  
LHL – the National Association for Heart and Lung Diseases  
Little People of Norway (NiK)  
Mental Health Norway  
Momentum - Norwegian Association for Arm and Leg Prosthesis Users  
Norwegian association for Spina Bifida and Hydrocephalus  
Norwegian League Against Rheumatism  
The Norwegian Association for Kidney patients and Organ transplanted  
Neuro Muscular Disorders Association of Norway (NMD Norway)  
NOFUS, Norwegian Society for Patients with Urologic Diseases  
NORILCO, Norwegian Association for People with a Stoma, Reservoir and Gastrointestinal Cancer  
Norwegian Tourette Association  
The Norwegian Addison's Association  
The Norwegian Alopecia Areata Association  
The Norwegian Association for Adults with Congenital Heart Disease  
The Norwegian Association for Anal Atresia  
The Norwegian Association for Autoimmune Liver Diseases  
The Norwegian Association for Children with Congenital Heart Disease  
The Norwegian Association for Ehlers-Danlos Syndrome  
The Norwegian Association for Neurofibromatosis  
The Norwegian Association for Persons with Intellectual Disability and Relatives (LUPE)  
The Norwegian Association for the Traumatically Injured  
The Norwegian Association for Velo-cardio-facial Syndrome (VCFS)  
The Norwegian Association for Visually Impaired  
The Norwegian Association of Mental Health Family Carers (LPP)  
The Norwegian Association of Sleep Disorders

The Norwegian Association of the Blind and Partially Sighted  
The Norwegian Association of the Deaf  
The Norwegian Association of the Hard of Hearing (HLF)  
The Norwegian Association of Tuberous Sclerosis Complex  
The Norwegian Asthma and Allergy Association (NAAF)  
The Norwegian Bladder Cancer Society  
The Norwegian Brain Tumour Association (HsF)  
The Norwegian Cerebral Palsy Association  
The Norwegian Chronic Pain Association  
The Norwegian Craniofacial Association  
The Norwegian Cystic Fibrosis Association (NFCF)  
The Norwegian Deafblind Association (LSHDB)  
The Norwegian Diabetes Association  
The Norwegian Digestive Diseases Association  
The Norwegian Dysmelia Association  
The Norwegian Dystonia Association  
The Norwegian Epilepsy Association  
The Norwegian Fibromyalgia Association (NFF)  
The Norwegian Fragile X Syndrome Association  
The Norwegian Gynaecological Cancer Society  
The Norwegian Haemochromatosis Association  
The Norwegian Head and Neck Cancer Association  
The Norwegian Hemophilia Society  
The Norwegian Huntington Association  
The Norwegian Ichthyosis Association  
The Norwegian Immunodeficiency Organisation  
The Norwegian Klinefelter Syndrome Association  
The Norwegian Liver Association  
The Norwegian Lymphoedema Association  
The Norwegian Marfan Association  
The Norwegian Myositis Ossificans Organisation  
The Norwegian Multiple Sclerosis Association  
The Norwegian Myalgic Encephalopathy Association  
The Norwegian Obesity Association  
The Norwegian Organisation for Stroke Survivors  
The Norwegian Osteogenesis Imperfecta Association  
The Norwegian Osteoporosis Society  
The Norwegian Parkinson's Disease Association  
The Norwegian Porphyria Association  
The Norwegian Prostate Cancer Association (NPCA)  
The Norwegian Spinal Association  
The Norwegian Stuttering and Cluttering Association  
The Norwegian Thyroid Association



The Psoriasis and Eczema Association of Norway (PEF)  
The Society of Bipolar Disorders in Norway  
The Teeth and Health Association  
The Turner Syndrome Association in Norway  
We Shall Overcome

### **The Norwegian Forum of Disabled Peoples' Organisations (SAFO)**

The Norwegian Association for Persons with Intellectual Disabilities (NFU)  
The Norwegian Association of Disabled (NHF)  
The Norwegian Association of the Deafblind (FNDB)

### **The Norwegian Association of Youth with Disabilities**

ADHD Norway Adolescent  
Bardet-Biedl Syndrome Association  
Dyslexia Youth  
LHL – the National Association for Heart and Lung Disease – youth section  
Little People of Norway, youth section (UNiK)  
Neuro Muscular Disorders Youth Association of Norway  
NOFUS Ung, Norwegian Society for Patients with Urologic Diseases - youth section  
NORILCO Ung, Norwegian Association for People with a Stoma, Reservoir and Gastrointestinal Cancer - youth section  
Norwegian Association for Spina Bifida and Hydrocephalus  
The Norwegian Diabetes Youth Organization  
The Eating Disorders Association  
The National Association for Kidney Patients and Transplant Recipients - child and youth section  
The Norwegian Association for Adults with Congenital Heart Disease  
The Norwegian Association for Children with Congenital Heart Disease - youth section  
The Norwegian Association for Ehlers-Danlos Syndrome – child and youth section  
The Norwegian Association for Neurofibromatosis – youth section  
The Norwegian Association for the Traumatically Injured  
The Norwegian Association of Blind and Partially Sighted Youth (NAPBY)  
The Norwegian Association of the Deaf Youth section (NFDU)  
The Norwegian Association of Youth Mental Health  
The Norwegian Asthma and Allergy Association - youth section  
The Norwegian Cerebral Palsy Association - youth section  
The Norwegian Cystic Fibrosis Association (NFCF)  
The Norwegian Digestive Diseases Associations - youth section  
The Norwegian Dysmelia Association - youth section  
The Norwegian Epilepsy Youth Association  
The Norwegian Fibromyalgia Association (NFF)  
The Norwegian Ichthyosis Association  
The Norwegian Multiple Sclerosis Association - youth section  
The Norwegian Organisation for Children and Youth with Rheumatism (BURG)  
The Norwegian Osteogenesis Imperfecta Association

The Norwegian Thyroid Association  
The Norwegian Tourettes Association - child and youth section  
The Norwegian Youth Association of the Hard of Hearing (HLFU)  
The Norwegian Youth Coeliac Society  
The Psoriasis and Eczema Youth Association of Norway (PEF-Ung)  
Ung Kreft, the Norwegian Association for Youth with Cancer and Next of Kin

### **The Atlas Alliance**

Mental Health Norway  
The Norwegian Association for Hard of Hearing (HLF)  
The Norwegian Association for Persons with Intellectual Disabilities (NFU)  
The Norwegian Association for Spina Bifida and Hydrocephalus  
The Norwegian Association for the Traumatically Injured  
The Norwegian Association of Disabled (NHF)  
The Norwegian Association of the Blind and Partially Sighted  
The Norwegian Association of the Deaf  
The Norwegian Association of the Deafblind (FNDB)  
The Norwegian Diabetes Association  
The Norwegian Federation of Organisations of Disabled People (FFO)  
The Norwegian Multiple Sclerosis Association  
The Norwegian Stuttering and Cluttering Association

### **Civil Rights Foundation Stop Discrimination**

#### **The Norwegian Centre Against Racism**

#### **The Norwegian Health Association**

#### **The Norwegian Humanist Association**

#### **The Norwegian Psychological Association's Human Rights Committee**

#### **The Norwegian Union of Social Educators and Social Workers (FO)**

#### **Save the Children Norway**

#### **The SOR Foundation**

#### **Visually Impaired Academics**

#### **Uloba - Independent Living Norway SA**

# Purpose, general principles and obligations (Articles 1-4)

1. The interpretative declarations done by Norway on Articles 12, 14 and 25 restrict the Convention's legal protection in contradiction with the object and purpose of the treaty.<sup>3</sup> The Optional Protocol has not been signed or ratified.<sup>4</sup>

2. CRC, CEDAW and CERD are implemented in Norwegian law through the Human Rights Act<sup>5</sup> or other legislation.<sup>6</sup> CRPD is not incorporated into Norwegian law. In an interpretative conflict between Norwegian law and a Convention, Norwegian law prevails unless the convention is implemented in the Human Rights Act. The Supreme Court has accepted the provision set out in the Guardianship Act authorising the deprivation of the legal capacity of the plaintiff even though it clearly violated CRPD.<sup>7</sup>

3. Disabled people are not considered in key studies, policies and programmes relating to power, democracy, equality and diversity. The Norwegian equality and diversity policy focuses mainly on gender and ethnicity, not on disability.<sup>8</sup> The Government recently published a national equality strategy for disabled people. The chapter on self-determination, involvement, participation and inclusion is primarily limited to participation in elections and access to court. The strategy provides few new initiatives and does not include major steps towards including disabled people as equal citizens in general policies on diversity and discrimination.

4. The paradigm shift from 'substituted decision making' to 'supported decision-making' is yet to be implemented. Norwegian law authorises coercion and deprivation of liberty and self-determination against persons with perceived intellectual or psychosocial impairment. See Articles 12, 14 and 15.

5. Disabled people's rights under the law are not necessarily observed, even though they have rights under the law. Even if legislation is mostly in line with the CRPD, practices incompatible with the convention are common. The experiences of DPOs, the Ombud<sup>9</sup> and public supervisory bodies, such as County Governors<sup>10</sup> and the Norwegian Board of Health Supervision,<sup>11</sup> show that implementation of necessary measures to secure disabled people's rights are inadequate. Restricted access to legal aid makes it difficult to demand one's rights through the judicial system.

6. The CRC Committee has pointed out immense differences between the municipalities. Municipal self-government leads to inequities in the allocation of services and benefits depending on place of residency.<sup>12</sup> Inadequate follow up of national laws and guidelines have few or no consequences for the municipalities. In particular see articles 19, 20, 23, 24, 25 and 26.<sup>13</sup>

7. Different sectors are responsible for securing disabled people equal rights within their areas (labour, education, transport, health etc.). An overarching multidisciplinary approach and coordination between sectors on disability issues is lacking.

8. Municipalities have poor knowledge about the CRPD.<sup>14</sup> It is unclear which (if any) training on CRPD that professionals working for the government, county councils and municipalities receive.

9. DPOs are on an annual basis consulted in general matters on a national level<sup>15</sup> and allowed consultative status on legislative documents. However – an overarching national advisory body which actively involves and consults with DPOs on a regular basis no longer exist.

10. Documentation, and research and statistics on discrimination against disabled people is lacking or imprecise. Professionals and researchers do not take CRPD into consideration.

**Recommendations:**

- A. Withdraw interpretative declarations on Article 12, 14 and 25.
- B. Ratify the Optional Protocol.
- C. Secure the legal status of CRPD by incorporating it into the Norwegian Human Rights Act.
- D. Include disability and disabled people in all studies, policies and programmes related to diversity, equality and anti-discrimination.
- E. Fully implement the paradigm shift from 'substituted decision making' to 'supported decision-making'.
- F. Review and amend legislation that impedes the purpose of the CRPD and ensure that new legislation does not discriminate against disabled people.
- G. Map the degree to which observation of disabled people's rights depends on the municipality of residence and uncover why such differences exists.
- H. Ensure that disabled people receive information about their rights and provide free legal aid in areas important to rights of disabled people.
- I. Make sure that the upcoming strategy plan includes concrete, measurable objectives/measures followed by budgetary means to secure implementation on central, regional and local levels. Secure coordination between sectors and an overarching multidisciplinary approach.
- J. Implement a national training strategy on CRPD for professionals and people who work in areas connected to rights of disabled people on central and local levels.
- K. Develop statistics and documentation on all areas relevant for disabled people's rights.
- L. Re-establish a sector overarching unit on a national level, which on a regular basis actively involves and consults with DPOs providing them real impact on policies and politics.

# Specific Rights (Arts. 5–30)

## Article 5 Equality and Non-Discrimination

11. The Equality and Anti-Discrimination Act (LDL) prohibits direct and indirect discrimination across all aspects of society.<sup>16</sup>

12. The law enforces the duty to ensure universal design and to provide suitable (meaning appropriate) individual accommodation. The duty is, however, restricted to four chosen areas: employment, kindergarten, education and municipal services according to the Health and Care Services Act. The duty applies to accommodation that does not impose a disproportionate burden, see LDL Section 20, 21 and 22. The definition of universal design in the LDL, includes only physical conditions, not products. It is unclear which accessibility obligations can be derived from prohibition of indirect discrimination in order to gain access to products, services and information.<sup>17</sup> See Article 9.

13. From 2009-2016, most complaints received by the Equality and Anti-Discrimination Ombud (LDO) concerned discrimination based on impairment.<sup>18</sup> There is reason to assume that the hidden figure is much higher.<sup>19</sup>

14. Protection against discrimination is not sufficiently effective. The lack of opportunity to enforce sanctions and inadequate access to legal aid means that access to justice in discrimination cases are not fulfilled. The Anti-Discrimination Tribunal (LDN) is an administrative body with limited powers to impose restitution and compensation. LDN may only provide remedy for non-monetary loss in connection with employment and can only make decisions about compensation for concrete financial losses in simple cases.<sup>20</sup> Restitution and compensation claims must otherwise be filed before the ordinary courts. When the Tribunal handles matters concerning regulations or administrative decisions made by a public administrative body, the Tribunal can only issue a 'statement' on contravention of the LDL, not a "decision".<sup>21</sup> Lodging complaints to the Tribunal is not mandatory before going to ordinary courts. However, very few discrimination cases are brought before the courts.<sup>22</sup> Legal aid is not granted in discrimination cases, see Article 13.

15. Little research and information is available on multiple discrimination, such as discrimination based on impairment combined with i.e. ethnicity, belief, sexual orientation etc.<sup>23</sup>

16. Use of interpreters is in many cases necessary to obtain equal access to health services. Families with an immigrant background who have disabled children, have less access to public services than other children due to communication problems and little familiarity with the welfare system.<sup>24</sup> This is the case also for disabled persons, in particular elderly, with national minority background, for instance Kven and Roma, and disabled people with a Sami background, who do not get equally adapted services because of cultural as well as language barriers, and lack of knowledge about the system within which the support services operates.<sup>25</sup>

### Recommendations:

- A. Ensure that the current restructuring of the Equality and Anti-Discrimination Ombud (LDO) and Anti-Discrimination Tribunal (LDN) does not weaken LDO's mandate to promote equality and oppose discrimination.
- B. Increase LDO's resources to enable LDO to assist disabled people with filing complaints to the Tribunal, including cases of multiple discrimination.
- C. Evaluate the current prohibition against discrimination.
- D. Increase the Tribunal's opportunity to impose sanctions in order to demand restitution in cases

that extend beyond discrimination in the workplace, and to increase the Tribunal's opportunity to impose sanctions to demand compensation in additional cases.

- E. Acquire more knowledge about multiple discrimination of disabled persons
- F. Ensure that disabled people mentioned in the preamble, letter p), receive equal and adapted services irrespective of their place of residence, and that they receive adapted information about the right to services.

## Article 6: Disabled Women

17. Norway does not have sufficient statistics on disabled women due to lack of research on multiple discrimination. A gender perspective is rarely included in research on persons with impairments and gender studies seldom focus on women with impairments.<sup>26</sup> Even though the gender equality policy is claimed to be multidimensional, there is no initiatives or targeted measures that includes disability.<sup>27</sup> There are no studies on discrimination against disabled girls/women compared to discrimination against disabled boys/men.<sup>28</sup>

18. Women with impairments are more often exposed to violence than men with impairments. See Article 16.

19. More women with impairments work part-time (53.3 percent) than men (27.6 percent).<sup>29</sup>

20. Forced interventions like abortion and sterilization against disabled women, if a guardian demands it, is permitted,<sup>30</sup> see art. 17. It is not known how many are subjected to this. Pursuant to the Abortion Act, the guardian can put forward a request for an abortion if the woman has a "serious mental illness" or intellectual impairment.<sup>31</sup>

### Recommendations:

- A. Disabled women must be included in policies and efforts that specifically target women or aim to empower women.
- B. Issues relating to disabled women in particular must be given special attention in research and statistics
- C. Abolish legislation that allow forced interventions, like abortion or sterilization of disabled women and girls.

## Article 7: Disabled Children

21. In 2018 the CRC Committee recommended that Norway ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions as well as in judicial and administrative decision-making procedures.<sup>32</sup> However the principle is not mentioned in key laws for disabled children and youth, such as the Education Act<sup>33</sup> and the Patients' and Users' Act.<sup>34</sup>

22. Little research has been conducted on the fulfilment of the right of disabled children to be heard, to participate and make an impact. Existing research gives reason to believe that disabled children are less likely to have their right to be heard respected. For example, disabled children are rarely involved in decisions that concern them in the education sector.<sup>35</sup>

23. Disabled children have little impact on municipal decision-making processes. Representation schemes for youths through either children and youth municipal government or children and/or

youth councils are optional,<sup>36</sup> and few such bodies have representatives from DPOs.<sup>37</sup> Many youth councils are given limited training in meaningful participation. They are in practice only able to influence a limited amount of the decisions which impact them directly.<sup>38</sup>

24. Children in asylum reception centres are particularly vulnerable. Few employees have the skills to detect early signs of impairments and to ensure that children receive the treatment and adaptation they need.<sup>39</sup>

25. There is little knowledge about children and youth who are subjected to multiple discrimination and the related consequences.<sup>40</sup>

### **Recommendations:**

- A. Highlight the child's best interests as a fundamental consideration in laws that particularly affect disabled children.
- B. Make municipal participation bodies for children and youths with associated national guidelines statutory, and ensure that disabled children and youth are included in such bodies and have a meaningful opportunity in practice to participate in all decision-making which directly affect them.
- C. Conduct a national study on the opportunities of children and youths to participate and express their views with special focus on children with impairments.
- D. Ensure that children with impairments in asylum reception centres receive the treatment and adaptation they need.
- E. Conduct a national study on the situation of disabled children who experience multiple discrimination with the aim of developing measures to improve their situation.

## **Article 8: Awareness-raising**

26. Discrimination and prejudice against disabled people is not recognized as a main problem in society. The Governments Platform states that the Government will combat "racism, religious discrimination, antisemitism, social control and prejudice based on gender, sexual orientation and ethnicity".<sup>41</sup>

27. There are hardly any state-initiated public awareness campaigns to ensure awareness of non-discrimination based on disability and the rights of disabled people. The Government raise awareness about the Convention by funding ad hoc initiatives carried out by DPOs. The major studies initiated by the Government on the population's attitudes towards minority groups do not include disabled people.<sup>42 43</sup>

28. The media often presents disabled people based on stereotypes and prejudiced language. In a report on media coverage,<sup>44</sup> researchers found a marked decline in the number of articles about disabled people. The study also showed that neither journalism training courses or editorial staff acknowledged the challenges linked to the portrayal of disabled people. The CRPD is not included on the syllabus for journalism training courses.<sup>45</sup>

29. A survey ordered by the Norwegian NHRI displays the inhabitants lack of knowledge in the field of human rights for disabled people. Disabled people are not mentioned among vulnerable groups for human rights violations.<sup>46</sup>

### **Recommendations:**

- A. Include disabled people in government-initiated and funded research, efforts and programmes on attitudes and inclusion at all levels, and across the spheres.
- B. Introduce a requirement that the curricula of primary and upper secondary schools must include education about disabled people and CRPD in all human rights courses.

## Article 9: Accessibility

30. There are legal obligations in the Plan and Building Act to ensure that *new* buildings, including workplaces, constructed outdoor spaces, ICT and modes of transport have a universal design. Some requirements for accessibility (e.g., a turning radius for wheelchairs in dwellings and student housing) were reversed in the last technical requirements for construction works in 2017 (TEK17).<sup>47</sup>

31. The Equality and Anti-Discrimination Act (LDL) contains an obligation to ensure that existing general functions have a universal design for physical conditions, i.e. buildings, constructed outdoor spaces, ICT and modes of transport (excluding ships and aircraft). This obligation only applies to activities aimed at the general public.<sup>48</sup> The obligation does not cover workplaces that are not accessed by the general public. The obligation to ensure universal design does not apply if it places a “disproportionate burden” on the undertaking.<sup>49</sup> A circular from 2010 expands the use of ‘disproportionate burden’ on existing buildings and thus limits the obligation to ensure universal design.<sup>50</sup>

32. LDL states that public and private undertakings must make active and targeted efforts to promote universal design in their undertaking. The Anti-Discrimination Tribunal might point out failure to comply with the duty to be active, but the law does not provide penalty to non-compliance.<sup>51</sup>

33. In new legislation on public procurement, it is an obligation to consider universal design when making new procurements is strengthened, but only for procurements above the EEA threshold.<sup>52</sup> This also applies to workplaces.

34. No deadlines have been set for when *existing* buildings and modes of transport must have a universal design. Missing deadlines, and a lack of sanctions and restrictive interpretation of the law constitutes a sharp depreciation of the statutory power to dismantle disabling barriers. This is not compatible with the purpose of the law and preparatory works. Statutory deadlines set out in regulations were an assumption in the preparatory works of the Act in 2008, but have not been adopted.<sup>53</sup> The process of giving existing buildings and modes of transport a universal design is moving too slowly.

35. The evaluation of the Government's action plan for universal design and increased accessibility 2009-2013: ‘Norway Universally Designed by 2025’,<sup>54</sup> shows whether measures have been implemented, but not whether society has become more accessible. User involvement is barely addressed. In the Government's action plan for universal design between 2015-2019, the time-specified vision of Norway being universally designed by 2025 has been removed and replaced with a vision of a society in which everyone can participate.<sup>55</sup> This is less binding. The action plan lists the pre-existing initiatives covering key areas, but lacks future concrete and targeted measures across the sectors with earmarked grants.

36. Norway does not have a law governing general accessibility of information, communication or digital services.<sup>56</sup> The regulations on the universal design of ICT are limited to enterprises aimed at the general public with the exception of the education sector.<sup>57</sup> The regulations are limited to online solutions, including digital teaching aids and machines, and include exceptions for pre-recorded audio description or media alternatives and direct captioning.



37. Under pressure from civil society, the Ministry of Children and Equality initiated a project in 2008 to study a possible addition of an enhanced obligation in the former Anti-Discrimination and Accessibility Act to guarantee access to goods, services and information.<sup>58</sup> Uncertainty about the costs for private sector providers led to abandonment of the proposal. The measures referred to in Section 67 of the Government's report does not guarantee access to goods, services and information for those who cannot use self-service options. Nor has work on the new common LDL guaranteed access to goods and services.

38. Several places do not offer companion services when transitioning from different modes of transport.<sup>59 60</sup>

39. Beyond the establishment of a universal design standard for services, no guides or system for training service providers have been created.

### **Recommendations:**

- A. Prepare an action plan for universal design that will apply up until 2025 with definite time-specific measures and adequate financial frameworks.
- B. Pass regulations with binding deadlines for the universal design of existing buildings and modes of transport.
- C. Make access to goods, services and information, communication and digital services statutory in all spheres of society.
- D. The requirement of universal design must be set out in the Motor Vehicle Regulations for Bus Class 1.
- E. The Government must actively guarantee universally designed continuous chains of travel by 2025.
- F. All stops and stations must have signs and visual boards showing timetables, delays and alternative modes of travel at eye level.

## **Article 10: Right to life**

40. The average life expectancy of people diagnosed with "psychosis" or "schizophrenia" is approximately 20 years less than the rest of the population.<sup>61</sup>

41. Newborn babies who have conditions that are defined as life-threatening or life-limiting (Trisomy 13 and 18) are denied medical care without conducting an individual assessment. The decision to refrain from giving medical care is made on a general basis.<sup>62</sup>

### **Recommendation:**

- A. Ensure that newborn babies with conditions that are defined as life-threatening or life-limiting receive medical treatment on the basis of an individual assessment.

## **Article 11 Situations of risk and humanitarian emergencies**

42. Emergency services are not fully accessible to people with sensory loss when reporting an emergency or when others inform them that a crisis situation has arisen (alarm). Emergency text messaging is not universally designed and requires pre-registration.<sup>63</sup> See article 21.

43. Emergency evacuation is not taken care of due to lack of evacuation equipment in buildings and transport.<sup>64</sup>

**Recommendations:**

- A. Develop specific preparedness plans for disasters that protect disabled people; and include disabled people in the planning and response to risk and emergency situations. Ensure that all safety and emergency preparedness information is given in an accessible format.
- B. Ensure that all buildings and vehicles have evacuation equipment to guarantee that disabled people are safely evacuated in a dignified manner. Ensure that all hotels and other accommodation facilities have alarm systems for people who are deaf or hard of hearing of evacuation during emergencies.
- C. Establish a universally designed emergency service, which allows for both written and oral forms of communication.

## **Article 12: Equal recognition before the law**

44. The Guardianship Act<sup>65</sup> violates Article 12.<sup>66</sup> The Act still facilitates 'substitute decision-making'. A supported decision-making system is not in place.<sup>67</sup> Training in supported decision-making systems and the CRPD are not prioritised and implemented.<sup>68</sup>

45. Through the Guardianship Act the courts have authority to deprive a person wholly or partially his or her legal capacity due to cognitive or psychosocial impairments.<sup>69</sup> In these cases, a guardian will be appointed, but a guardian can also be appointed for persons whom are not formally deprived of their legal capacities.

46. Based on a statement from a doctor the County Governor can make a decision on whether or not a person has the competence to consent. This means that persons with (perceived) cognitive or psychosocial impairments can be deprived of their competence to give consent<sup>70</sup> to determine whether a guardian should be appointed, who will be appointed and for what purpose. This also applies to a number of other decisions in their own lives. The decision on whether a person has the competence to consent or not is often made without meeting the person concerned and without the existence of a formal decision that may be contested and overruled.<sup>71</sup>

47. Guardianship assignments often have a general formulation. An assessment to determine whether a guardian is necessary, is often not performed.<sup>72</sup> Permanent guardians can have 100 guardianship assignments,<sup>73</sup> often without meeting those concerned. This practice makes it difficult to fulfil the Convention's requirement to receive support based on one's own will and preferences. There are specific and documentable examples from the organisations where permanent guardians, in contravention of the appointments, set up visitation schemes for persons under guardianship and their relatives, re-address mail and authorises restrictions concerning the use of telephone.<sup>74</sup> These examples show that guardians go beyond their mandate and regulate areas of an individual's life that violate basic human rights.

48. The common factor of coercive interventions in accordance with the Mental Health Act,<sup>75</sup> coercion when giving somatic medical assistance in accordance with the Patients' and Users' Rights Act, Chapter 4A,<sup>76</sup> and the use of force in accordance with the Health and Care Services Act, Chapter 9,<sup>77</sup> is that these laws in practice lead to people with perceived psychosocial, intellectual or other cognitive impairments lose their legal capacity, which violates the CRPD.

**Recommendations:**

- A. Ensure that everyone receives the support they need to exercise their legal capacity through the introduction of legislation in line with the CRPD.
- B. The Government must develop (and respect) supported decision-making systems that recognise the person's own will and preferences to guarantee each person's right to self-determination.
- C. The Government must provide systematic training on Article 12.

## **Article 13: Access to justice**

49. Disabled people do not have equal access to justice neither as a party to a case, a judge, a lay judge, the accused, a victim or as a prisoner.<sup>78</sup>

50. Different impairments may require help and support to safeguard rights.<sup>79</sup> Legal protection is threatened for deaf, hard of hearing<sup>80</sup> and people with cognitive impairments, etc.<sup>81</sup> Many disabled people, who want to file a case before a county governor, conciliation board or the courts, cannot afford a lawyer even if they need assistance. The Legal Aid Act<sup>82</sup> does not cover areas of importance to disabled people, such as education, health services, and non-discrimination. The UN Human Rights Committee has criticised the legal aid scheme as being too restrictive.<sup>83</sup>

51. Despite legal provisions,<sup>84</sup> court rooms can be physically inaccessible with inadequate communication equipment. Persons hard of hearing find that the courts overrule the accommodation they need.<sup>85</sup>

52. When questioning people with various impairments, specific non-discriminatory interrogation methods are required, but this is not always taken into account.<sup>86</sup> When questioning adults with intellectual impairments, the State's Children's House [Barnehus]<sup>87</sup> are used, however these are furnished with children's toys and furniture. This is perceived as stigmatising.

53. There is no systematic information or statistics to show whether disabled children have access to justice on an equal par with other children or whether such access is adapted to their age and impairment during all stages of the case proceedings.<sup>88</sup> The State's Children's Houses maintain statistics for adults with cognitive impairments. There are no figures to show how many cases involving disabled children end up in court compared to other cases involving children. It is unclear which adaptations are made for disabled children in civil cases.

54. Persons with sensory impairments are denied the right to serve as a lay judge.<sup>89</sup>

55. Persons with cognitive impairments are over-represented in prisons.<sup>90</sup> Prisoners with impairments are treated differently than other prisoners. They are often isolated due to inaccessibility and a lack of knowledge about their situation.<sup>91</sup>

### **Recommendations:**

- A. Conduct research on access to justice for disabled people. Carry out a survey to determine whether disabled children have access to the legal system in a way that is adapted to their age and ability.
- B. Amend the Legal Aid Act to include discrimination cases, education and cases related to health and support services, especially cases regarding violence or coercion.
- C. Strengthen and extend the grant scheme to NGOs that provide legal aid to disabled people.
- D. Include education about disabilities and the CRPD amongst lawyers and judges.
- E. Introduce measures to secure equal communication in court.

## Article 14: Liberty and security of the person

56. The Mental Health Act<sup>92</sup> applies to people who have been diagnosed with a 'severe mental health disorder'. The Act regulates detention on the basis of psychosocial impairment ("severe mental illness") and additional criteria related to the need for treatment or self-harm or harm to others. In 2017 "competent to give consent" was introduced in The Act as yet another discriminatory criterion. The Act authorises detention and coercion in institutions, including chemical and mechanical restraint. It also authorises coercion outside of institutions, see Article 15.

57. The development of voluntary services that respect a persons will and autonomy, including "medication-free" services is moving too slow and only applies to a few.<sup>93</sup> People who have been detained or forcefully drugged in accordance with the Mental Health Act do not have the opportunity to use such services.

58. Coercion is also permitted in accordance with the Patients' and Users' Rights Act, Chapter 4A<sup>94</sup> to give medical assistance to persons who are considered 'incompetent to give consent', and in accordance with the Health and Care Services Act Chapter 9<sup>95</sup> to persons with an intellectual impairment.

59. Even though the purpose of the Health and Care Services Act, Chapter 9, is to avert the use of coercion and force, such measures have been registered considerably more. An administrative decision on coercion and force had been passed for 179 persons in 2000.<sup>96</sup> In 2016 such administrative decisions were passed for a total of 2261 people. In addition, there are an unknown number of people with cognitive impairments for whom an administrative decision on coercion has been passed in accordance with the Patients' and Users' Rights Act, Chapter 4A. Research shows that the right to self-determination is not sufficiently secured when the use of coercive measures are considered.<sup>97</sup> It is estimated that approximately 25% of all people with cognitive impairment, who receive municipal services, will experience coercion during their lifetime.<sup>98</sup>

60. What constitutes adequate coercive measures and the criteria to trigger implementation of such measures is unclear. Research shows that the municipalities do not have enough qualified staff.<sup>99</sup> The number of exemptions from the qualification requirements is increasing.<sup>100</sup> Reports from the supervisory authorities reveal that staff do not have the expertise to identify coercion and force. Furthermore, other unauthorised, unnecessary and arbitrary invasive coercion was revealed, in addition to inadequate systems to avert force and to record and report coercion.<sup>101</sup> Even though illegal force has been uncovered, the situation can remain the same for many years.<sup>102</sup> CRPD is not considered in supervisory reports.<sup>103</sup>

61. Elderly are subjected to coercion in nursing home due to actual or perceived physical, psychosocial or cognitive impairments.<sup>104 105</sup>

62. Use of force or physical chastisement is prohibited in schools, but it is possible to intervene in violent acts if regarded as necessary.<sup>106</sup> There are examples of schools adopting coercion protocols.<sup>107</sup> A survey in Vestfold County showed that 73 percent of the teachers had used illegal force, particularly against pupils with intellectual impairments or and persons diagnosed with "autism" whom all received special education.<sup>108 109</sup> Coercion is often justified by saying that the student is disruptive or could harm him/herself, other students or staff.<sup>110</sup>

### Recommendations:

- A) Introduce legislation in compliance with the CRPD to ensure that people with actual (or perceived) psychosocial or cognitive impairments receive adequate legal protection against deprivation of liberty and coercive interventions on discriminatory grounds.
- B) Provide individualized in-home, residential and community-based services, including peer support, that respect the will, dignity and preferences expressed by disabled persons, and ensure that an actual (or perceived) impairment will never be used to exclude anyone from these services.
- C) Ensure that employees, who provide services to people with cognitive impairments, have the necessary expertise.
- D) Review the arrangements for monitoring and review the rights of disabled residents in nursing homes.

## Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

63. Coercive interventions in accordance with the Mental Health Act<sup>111</sup> includes shielding/isolation,<sup>112</sup> treatment without a free and informed consent (forced intake of nutrition or drugs in the form of injections or tablets),<sup>113</sup> restricted contact with the outside world,<sup>114</sup> ransacking<sup>115</sup> and coercive means, such as mechanical restraint using belts/straps or injections of drugs (not used as “treatment” but to make people “calm”).<sup>116</sup> Coercive Interventions like forced drugging also happen widely outside institutions, in a persons home and private life. Coercive means, interventions and incarcerations are not time-limited.<sup>117</sup> The UN CAT Committee and CESCRC committee has criticised Norway for its legislation and practices.<sup>118</sup>

64. Psychotropic drugs, especially depot injections with long lasting effects and ECT without consent, are invasive and potentially irreversible interventions that constitute violation of the right for the psychological and physical integrity. There is no real overview of the extent of enforced administration of neuroleptic drugs, or how long people are actually subjected to this severe intervention. The number of compulsory admissions have increased ever since 2013.<sup>119</sup>

65. The use of electroconvulsive therapy (ECT - electroshock) requires free and informed consent, but can be carried out by force if authorised by the necessity provision of the Norwegian Penal Code.<sup>120</sup> If electroshock is used based on the principle of necessity, it cannot be stopped or appealed.<sup>121</sup> The statutory requirement is not met.<sup>122</sup> There is no national overview of forced electroshock or ECT used as treatment”.<sup>123 124</sup>

66. In 2013, the ICESCR Committee recommended to “*incorporate into the law the abolition of the use of restraint and the enforced administration of intrusive and irreversible treatments such as neuroleptic drugs and electroconvulsive therapy (ECT)*”<sup>125</sup> No changes have been made in this matter.

67. Institutions also use ‘*shielding*’ to impose restrictions on activities in the unit’s shared environment or to keep people wholly or partly secluded from others, which frequently results in situations similar to isolation.<sup>126</sup> Twenty to thirty-five percent of people in psychiatric institutions are “shielded”.<sup>127</sup>

68. There are examples of such comprehensive and strict house rules for persons with actual or perceived intellectual or psychosocial impairment in shared housing that in practice this constitute degrading treatment.<sup>128 129</sup> See Articles 17 and 22.

### **Recommendations:**

A. Abolish enforced administration of electroconvulsive therapy (ECT) and ensure that information about the adverse effects is given, that less intrusive services are offered and that the consent is genuinely free and informed.

B. Prohibit by law the use of coercive means, forced drugging or treatment without free and informed consent from the person concerned.

C. Ensure that all victims of forced drugging, forced ECT, treatment without free and informed consent, or other violation of Article 15, receive protection from any recurrence, and that these interventions are rapidly stopped.

## **Article 16: Freedom from exploitation, violence and abuse**

69. Research shows that disabled people are subjected to abuse to a greater extent than others.<sup>130</sup> The risk that a disabled girl/woman is subjected to violence by close family is four times greater than for others.<sup>131</sup> Media reports<sup>132</sup> have shown that violence and abuse takes place in shared housing and institutions without being alerted or reported to the police. Disability puts people at risk of being deemed untrustworthy.<sup>133</sup> Research and case law suggests that perpetrators have received lenient punishments in cases involving the sexual abuse of disabled women. In cases where the victims are women with cognitive or psychosocial impairments, the courts, instead of applying the section on sexual assault, have chosen to pass a judgment in accordance with a special provision that shall give these women special protection against sexual exploitation, but the sentence is much lower.<sup>134</sup> The Penal Code has been amended to ensure correct application of the law, but it is not known whether this has led to any changes in practice. The CEDAW Committee has expressed concern about this and recommends evaluating the application of law in sexual assault cases.<sup>135</sup>

70. There is little research and statistics to show the incidence and extent of violence and sexual abuse against disabled children and youths. The child welfare service, police and State Children's Houses do not keep systematic records of the abuse. It is not known to which extent children and young disabled people use support services, such as crisis centre services, support centres for victims of incest, emergency hotlines and State Children's Houses. The lack of statistics makes it difficult to assess whether implemented measures ensure that violence and abuse are detected, investigated and prosecuted.<sup>136</sup>

71. Individual cases<sup>137</sup> have provided extensive documentation of prejudice-based discrimination, such as bullying, harassment, exclusion, violence, hate speech and hate crimes against disabled people, due to their impairment. Few initiatives have been implemented.<sup>138</sup> Surveys show that bullying against children with visual and hearing impairment, cerebral palsy and Sami people with impairments are widespread.<sup>139</sup>

72. Disabled people got legal protection against hate crimes in 2013.<sup>140 141</sup>

73. A large scale study of hate speech against disabled people shows that over 32% have been subjected to hate speech. It also shows that a third have contacted the police.<sup>142</sup> Disabled people are given low priority in efforts to combat hate crimes nationally. Hate crimes against disabled people are neither identified nor investigated as hate crimes, as the police and courts do not have the necessary competence. A recent study confirms that there is a doubt within the criminal justice system that violence could be motivated by animosity towards someone's impairment.

Instead, violence and abuse against disabled people is often registered and judged as other forms of crime, including crime committed against a “defenceless person” under Sections 272(b) and 274(b) of the Penal Code.<sup>143</sup> Thus, hate crime legislation is rarely applied in practice.

74. Half of the State’s Children’s Houses have experienced that people with cognitive impairments have been subject to sexual abuse online.<sup>144</sup>

75. Municipal employees are not given systematic training on how to detect violence and abuse, and few municipalities have routines for following up cases of violence and abuse after it has been detected.<sup>145</sup>

76. Only 12 of the 46 shelters for women are universally designed.<sup>146</sup>

77. International research shows that in the cases of violence and abuse that are investigated and prosecuted, children with impairments were less likely to be believed than other children.<sup>147</sup> No national research has been conducted on this topic.

### **Recommendations:**

- A. Increase the competence within the legal system regarding to the exposure of disabled people to violence and sexual abuse.
- B. Map the incidence of violence and sexual abuse against children and adults with impairments and initiate systematic registration of the abuse within the child welfare service, police and the State’s Children’s Houses.
- C. Prepare targeted and adapted information for disabled children and adults and professionals that offer support, on how violence and abuse can be prevented and detected, and ensure accessible and suitable reporting channels.
- D. Evaluate the investigation and prosecution in cases where have been victims of sexual abuse, and especially whether the special provision in the Penal Code, Section 295 is used instead of Section 292.
- E. Ensure that disabled people are included in all efforts and initiatives against bullying.
- F. Initiate training and educational efforts to improve knowledge of the proper identification, registration and prosecution of hate crimes among law enforcement officials as well as prosecutors, judiciary and the law enforcement authorities;

## **Article 17: Protecting the integrity of the person**

78. The municipalities’ extensive construction and use of large homes, similar to institutions, for persons with physical<sup>148</sup>, intellectual or other cognitive impairments restricts the right to protect the integrity of the person. Everyday life becomes characterized by rigid structures, such as weekly plans, rules about bedtimes, visits, and restrictions on food, beverages and spending. More than 85 percent of employees working in homes said that they perform services for residents with conflicting needs.<sup>149</sup> The right of residents to be independent and self-determined in their own daily lives must often be waived in consideration of shift rotas and the needs of employees to follow routines and to be in control.<sup>150</sup> Doors must be left open in order for service providers to give the necessary assistance. The provided assistance is perceived as invasive with little respect for people’s private life. There is no knowledge about the scope of restraints carried out within peoples’ private lives in shared housing. See article 15 and 22.

79. Pursuant to the Sterilisation Act, a guardian can apply for sterilisation on behalf of a person who has “a serious mental illness or intellectual impairment or other condition that prevents the

person from making an informed decision on the procedure."<sup>151</sup> People with a guardian depend on the guardian's consent to enter into marriage if it falls under the guardian's mandate.<sup>152</sup>

#### **Recommendations:**

- A. Map the use of comprehensive and rigid house rules and Investigate human rights violations against disabled people in institutions, shared housing and the support-services that enters a person home.
- B. Remove legislation that allow forced sterilization of disabled people, and legislation that requires the consent of a guardian to enter into marriage.

## **Article 18: Liberty of movement and nationality**

80. The Government will only prioritise quota refugees that are most likely to be integrated. That is, obtain an education or find work, which is more difficult for disabled people.<sup>153</sup> Municipalities do not want to settle disabled people, therefore they wait longer than others in reception centres, which might not be adapted to their impairment.<sup>154</sup>

#### **Recommendations:**

- A. Choose quota refugees based on the person's individual needs - not on their ability to integrate.
- B. Enable municipalities to settle disabled refugees. Ensure that refugee reception centres and others in the integration process, map and address the needs of people with different types of impairments.

## **Article 19: Living independently and being included in the community**

81. The obligation of municipalities to assist persons with impairments with the acquisition of suitable housing is too weak.<sup>155</sup> Support schemes from the Norwegian State Housing Bank to help them buy and arrange their own housing are statutory in regulations, but only offered by some municipalities. The practice is discretionary.<sup>156</sup>

82. Disabled people are not assured self-determination regarding their living arrangements, and municipalities often state how or where they should live in order to receive municipal services.<sup>157</sup> Due to the de-institutionalisation reform in the early 1990-ies, persons with intellectual impairments were moved from big regionalised institutions to live in the municipalities. Due to financial incentives, large buildings are preferred as shared housing for different groups in need of municipal services, and these are often collocated with nursing homes for the elderly. Shared housing has been the dominant form of accommodation in the municipalities for persons with intellectual impairments since 2000. The percentage of disabled persons living in large shared housing establishments, with common areas and facilities for day activities, is increasing. More than half of those who have moved since 2000, have moved to a shared home with more than six residents.<sup>158</sup> See also Article 17.

83. The Health and Care Services Act states that municipalities must provide services to secure independent activities of daily living and participation.<sup>159</sup> The management and provision of these services varies greatly due to municipal self-government.<sup>160</sup> <sup>161</sup> Supervision from 2016 has



revealed that assistance for persons with intellectual impairments is inadequate in many places and barely adapted to the individual. Moreover, the staff are poorly qualified.<sup>162</sup>

84. Personal assistance from a municipality may be organised as user-controlled personal assistance (UPA), i.e. assistance organised and led by persons with impairments themselves or if necessary, by an individual on their behalf. The right to choose such an organisation for personal assistance was enacted in 2015, but large groups of people still fall outside the right to choose UPA.<sup>163</sup> Surveys<sup>164</sup> show that municipalities emphasize on assistance for basic needs when allocating UPA, downgrading assistance needs to take part in society through social activities, work and study. Municipalities state when, where and how the assistance will be given, in addition to who is accepted as an assistant, and user control is therefore not secured.<sup>165</sup> There are large differences between municipalities when executing the scheme.<sup>166</sup> DPOs have observed that many people are frightened to complain in the fear of receiving a worse service. Complaint handling bodies uphold many of the complaints.<sup>167</sup>

85. People with sensory loss do not receive the services of an interpreter outside office hours.<sup>168</sup> Elderly people in nursing homes, who are deaf or hearing impaired, often receive a poor service because the municipalities do not have the necessary competence related to communication and resources for technical adaptation.<sup>169</sup>

### **Recommendations:**

- A. Ensure that disabled people have a real opportunity to choose their place of residence and living arrangements.
- B. Ensure access to individualised services, irrespective of one's place of residence and living arrangements.
- C. Implement targeted efforts to reduce the number of institutionalized homes used for persons with impairments.
- D. Provide UPA schemes with good user impact that contribute to equality, self-determination, and participation in society.
- E. Ensure that people hard of hearing receive interpreting services when needed, including outside of office hours and public holidays.
- F. Ensure that deaf people are offered places in sign-language nursing homes and ensure that nursing homes have sufficient expertise on communication methods and assistive listening devices for hearing impaired.

## **Article 20: Personal mobility**

86. The county-based Adapted Transport Scheme involves a taxi service for persons with impairments who cannot use public transport. Large differences in quality and quantity is experienced between the counties and the scheme is not equitable.<sup>170</sup>

87. Municipal practice restricts the possibility for individuals to take their UPA with them when traveling outside their municipality of residence, which is a practical restriction in their personal mobility. See Article 19.<sup>171</sup>

88. The execution of the Public Procurement<sup>172</sup> Act limits the choice of assistive technologies and lacks adequate user involvement.

### **Recommendations:**

- A. Extend the national Adapted Transport Scheme, so it becomes a permanent scheme in all counties.

B. The Government must guarantee persons with impairments assistive technologies, including the right to self-determination when selecting them.

## **Article 21: Freedom of expression and opinion, and access to information**

89. No requirements have been set for the universal design of information and communication, see article 9. The requirement of universal design for web sites set out in the Universal Design Regulations for ICT (ICT Regulations)<sup>173</sup> is violated by both public and private enterprises.<sup>174</sup> Documents are published in formats that are not accessible with screen readers. Public electronic solutions, such as the Norwegian Labour and Welfare Administration's (NAV) forms and e-prescriptions are in inaccessible formats.<sup>175</sup> The ICT Regulations only state that it must be possible to subtitle Web TV - not that it must actually be subtitled. Furthermore, the Regulations do not set out a requirement to subtitle live television or audio description.

90. The public authorities do not meet their obligation to ensure that everyone can communicate in the formats they need. Municipalities send letters to blind persons even though they know that the recipient is blind and cannot read the letter, and people hard of hearing are requested to call. Important public information is inaccessible for people with cognitive impairments.<sup>176</sup> See also Article 11 and 25.

91. The Broadcasting Act<sup>177</sup> only requires Norwegian television broadcasters with more than five percent viewers (250,000) to subtitle their broadcasts from 6pm to 11pm. The Norwegian Media Authority does not carry out any active checks and is not a sanctioning authority. Persons with visual and reading impairments do not have full access to news broadcasts and other TV programmes in a language other than Norwegian, as there are no dubbing requirements.

92. No general interpreting services are available at public events - the individual has to apply for a personal interpreter.

### **Recommendations:**

- A. Introduce an obligation to ensure that information services are universally designed.
- B. Demand that all media for which press subsidies has been granted is accessible.
- C. The broadcasting times of sign language programmes must be extended and all TV broadcasts must be subtitled.
- D. All televised news and current affairs programmes must be dubbed.
- E. The right to an interpreter must be universally guaranteed at public events - not only on an individual level.

## **Article 22: Respect for privacy**

93. People living in sheltered and shared housing, similar to institutions, have little autonomy and choice on their everyday lives in their own homes, partly due to stringent house rules.<sup>178</sup> The follow-up is perceived as invasive with little respect for people's private life. See Article 15 and 17. There is no knowledge about the scope of restraints carried out within peoples' private lives in shared housing.

### **Recommendations:**

- A. Identify the current house rules in shared housing to create national guidelines for the type of

house rules that are acceptable in shared housing and do not unduly regulate and limit the individual's right to privacy.

## **Article 23: Respect for home and the family**

94. DPOs are concerned about the child welfare service's<sup>179</sup> lack of expertise on impairments.<sup>180</sup> Interventions, such as taking children into care, are implemented before other support measures have been tried.<sup>181 182</sup>

95. Many families with disabled children experience that they are not given the necessary information and support.<sup>183</sup> In 2012, four out of ten parents had needs for respite services not covered. Six out of ten in need of a recreational assistant was not adequately covered.<sup>184</sup> Support services give poor information on support measures, services are fragmented and disorganised and processes on applications and complaints are long and favours the more persevering.<sup>185</sup> See also Article 26.

96. Disabled people under the age of 18, who live or receive "respite care" in designated group homes,<sup>186</sup> spend a greater or lesser part of their childhood in an institution.<sup>187</sup> In 2011 approximately 250 children lived in children's group homes permanently, and there were approximately 1,000 "respite care" places.<sup>188</sup> Parents primarily want their children to live at home, but due to a lack of adapted services, a children's group home was the only alternative.<sup>189</sup>

97. A supervision of these institutions revealed that the regulations were violated in three out of four undertakings<sup>190</sup>, and many municipalities did not have adequate professional steering and concern regarding quality of service. Half of the municipalities violated the medication management regulations. The composition of shift rotas and the need for training were not sufficiently individually adapted. Every fourth undertaking lacked/had poor activity plans, nursing plans or other types of initiative plans. When children spend a lot of time in such homes, such shortcomings can affect their functional ability and entire life situation.

### **Recommendations:**

- A. Give municipal employees training on the rights of the child and the CRPD.
- B. Increase support provided to parents and remove obstacles to support, including the practical implementation of legal rights to coordinated services.
- B. Ensure that disabled children will, as a general rule, have the opportunity to grow up with their family and only be separated when it is the best interest of the child.

## **Article 24: Education**

98. The Education Act<sup>191</sup> establishes a universal right to inclusive education regardless of diagnosis. However the legal substantial rights are not always implemented and there are significant geographical variations.<sup>192</sup> See Article 4 (5). Many pupils with impairments do not fully achieve learning outcomes of lessons and cannot participate in school activities in line with other pupils.<sup>193</sup> Pupils with impairment often receive segregated education.

99. All children have the right to attend their local school and be part of a classroom community.<sup>194</sup> However, there are major differences in how the municipalities administer laws and regulations.<sup>195</sup> Nearly 80 percent of schools cannot be accessed by many people with a mobility impairment.<sup>196</sup> Though deadlines for universal design of schools have been promised by the government, only non-binding recommendations are developed.<sup>197</sup>

100. At upper secondary schools, pupils with intellectual or similar cognitive impairments are almost never together with other pupils during lessons. They rarely have textbooks. The once they have do not exist in a language understood by the learner.<sup>198</sup> There is often no correlation between the education programme they belong to and the services they receive. They belong to a specially adapted service with special emphasis on job training or daily living skills. Training in social skills rank higher than basic skills and academic knowledge.<sup>199</sup>

101. Two out of three visually impaired children,<sup>200</sup> and one in four children with a hearing-impairment,<sup>201</sup> have been bullied at school. See art. 16.

102. The right to education in sign language of deafblind, deaf and pupils hard of hearing is not sufficiently met. Pupils hard of hearing using spoken language have similar problems in accessing necessary adaptations.<sup>202</sup> Parents with hearing impairment cannot participate in the communication between the child's home and school due to limited interpreting services.<sup>203</sup> The education of deafblind and visually impaired is characterised by segregation. Syllabi and literature are poorly adapted.<sup>204</sup> Visually impaired children are not entitled to receive the same textbooks as their peers and are not given teaching materials before the start of school.<sup>205</sup> Parents, who are not blind, do not have the right to learn Braille.

103. In 2018, 4138 pupils received their education in special schools or outside their ordinary class. This is the highest number since they started to register this. 49755 pupils receive some sort of special education and more than 6000 of them receives it alone<sup>206</sup>.

104. It has been documented that more expertise is needed within pre-school teacher and teacher training programmes.<sup>207</sup> Pupils should mainly receive inclusive education, yet the teacher training programmes barely focus on how teachers should implement this.

105. 45 percent of disabled people have primary and lower secondary education as their highest level of education compared to 29 percent of the general population.<sup>208</sup> The highest proportion of them are reported to have a mobility or psychosocial impairment.<sup>209</sup>

106. Most pupils with intellectual impairment are exempted from obtaining grades.<sup>210</sup> Some pupils are exempted from subjects on the basis of diagnose with the consequence that they do not receive a grade. As a result, these pupils receive a limited diploma or no diploma at all,<sup>211</sup> and are excluded from higher education.<sup>212</sup>

107. Students with impairments face physical, pedagogical and social barriers in academic life.<sup>213</sup> A significantly lower proportion of persons with impairments enter into higher education compared to the general population. In 2015, 21% of disabled people between the age of 25-44 reported to have completed at least one year of higher education. The proportion amongst the general population was 45 percent.<sup>214</sup> The admission requirements for various courses, for example for prison officers, the police and the armed forces, do not individually assess the skills of the individual, but exclude them based on their diagnosis.<sup>215</sup>

## **Recommendations:**

- A. Ensure that the statutory right of children and youths to receive an inclusive education and vocational training is fulfilled.
- B. Identify and remove all barriers for students with impairments and introduce regulations with deadlines for when all schools must be universally designed.
- C. Syllabi must be easy to read and available in Braille, and accessible to deafblind. Digital learning tools must be subtitled for hearing impaired.

- D. More and larger sign language learning and competence environments for deaf and hearing-impaired pupils in larger municipalities/inter-municipal cooperation, as well as more learning environments adapted to deafblind communication methods. Pupils hard of hearing using spoken language must be offered adapted speech-oriented education throughout their school life.
- E. Develop and implement national requirements for inclusive pedagogic competence in teacher training programmes. This must include competence related to pupils with visual and hearing impairments. Take measures to ensure non-discriminative school curriculums and learning requirements.
- F. Enable all pupils to obtain the qualifications for higher education. Abolish admission requirements that exclude on the basis of diagnosis and introduce the right to a specific individual assessment.

## Article 25: Health

108. Disabled people are worse off within dental, physical and psychological health.<sup>216</sup> The health of intellectually impaired is poorer and health services are not adapted.<sup>217</sup> In a supervision carried out by OCG in 57 municipalities service errors were found in 45 municipalities, many serious.<sup>218</sup> There are systematic differences in the health of parents of disabled children compared to other parents, especially mothers.<sup>219</sup>

109. Health services are not adapted to young people<sup>220</sup> who also under age 18 are admitted to adult units, where the monitoring and paediatric expertise on youths is less uniform.<sup>221</sup> This particularly affects young persons with impairments, as they receive health services more often and longer than others. Young disabled people often experience prejudice from health professionals when it comes to sexual health.<sup>222</sup> Persons with Intellectual impairments receive little information about their sexual and reproductive health. This could make them more exposed to abuse. See Article 16.<sup>223</sup>

110. Poor accessibility at medical facilities and poorly adapted communication with health personnel for people with sensory loss and cognitive impairments reduces access to the health service.<sup>224 225</sup> Insufficient interpretation and lack of supported communication prevents patients from giving their free and informed consent. Health personnel and emergency services do not have the necessary expertise about impairment specific needs, making access to these services problematic often resulting in delayed or incorrect treatment.

111. Studies show that the consumption of psychotropic drugs is high amongst people with cognitive impairments, and that the elderly are given drugs based on ambiguous indications.<sup>226</sup> Monitoring revealed that employees knew little about the person's health and that drugs were poorly managed.<sup>227</sup> The same applies to disabled children in "care homes".<sup>228</sup>

112. The differences between the municipalities leads to different health services.<sup>229</sup> When municipalities break the law, there are few or no consequences.<sup>230</sup>

113. The media reports that disabled asylum seekers, due to be deported from Norway, will not receive necessary support or health services at the destination.<sup>231</sup> The authorities may grant a resident permit on humanitarian grounds when there are 'strong compassionate grounds' for doing so.<sup>232</sup> This is interpreted very strictly by the courts.<sup>233</sup>

114. See Article 12 (Section 47), and Articles 14, 15 and 17, relating to compulsory treatment that contravenes Article 25, letter d).

### **Recommendations:**

- A. Ensure that disabled people are given the necessary information on sexual and reproductive health.
- B. Establish a national competence centre for youth health and medication.
- C. Establish national guidelines for electronic communication within the services.
- D. Identify the barriers within the health services for disabled people, and ensure that these services are provided with the free and informed consent of the person concerned, through legal safeguards such as rights to interpreting services, adapted information, alternative and supplementary communication (ASK) and supported decision-making.

## **Article 26: Habilitation and rehabilitation**

115. Only 1,5 percent of the total appropriations for the specialist health service are spent on rehabilitation. There is no corresponding overview for the municipalities. The Office of the Auditor General of Norway has pointed out major deficiencies in training and rehabilitation in terms of capacity, interdisciplinary collaboration and expertise. Major differences are seen when comparing the municipalities with the regional counties.<sup>234</sup>

116. Many people with impairments do not receive necessary rehabilitation because there are no referral procedures or they are not considered a patient with rights.<sup>235</sup> Disabled people are rarely allowed to define their own rehabilitation needs.<sup>236</sup> People with multiple impairments and needs for an interdisciplinary approach don't receive adequate support due to poor interdisciplinary cooperation. The services are fragmented and transition between primary and specialist health care is problematic and patients have to coordinate their own follow up.<sup>237</sup> There is insufficient cooperation between municipalities, specialist health service and private rehabilitation institutions.<sup>238</sup> Municipalities are required by law to have coordinating units with responsibility for ensuring that citizens receive a coordinator and an individual plan, see para. 242 of the State party report. One in five municipalities lacks such a unit, and the quality varies considerably.<sup>239</sup> Many individuals who are entitled to have an individual plan and coordinator, are given neither or experience that the plan only exists on paper.<sup>240</sup>

117. Children and youths with impairments receive poor medical monitoring, i.e. they do not get the necessary motor skills training or comprehensive educational and physical monitoring.<sup>241</sup> Many do not get the services they require due to inadequate transition routines once paediatric habilitation ends, poor information, and lack of habilitation and rehabilitation services in the municipality.<sup>242</sup>

118. The lack of statistics on the needs of people with impairments makes it difficult to dimension services nationally and locally. For example, there is no national register of visual impairment.

### **Recommendations:**

- A. Provide measures to ensure that all municipalities have coordinating units and referral routines for rehabilitation and habilitation in line with national requirements.
- B. Provide training and rehabilitation within set deadlines.

## **Article 27: Work and employment**

119. Little research has been done on discrimination against disabled people in the workplace. Cases brought before the Equality and Anti-discrimination Ombud (LDO) shows that disability-related discrimination happens regularly.<sup>243</sup>

120. Disabled people encounter structural barriers in their attempt to enter the labour market, both in terms of the individual employer and employment programmes. Despite being educated, disabled people experience that their qualifications and competences are ignored and that the employment programmes are often poorly adapted to the social barriers that prevent them from obtaining work.<sup>244</sup> Despite being qualified, one in four has experienced rejection for a job due to their impairment (perceived or actual). Only 43.9 percent of disabled people currently have a job, whilst the figure for the whole population is 74 percent.<sup>245</sup> The proportion of employed disabled people has been stable for decades, regardless of the economic situation and programmes in place.<sup>246</sup>

121. According to LDL, employers are required to provide suitable individual accommodation for disabled job seekers and workers.<sup>247</sup> However, this obligation does not entail accommodation which constitute an “disproportionate burden” on the enterprise. As a result, accommodation is often insufficient in practice.<sup>248</sup> While LDL contains an obligation to ensure universal design, this does not cover workplaces not aimed at the general public.<sup>249</sup> See Article 9.

122. LDL's requirement for employers to make and report on active, targeted and systematic efforts to promote equality and prevent discrimination<sup>250</sup> as mentioned in the state report para 50 is rarely implemented for disabled people.<sup>251</sup> Few employers know that they have such an obligation.<sup>252</sup>

123. People with intellectual impairments are excluded from the open labour market. Only 5.6 percent have an employment relationship. Among these, 64 percent work part time. 81.2 percent of all 18 and 19-year-olds with intellectual impairments receive a disability pension, which indicates that they automatically receive a disability pension upon the age of maturity without assessing their individual capacity for work.<sup>253</sup> Wage growth for persons with cognitive impairments is lower than the wage growth of others.<sup>254</sup> Approximately half of all people of working age with a cognitive impairment attend municipal day activities.<sup>255</sup>

124. Particularly young disabled people have a harder time entering the labour market than their peers.<sup>256</sup> The amount of youth on disability benefits are dramatically increasing,<sup>257</sup> and disabled youth on such benefits who are interested in working often receive little or no support to enter the labour market from the Norwegian Labour and Welfare Administration.<sup>258</sup> Additionally, in 2018 the maximum period for receiving work assessment allowance (AAP) was reduced to three years, and the possibility of extension was severely restricted.<sup>259</sup> As a result, disabled youth, particularly youth with psychosocial impairments, are increasingly forced over on disability benefits or social welfare rather than employment.<sup>260</sup> At the same time, research shows that education is even more important for disabled people to get a job than it is for others.<sup>261</sup> However, this is not reflected in policy. Since 2004, the use of education as an employment-targeted measure has been reduced significantly.<sup>262</sup> In 2016, all young people under the age of 22 were excluded from education as an employment-targeted measure and support can only be obtained for up to three years of training.<sup>263</sup>

125. The Office of the Auditor General of Norway has criticised the Norwegian Labour and Welfare Administration for inadequate follow-up of people who participate in labour market programmes. Seventy-five percent of people with “reduced working capacity”, who were not in registered employment before they started the labour market programme, were registered as unemployed one year after completing the programme. Two years later, 65 percent of them were still not in registered employment.<sup>264</sup>

126. Previous efforts to include more disabled people in the labour market have failed. An evaluation of the Job Strategy showed that the instruments in the strategy were good, but rarely used.<sup>265</sup> Instead of strengthening its efforts, in 2018 the Government chose to remove increased employment of disabled people as a goal in the renewal of letter of Intent regarding a more inclusive working life for the period of 2019 - 2022 (the IA Agreement).<sup>266</sup> The previous agreement included concrete and binding measures for employing disabled people. Instead, the IA Agreement has been replaced by the National Inclusion Initiative, a process which is far less binding, lacks concrete measures, does not address discrimination, and is largely based on goodwill on the part of employers.<sup>267</sup>

#### **Recommendations:**

- A. Conduct research on discriminatory barriers in the labour market.
- B. Facilitate increased employment of disabled people in the regular and adapted labour markets, including by increasing the use of measures which give disabled people the necessary qualifications and competences.
- C. Set out a requirement of universal design in the workplace for employers in the Equality and Anti-Discrimination Act.
- D. Give a clear mandate and sufficient resources to the Norwegian Labour and Welfare Administration to follow-up people on disability benefits who are interested in entering the labour market.
- E. Develop practices and legislation to counteract structural discrimination in the Norwegian Labour and Welfare Administration.

## **Article 28: Adequate standard of living and social protection**

127. Standard of living surveys for disabled people are incomplete. This is a complex and heterogeneous group. Living standards vary immensely due to experienced disability and kind of impairment, and variation depending on when in life it occurs.<sup>268</sup>

128. Low employment amongst disabled people means that many disabled people have their living expenses covered by the national insurance scheme: The national insurance scheme is the only source of income for 29 percent of disabled people compared to nine percent of the general population.<sup>269</sup> Disabled people have a lot of extra expenses not covered by government support schemes.<sup>270</sup>

129. Compared to others (five percent), disabled people (14 percent) are more likely to say that they find it hard to make ends meet.<sup>271</sup> A higher percentage of parents with children with impairments have difficulty paying regular and/or unexpected expenses compared to other parents.<sup>272</sup>

#### **Recommendations:**

- A. Extra expenses related to impairment or disability must be better compensated

## **Article 29: Participation in political and public life**

130. Disabled people are underrepresented in Norwegian politics. Political parties do not see this as a representative problem.<sup>273</sup> Even though democracy is on the agenda during elections, gender, age and ethnicity are the primary subject of the political debate, not disability.<sup>274</sup> Just over



one percent of the members of municipal councils for disabled people are under the age of 25 and only five percent of the councils have members under the same age.<sup>275</sup>

131. No status report exists regarding accessibility to venues used by elected bodies.<sup>276</sup> DPOs have, however, observed that venues and equipment used for the meetings of elected bodies at municipal, county and national level (including Parliament), and for elections and political debates, still do not meet the requirements of universal design.<sup>277</sup> Case documents are not made available to blind and partially sighted politicians.<sup>278</sup> Broadcasts from the Norwegian Storting (Parliament) are not subtitled. Insufficient transport and support schemes hamper participation in political life and in elections.

132. 12.3% of all municipalities reported in 2013 that not all election sites were accessible.<sup>279</sup> Norwegian legislation and practice does not ensure equal voting rights and secret ballot for all. The Election Act<sup>280</sup> obliges voters with “serious psychological and physical impairment” to be supported by an election official. They may also designate an extra helper.

133. Several media reports indicate that election officials do not have the necessary competence on how to conduct elections, for example, the right to designate a helper.<sup>281</sup> Paper-based elections deprive person with severe visual impairments from voting in secret and 40 percent report that they have not cast a secret ballot.<sup>282</sup> Even though the electronic voting trial was successful, it has not been introduced. Electronic pre-voting is not permitted either.

134. Election debates are not subtitled on all national TV channels. Inspections carried out by the Norwegian Agency for Public Management and ICT (Difi), shows that the political parties’ web sites do not meet the requirements of universal design set out in the LDL.<sup>283</sup> Not enough information is available on participation of people with cognitive impairments in elections, but there are clear indications that they rarely participate in political elections, public debates or sit on municipal and county councils.<sup>284</sup>

#### **Recommendations:**

- A. Identify barriers that prevent disabled people from participating in political life with the aim of recruiting disabled people for political work.
- B. Further develop legislation on the public sector's obligation to make information accessible.
- C. Financial support for political parties provided that information and campaigning materials are accessible.
- D. Introduce a digital electoral system to ensure that the right of disabled people to cast a secret ballot is upheld.
- E. Failure to take action to promote the availability and access to information must be defined as discrimination.
- F. The right to transport and assistance must be secured for political participation.

## **Article 30: Participation in cultural life, recreation, leisure and sport**

135. Barriers in the form inadequate physical accessibility, financial and human resources, transport and lack of accessible information prevents disabled people from participating in cultural events, leisure activities, recreation and sport.<sup>285</sup> Social barriers are also present through the underestimation of coping skills, expertise and prejudice in the surroundings. An interpreter is not available at theatres or public events. People who use wheelchairs cannot sit with family and

friends at events, as it is not possible to book tickets together. They are often referred to a separate entrance and separate seats.<sup>286</sup>

136. Insufficient rights to transport, see art. 9 and 20, and insufficient rights regarding the scheme that allows an assistant to enter cultural events and access public transport free of charge<sup>287</sup> impede participation in social activities.

137. Disabled people are poorly represented as volunteers in sports organisations compared to others.<sup>288</sup> Disabled children and young people often have segregated leisure activities.<sup>289</sup> They participate less than other children in organised recreational activities.<sup>290</sup>

138. The Marrakesh Treaty<sup>291</sup> has not been ratified.

#### **Recommendations:**

- A. All plans and strategies for participation in sports, culture and leisure facilities must focus on the inclusion of disabled people. Organisers must be required to make sport, and culture and leisure initiatives accessible to disabled people if they receive support for such initiatives.
- B. Establish clear guidelines on how cultural institutions can be more accessible.
- C. Enact and expand the municipal scheme that allows companions to enter events and other venues free of charge, in addition to free travel on public transport (where applicable).
- D. Increase the accessibility to television programmes, films and various cultural and sports events through subtitling, sign language interpretation, and improved sound.
- E. Ratify the Marrakesh Treaty.

## **Specific Obligations (Articles 31-33)**

### **Article 31: Statistics and data collection**

139. Little research has been conducted on discrimination of disabled people. Not enough money is allocated to research. Unsubstantial documentation of discriminatory processes in all areas of society prevents civil society from proposing measures to combat discrimination.

140. A systematic or a sectoral collection of data has not been initiated to provide averages based on gender, age and impairment. No rights-based indicators have been developed to assess the extent to which the Convention is implemented nationally and to show whether man-made barriers have been removed.

141. The Government's report barely mentions how the various measures are working and the situation of disabled people compared to the general population. The reported statistics and documentation seem arbitrary and do not appear to be a thorough assessment of Norway's status in relation to the Convention's articles.<sup>292</sup>

#### **Recommendations:**

- A. The Government must improve reporting and initiate research on discrimination against disabled people.
- B. Develop indicators to measure national implementation of the Convention and have a rights-based approach to discriminatory barriers in society.

## **Article 32: International cooperation**

142. The Government points out that disabled people should be included in all international work.<sup>293</sup> However, Norwegian support for international work of DPOs on the rights of disabled people was significantly reduced from 2000-2016. The proportion of targeted humanitarian aid for disabled people has decreased from 1% in 2000 to less than 0.4% in 2016.<sup>294</sup> In practice, there is no plan on to fully include disabled people in Norway's international policymaking.

143. The work generally lacks resources to maintain the effort in the long-term, and to develop robust expertise within the field in the Ministry of Foreign Affairs, the Norwegian Agency for Development Cooperation and Norwegian foreign embassies.<sup>295</sup>

### **Recommendations:**

- A. Strengthen the support for international work of DPOs on the rights of disabled persons
  
- B. Develop and implement concrete plans for Norway's policy to include disabled persons in the aid. All recipients of aid, including multilateral recipients, must be required to report inclusion.
  
- C. Internationally, Norway should take on a stronger role and lead the way in the promotion of the rights of disabled people. This must be permanently followed up in bilateral discussions.

## **Article 33: National implementation and monitoring**

114. Civil society has rarely been involved in the plans and progress of the processes involved in the ratification of the CRPD and the Optional Protocol.

### **Recommendation:**

- A. The Government must ensure that the relevant communities of disabled people and DPOs are involved in the monitoring of the CRPD Committee's concluding observations.

# End Notes

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<sup>1</sup>The panel appointed by the Norwegian government that presented the Norwegian Official Report NOU 2001:22, *Fra bruker til borger. From user to citizen - A strategy for the dismantling of disabling barriers*, Ministry of Labour and Social Inclusion, had 4 representatives from DPOs. Since then, terms based on the social model of disability have become more common and are preferred among most DPOs.

<sup>2</sup> Some names of organisations are unofficial translations

<sup>3</sup> The *Declarations*:

*“Article 12*

*Norway recognises that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Norway also recognizes its obligations to take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. Furthermore, Norway declares its understanding that the Convention allows for the withdrawal of legal capacity or support in exercising legal capacity, and/or compulsory guardianship, in cases where such measures are necessary, as a last resort and subject to safeguards.*

*Articles 14 and 25*

*Norway recognises that all persons with disabilities enjoy the right to liberty and security of person, and a right to respect for physical and mental integrity on an equal basis with others. Furthermore, Norway declares its understanding that the Convention allows for compulsory care or treatment of persons, including measures to treat mental illnesses, when circumstances render treatment of this kind necessary as a last resort, and the treatment is subject to legal safeguards.”*

With reference to this, see Strand, Vibeke Blaker, *Norway's Ratification of the UN Convention on the Rights of Persons with Disabilities: Highlighting Current Discourses in the Field of Human Rights in Norway*, *Nordic Journal of Human Rights*, Vol. 32, No. 1 2014 pp. 75-83 - (NMR-2014-75), 2014.

<sup>4</sup> Meld. St. 39 (2015–2016) (White Paper No. 39 (2015–2016))

<https://www.regjeringen.no/no/dokumenter/meld.-st.-39-20152016/id2513020/>

Recommendation of the Norwegian Parliament, 161 S (2016–2017) [Innst. 161 S (2016–2017)]:

<https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Innstillinger/Stortinget/2016-2017/inns-201617-161s/?all=true>

<sup>5</sup> *Menneskerettsloven* (Human Rights Act) LOV-1999-05-21-30, § 2:

<https://lovdata.no/dokument/NL/lov/1999-05-21-30?q=menneskerettslov>

<sup>6</sup> CEDAW and CRC is incorporated through the *Human Rights Act* and the Racial Discrimination Convention (CERD) is incorporated through the Act relating to equality and a prohibition against discrimination (*Equality and Anti-Discrimination Act*): <https://lovdata.no/dokument/NLE/lov/2017-06-16-51>

<sup>7</sup> In HR-2016-2591-A, the Supreme Court of Norway concluded that the legal capacity to manage one’s own financial affairs should be taken away from a female psychiatric patient. The provision set out in the Guardianship Act, Section 22, Subsection 1 authorising such intervention had to be used even though it clearly violated the UN’s Convention on the Rights of Persons with Disabilities. The Supreme Court of Norway referred to the UN CRPD Committee’s general comments No. 1 (2014) and found that although the Committee’s interpretation was clear, it could not be considered as long as the CRPD had not been incorporated into Norwegian law and legislators clearly expressed a different interpretation of national rules applicable to the implementation of the Convention.

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Strand, Vibeke Blaker, *Norway's Ratification of the UN Convention on the Rights of Persons with Disabilities: Highlighting Current Discourses in the Field of Human Rights in Norway*, *Nordic Journal of Human Rights*, Vol. 32, No. 1 2014 pp. 75-83 - (NMR-2014-75), 2014.

<sup>8</sup> See <https://press.nordicopenaccess.no/index.php/noasp/catalog/book/16>, and Norwegian Official Reports: NOU 2011:18 *Struktur for likestilling (Structure for Equality)*, NOU 2012:15 *Politikk for likestilling (Equality Policies)*, *Status for ytringsfriheten (Status for the Freedom of Speech)*, 2014-17, Committee for Gender Balance and Diversity in Research (KIF) 2014-17: *Violence in Close Relationships*

<sup>9</sup> *Everyone has a Story*, Annual Report 2016, Oslo and Akershus Health and Social Services Ombud, the Ombud for Social Services and the Elderly in Oslo 2017: [https://www.oslo.kommune.no/getfile.php/13113204/Innhold/Politikk og administrasjon/Etater og foretak/Pasient- og brukerombudet i Oslo og Akershus og Sosial- og eldreombudet i Oslo/Årsmelding 2016 ombudet.pdf](https://www.oslo.kommune.no/getfile.php/13113204/Innhold/Politikk%20og%20administrasjon/Etater%20og%20foretak/Pasient-og%20brukerombudet%20i%20Oslo%20og%20Akershus%20og%20Sosial-og%20eldreombudet%20i%20Oslo/Årsmelding%202016%20ombudet.pdf)

Annual Report of the Buskerud Health and Social Services Ombud 2017. See p. 13: <https://helsenorge.no/SiteCollectionDocuments/pasient-%20og%20brukerombudet/Årsmelding%202017%20Buskerud.pdf>

<sup>10</sup> See, for example, <http://www.nfunorge.org/Nyheter/Gjor-Fylkesmannen-jobben-sin/> which was based on a series of articles in Bergens Tidende newspaper.

<sup>11</sup> Nationwide supervision of health and care services for persons with intellectual impairments in 2016 showed that 45 of 57 municipalities violated the law. See the summary of the nationwide supervision of municipal health and care services for persons with intellectual impairments in 2016: *It Concerns Lives*. Norwegian Board of Health Supervision Report 4/2017.

Norwegian Board of Health Supervision Annual Report 2016: <https://www.helsetilsynet.no/upload/Publikasjoner/aarsrapporter/aarsrapport2016.pdf>

Norwegian Board of Health Supervision Annual Report 2017: <https://www.helsetilsynet.no/upload/Publikasjoner/aarsrapporter/aarsrapport2017.pdf>

See also, for example, The Norwegian Board of Health Supervision 2014/889, discussed in a note to Article 14.

<sup>12</sup> Experiential knowledge from DPOs and UNICEF Norway's surveys demonstrate this. See: <https://www.unicef.no/nyheter/15330/store-forskjeller-barn-i-kommunene>

<sup>13</sup> CRC/C/NOR/CO/4: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/NOR/CO/4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/NOR/CO/4&Lang=En)

CRC/C/NOR/CO/5-6, para 23 and 24: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/NOR/CO/5-6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/NOR/CO/5-6&Lang=En)

<sup>14</sup> Working paper ordered by The Norwegian Directorate for Children, Youth and Family Affairs: 'Unknown tool' - Mapping the knowledge about the CRPD in Norwegian municipalities, 2018.

<sup>15</sup> Yearly round table conference

<sup>16</sup> *Equality and Anti-Discrimination Act*, LOV-2017-06-16-51, Section 6 Prohibition against discrimination Norwegian version: <https://lovdata.no/NLE/lov/2017-06-16-51/§section6>

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The prohibition includes discrimination on the basis of actual, assumed, former or future disability and also applies if a person is discriminated against on the basis of his or her connection to a person with disability.

<sup>17</sup> Norwegian Equality and Anti-Discrimination Ombud, *CRPD: Rett til tilgang til informasjon, varer og tjenester – innspill til norske myndigheter (CRPD: Right to access information, goods and services – suggestions to Norwegian authorities (NB: Our own translation))*, report, 2014, [http://www.ldo.no/globalassets/brosjyrer-handboker-rapporter/rapporter\\_analyser/crpd--2013/crpd\\_informasjonvarertjenesterpdf\\_pdf.pdf](http://www.ldo.no/globalassets/brosjyrer-handboker-rapporter/rapporter_analyser/crpd--2013/crpd_informasjonvarertjenesterpdf_pdf.pdf)

Legal Opinion by Ann Helen Aarø about the legal right to goods, services and information aimed at the public. An unpublished report commissioned by the Norwegian Ministry of Children, Equality and Social Inclusion, dated 8 December 2008, prior to enforcement of the former Norwegian Anti-Discrimination and Accessibility Act. The report stressed that this could mean that the Act would not be applied to all the situations that the Act actually covers.

<sup>18</sup> Statistics for complaint cases submitted to LDO from 2007-2015: <http://www.ldo.no/nyheter-og-fag/ldos-statistikk/klagesaker/>

LDO's Annual Report 2016: <http://www.ldo.no/nyheter-og-fag/brosjyrer-og-publikasjoner/Arsrapporter/arsmelding-2016/kapittel-3/>

<sup>19</sup> Surveys from Denmark show widespread prejudice against disabled people:

Danmarks Radio (DR), *Cafebesøg: Hver tredje dansker undgår personer med handicap (Café visit: Every third Dane avoid disabled people (NB: Our own translation))*, news article published 23 September 2013: <http://www.dr.dk/Nyheder/Indland/2013/09/23/200808.htm>

Politiken, *Hver 8. dansker: Hørehæmmede virker dummere end andre (Every 8. Dane: Persons with hearing impairments seem dumber than others (NB: Our own translation))*, news article published 21 April 2015: [https://politiken.dk/forbrugogliv/sundhedogmotion/art5573829/Hver-8.-dansker-H%C3%B8reh%C3%A6mmede-virker-dummere-end-andre?ref=nyhedsbrev\\_politiken-middag&utm\\_source=Politiken&utm\\_medium=newsletter&utm\\_campaign=politiken-middag](https://politiken.dk/forbrugogliv/sundhedogmotion/art5573829/Hver-8.-dansker-H%C3%B8reh%C3%A6mmede-virker-dummere-end-andre?ref=nyhedsbrev_politiken-middag&utm_source=Politiken&utm_medium=newsletter&utm_campaign=politiken-middag)

Such surveys have not been conducted in Norway, but there is nothing to suggest that the situation is any different here.

<sup>20</sup> 'Simple cases' entails cases when the complainant is not asserting anything but the inability to pay or other obvious unsustainable objections.

<sup>21</sup> *Equality and Anti-Discrimination Ombud Act*, LOV-2017-06-16-50, Section 14 The authority of the Tribunal relative to other public administrative agencies:  
Norwegian version: <https://lovdata.no/lov/2017-06-16-50/§14>  
English version: <https://lovdata.no/NLE/lov/2017-06-16-50/§section14>

<sup>22</sup> McClimans, Else: *Rettspraksis om diskrimineringslovgivning (Legal Practice on Anti-Discrimination Law (NB: Our own translation))*. Submitted to the Anti-Discrimination Law Committee, 2008 (We are not aware of newer reports on this topic).

<sup>23</sup> Kittelsaa, Anna, Korsnes, Guro Kristensen and Wik, Sigrid Elise: *Kjønn i forskning om funksjonshemming: En litteraturstudie (Gender in research on disability: A Literary Study (NB: Our own translation))*, Norwegian University of Science and Technology (NTNU) Social Science Research, 2016: [https://www.bufile.no/global/Kjonn\\_i\\_forskning\\_om\\_funksjonshemming\\_NTNU.pdf](https://www.bufile.no/global/Kjonn_i_forskning_om_funksjonshemming_NTNU.pdf)

Nordic Welfare Centre, *Situasjonen til samer med funksjonsnedsettelse (The situation of Sami disabled people (NB: Our own translation))*, report, 2016: <https://nordicwelfare.org/wp-content/uploads/2017/10/NorskSamerapportLAYOUT160414.pdf>

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Grønningsæter, Arne Backer and Haualand, Hilde: *Usynlig og selvlysende: Å være lesbisk, homofil, bifil eller transperson med nedsatt funksjonsevne (Invisible and luminescent: What it's like to be lesbian, gay, bisexual or transgender with impairments (NB: Our own translation))*, Fafo report 2012:53, 2012: [https://www.fafo.no/media/com\\_netsukii/20280.pdf](https://www.fafo.no/media/com_netsukii/20280.pdf)

Sandberg, Kirsten: *Barnekonvensjonens vern mot sammensatt diskriminering (The protection against multiple discrimination within the Convention on the Rights of the Child against (NB: Our own translation))*, in Hellum and Köhler-Olsen: *Like rettigheter – ulike liv – Rettslig kompleksitet i kvinne-, barne- og innvandrerperspektiv (Equal rights – Different lives – Legal complexity from the perspective of women, children and immigrants (NB: Our own translation))*. Publisher: Gyldendal Forlag, 2014.

Norwegian Association of Youth with Disabilities, *Dobbelminoritet – dobbelt diskriminert? Unge dobbelminoriteter i møte med arbeidslivet (Double minority – double discrimination? Young double minorities' experiences from the labour market (NB: Our own translation))*, report, 2018: <https://ungefunksjonshemmede.no/ressurser/publikasjoner/arbeidsliv/dobbelminoritet-dobbelt-diskriminert-2018/>

<sup>24</sup> Söderström, Sylvia, Kittelsaa, and Berg, Berit: *Snakker vi om det samme? Minoritetsfamilier med funksjonshemmete barn i møte med tjenesteapparatet (Are we talking about the same thing? Minority group families with disabled children when encountering public services (NB: Our own translation))*, Norwegian University of Science and Technology (NTNU) Social Science Research, 2011: <https://samforsk.no/SiteAssets/Sider/publikasjoner/Snakker%20vi%20om%20det%20samme%202011.pdf>

Berg, Berit: *Dobbelt sårbar – minoritetsfamilier med funksjonshemmete barn (Double as vulnerable – minority group families with disabled children (NB: Our own translation))* in J. Tøssebro and C. Wendelborg (Eds.), *Oppvekst med funksjonshemming (Childhood with Disability (NB: Our own translation))*, Publisher: Gyldendal akademisk, 2014

<sup>25</sup> Nordic Welfare Centre, *Situasjonen til samer med funksjonsnedsettelse (The situation of Sami disabled people (NB: Our own translation))*, report, 2016: <https://nordicwelfare.org/wp-content/uploads/2017/10/NorskSamerapportLAYOUT160414.pdf>

The report shows that focus on diagnoses and impairment overshadows an approach that understands, values and emphasises the cultural aspect of the Sami people in the way they think, their values, history and daily living.

<sup>26</sup> Kittelsaa, Anna, Kristensen, Guro Korsnes, Wik, Sigrid Elise (2016): *Kjønn i forskning om funksjonshemming – En litteraturstudie. (Gender in Research on Disability – A Literary Study (NB: our translation))*, Norwegian University of Science and Technology (NTNU), Social Science Research ISBN 978-82-7570-477-9: [https://www.buudir.no/global/Kjonn\\_i\\_forskning\\_om\\_funksjonshemming\\_NTNU.pdf](https://www.buudir.no/global/Kjonn_i_forskning_om_funksjonshemming_NTNU.pdf)

<sup>28</sup> Kittelsaa, Anna, Kristensen, Guro Korsnes, Wik, Sigrid Elise (2016): *Kjønn i forskning om funksjonshemming – En litteraturstudie. (Gender in Research on Disability – A Literary Study (NB: our translation))*, Norwegian University of Science and Technology (NTNU), Social Science Research. ISBN 978-82-7570-477-9: [https://www.buudir.no/global/Kjonn\\_i\\_forskning\\_om\\_funksjonshemming\\_NTNU.pdf](https://www.buudir.no/global/Kjonn_i_forskning_om_funksjonshemming_NTNU.pdf)

<sup>29</sup> See Statistics Norway at: <https://www.ssb.no/arbeid-og-lonn/statistikker/akutu/aar>

In addition, see Talberg, Niri and Drange, Ida: *Kjennetegn ved de som er usikre på sin arbeidslivstilknytning. (Who will be pushed out? Characteristics of those who are concerned about job security. (NB: Our translation))* AFI Report 2013:3, Work Research Institute:

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<https://evalueringsportalen.no/evaluering/hvem-skal-ut-kjennetegn-ved-de-som-er-usikre-paa-sin-arbeidslivstilknytning>

<sup>30</sup> See, Steriliseringsloven (*Sterilisation Act*), LOV-1977-06-03-57, § 4(3):

<https://lovdata.no/dokument/NL/lov/1977-06-03-57> and Abortloven (*Abortion Act*), LOV-1975-06-13-50, § 4 (3): <https://lovdata.no/dokument/NL/lov/1975-06-13-50>

<sup>31</sup> Abortloven (*Abortion Act*), LOV-1975-06-13-50, § 4 (2): <https://lovdata.no/dokument/NL/lov/1975-06-13-50>

<sup>32</sup> CRC/C/NOR/CO/5-6:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNOR%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNOR%2fCO%2f5-6&Lang=en)

<sup>33</sup> *Opplæringslova (Education Act)*, LOV-1998-07-17-61: <https://lovdata.no/dokument/NL/lov/1998-07-17-61>

<sup>34</sup> *Pasient- og brukerrettighetsloven (Patients' and Users' Rights Act)*, LOV-1999-07-02-63:

<https://lovdata.no/dokument/NL/lov/1999-07-02-63>

<sup>35</sup> Asbjørnslett, Mona, Engelsrud, Gunn Helene and Helseth, Sølvi, *Inclusion and participation in everyday school life: experiences of children with physical (dis)abilities*, in *International journal of Inclusive Education*, Vol. 19, Issue 2, 2015.

<https://www.tandfonline.com/doi/abs/10.1080/13603116.2014.916353>.

In the study, thirty-nine Norwegian children with physical impairments were interviewed about their experiences at school. They said they were rarely allowed to take part in formal meetings that would enable them to have an impact on their own education or individual support.

<sup>36</sup> Appointment of youth councils “can” be appointed by municipalities and counties, but doing so remains voluntary:

*Kommuneloven (The Municipality Act)*, LOV-1992-09-25-2017, § 10 b Råd for eldre, personer med funksjonsnedsettelse og ungdom: <https://lovdata.no/lov/1992-09-25-107/§10b>

Monkerud, Lars Chr., Indset, Marthe, Stokstad, Sigrid and Klausen, Jan Erling: *Kommunal organisering 2016: Redegjørelse for Kommunal- og moderniseringsdepartementets organisasjonsdatabase (Local Government Organisation 2016: An account for the Norwegian Ministry of Local Government and Modernisation's organisation database (NB: Our own translation))*, Norwegian Institute for Urban and Regional Research (NIBR), Oslo and Akershus University College, Report 2016:20:

<http://www.hioa.no/Om-OsloMet/Senter-for-velferds-og-arbeidslivsforskning/NIBR/Publikasjoner/Kommunal-organisering-2016>

<sup>38</sup> Experiences of DPOs.

<sup>39</sup> Berg, Berit: *Innvandring og funksjonshemming: Minoritetsfamilier i møte med tjenesteapparatet (Immigration and disability: Minority families and their encounter with public services (NB: Our own translation))*. Publisher: Universitetsforlaget, 2012

Kittelsaa, Anna and Berg, Berit: *Dobbelt sårbar – Funksjonshemmete barn og unge i asylmottak (Double as vulnerable - Disabled children and youth in asylum reception centres (NB: Our own translation))*, Norwegian University of Science and Technology (NTNU) Social Science Research, 2012:

<https://samforsk.no/SiteAssets/Sider/publikasjoner/Dobbelt%20sårbar%2015%20april%202012.pdf>

<sup>40</sup> Sandberg, Kirsten: *Barnekonvensjonens vern mot sammensatt diskriminering (The protection against multiple discrimination within the Convention on the Rights of the Child against (NB: Our own*



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*translation*)), in A. Hellum and J. Köhler-Olsen, *Like rettigheter – ulike liv – Rettslig kompleksitet i kvinne-, barne- og innvandrerperspektiv (Equal rights – Different lives – Legal complexity from the perspective of women, children and immigrants (NB: Our own translation))*. Publisher: Gyldendal Forlag, 2014

<sup>41</sup> The Political Platform of the Government formed by the Norwegian Conservative Party, the Norwegian Progress Party, the Norwegian Liberal Party and the Christian People's Party, 17 January 2019: See: <https://www.regjeringen.no/contentassets/7b0b7f0fcf0f4d93bb6705838248749b/plattform.pdf> and <https://www.regjeringen.no/no/dokumenter/politisk-plattform/id2585544/#k3>.

<sup>42</sup> Examples of attitude surveys that exclude disabled people as a minority group, including those from the Center of Studies of Holocaust and Religious Minorities 2017:

HL-senteret: *Holdninger til jøder og muslimer i Norge 2017 (Attitudes towards Jews and Muslims in Norway 2017 Population and minority group study (NB: own translation))*: <http://www.hlsenteret.no/forskning/jodisk-historie-og-antisemittisme/befolkningsundersokelse%3A-holdninger-til-joder-og-a/resultater-holdningsundersokelse.html>

*Status of freedom of speech in Norway 2015-2017*: <http://ytringsfrihet.no/>.

Fafo Report 2016:43: *Assimilation in Norwegian*: <http://www.fafo.no/index.php/nb/zoo-publikasjoner/fafo-rapporter/item/assimilering-pa-norsk>.

Norwegian Broadcasting Corporation (NRK) (07.11.13): *Fire av ti menn synes homoseksuelle er feil (Norwegian Attitudes towards homosexuals (NB: own translation))*: <https://www.nrk.no/livsstil/fire-av-ti-synes-homosex-er-feil-1.11342314>.

<sup>43</sup> Disabled people are not included in efforts to raise awareness amongst the population to combat stereotypes and negative attitudes. See <https://press.nordicopenaccess.no/index.php/noasp/catalog/book/16> and, for example, courses for lower secondary schools on democratic preparedness against racism and anti-Semitism at: <http://www.hlsenteret.no/undervisning/dembra/>

<sup>44</sup> Eide, Elisabeth, Grue, Jan, Vold, Tonje (Eds.): *Stort felt – liten dekning. Mediarepresentasjoner av mennesker med nedsatt funksjonsevne. (Extensive Field – Little Coverage. Media representation of persons with impairments. (NB: Our translation))*. Institute of Journalism and Media Subjects, Oslo and Akershus University College of Applied Sciences, January 2014 at: [http://www.bufdir.no/global/Stort\\_felt\\_liten\\_dekning.pdf](http://www.bufdir.no/global/Stort_felt_liten_dekning.pdf)

<sup>45</sup> Eide, Elisabeth, Grue, Jan, Vold, Tonje (Eds.): *Ut av medieskyggen. Representasjon av funksjonshemmede i media. (Out of the Shadow of the Media. (NB: Our translation))* Representation of Disabled people in the Media Publisher: Fagbokforlaget 2014. See: <https://www.fagbokforlaget.no/Ut-av-medieskyggen/19788232104345>

<sup>46</sup> Survey done by X for the Norwegian NHRI (2018): <https://www.nhri.no/wp-content/uploads/2019/01/Rapport-holdninger-til-menneskerettigheter.pdf>.

The groups that are mentioned are as following:

<sup>47</sup> Byggteknisk forskrift, TEK17 (*Regulations on technical requirements for construction works*) FOR-2017-06-19-840: <https://lovdata.no/dokument/SF/forskrift/2017-06-19-840>

Compared to the previous regulations (TEK10), these regulations contain less requirements for universal design and were adopted despite protests from DPOs: <https://dibk.no/om-oss/Nyhetsarkiv/her-er-de-mest-sentrale-endringene-i-tek17/>

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<sup>48</sup> *Equality and Anti-Discrimination Act*, LOV-2017-06-16-51, Section 17, Subsection 2:  
“Universal design means designing or accommodating the main solution with respect to the physical conditions, including information and communications technology (ICT), such that the general functions of the undertaking can be used by as many people as possible, regardless of disability.”

See the Act here: [https://lovdata.no/dokument/NL/lov/2017-06-16-51 - KAPITTEL\\_3](https://lovdata.no/dokument/NL/lov/2017-06-16-51 - KAPITTEL_3)  
English version: <https://lovdata.no/dokument/NLE/lov/2017-06-16-51>

<sup>49</sup> *Equality and Anti-Discrimination Act*, LOV-2017-06-16-51, Section 17, Subsection 3:

<sup>50</sup> Circular from the Norwegian Ministry of Children, Equality and Inclusion: *Universell utforming i diskriminerings- og tilgjengelighetsloven (Universal Design in the Norwegian Discrimination and Accessibility Act (NB: own translation))*, pp 38 (2010):  
<https://www.regjeringen.no/globalassets/upload/bld/universellutforming/rundskrivdiskriminering.pdf>

<sup>51</sup> See case no. 14/883 of the Equality and Anti-Discrimination Ombud (LDO), which refers to Proposition to the Norwegian Odelsting, No. 44 (2007–2008) pp. 143–144 and Norwegian Official Report: NOU 2005: 8, pp. 181–182 continued in Proposition 88 L (2012–2013), page 183.

<sup>52</sup> *Anskaffelsesforskriften (Public Procurement Regulation)*, FOR-2016-08-12-974, § 15-2:  
[https://lovdata.no/dokument/SF/forskrift/2016-08-12-974?q=forskrift%20anskaffelser#KAPITTEL\\_3](https://lovdata.no/dokument/SF/forskrift/2016-08-12-974?q=forskrift%20anskaffelser#KAPITTEL_3)

<sup>53</sup> Proposed bill to the Norwegian Odelsting (historical term for a lower chamber of the Norwegian Parliament, considered all Bills before sending its decision to the other lower chamber: Lagting) Proposition No. 44 (2007-2008) for a Norwegian Discrimination and Accessibility Act. The act was adopted in 2008 and entered into force in 2009.

Innst. O. nr.68 (2007–2008): <https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Innstillinger/Odelstinget/2007-2008/inno-200708-068/?lvi=0>

<sup>54</sup> See Oslo Economics on behalf of the Norwegian Ministry of Equality, Children and Inclusion: *Evaluering av Regjeringens handlingsplan for universell utforming og økt tilgjengelighet 2009-2013 (Evaluation of the Government’s Plan of Action for Universal Design and Increased Accessibility 2009–2013 (NB: own translation))*. Oslo Economics Report Number 2013-4, January 2014.  
[https://www.regjeringen.no/globalassets/upload/bld/universellutforming/evaluering\\_handlingsplan\\_universell\\_utforming.pdf](https://www.regjeringen.no/globalassets/upload/bld/universellutforming/evaluering_handlingsplan_universell_utforming.pdf)

<sup>55</sup> See The Government’s Action Plan for Universal Design 2015-2019:  
<https://www.regjeringen.no/no/dokumenter/regjeringens-handlingsplan-for-universell-utforming-2/id2473299/>

See also: <https://www.stortinget.no/no/Saker-og-publikasjoner/Saker/Sak/?p=67428>

<sup>56</sup> *Equality and Anti-Discrimination Act*, LOV-2017-06-16-51. See Section 18:  
<https://lovdata.no/dokument/NL/lov/2017-06-16-51>  
English version: <https://lovdata.no/dokument/NLE/lov/2017-06-16-51>

<sup>57</sup> Regulations on universal design of information and communication technology (ICT) solutions, FOR-2013-06-21-732: <https://lovdata.no/dokument/SF/forskrift/2013-06-21-732?q=FOR-2013-06-21-732>

<sup>58</sup> Legal Opinion by Ann Helen Aarø on legal right to goods, services and public information. An unpublished report commissioned by the Norwegian Ministry of Children, Equality and Social Inclusion, dated 8 December 2008, prior to enforcement of the former Norwegian Anti-Discrimination and Accessibility Act. The report stressed that this could mean that the Act would not be applied to all the situations that the Act actually covers.

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PROBA social analysis on behalf of the Norwegian Ministry of Children, Equality and Social Inclusion: *Samfunnsøkonomiske virkninger av styrket tilgang til varer og tjenester (The Impact of Improved Access to Goods and Services on Socioeconomics (NB: own translation))*. Report 2010 – 02.  
<http://proba.no/app/uploads/sites/4/rapport-2010-02-samfunnsokonomiske-virkninger-av-styrket-tilgang-til-varer-og-tjenester-.pdf>

The Norwegian *Anti-Discrimination and Accessibility Act*, LOV-2008-06-20-42 was abolished and replaced with a new *Anti-Discrimination and Accessibility Act* (LOV-2013-06-21-61), which in turn has been replaced with the *Equality and Anti-Discrimination Act*, LOV-2017-06-16-51.

<sup>59</sup> See case no. 47/2013 of the Anti-Discrimination Tribunal, which concerned a lack of contrasting markings on underground station steps. Rectification was imposed.

In case 40/2014, the Anti-Discrimination Tribunal found that a county council was in breach of the obligation of universal design set out in the former Norwegian *Anti-Discrimination and Accessibility Act*, Section 13, in that the county's city buses did not have an audio-visual announcement system on board or next-stop announcement system outdoors. The undertaking was ordered to safeguard universal design in accordance with the premises of the administrative decision by providing passengers with basic next-stop information by 31 July 2015.

<sup>60</sup> Proposition 1 S (2017 – 2018): Proposition to the Norwegian Parliament, Ministry of Transport and Communications. See page 150:  
[https://www.statsbudsjettet.no/upload/Statsbudsjett\\_2018/dokumenter/pdf/sd.pdf](https://www.statsbudsjettet.no/upload/Statsbudsjett_2018/dokumenter/pdf/sd.pdf)

<sup>61</sup> Investigation, treatment and monitoring of people with psychotic Conditions, National Guidelines, IS-1957, Norwegian Directorate of Health 2013. See page 37, Item 5.7:  
<https://helsedirektoratet.no/Lists/Publikasjoner/Attachments/326/Nasjonal-faglig-retningslinje-for-utredning-behandling-og-oppfolging-av-personer-med-psykoselidelser-IS-1957.pdf>

<sup>62</sup> Several women who have given birth to infants with Trisomy 18 say that children are not guaranteed an individual assessment despite the national guidelines. Among other things, this is found in written questions to the Norwegian Minister of Health and Care Services during Question Time:  
<https://stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=67838>

National professional guidelines for paediatric palliative care for children and youths, regardless diagnosis, IS-2599, Norwegian Directorate of Health 2016. See 'About Trisomy 18' on p. 21:  
<https://helsedirektoratet.no/Retningslinjer/Palliasjon%20til%20barn%20og%20unge.pdf>

<sup>63</sup> See: <http://www.nodsms.no/index.php/2-uncategorised/19-slik-fungerer-nod-sms>

<sup>64</sup> Experiences of DPOs. About the lack of knowledge and insufficient evacuation solutions. See:  
<https://www.handikapnytt.no/mangler-kunnskap-om-trygg-evakuering-av-funksjonshemmede/>

<sup>65</sup> *Vergemålsloven (Guardianship Act)*, LOV-2010-03-26-9:  
<https://lovdata.no/dokument/NL/lov/2010-03-26-9>

<sup>66</sup> See HR-2016-2591-A when the Supreme Court of Norway concluded that all human rights and fundamental freedoms to manage one's own financial affairs should be taken away from a female psychiatric patient. The provision set out in the Norwegian *Guardianship Act*, Section 22, Subsection 2 authorising such intervention had to be used even though it clearly violated the UN's *Convention on the Rights of Persons with Disabilities*, which has not been incorporated into Norwegian law. The provision does not contravene Section 102 of the Norwegian Constitution or Article 8 of the *European Convention on Human Rights*. When making its conclusion, the majority of the Supreme Court's three judges considered that the requirement of the law relating to severe infringement of wealth had been fulfilled, therefore it was necessary to withdraw the woman's legal capacity to manage her own financial affairs. In

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the event of partial withdrawal of legal capacity to manage one's own financial affairs, it was also said that a separate decision could be passed stating that the person under guardianship could not establish any debt.

<sup>67</sup> Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to Norway from 19 to 23 January 2015: <https://rm.coe.int/16806db889>

Norwegian Official Report: NOU 2016:17, *På lik linje. On an Equal Footing*. See page 139: <https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

<sup>68</sup> On 1 June 2013, the Norwegian Civil Affairs Authority published a handbook for guardians in connection with the implementation of the Norwegian Guardianship Act. See: <https://www.fylkesmannen.no/Documents/Dokument%20FMHE/04%20Helse%20og%20omsorg/H%C3%A5ndbok%20for%20verger%202013.pdf>

Courses have been held for guardians, but with little emphasis on the CRPD. (dette bør kunne uttrykkes mer persist – har det forekommet opplæring i CRPD i det hele tatt?)

<sup>69</sup> Vergemålsloven (*Guardianship Act*), LOV-2010-03-26-9, Section 22 and Section 68: <https://lovdata.no/dokument/NL/lov/2010-03-26-9>

<sup>70</sup> Vergemålsloven (*Guardianship Act*), LOV-2010-03-26-9, Section 33, Subsection 2, Sentence two and three: <https://lovdata.no/dokument/NL/lov/2010-03-26-9>

<sup>71</sup> Experiences of the Norwegian Association for Persons with Intellectual Disabilities (NFU) and Investigation of the Office of the Auditor General of Norway on how the guardianship reform has been effectuated. Document 3:6 (2017-2018): <https://www.riksrevisjonen.no/rapporter/Sider/Verjemal.aspx>

<sup>72</sup> See Skarstad, Kjersti: *Realizing the human rights of persons with disabilities. From political ideals to political practices*, PhD, 2018: <https://www.tandfonline.com/doi/full/10.1080/13642987.2018.1454903>

The judgment of Eidsivating Court of Appeal LE-2017-73276.

Judgment of Agder Court of Appeal LA-2017-30975.

Judgment of the Supreme Court of Norway HR-2017-275-A.

Investigation of the Office of the Auditor General of Norway on how the guardianship reform has been effectuated. Document 3:6 (2017-2018): <https://www.riksrevisjonen.no/rapporter/Sider/Verjemal.aspx>

<sup>73</sup> The Norwegian Civil Affairs Authority, Annual Report 2018 on guardianship, see page 26: <https://www.vergemal.no/getfile.php/4371193.2573.akijiitslpuzsb/%C3%85rsmelding+2018.pdf>

<sup>74</sup> Examples of cases submitted to the Norwegian Association for Persons with Intellectual Disabilities (NFU): The permanent guardian of a 22-year-old man prevented him from seeing his mother more than once per week and no more than one weekend each month. A forty-year-old woman's permanent guardian re-addressed all her post without informing her. She has to pay the additional postage costs for sending her Christmas cards and gifts to her own address. She is not allowed to spend her own money nor is she allowed to move. The permanent guardian of another man is subjected to access agreements with his parents; he has restricted telephone access and is not allowed to talk to the media.

<sup>75</sup> Psykisk helsevernloven (*Mental Health Act*) LOV-1999-07-02-62: <https://lovdata.no/dokument/NL/lov/1999-07-02-62>

<sup>76</sup> Pasient- og brukerrettighetsloven (*Patients' and Users' Rights Act*), LOV-1999-07-02-63:

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<https://lovdata.no/dokument/NL/lov/1999-07-02-63>

<sup>77</sup> Helse- og omsorgstjenesteloven (*Health and Care Services Act*), LOV-2011-06-24-30:  
<https://lovdata.no/dokument/NL/lov/2011-06-24-30>

<sup>78</sup> CRPD/C/GC/1, Sections 38 and 39

See Lundberg, Camilla Stub, Simonsen, Eva: *Rettsapparatet en siste skanse mot inkludering?*. (The legal system – one last chance at inclusion?) Statped 2011, at: <http://www.statped.no/fagomrader-og-laringsressurser/finn-laringsressurs/horsel/Rettsapparatet--en-siste-skanse-mot-inkludering/>

<sup>79</sup> See, for example Lundberg, Ingrid Rindal, Breivik, Jan-Kåre: *Being Deaf in Court*, Scandinavian journal of disability research 2014:  
<https://www.tandfonline.com/doi/abs/10.1080/15017419.2014.952331?journalCode=sjdr20%22+%5C+%22.VaaWY3kVijl>

<sup>80</sup> Olsen, Terje, Mjøen, Odd Morten, Rønning, Hild, Kermit, Patrick: *Tegn, tillit og troverdighet – om rettssikkerhet for døve og hørselshemmede*. (*Signs, trust and credibility – About due process for deaf and hearing impaired.*) Nordland Research Institute Report 2010/11:  
[http://nordlandsforskning.no/getfile.php/Dokumenter/Rapporter/2010/Rapport\\_11\\_2010.pdf](http://nordlandsforskning.no/getfile.php/Dokumenter/Rapporter/2010/Rapport_11_2010.pdf)

Summary of the report: <http://www.forskning.no/artikler/2010/desember/271928>

<sup>81</sup> NOU 2016: 17: *På lik linje*. (On an Equal Footing.(NB: our translation))  
<https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

<sup>82</sup> *Lov om fri rettshjelp*. (*Legal Aid Act*) LOV-1980-06-13-35:  
<https://lovdata.no/dokument/NL/lov/1980-06-13-35?q=rettshjelplov>

Free legal aid in accordance with the Legal Aid Act is a social support scheme aimed at providing necessary legal assistance to people who do not have the financial means to pay for legal assistance connected to legal proceedings that are highly important both personally and from a welfare perspective. Free legal aid is paid fully or partially by the Government in the form of free legal advice, free court case proceedings or exemption from court costs.

<sup>83</sup> Concluding observations of CCPR/C/NOR/CO/6.

Diseth, Rigmor Randi (2013): *Compulsory Mental Health Care in Norway. A Study of the Interface between the Law and Psychiatry*, Dr. Philos Degree, Institute of Clinical Medicine, University of Oslo:  
<https://www.duo.uio.no/handle/10852/35828>

<sup>84</sup> *Domstolloven (Act relating to the Courts of Justice)*, LOV-1915-08-13-5, Section 137: “Where a party who is deaf or dumb is to testify before the court, this may be achieved by way of written questions and responses, or through an interpreter.” (Unofficial translation). <https://lovdata.no/lov/1915-08-13-5/§137>.

*Equality and Anti-Discrimination Act*, section 17 Universal Design:  
<https://lovdata.no/dokument/NLE/lov/2017-06-16-51>

Folkebladet newspaper: *Mener tingretten er verstingen når det gjelder tilgjengelighet*. (*The court in Finnsnes has poor accessibility for people with wheelchairs and lacks adaptations for people with visual and hearing impairment*). Notice that the article now is behind a pay wall.  
<https://www.folkebladet.no/nyheter/2019/01/21/Mener-tingretten-er-verstingen-når-det-gjelder-tilgjengelighet-18285223.ece>

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<sup>85</sup> See LB-2015-52915 regarding a hearing impaired man, who petitioned for the presence of a speak-to-text interpreter during the main hearing of a case at Sarpsborg District Court. The District Court said that the courtroom had an audio booster through headphones and that the plaintiff had accepted this solution when the solution was tested. The plaintiff refused such a solution, as his prior experience with headphones in court hearings was poor. The Court of Appeal concluded in its ruling that the District Court not had ignored the *Anti-Discrimination and Accessibility Act*, as the Court had provided alternative adaptation during the main hearing. An appeal to the Supreme Court of Norway was denied, see HR-2015-1370-U.

The former *Anti-Discrimination and Accessibility Act* section 13, is now replaced by the *Equality and Anti-Discrimination Act*, but the obligation to ensure universal design is the same.

<sup>86</sup> Case 14/2012 of the Anti-Discrimination Tribunal concerned discrimination of a five-year-old child with cerebral palsy in connection with the cancellation of questioning by a judge. The case was filed because the parents had reported that her kindergarten support teacher had sexually abused their daughter. The child can hear, but cannot talk, and therefore communicates through sign language and mimicking. Due to some motor skill problems, the signs can look different to the norm for sign language. Two interpreters were appointed for the girl's interview with the judge and they were asked to get to know her in a pre-meeting. After the pre-meeting the interpreters said that it was difficult to communicate with the child and they withdrew from the assignment. Consequently, the interview with the judge was cancelled and the police closed the case. The Anti-Discrimination Tribunal found that the case should not have been closed as it contravened the former Norwegian *Anti-Discrimination and Accessibility Act*, as the interview with the judge was cancelled due to the child's impairment.

Equality and Anti-Discrimination Ombud (LDO) case no. 14/297 concerned discrimination of a child (X) in that the child was not questioned in a sexual abuse case. X has an intellectual impairment and lacks verbal language skills. X and another pupil (B) have one-to-one staffing, but were left alone unsupervised on school grounds. B wheeled X into a room inside the school and when they were eventually found, X was laying half undressed on the floor. B apparently stated after the event that he had taken off X's clothes on her lower body and touched her genitalia. Prior to the event, B had made sexual gestures to X. He had verbally said and written down his fantasies and what he might do. The police did not obtain a statement from X or the suspected in the case, but they interviewed the assistant who found them, the parents, and they gathered statements from the health service. The counsel of the victim, X, asked the police to instigate investigative measures with the aim of a potential corporate penalty for the school. The police decided not to implement investigative measures to clarify whether there was a basis for a corporate penalty. The police closed the case with reference to the evidence in the case. When assessing whether to interview X, emphasis was placed on her inability to talk. Therefore, it served no purpose for the judge to interview her. The police say that a judge interview is not a given right; it is an assessment that is carried out if it will produce significant information for the case in determining guilt/punishment.

LDO concluded that closure of the case contravened the former Norwegian Anti-Discrimination and Accessibility Act of 2008 when investigating a report of sexual abuse.

<sup>87</sup> See The State report, para. 104.

<sup>88</sup> See the Norwegian Directorate for Children, Youth and Family Affairs, Due process for Persons with impairments: *Trygghet og rettssikkerhet (Safety and the rule of law)* ([https://www.bufdir.no/Statistikk\\_og\\_analyse/Nedsatt\\_funksjonsevne/Rettssikkerhet/#heading7600](https://www.bufdir.no/Statistikk_og_analyse/Nedsatt_funksjonsevne/Rettssikkerhet/#heading7600))

<sup>89</sup> HR-2014-01118-U based on LB-2014-51994 and TOSLO-2103-168908. A blind man was denied being a lay judge, as the court found him not personally suitable to assess visual evidence and non-verbal communication from the accused and witnesses. The District Court interpreted Article 13 of the CRPD as follows: "In connection with this matter, the Court notes that Article 13 of the Convention "Access to justice" is insignificant to the assessment the Court shall carry out here. Reference is made to the purpose of this provision being the safeguarding of persons with disabilities' access to justice on an equal footing with others. This cover for example the accessibility of persons with disabilities the conditions

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inside courtrooms, which for example is through the installation of hearing loops in all district courts, a by the introduction of various public schemes for people who need assistance during the legal process.”

The District Court came to the same conclusion about a hearing impaired woman’s suitability to be a lay judge. See TOSLO-2013-171716. The Court concluded that she was not personally suitable, as she needed a speech-to-text interpreter.

<sup>90</sup> Søndena, Rasmussen, Palmstierna, Nøttestad: *The Prevalence and Nature of Intellectual Disability in Norwegian Prisons. Journal of Intellectual Disability Research* (2008): <https://www.ncbi.nlm.nih.gov/pubmed/18498332>

<sup>91</sup> Equality and Anti-Discrimination Ombud (LDO): *Innsatt og utsatt – rapport om soningsforholdene til utsatte grupper i fengsel. (Imprisoned and Vulnerable – Report on the Prison Conditions of Vulnerable Groups (NB: our translation))* (2017): [http://www.ldo.no/globalassets/brosjyrer-handboker-rapporter/rapporter\\_analyser/soningsrapport-web.pdf](http://www.ldo.no/globalassets/brosjyrer-handboker-rapporter/rapporter_analyser/soningsrapport-web.pdf)

Visit Report from Ila Prison and Detention Centre, 6-9 March 2017, Parliamentary Ombudsman’s Preventive Mechanism: <https://www.sivilombudsmannen.no/aktuelt/sivilombudsmannen-sterkt-bekymret-situasjonen-isolerte-ila-fengsel-forvaringsanstalt/>

Haualand, Hilde: *Punished and Isolated: Disabled Prisoners in Norway*. Scandinavian Journal of Disability research, DOI. (2014). See: [https://www.researchgate.net/publication/265914027\\_Punished\\_and\\_isolated\\_disabled\\_prisoners\\_in\\_Norway](https://www.researchgate.net/publication/265914027_Punished_and_isolated_disabled_prisoners_in_Norway)

<sup>92</sup> Psykisk helsevernloven (*Mental Health Act*), LOV-1999-07-02-62: <https://lovdata.no/dokument/NL/lov/1999-07-02-62>

<sup>93</sup> See <http://www.medisinfrietilbud.no>

<sup>94</sup> Pasient- og brukerrettighetsloven (*Patients’ and Users’ Rights Act*), LOV-1999-07-02-63: [https://lovdata.no/dokument/NL/lov/1999-07-02-63/KAPITTEL\\_5#KAPITTEL\\_5](https://lovdata.no/dokument/NL/lov/1999-07-02-63/KAPITTEL_5#KAPITTEL_5)

<sup>95</sup> Helse- og omsorgstjenesteloven (*Health and Care Services Act*), LOV-2011-06-24-30: [https://lovdata.no/dokument/NL/lov/2011-06-24-30#KAPITTEL\\_9](https://lovdata.no/dokument/NL/lov/2011-06-24-30#KAPITTEL_9)

<sup>96</sup> Necessary force? A review of the data of county governors on the use of force and coercion on people with intellectual disabilities from 2000–2007, Norwegian Directorate of Health Report 7/2008.

<sup>97</sup> Skarstad, Kjersti: *Ensuring human rights for persons with intellectual disabilities? Self-determination policies and the use of force in the case of Norway*, *International Journal of Human Rights*, 2018: <https://www.tandfonline.com/doi/full/10.1080/13642987.2018.1454903>

<sup>98</sup> National competence environments on intellectual disabilities (NAKU). Research on the use of force and coercion: <https://naku.no/kunnskapsbanken/tvang-og-makt-forskning#main-content> Oppdatert 10 mars 2018

<sup>99</sup> Olsen, Terje, Rønning, Hild: *Kunnskapsoppsummering: Rettssikkerhet for personer med utviklingshemming (Summary of knowledge: Due process for people with intellectual disabilities (NB: own translation))*. Nordland Research Institute, Work Notes 1010/2013, (2013) at: [http://www.nordlandsforskning.no/getfile.php/Dokumenter/Arbeidsnotater/2013/Notat\\_10102-2013.pdf](http://www.nordlandsforskning.no/getfile.php/Dokumenter/Arbeidsnotater/2013/Notat_10102-2013.pdf)

<sup>100</sup> The Norwegian Board of Health Supervision’s Annual Report 2016 shows that there were 739 dispensations from the education requirements in 2012 compared to 1,011 dispensations in 2016. See: <https://www.helsetilsynet.no/upload/Publikasjoner/aarsrapporter/aarsrapport2016.pdf>

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<sup>101</sup> The Norwegian Board of Health Supervision's Annual Report 2016 states that: "*The Norwegian Board of Health Supervision is concerned that increased use of force is a result of poor and insufficient competence within the services and that the services are inadequately individualised to avert force. This is an important area that lacks professional guidance in describing adequate and appropriate solutions before the instigation of coercive measures, as well as recommendations for professional and ethically viable measures when other solutions are unsuccessful.*" See: <https://www.helsetilsynet.no/upload/Publikasjoner/aarsrapporter/aarsrapport2016.pdf>

See also, for example, supervisory reports:

<https://www.helsetilsynet.no/no/Tilsyn/Tilsynsrapporter/Akershus/2011/Nes-kommune-tvang-makt-psykisk-utviklingshemmede-2011/>

<https://www.helsetilsynet.no/no/Tilsyn/Tilsynsrapporter/Akershus/2010/Nesodden-kommune-tvang-makt-psykisk-utviklingshemmede-2010/>

<http://www.fylkesmannen.no/Documents/Dokument%20FMBU/Helse%20og%20omsorg/Tvang/Nedre%20Eiker%20tilsyn%20tvang%202014.pdf?epslanguage=nb>

<sup>102</sup> The following is a complex and long-running case from a shared supported housing for persons with disabilities in Oslo, which shows how long it can take before mistakes are corrected. After various complaints from guardians and relatives, the County Governor of Oslo and Akershus decided to supervise the shared supported housing in November 2011. When the County Governor supervised the shared supported housing again in 2013, law violations were uncovered in the general services offered and the use of force. The borough worked towards improving the situation, but did not manage to erase non-compliance. The case was forwarded to the National Board of Health Supervision to assess a potential injunction, of which the Board informed the borough in October 2014. An injunction was taken out in June 2015, see the Norwegian Board of Health Supervision 2014/889.

The case was resolved in 2016 when the persons concerned was allowed to move to another dwelling. Articles about the case:

<http://www.nrk.no/ostlandssendingen/bryter-fortsatt-loven-pa-villa-eik-1.12102527>

<https://www.dagbladet.no/nyheter/lars-og-jonas-flytter-fra-villa-eik---helt-fantastisk-vi-gleder-oss/63943547>

<sup>103</sup> See the Parliamentary Ombudsman's list of visit reports here:

<https://www.sivilombudsmannen.no/besoksrapporter/>

See the Norwegian Board of Health Supervision reports here:

<https://www.helsetilsynet.no/publikasjoner/rapport-fra-helsetilsynet/?pid=39203>

<sup>104</sup> Kjørholt, Elin Saga, Sæther, Marit Lomundal and Thorsnes, Ingrid Egeland: *Temarapport: Menneskerettigheter i norske sykehjem. (Topic Reports: Human Rights in Norwegian Nursing Homes (NB: own translation))*, Norwegian Centre for Human Rights, Oslo University 2015. See: <http://www.jus.uio.no/smr/om/aktuelt/arrangementer/2015/mr-sykehjem.pdf>

<sup>105</sup> Malmedal, Wenche (2013): *Inadequate Care, Abuse and Neglect in Norwegian Nursing Homes*, Norwegian University of Science and Technology (NTNU), PhD thesis at Department of Social Work and Health Science:

<https://core.ac.uk/download/pdf/52109553.pdf>

<sup>106</sup> Act relating to Primary and Secondary Education and Training (Education Act), LOV-1998-07-17-61, Section 9 A-4, and the Penal Code, LOV-2005-05-20-28, Section 17 relating to legal necessity and Section 18 relating to legitimate self-defence: <https://lovdata.no/dokument/NL/lov/2005-05-20-28>  
English version: <https://lovdata.no/dokument/NLE/lov/2005-05-20-28>



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<sup>107</sup> Norwegian Official Report: NOU 2015: 2 – *Å høre til (To Belong)*:  
<https://www.regjeringen.no/contentassets/35689108b67e43e59f28805e963c3fac/no/pdfs/nou201520150002000dddpdfs.pdf>

<sup>108</sup> Mosand, Arve Johan Arntsen: Force and Coercion in primary and lower secondary education: Use of force against some pupils in primary and lower secondary education in Vestfold, Master Degree Thesis, Learning in Complex Systems, Akershus University College, Autumn 2013.

<sup>109</sup> Letter of 6 January 2014 from the County Governor of Vestfold to the Norwegian Ministry of Education and Research.

<sup>110</sup> An example of this is an autistic pupil with ADHD, who continually comes home with bruises. The child's father told the media the following: *"Sometimes the bruises are black, which indicates the use of considerable force and strong pinching."* Read the case here: <https://www.nrk.no/ostfold/anmeldte-skolen-for-vold-mot-autistisk-sonn-1.12568888>

<sup>111</sup> Psykisk helsevernloven (*Mental Health*) Act, LOV-1999-07-02-62:  
<https://lovdata.no/dokument/NL/lov/1999-07-02-62>

<sup>112</sup> *Ibid*, § 4-3.

<sup>113</sup> *Ibid*. § 4-4.

<sup>114</sup> *Ibid*, § 4-5.

<sup>115</sup> *Ibid*, § 4-6.

<sup>116</sup> *Ibid*, § 4-8.

<sup>117</sup> Review of Henriette Riley's doctorate at the University Hospital of Northern Norway and University of Tromsø at: <http://www.erfaringskompetanse.no/nyheter/tvungen-psykisk-helsevern-uten-dognopphold-brukes-for-mye-og-over-for-lang-tid/>

<sup>118</sup> CAT/C/NOR/CO/6-7, para 14 and Concluding observations of the Committee on Economic, Social and Cultural Rights on Norway (E/C.12/NOR/CO/5), para 19, as well as CAT/C/NOR/CO/8, para 21.

<sup>119</sup> Coerced medication in mental health care – a systematic mapping review. Norwegian Institute of Public Health, 2018. p.8.  
<https://www.fhi.no/globalassets/dokumenterfiler/rapporter/2018/tvangsmedisinering-i-psykisk-helsevern-v3.pdf>.

<sup>120</sup> Proposition to the Norwegian Odelsting No. 11 (1998–1999) regarding the Act relating to the Provision and Implementation of Mental Health Care (Mental Health Care Act), pp. 108–109, in which the Ministry stated the following:

*"It must always be stressed however that the legal necessity can always be exercised as a separate basis for giving ECT without the patient's consent if the patient's life is at risk or the person's health could be seriously harmed. Reference is made to Section 47 of the Norwegian Penal Code, which requires an unavoidable risk that cannot be prevented in any other way and is considered exceptionally serious in relation to non-consensual ECT. Thus, such therapy can only be given in an emergency situation that cannot be remedied by other means, e.g., with anti-psychotic drugs, and it can only be repeated until the specific danger is over. Such an emergency will typically apply to situations with an immediate risk of suicide due to severe depression."*

The Penal Code LOV-2005-05-20-28, Section 17. <https://lovdata.no/dokument/NLE/lov/2005-05-20-28>

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<sup>121</sup> Parliamentary Ombudsman's Visit Report, Ålesund Hospital, Department for Hospital Psychiatry, 19-21 September 2017: <https://www.sivilombudsmannen.no/wp-content/uploads/2017/12/Bes%C3%B8ksrapport-2017-%C3%85lesund-sjukehus.pdf>

See also:

<https://www.sivilombudsmannen.no/aktuelt/tortur-forebygging/utrygghet-blant-personalet-skaper-risikotvangsbruk-alesund-sjukehus/>

Parliamentary Ombudsman's Visit Report, Akershus University Hospital, Department for Emergency Psychiatry, 2-4 May 2017, Items 3, 6.1.1, 9.4 and 13.1: <https://www.sivilombudsmannen.no/wp-content/uploads/2017/10/Bes%C3%B8ksrapport-2017-Ahus-avdeling-akuttpsykiatri.pdf>

<sup>122</sup> Storvik, Marius: *Rettslig vern av pasienters integritet i psykisk helsevern (Due Process and the Integrity of Patients in Mental Health Care (NB: own translation))*. Thesis, UiT/The Arctic University of Norway. (2017), Chapter 14.8.2 2: «Nødrett som rettsgrunnlag i psykiatrien» (*Legal necessity as a legal basis in psychiatry*), pp. 302-306.

Article on the PhD-thesis: <https://forskning.no/2017/06/avdekket-menneskerettighetsbrudd-i-7-av-8-undersokte-tiltak-i-psykiatrien/produsert-og-finansiert-av/uit-norges-arktiske-universitet>.

Article on thesis: <https://forskning.no/2017/06/avdekket-menneskerettighetsbrudd-i-7-av-8-undersokte-tiltak-i-psykiatrien/produsert-og-finansiert-av/uit-norges-arktiske-universitet>

<sup>123</sup> Parliamentary Ombudsman's Visit Report, Ålesund Hospital, Department for Hospital Psychiatry, 19-21 September 2017: <https://www.sivilombudsmannen.no/wp-content/uploads/2017/12/Bes%C3%B8ksrapport-2017-%C3%85lesund-sjukehus.pdf>

See also: <https://www.sivilombudsmannen.no/aktuelt/tortur-forebygging/utrygghet-blant-personalet-skaper-risikotvangsbruk-alesund-sjukehus/>

<sup>124</sup> National professional guidelines about the use of electroconvulsive therapy (ECT) 2017, IS number: IS-2629, Chapters 1 and 2.2: <https://helsedirektoratet.no/retningslinjer/nasjonal-faglig-retningslinje-om-bruk-av-elektrokonvulsiv-behandling-ect>

<sup>125</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on Norway (E/C.12/NOR/CO/5), adopted December 2013, para 19.

<sup>126</sup> Parliamentary Ombudsman's Visit Report, Akershus University Hospital, Department for Emergency Psychiatry, 2-4 May 2017, Items 3, 6.1.1, 9.4 and 13.1: <https://www.sivilombudsmannen.no/wp-content/uploads/2017/10/Bes%C3%B8ksrapport-2017-Ahus-avdeling-akuttpsykiatri.pdf>

<sup>127</sup> See R. Norvoll, T. Ruud and T. Hynnekleiv: Shielding in Emergency Psychiatry in the Journal of the Norwegian Medical Association 2015; 1335:35-9, at: <http://tidsskriftet.no/article/3275621/>

<sup>128</sup> A report from the Norwegian Resource Center for Community Mental Health based on a case study on sheltered and/or shared housing in 11 municipalities, showed that persons with psychosocial impairments in need of extensive support were subject to a wide range of rights-limiting measures, such as strict house rules and limiting access to personal items perceived as "dangerous".

Rettighetsinngripende tiltak i kommunale botilbud (Rights-limiting measures in municipal sheltered housing NB: our translation)

Rapport nr. 1/2017 Nasjonalt kompetansesenter for psykisk helsearbeid (NAPHA),

<https://samforsk.no/Publikasjoner/2017/Rettighetsinngripende-tiltak-i-kommunale-botilbud%20WEB.pdf>

<sup>129</sup>. Experience-based knowledge from Norwegian DPO's

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<sup>130</sup> See Jorunn Ramm: *På like vilkår. On equal terms?* Health and Living Conditions of Persons with impairments, Chapter 8, Statistics Norway, December 2010 at: [http://www.ssb.no/a/publikasjoner/pdf/sa\\_115/sa\\_115.pdf](http://www.ssb.no/a/publikasjoner/pdf/sa_115/sa_115.pdf)

Child Welfare Information Gateway: The Risk and Prevention of Maltreatment of Children with Disabilities. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau. 2012. See: <https://www.childwelfare.gov/pubPDFs/focus.pdf>

M. H. Kvam: Is sexual abuse of children with disabilities disclosed? A retrospective analysis of child disability and the likelihood of sexual abuse among those attending Norwegian hospitals. *Child Abuse & Neglect*, 24(8), 1073–1084, 2000.

M. H. Kvam: Sexual abuse of deaf children in Norway: A retrospective analysis of the childhoods of 431 deaf adults. Oslo: SINTEF Unimed, 2001.

M. H. Kvam: Sexual abuse of visually impaired children in Norway: A retrospective analysis of the situation in the childhoods of 502 blind and visually impaired adults. Oslo: SINTEF Unimed, 2003.

Y. Grøvdal: Between Freedom and Protection, Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) Report 2/2013, 2013: See [http://www.bufdir.no/Statistikk\\_og\\_analyse/Nedsatt\\_funksjonsevne/Rettssikkerhet/](http://www.bufdir.no/Statistikk_og_analyse/Nedsatt_funksjonsevne/Rettssikkerhet/)

See Vigdis Mathisen Olsvik: Abuse of Women with impairments – An Informational Overview, Norwegian Centre for Violence and Traumatic Stress Studies, 2011: (Jeg antar det er snakk om denne fra 2010: <https://www.nkvts.no/rapport/overgrep-mot-kvinner-med-nedsatt-funksjonsevne-en-kunnskapsoversikt/>

Anne Jorun Ballangrud: Sexual Abuse of Women with impairments. An Analysis of Sections 192 and 193 of the Norwegian Penal Code and Related Case Law, Master's Degree Thesis, University of Oslo, 2007: Article: <http://kilden.forskningsradet.no/c17251/artikkel/vis.html?tid=48106>  
The entire thesis: <https://www.duo.uio.no/bitstream/handle/10852/21308/tekstxtilxDUO.pdf?sequence=1>

An example of sexual abuse of visually impaired persons is found in the following article: <https://www.vg.no/nyheter/innenriks/voldtekt/forsker-blinde-og-svaksynte-kvinner-nesten-dobbelt-saa-utsatt-for-overgrep/a/24180747/>

Here, in an ongoing study conducted by the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) and the Norwegian Association of the Blind and Partially Sighted, 18 percent of women state that they have been victims of sexual abuse and two percent of men say the same. The figure is much higher for women than otherwise in the population.

For example, see: <http://www.varden.no/nyheter/pleieren-ma-i-fengsel-1.849278>

<sup>131</sup> See the interview from the research conference: <http://www.forskning.no/artikler/2012/juli/327414>

NOU 2016:17 *På lik linje. On an Equal Footing*: <https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

<sup>132</sup> Altaposten newspaper (28.05.2014), reported that three employees, including the manager, were violent towards children with intellectual impairments in an institution. The children could not express themselves and tell anyone. The violence was committed over a prolonged period of time and it is suspected that more children were also victimised. The case was dismissed: <http://www.altaposten.no/lokalt/nyheter/article10270238.ece>

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Budstikka newspaper, 07.07.2016: Several employees had hit and kicked a woman for several years. "In a dwelling in Rud, witnesses reported that Kathrine had been a victim of violence three times during the four years she had lived there."

Article in Budstikka newspaper (18.01.17) reporting that the Municipality had broken the law and on 10.04.17 that an employee had been convicted.

These cases have unfortunately been placed behind a paywall:

07.07.16: <https://www.budstikka.no/vold/psykisk-utviklingshemmet/barum/kathrine-ble-sparket/s/5-55-338437>

18.01.17: <https://www.budstikka.no/psykisk-utviklingshemmet/vold/nyheter/kommunen-brot-loven-og-egne-regler-i-kathrine-saken/s/5-55-425973>

10.04.17; <https://www.budstikka.no/kriminalitet-og-rettsvesen/omsorgsboliger/asker-og-barum-tingrett/pleier-domt-for-vold-mot-utviklingshemmet-kvinne/s/5-55-468376>

<sup>133</sup> Norwegian Directorate for Children, Youth and Family Affairs, BUFDIR 2013, Report 1-2013, My Situation Today. Report on the living conditions of people with intellectual impairments, p. 87: [https://www.bufdir.no/Global/nbbf/Funksjonsnedsettelse/Slik\\_har\\_jeg\\_det\\_i\\_dag\\_Utviklingshemmede.pdf](https://www.bufdir.no/Global/nbbf/Funksjonsnedsettelse/Slik_har_jeg_det_i_dag_Utviklingshemmede.pdf)

T. L Handegård and T. Olsen: Hard to talk about? Work environment and procedural due process and legal protection for persons with intellectual impairments in sheltered workshops. Nordlandsforskning, 2009.

NOU 2016-:17 *On an Equal Footing*, page 177:

<https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

<sup>134</sup> Anne Jorun Ballangrud: Sexual Abuse of Women with impairments. An Analysis of Paragraphs 192 and 193 of the Norwegian Penal Code and related Case Law, Master's Degree Thesis, University of Oslo 2007: <http://kilden.forskningsradet.no/c17251/artikkel/vis.html?tid=48106>

Earlier Sections 192 and 193 of the Norwegian Penal Code correspond to today's Section 292 of the Penal Code relating to the minimum sentence for rape to intercourse, etc., and Section 295 relating to the abuse of power, etc.

The Norwegian Penal Code, LOV-2005-05-20-28: <https://lovdata.no/dokument/NL/lov/2005-05-20-28>  
English version: <https://lovdata.no/dokument/NLE/lov/2005-05-20-28>

HR-2017-2327-A: <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2017-2327-a>

English summary of the judgment: <https://lovdata.no/dokument/HRENG/avgjorelse/hr-2017-2327-a-eng>

<sup>135</sup> CEDAW/C/NOR/CO/9, 43 b):

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNOR%2fCO%2f9&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNOR%2fCO%2f9&Lang=en)

<sup>136</sup> For example, see the case that was dismissed:

<http://www.altaposten.no/lokalt/nyheter/article10270238.ece>

and when an indictment was issued: <http://www.f-b.no/frederikii/fbdirekte/nyheter/to-unge-gutter-tiltalt-for-a-ha-dyttet-rullestolbruker-ned-en-trapp/s/5-59-132083>

<sup>137</sup> For example, see: <http://www.handikapnytt.no/index.asp?id=80480> and

<http://www.osloby.no/nyheter/krim/Forsokte-a-dytte-rullestolbruker-i-Oslofjorden--7711511.html> and  
See also: [www.stopdisk.no/hatkrim](http://www.stopdisk.no/hatkrim).

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Issues connected to the description of these being one-off events: <https://www.uloba.no/glemt-hatkriminalitet/>

<sup>138</sup> Except for a campaign carried out by the Equality and Anti-Discrimination Ombud. See: [www.ido.no/nyheter-og-fag/Arkiv/Featured-news/Vold-mot-funksjonshemmede-er-hatkrim/](http://www.ido.no/nyheter-og-fag/Arkiv/Featured-news/Vold-mot-funksjonshemmede-er-hatkrim/)

<sup>139</sup> Survey conducted by Ipsos for the Norwegian Association of the Blind and Partially Sighted 2016: <https://www.blindeforbundet.no/om-blindeforbundet/nyhetsarkivet/to-av-tre-synshemmede-barn-og-unge-blir-mobbet>.

Survey conducted by the Norwegian Association of the Hard of Hearing 2017: Hearing Impaired Pupils in Primary and Lower Secondary Schools. See: <https://www.vg.no/nyheter/innenriks/mobbing/ny-undersokelse-en-av-fire-hoerselshemmede-mobbet-i-skolen/a/24004736/>

The Norwegian Cerebral Palsy Association 2017: Questionnaire for parents of children with cerebral palsy in primary and lower secondary schools. See: <https://www.handikapnytt.no/nye-tall-bekrefter-det-hun-frykter-mange-barn-med-cp-blir-mobbet/>

Nordic Welfare Centre 2016: Situation of Sami Disabled people: <https://nordicwelfare.org/wp-content/uploads/2017/10/NorskSamerapportLAYOUT160414.pdf>

Hege Gjertsen, Line Melbøe, Gunn Elin Fedreheim and Ingrid Fylling: Mapping of the living conditions of persons with intellectual disabilities in Sami regions, Department of Social Education, UiT/The Arctic University of Norway 2017: [https://www.bufdir.no/Global/Kartlegging\\_av\\_levekarene\\_til\\_personer\\_med\\_utviklingshemming\\_i\\_samis\\_ke\\_omrader.pdf](https://www.bufdir.no/Global/Kartlegging_av_levekarene_til_personer_med_utviklingshemming_i_samis_ke_omrader.pdf)

Kermit, Patrick, Tharaldsteen, Anne Mali, Dalseng Haugen, Gry Mette and Wendelborg, Christian: *En av flokken? Inkludering og ungdom med sansetap - muligheter og begrensninger (One of the group? Inclusion of Youths with Sensory Loss – Possibilities and Limitations (NB: own translation))*, Norwegian University of Science and Technology (NTNU) Social Research Report. See: <http://samforsk.no/Publikasjoner/En%20av%20flokken%20WEB.pdf>

<sup>140</sup> Report of the National Police Directorate: <https://www.politiet.no/aktuelt-tall-og-fakta/aktuelt/nyheter/2017/10/26/hatkrim-2016/>

<sup>141</sup> See <http://hatecrime.osce.org/norway>

<sup>142</sup> Aina Winsvold: What happens on the Internet remains on the Internet – How the State's Children's Houses handle online abuse, NOVA – Norwegian Social Research Memorandum No. 2/15 at: <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Notat/2015/Det-som-skjer-paa-nett-forblir-paa-nett>

Terje Olson et.al.: *Hatytringer mot funksjonshemmende. Hate Speech*. Results from a survey of disabled people's experiences, Nordland Research Institute Report No. 6 2016: <http://www.nordlandforskning.no/getfile.php/1315203/Opplevelser%20i%20nord/NF%206-2016%20opplag%202.pdf>

<sup>143</sup> Eivind Digranes, *Disabled justice: A qualitative case study on barriers to registration of disability hate crime within the Norwegian criminal justice system*. Master thesis, University of Oslo, 2016: <https://www.duo.uio.no/handle/10852/51398>

The civil rights foundation Stop Diskrimineringen has documented how violent hate crime against disabled people is often prosecuted and sentenced as violence against a "defenceless person" under Sections

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272(b) and 274(b) of the Penal Code. Violence motivated by disability is protected under Sections 272(e) and 274(e), but these are rarely applied in practice.

*Straffeloven (The Penal Code)*, LOV-2005-05-20-28:

Norwegian version: [https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL\\_2#KAPITTEL\\_2](https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2#KAPITTEL_2)

English version: [https://lovdata.no/dokument/NLE/lov/2005-05-20-28/KAPITTEL\\_2#KAPITTEL\\_2](https://lovdata.no/dokument/NLE/lov/2005-05-20-28/KAPITTEL_2#KAPITTEL_2)

<sup>144</sup> Aina Winsvold: What happens on the Internet remains on the Internet – How the State’s Children’s Houses handle online abuse, NOVA – Norwegian Social Research Memorandum No. 2/15 at: <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Notat/2015/Det-som-skjer-paa-nett-forblir-paa-nett>

<sup>145</sup> Tonje Gundersen, Christian Madsen and Aina Winsvold: Services for Disabled Victims of Violence. NOVA – Norwegian Social Research Memorandum No. 6/14. See: <http://www.hioa.no/index.php/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/2014/Tjenestetilbudet-til-voldsutsatte-personer-med-nedsatt-funksjonsevne>

<sup>146</sup> The most common adaptations in women’s shelters were aimed at people with impaired mobility and included handicap toilets (33 centres), stepless access (25 centres) and wheelchair ramps (23 centres). In addition, 16 centres had car parking for persons with disabilities, 10 had automatic doors, five had a lift and three had hearing loops. In terms of interpreting services, 18 centres offered women a sign language interpreter and 13 offered deafblind interpreting. One centre had indoor signage with Braille. Nine of the services for women and seven of the services for men had other forms of adaptation. In the open comment fields, lifts and threshold ramps were mentioned, as well as rented rooms adapted to the individual user. Twelve of the services for women and twelve of the services for men at the shelters were universally designed. Shelter services for women were generally better adapted than those for men. Norwegian Directorate for Children, Youth and Family Services: [https://www.bufdir.no/Statistikk\\_og\\_analyse/Vold\\_og\\_overgrep\\_tall\\_og\\_statistikk/Krisesentertilbudet/Tilgjengelighet/](https://www.bufdir.no/Statistikk_og_analyse/Vold_og_overgrep_tall_og_statistikk/Krisesentertilbudet/Tilgjengelighet/)

<sup>147</sup> Ann. C. Cederborg og M. E. Lamb: How does the legal system respond when children with learning difficulties are victimized? *Child Abuse & Neglect*, 30(5), 537–547, 2006.

In a Swedish research project, i.e. Katrin Lainpelto, *Crimes Against Children with Neuropsychiatric Disorders – Particularly Investigative and Evidential Difficulties*, Stockholm University, 2013, it was revealed that children diagnosed with ADHD or psychosocial disabilities tended to be taken less seriously and were less believed than children with no diagnoses. Furthermore, perpetrators were more frequently found not guilty. There is no reason to believe that the situation is any different in Norway. (finner ikke korrekt kilde – hva er tittel på studien? Stemmer ikke med årstall?)

<sup>148</sup> According to statistical data prepared upon request for the DPO Uloba (email of 9th March 2018 from the Norwegian State Housing Bank), the Norwegian State Housing Bank has approved investment grants for a total of 1320 units of sheltered and/or shared housing during the years 2008 – 2017, designated persons with physical impairments aged 18 – 67.

<sup>149</sup> Kittelsaa, Anna Margareth, and Tøssebro, Jan (2011): *Store bofellesskap for personer med utviklingshemming. Noen konsekvenser (Large shared supported housing for People with intellectual disabilities. Some consequences* (NB: Our translation)), Norwegian University of Science and Technology (NTNU) Report, Social Research, ISBN/ISSN: 987-82-7570-246-1, See p. 6: <https://samforsk.no/Sider/Publikasjoner/Store-bofellesskap-for-personer-med-utviklingshemming.aspx>

<sup>150</sup> Söderström, Sylvia and Tøssebro, Jan (2011): *Innfridde mål eller brutte visjoner? Noen hovedlinjer i utviklingen av levkår og tjenester for utviklingshemmede (Achieved goals after shattered visions? Some main points in the development of living conditions and services for people with intellectual impairments* (NB: Our translation)), Norwegian University of Science and Technology (NTNU), Social Research 2011: <https://samforsk.no/Sider/Publikasjoner/Innfridde-m%C3%A5l-eller-brutte-visjoner.aspx>

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Norwegian Official Report NOU 2016: 17, *På lik linje (On an Equal Footing)* (NB: Our translation) see p.161: <https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

<sup>151</sup> *Sterilisation Act*, LOV-1977-06-03-57, Section 4, Subsection 3: <https://lovdata.no/dokument/NL/lov/1977-06-03-57>

I IS-2024, *Sterilisation Act* – Guide to the Act and Regulations, Norwegian Directorate of Health 2012, states that approx. 20-30 people are sterilised each year in accordance with the sterilisation application procedure set out in the Norwegian Sterilisation Act, Section 3. Most of the applications for sterilisation handled by the Board are granted. More than 60% of the applications concern intellectually disabled people: <https://helsedirektoratet.no/Lists/Publikasjoner/Attachments/658/Lov-om-sterilisering-IS-2024.pdf>

<sup>152</sup> Norwegian Act relating to Marriage (*Marriage Act*), LOV-1991-07-04-47, Section 2: <https://lovdata.no/dokument/NL/lov/1991-07-04-47>

<sup>153</sup> The Government's immigration policy is described in the Political Platform of the government formed by the Norwegian Conservative Party, the Norwegian Progress Party and the Norwegian Liberal Party: <https://www.regjeringen.no/contentassets/e4c3cfd7e4d4458fa8d3d2bb1e43bcbb/plattform.pdf>

In addition, see a related media article about this:

Aftenposten newspaper (18.08.14): *Flyktninger med slike sykdommer fikk nei fra Norge (Refugees with listed diseases got rejected from Asylum)* (NB. Own translation). <https://www.aftenposten.no/norge/i/VRMOV/Flyktninger-med-slike-sykdommer-fikk-nei-fra-Norge> and <https://www.aftenposten.no/verden/i/VRaGd/For-syke-for-Norge>

English article: <http://www.newsinenglish.no/2014/06/16/norway-halts-flow-of-syrian-refugees/>

<sup>154</sup> Disabled refugees remain in reception centres longer than others, see examples from Norwegian newspapers.

NRK (Norwegian Broadcasting Channel) (17.03.16): *Vanskeleg å busette funksjonshemma flyktningar (Disabled refugees are harder to accommodate than others)* (NB: own translation) <https://www.nrk.no/norge/vanskeleg-a-busette-funksjonshemma-flyktningar-1.12857833>

Aftenposten newspaper (13.06.16): *Flyktninger med nedsatt funksjonsevne blir sittende på mottak (Disabled refugees remain longer in reception centers than others)* (NB: own translation) <https://www.aftenposten.no/meninger/debatt/i/XqV7x/Flyktninger-med-nedsatt-funksjonsevne-blir-sittende-pa-mottak--Eriksen-og-Holte>

<sup>155</sup> The statutory duty of municipalities is only to 'contribute' towards the acquisition of housing for people in a difficult situation who cannot look after their own interests in the housing market. See the Norwegian Act relating to Social Services in the Labour and Welfare Administration (Social Services Act), LOV-2009-12-18-131, Section 15: [https://lovdata.no/dokument/NL/lov/2009-12-18-131/KAPITTEL\\_3#§15](https://lovdata.no/dokument/NL/lov/2009-12-18-131/KAPITTEL_3#§15)

<sup>156</sup> Proba Research Report No. 2012-07, *Kommunenes retningslinjer og praksis for startlån (Municipal Guidelines and Practices for Start-Up Loans)* (NB: Our translation), (prepared by the Norwegian State Housing Bank): [http://biblioteket.husbanken.no/arkiv/dok/FOU/Kommunenes\\_retningslinjer\\_startlan.pdf](http://biblioteket.husbanken.no/arkiv/dok/FOU/Kommunenes_retningslinjer_startlan.pdf) and Regulations governing start-up loans from the Norwegian State Housing Bank, FOR-2014-03-12-273: <https://lovdata.no/dokument/SF/forskrift/2014-03-12-273>. In addition, see: <http://www.husbanken.no/startlaan/hvor-mye/>

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<sup>157</sup> Norwegian Official Report: NOU 2016: 17, *På lik linje*. (On an Equal Footing (NB: Our translation)), especially Item 14.4.2:

<https://www.regjeringen.no/no/dokumenter/nou-2016-17/id2513222/>

Eide, Ann Kristin and Breimo, Janne Paulsen. 2013: *Når livsløp veves sammen med administrative tilfeldigheter: En studie av boligløsninger for mennesker med utviklingshemming* (When the cycle of life is intertwined with administrative randomness: A study of housing solutions for people with intellectual disabilities (NB: Our translation)), Nordland Research Institute Report No. 8/2013:

[https://www.husbanken.no/bibliotek/bib\\_boligsosialt/boliglosninger-for-personer-med-utviklingshemming1/](https://www.husbanken.no/bibliotek/bib_boligsosialt/boliglosninger-for-personer-med-utviklingshemming1/)

Norwegian Directorate of Children, Youth and Family Affairs, Bufdir (2013): *Slik har jeg det i dag. Rapport om levekår for mennesker med utviklingshemming* (My situation today. Report on the living conditions of people with intellectual disabilities (NB: Our translation)), Report 1-2013:

[https://www.bufdir.no/Global/nbbf/Funksjonsnedsettelse/Slik\\_har\\_jeg\\_det\\_i\\_dag\\_Utviklingshemmede.pdf](https://www.bufdir.no/Global/nbbf/Funksjonsnedsettelse/Slik_har_jeg_det_i_dag_Utviklingshemmede.pdf)

<sup>158</sup> Kittelsaa, Anna Margareth, and Tøssebro, Jan (2011): *Store bofellesskap for personer med utviklingshemming. Noen konsekvenser* (Large shared supported housing for People with intellectual disabilities. Some consequences (NB: Our translation)), Norwegian University of Science and Technology (NTNU) Report, Social Research, ISBN/ISSN: 987-82-7570-246-1 :

<https://samforsk.no/Sider/Publikasjoner/Store-bofellesskap-for-personer-med-utviklingshemming.aspx>

<sup>159</sup> Helse- og omsorgstjenesteloven (*Health and Care Services Act*), LOV-2011-06-24-30, Section 3-2, Subsection 1, No. 6: <https://lovdata.no/dokument/NL/lov/2011-06-24-30>

<sup>160</sup> Reports from different stakeholders indicate disparities between and inside municipalities when allocating and practicing user-controlled personal assistance (UPA):

Ervik, Rune, Kjerstad, Egil, Lindén, Tord Skogedal and Rubecksen, Kristin (2017): *Rettighetsfesting av BPA – store forventninger, betinget suksess* (User-Controlled Personal Assistance as a Statutory Right – High expectations, conditional upon success (NB: Our translation)), Report 2-2017, Uni Research Rokkan Centre: [https://uni.no/media/manual\\_upload/Rapport\\_2-2017\\_Ervik\\_Kjerstad\\_Linden\\_og\\_Rubecksen.pdf](https://uni.no/media/manual_upload/Rapport_2-2017_Ervik_Kjerstad_Linden_og_Rubecksen.pdf)

Norwegian Association of Disabled: *Likestilling og deltakelse i revers? En undersøkelse av hvordan funksjonshemmede opplever brukerstyrt personlig assistanse (BPA)* (Equality and participation in reverse? An investigation on the experiences of disabled peoples receiving user-controlled personal assistance (UPA) (NB: Our translation) (2017)

<http://intranett.nhf.no/showfile.ashx?fileinstanceid=92b00172-89c9-42b8-8a96-8d1f2b45d8f1>

<sup>161</sup> See also:

[https://www.regjeringen.no/contentassets/dc110dd1c9a947c1a189b5c7f33f9418/hoeyringsnotat\\_kjj\\_de\\_mens.pdf](https://www.regjeringen.no/contentassets/dc110dd1c9a947c1a189b5c7f33f9418/hoeyringsnotat_kjj_de_mens.pdf).

<sup>162</sup> A summary of nationwide supervision in 2016 of municipal health and care services for people with intellectual impairments reveals that assistance for people with intellectual impairments is lacking in many municipalities, it is inadequately individualised and the staff are poorly qualified:

*Det gjelder livet. Rapport fra Helsetilsynet 4/2017* (It's all about life. Report of the Norwegian Board of Health Supervision 4/2017 (NB: Our translation)):

[https://www.helsetilsynet.no/upload/Publikasjoner/rapporter2017/helsetilsynetrapport4\\_2017.pdf](https://www.helsetilsynet.no/upload/Publikasjoner/rapporter2017/helsetilsynetrapport4_2017.pdf)

<sup>163</sup> People under the age of 67 in need of long-term and an extensive personal assistance, are entitled to services organized as user-controlled personal assistance in accordance with the Norwegian Health and Care Services Act, Section 3-2, Subsection 1, No. 6, letter b.

As a work leader, the individual acts as a supervisor and engages his/her own assistants.



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See the Norwegian Act relating to Patients' and Users' Rights (Patients' and Users' Rights Act), LOV-1999-07-02-63, Section 2-1(d) which gives the right to persons in need of at least 25-32 hours a week:  
<https://lovdata.no/dokument/NL/lov/1999-07-02-63>

<sup>164</sup> A member survey shows that it has become more difficult to get user-controlled personal assistance since the scheme was enacted as a statutory right:

Norwegian Association of Disabled, 2017: *Likestilling og deltakelse i revers? En undersøkelse av hvordan funksjonshemmede opplever brukerstyrt personlig assistanse (BPA)*

(*Equality and participation in reverse? An investigation on the experiences of disabled peoples receiving user-controlled personal assistance (UPA)* (NB: Our translation)):

<http://intranett.nhf.no/showfile.ashx?fileinstanceid=92b00172-89c9-42b8-8a96-8d1f2b45d8f1>

Uloba Independent Living Norway (2018): *Mitt liv – mitt ansvar! Ulobas erfaringsrapport om utviklingen av BPA* (*My life – my responsibility! Uloba's experience-based report on the development of UPA* (NB: Our translation))

The survey revealed that many only receives assistance to cover their basic needs and cannot participate socially, that the differences between municipalities vary greatly and that user-controlled personal assistance has lost its momentum after its enactment as a statutory right:

<http://www.uloba.no/wp-content/uploads/2018/01/Mitt-liv-mitt-ansvar.pdf>

Ervik, Rune, Kjerstad, Egil, Lindén, Tord Skogedal and Rubecksen, Kristin (2017): *Rettighetsfesting av BPA – store forventninger, betinget suksess* (*User-Controlled Personal Assistance as a Statutory Right – High expectations, conditional upon success* (NB: Our translation)), Report 2-2017, Uni Research Rokkan Centre,

[https://uni.no/media/manual\\_upload/Rapport\\_2-2017\\_Ervik\\_Kjerstad\\_Linden\\_og\\_Rubecksen.pdf](https://uni.no/media/manual_upload/Rapport_2-2017_Ervik_Kjerstad_Linden_og_Rubecksen.pdf)

The report shows that the enactment of user-controlled personal assistance as a statutory right has limited the achievement of goals, such as independence and participation, for people entitled to user-controlled personal assistance.

<sup>165</sup> Uloba Independent Living Norway (2018): *Mitt liv – mitt ansvar! Ulobas erfaringsrapport om utviklingen av BPA* (*My life – my responsibility! Uloba's experience-based report on the development of UPA* (NB: Our translation))

<http://www.uloba.no/wp-content/uploads/2018/01/Mitt-liv-mitt-ansvar.pdf>

A summary of nationwide supervision in 2016 of municipal health and care services for people with intellectual impairments: *Det gjelder livet. Rapport fra Helsetilsynet 4/2017* (*It's all about life. Report of the Norwegian Board of Health Supervision 4/2017* (NB: Our translation)) showing poor user impact:

[https://www.helsetilsynet.no/upload/Publikasjoner/rapporter2017/helsetilsynetrapport4\\_2017.pdf](https://www.helsetilsynet.no/upload/Publikasjoner/rapporter2017/helsetilsynetrapport4_2017.pdf)

In their Annual report for 2017, the Health and Social Services Ombud in Buskerud county describes an ongoing tendency where the municipalities review cases on UPA, aiming to limit user control and to limit access to services organized as UPA. See p. 13:

<https://helsenorge.no/SiteCollectionDocuments/pasient-%20og%20brukerombudet/Årsmelding%202017%20Buskerud.pdf>

<sup>166</sup> Annual reports from 2016 and 2017 from the Health and Social Services Ombud in Oslo and Akershus, and the Social Services and Elderly Ombud (combined office/service). The annual reports describe disparities between the municipalities, and lack of individual assessment:

<https://helsenorge.no/SiteCollectionDocuments/pasient-%20og%20brukerombudet/A%CC%8Arsmelding%20Oslo%20og%20Akershus%202016.pdf>

<https://helsenorge.no/SiteCollectionDocuments/pasient-%20og%20brukerombudet/A%CC%8Arsmelding%20Oslo%20og%20Akershus%202017.pdf>

<sup>167</sup> A survey conducted by the Norwegian Federation of Organisations of Disabled People shows large differences in the way municipalities operate UPA, and they do not always actively give information about

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the scheme. Persons with assistance needs have to seek information themselves, and many are afraid to complain in case they receive worse services.

Norwegian Federation of Organisations of Disabled People (FFO) (2018), *Rettighetsfesting av BPA. Erfaringer fra FFOs brukerorganisasjoner (User-Controlled Personal Assistance as a statutory right. Experiences from FFO's user organizations* (NB: Our translation))  
<http://ffo.no/globalassets/bpa-rapport-2018.pdf>

Uloba Independent Living Norway (2018): *Mitt liv – mitt ansvar! Ulobas erfaringsrapport om utviklingen av BPA (My life – my responsibility! Uloba's experience-based report on the development of UPA* (NB: Our translation))  
<http://www.uloba.no/wp-content/uploads/2018/01/Mitt-liv-mitt-ansvar.pdf>  
The survey shows that many are afraid to complain in case they receive worse services.

Annual Report 2016, the Health and Social Services Ombud in Oslo and Akershus, and the Social Services and Elderly Ombud:  
<https://helsenorge.no/SiteCollectionDocuments/pasient-%20og%20brukerombudet/A%CC%8Arsmelding%20Oslo%20og%20Akershus%202016.pdf>  
The annual report shows a high reversal percentage for those who complain about an administrative decision made on user-controlled personal assistance.

<sup>168</sup> Agenda Kaupang, commissioned by the Norwegian Ministry of Labour and Social Inclusion, (2016), *Helhetlig gjennomgang av tolkeområdet (A comprehensive review of the field of interpreting* (NB: Our translation)  
[https://www.regjeringen.no/contentassets/8d48960f9c8347f8b669f39b844bd4de/sluttrapport\\_helhetlig-gjennomgang-av-tolkeområdet\\_agendakaupang.pdf](https://www.regjeringen.no/contentassets/8d48960f9c8347f8b669f39b844bd4de/sluttrapport_helhetlig-gjennomgang-av-tolkeområdet_agendakaupang.pdf)

<sup>169</sup> Experience-based knowledge, Norwegian Association of the Deaf.  
Media article (20<sup>th</sup> July, 2017): <https://www.vartoslo.no/klara-far-ikke-benytt-spesialplass-som-er-avsatt-til-doves-bruk/>

<sup>170</sup> See case 19/2014 of the Anti-Discrimination Tribunal where a woman's complaint against a county council on its discriminative practice of the regulations governing the Disability Action Transport Scheme was upheld.  
<http://www.diskrimineringsnemnda.no/media/1601/f51f8761516a4969de3ee1bdac957fde.pdf>

The national Disability Action Transport Scheme is aimed at expanding the transport services for persons with impairments who need adapted transport ("door- to-door") but is currently only offered in seven counties. See: <https://www.regjeringen.no/no/aktuelt/tre-nye-fylkeskommuner-far-utvidet-tt-ordning/id2564057/>

<sup>171</sup> Ervik, Rune, Kjerstad, Egil, Lindén, Tord Skogedal and Rubecksen, Kristin (2017): *Rettighetsfesting av BPA – store forventninger, betinget suksess (User-Controlled Personal Assistance as a Statutory Right – High expectations, conditional upon success* (NB: Our translation)), Report 2-2017, Uni Research Rokkan Centre,  
[https://uni.no/media/manual\\_upload/Rapport\\_2-2017\\_Ervik\\_Kjerstad\\_Linden\\_og\\_Rubecksen.pdf](https://uni.no/media/manual_upload/Rapport_2-2017_Ervik_Kjerstad_Linden_og_Rubecksen.pdf)

<sup>172</sup> Anskaffelsesloven (Public Procurement Act), LOV-2016-06-17-73:  
<https://lovdata.no/dokument/NL/lov/2016-06-17-73>

<sup>173</sup> *Forskrift om universell utforming av informasjons- og kommunikasjonsteknologiske (IKT)-løsninger (Regulations on the universal design of information and communication technology (ICT) solutions* (NB: own translation)), FOR-2013-06-21-732: <https://lovdata.no/dokument/SF/forskrift/2013-06-21-732>

<sup>174</sup> See <https://www.difi.no/artikkel/2015/06/norske-nettsteder-darlege-pa-universell-utforming>

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<sup>175</sup> For example, the Norwegian Labour and Welfare Administration's form 10-07.03, which is used to apply for low vision assistive devices.

176 NOU 2016: 17: *På lik linje. (On an Equal Footing)*

<https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

<sup>177</sup> *Lov om kringkasting. (Norwegian Act relating to Broadcasting and Audiovisual on-demand Services (Broadcasting Act), LOV-1992-12-04-127, Sections 2-19:*

<https://lovdata.no/dokument/NL/lov/1992-12-04-127?q=Kringkastingsloven>

<sup>178</sup> Norwegian Resource Center for Community Mental Health (2017), *Rettighetsinngripende tiltak i kommunale botilbud (Rights-limiting measures in municipal sheltered housing (NB: our translation))*

Report no. 1/2017, <https://samforsk.no/Publikasjoner/2017/Rettighetsinngripende-tiltak-i-kommunale-botilbud%20WEB.pdf>

<sup>179</sup> The primary duty of the child welfare services is to ensure that children and young people living under conditions that may harm their health and development will receive the necessary assistance when they need it, and to contribute to giving children and young people safe conditions for growing up.

<sup>180</sup> See experience-based knowledge from ADHD Norway, The Autism Society of Norway, The Norwegian Association of the Deaf and The Norwegian Myalgic Encephalopathy Association:

<https://www.aftenposten.no/norge/i/pxy1/Etterlyser-et-mer-lydhort-barnevern>

<sup>181</sup> Tøssebro, Jan, Midjo, Turid, Paulsen, Veronika, Berg, Berit: «Foreldre med kognitive vansker i møte med barnevernet» (*Parents with cognitive impairments meet the child welfare service's (NB: own translation)*) NTNU Samfunnsforskning 2014

<http://samforsk.no/Publikasjoner/Foreldre%20med%20kognitive%20vansker%20WEB.pdf>

<sup>182</sup> Gundersen, Tonje, Farstad, Gunhild R, Solberg, Anne: «Ansvarsfordeling til barns beste? Barn og unge med funksjonsnedsettelse i barnevernet», (*Disabled children and youths in child welfare services (NB: own translation)*) (NOVA-rapport nr. 17/11

[http://www.nova.no/asset/4801/1/4801\\_1.pdf](http://www.nova.no/asset/4801/1/4801_1.pdf)

<sup>183</sup> See Tøssebro, Jan and Wendelborg Christian (Eds.): “*Oppvekst med funksjonshemming – Familie, livsløp og overganger*” (*Childhood with Disability – Family Life Cycle and Transitions (NB: own translation)*). Publisher: Gyldendal akademisk, 2014.

<sup>184</sup> Kittelsaa Anna and Tøssebro, Jan: *Foreldrenes erfaringer med hjelpeapparatet (Parents' Experiences with Support Services (NB: own translation))*

See Tøssebro, Jan and Wendelborgm Christian (Eds.): “*Oppvekst med funksjonshemming – Familie, livsløp og overganger*” (*Childhood with Disability – Family Life Cycle and Transitions (NB: own translation)*) Chapter 7. Publisher: Gyldendal akademisk, 2014

<sup>185</sup> Ibid.

One article in the media reported that the parents of a child with multiple impairments attended 185 meetings with the support services in 2017. The father said that they spend all their energy on everything but the child, i.e. writing applications that are rejected, then the submission of complaints and appeals, and following up information from one medical authority to another:

<https://www.vartoslo.no/multifunksjonshemmede-mitras-7-foreldre-hadde-185-moter-med-hjelpeapparatet-i-fjor-for-at-datteren-skulle-fa-forsvarlig-hjelp/>

<sup>186</sup> *Forskrift om kommunal helse- og omsorgsinstitusjon (Regulations on municipal health and care institutions), FOR-2011-12-16-1254:*

<sup>187</sup> Sigurdson, Randi (2011), *Plassering av barn i barnebolig – krenkelse av barns menneskerettigheter? (Placing Children in Children's Care Homes – Violation of the Rights of the Child?)*, Tidsskrift for familierett, arverett og barnevernrettslige spørsmål (FAB) 2011-3, (Article in Journal for Family law, Inheritance law and Children's Welfare law, 2011 no. 3), accessible in Norwegian at:

<http://www.bufdir.no/Bibliotek/RettsdataStartPage/Rettsdata/?grid=gFAB2011z2D3z5FSIGURDSEN>

Saatvedt, Linnea Sophie (2014), *Om barnets stilling i saker om avlastningsbolig og barnebolig for barn med nedsatt funksjonsevne (About the situation of the child in cases relating to respite care homes and children's homes for children with impairments (NB: Our translation))* Master's Thesis in Law, Faculty of Law, University of Oslo

<https://www.duo.uio.no/bitstream/handle/10852/39475/723.pdf?sequence=1&isAllowed=y>

<sup>188</sup> Proposition 91 L (2010-2011) Proposal of the Municipal Health and Care Services Act, etc., (Health and Care Services Act) p. 150–151.

<sup>189</sup> Nordland Research Institute (2007), *Barnebolig – beste eller nest beste alternativ? (Children's group homes – the best or second-best alternative?)* (NB: Our translation))

Working Paper No. 1003/2007,

[http://www.nordlandsforskning.no/getfile.php/Dokumenter/Arbeidsnotater/2007/Notat\\_1003\\_2007.pdf](http://www.nordlandsforskning.no/getfile.php/Dokumenter/Arbeidsnotater/2007/Notat_1003_2007.pdf)

It has recently been revealed that children have been placed in nursing homes with the elderly. For example, see the case from the Norwegian Broadcasting Corporation (NRK) about a four-year-old boy, who had to stay overnight in a nursing home (10<sup>th</sup> November 2017):

[https://www.nrk.no/nordland/olvard-\\_4\\_-blir-tvunget-til-a-bo-pa-sykehjem-1.13768651](https://www.nrk.no/nordland/olvard-_4_-blir-tvunget-til-a-bo-pa-sykehjem-1.13768651)

and a case reported from the Norwegian Association for Persons with Intellectually Disabilities (NFU) (19<sup>th</sup> November 2017) regarding two different municipalities planning to co-locate nursing homes for the elderly and respite care services for children (one of them already had moved its respite service into a part of a nursing home) : <http://www.nfunorge.org/Om-NFU/NFU-bloggen/barn-pa-sykehjem2/>

This resulted in the Norwegian Parliament proposing Representative Proposal 67 S (2017–2018) for new initiatives to ensure that children are not placed in nursing homes, as this violates the best interests of the child and wishes of parents: <https://www.stortinget.no/no/Saker-og-publikasjoner/Saker/Sak/?p=70190>

In 2018, the Parliament requested the Government to prepare necessary legislative changes to prevent children from being placed in a nursing home against the family's wishes and the best interest of the child. <https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Vedtak/Sak/?p=70190>

Such proposal has not been issued yet. (See the Government's National Budget Proposal Chapter 3.1, list of resolution with status "not finished reporting", <https://www.regjeringen.no/no/dokumenter/prop.-1-s-20182019/id2613728/sec1#KAP3> )

<sup>190</sup> Norwegian Directorate of Health (2010), *Oppsummering av landsomfattende tilsyn i 2009 med kommunale sosial- og helsetjenester til barn i barne- og avlastningsboliger. "Det vil helst gå bra..." (Summary of nationwide supervision of municipal social and health care services in 2009 for children living in children's group homes and respite care group homes, 'Hopefully, it will be fine...' (NB: Our translation)), Norwegian Directorate of Health Report 2/2010,*

[http://www.helsetilsynet.no/upload/Publikasjoner/rapporter2010/helsetilsynetrapport2\\_2010.pdf](http://www.helsetilsynet.no/upload/Publikasjoner/rapporter2010/helsetilsynetrapport2_2010.pdf)

<sup>191</sup> Opplæringslova (*Education Act*), LOV-1998-07-17-61: <https://lovdata.no/dokument/NL/lov/1998-07-17-61>

<sup>192</sup> Nordahl, Thomas et al: Including communities for children and youth – the expert group for children and youth who need extra adaptations, 2018: <http://nettsteder.regjeringen.no/inkluderende-barn-unge/files/2018/04/INKLUDERENDE-FELLESSKAP-FOR-BARN-OG-UNGE-til-publisering-04.04.18.pdf>

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<sup>193</sup> The Norwegian Federation of Organisations of Disabled People's Legal Aid Centre received almost 900 cases regarding childhood and education from 2012–2017.

<sup>194</sup> Opplæringslova (Education Act), LOV-1998-07-17-61, Section 8-1 and Section 8-2:  
<https://lovdata.no/dokument/NL/lov/1998-07-17-61>

<sup>195</sup> The local school principle and inclusion of children with individual educational needs in primary and lower secondary schools: Documentation study of the steering documents of school owners, and the execution of plans and legislation in six case municipalities. Carried out by Agenda Kaupang, Statped, 2017: <http://www.statped.no/globalassets/fou/dokumenter/agenda-kaupang/r9659-statped-narskoleprinsippet-og-inkludering-sluttrapport-agenda-kaupang.pdf>

<sup>196</sup> According to a survey carried out by the International Research Institute of Stavanger AS (IRIS) with the Norwegian Association of Disabled (2013). See: <http://www.nhf.no/index.asp?id=80124> and <http://www.nhf.no/landsmote-2013/okt-tilgjengelighet-pa-norske-skoler/09a23a35-ead0-4b46-b683-a542dc9c92>

<sup>197</sup> The Norwegian Directorate for Children, Youth and Family Affairs:  
[https://www.bufdir.no/Global/Veikart\\_Universelt\\_utformet\\_naerskole\\_2030.pdf](https://www.bufdir.no/Global/Veikart_Universelt_utformet_naerskole_2030.pdf)

<sup>198</sup> See:  
[http://www.bufdir.no/global/nbbf/Funksjonsnedsettelse/Slik\\_har\\_jeg\\_det\\_i\\_dag\\_Utviklingshemmede.pdf](http://www.bufdir.no/global/nbbf/Funksjonsnedsettelse/Slik_har_jeg_det_i_dag_Utviklingshemmede.pdf)

<sup>199</sup> Wendelborg, Christian, Kittelsaa, Anna M. and Wik, Sigrid Elise: Transitioning from School to Employment for Pupils with Intellectual impairments, Report 2017, Diversity and Integration, Norwegian University of Science and Technology (NTNU), Social Research 2017.

<sup>200</sup> See: [https://www.nrk.no/norge/blindeforbundet\\_-\\_svaksynte-barn-mobbes-i-skolen-1.13100486](https://www.nrk.no/norge/blindeforbundet_-_svaksynte-barn-mobbes-i-skolen-1.13100486)

<sup>201</sup> See <https://www.vg.no/nyheter/innenriks/mobbing/ny-undersokelse-en-av-fire-hoerselshemmede-mobbet-i-skolen/a/24004736/>

<sup>202</sup> Patrick Kermit: The pedagogical and social situation of children and young persons hard of hearing in kindergartens and schools. The Norwegian Association of the Hard of Hearing (HLF) and Norwegian University of Science and Technology (NTNU) Social Research, 2018:  
<https://samforsk.no/Publikasjoner/2018/HLF%20rapport%20endelig%20WEB.pdf>

<sup>203</sup> Experience-based knowledge, Norwegian Association for the Deaf and the Norwegian Association of the Hard of Hearing.

<sup>204</sup> Kermit, Patrick, Tharaldsteen, Anne Mali, Dalseng Haugen, Gry Mette and Wendelborg, Christian: *En av flokken? Inkludering og ungdom med sansetap - muligheter og begrensninger (One of the group? Inclusion of Youths with Sensory Loss – Possibilities and Limitations (NB: own translation))*, Norwegian University of Science and Technology (NTNU) Social Research Report. See:  
<http://samforsk.no/Publikasjoner/En%20av%20flokken%20WEB.pdf>

<sup>205</sup> A survey of 81 families conducted by Ipsos MMI in 2015 for the Norwegian Association of the Blind and Partially Sighted showed that 17 children needed books in Braille. Fourteen of the 17 found that they were given books late and a total of 44 of 81 families (44 percent) found that they received books late (audio, Braille, electronic or large-letter books). Forty-six percent of the 44 families said that they had received adapted books late five times or more.

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Example, a nine-year-old blind boy received school books in Braille for the applicable academic year two months before the end of the year: <https://www.nrk.no/telemark/endelig-har-remi-fatt-skolebokene-1.12371078>

Example, a 12-year-old blind boy wanted to supplement electronic school books with books in Braille, but had great difficulties in obtaining all his school books in Braille: <https://www.nrk.no/vestfold/far-avslag-pa-pensumboker-1.13578197>

<sup>206</sup> <https://gsi.udir.no/app/#!/view/units/collectionset/1/collection/80/unit/1/>

<sup>207</sup> See the report of the Research Council of Norway's Expert Group for Special Pedagogy (2014), Education and Research in Special Pedagogy – Moving forward: [https://www.regjeringen.no/globalassets/upload/kd/vedlegg/rapporter/spesped\\_rapport\\_web.pdf](https://www.regjeringen.no/globalassets/upload/kd/vedlegg/rapporter/spesped_rapport_web.pdf)

<sup>208</sup> Norwegian Directorate of Children, Youth and Family Affairs: [https://www.bufdir.no/Statistikk\\_og\\_analyse/Nedsatt\\_funksjonsevne/Oppvekst\\_og\\_utdanning/Hoyere\\_utdanning/](https://www.bufdir.no/Statistikk_og_analyse/Nedsatt_funksjonsevne/Oppvekst_og_utdanning/Hoyere_utdanning/)

<sup>209</sup> J. Ramm and B. Otnes: Persons with Disabilities. Indicators for Living Conditions and Equality. Oslo: Statistics Norway, 2013. See: [http://www.ssb.no/helse/artikler-og-publikasjoner/\\_attachment/99595?\\_ts=13d1b366718](http://www.ssb.no/helse/artikler-og-publikasjoner/_attachment/99595?_ts=13d1b366718)

<sup>210</sup> NOU 2016: 17, *On an Equal Footing*. See: <https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

Hege Gjertsen and Terje Olsen (2013): Building Bridges in the Workplace, Nordland Research Institute, Memorandum No. 1003/2013. See: [http://www.nordlandsforskning.no/getfile.php/132670/Dokumenter/Arbeidsnotater/2013/Broer\\_inn\\_i\\_arbeidslivet\\_Notat\\_1003-2013.pdf](http://www.nordlandsforskning.no/getfile.php/132670/Dokumenter/Arbeidsnotater/2013/Broer_inn_i_arbeidslivet_Notat_1003-2013.pdf)

<sup>211</sup> See <https://www.udir.no/laring-og-trivsel/sarskilte-behov/spesialundervisning/fritak-fra-karakter-for-elever-med-spesialundervisning/>

<sup>212</sup> The Equality and Anti-Discrimination Ombud concluded in case 14/2458 that the rule of possessing two foreign languages from upper secondary education in order to enter higher education, with no possibility of exemption, contravened the former Norwegian Anti-Discrimination and Accessibility Act, Section 5, for people with dyslexia.

See case LDN-2015-73 when the Anti-Discrimination Tribunal in its statement on 1 December 2016 found that the Regulation of the Norwegian Education Act, Section 1-10 contravened the Norwegian Anti-Discrimination and Accessibility Act, Section 5, in that there was no possibility of exemption from the rule of having to study two foreign languages in the Upper Secondary General Studies Programme. As per 12 March 2018, the regulation has not been amended to correspond with the Anti-Discrimination Tribunal's statement.

<sup>213</sup> Eva Magnus and Jan Tøssebro: Negotiating Individual Accommodation in Higher Education, Scandinavian Journal of Disability Research, Vol. 16 (4), 2014. See: <http://www.tandfonline.com/doi/full/10.1080/15017419.2012.761156>

Report 2018-02: Barriers for higher education for persons with impairments, Proba Research on behalf of The Norwegian Directorate for Children, Youth and Family Affairs, 2018: [https://www.bufdir.no/Global/Barrierer\\_i\\_hoyere\\_utdanning\\_for\\_personer\\_med\\_nedsatt\\_funksjonsevne.pdf](https://www.bufdir.no/Global/Barrierer_i_hoyere_utdanning_for_personer_med_nedsatt_funksjonsevne.pdf)

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<sup>214</sup> Norwegian Directorate of Children, Youth and Family Affairs:  
[https://www.bufdir.no/Statistikk\\_og\\_analyse/Nedsatt\\_funksjonsevne/Oppvekst\\_og\\_utdanning/Hoyere\\_utdanning/](https://www.bufdir.no/Statistikk_og_analyse/Nedsatt_funksjonsevne/Oppvekst_og_utdanning/Hoyere_utdanning/)

<sup>215</sup> Links to the admission rules:

Norwegian Police University College:

<https://www.phs.no/studietilbud/bachelor/opptakskrav/medisinske-krav/>

The Norwegian Armed Forces: <https://forsvaret.no/helsekrav>

**University College of Norwegian Correctional Service:**

<http://www.krus.no/getfile.php/3544231.2204.tvqffadbyr/Medisinske+krav+ved+opptak+til+fengselsbetjentutdanningen+KRUS.pdf>

**In the case 17/1058 the Equality and Anti-Discrimination Ombud concluded that the University College of Correctional Service (KRUS) had violated the former Anti-Discrimination and Accessibility Act, Section 5. A was the subject of discrimination when his application for admission to prison officer training was rejected due to his blindness in one eye:** <http://www.ldo.no/nyheter-og-fag/klagesaker/funksjonsevne/171058-avslag-pa-opptak-til-fengselsbetjentutdanning-pa-grunn-av-synstap-var-diskriminerende/>) foreslås slettet

<sup>216</sup> Ramm, Jorunn: *På like vilkår? Helse og levekår blant personer med nedsatt funksjonsevne (On equal terms? Health and living conditions among persons with impairments (NB: own translation)*, Statistics Norway 2010, at:  
[http://www.ssb.no/a/publikasjoner/pdf/sa\\_115/sa\\_115.pdf](http://www.ssb.no/a/publikasjoner/pdf/sa_115/sa_115.pdf)

Elstad, Jon Ivar: *Funksjonshemmede og psykisk helse - En analyse av Statistisk sentralbyrås Helseundersøkelser (Mental Health of disabled people– An Analysis of Statistics Norway’s Health Surveys (NB: own translation)*. NOVA Research Report 3/1998. See: <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/1998/Funksjonshemmede-og-psykisk-helse>

NOU 2016: 17: *På lik linje. (On an Equal Footing.(NB: our translation))* see page 100.  
<https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

Halvorsen et al. (2014): *Psykisk helse hos barn og unge med lavt evnenivå (Psychological health in children and youth with a low ability level (NB: own translation))*, *Tidsskrift for Norsk psykologforening*, Vol 51, nr. 3, p. 210-215. <https://psykologtidsskriftet.no/fagartikkel/2014/03/psykisk-helse-hos-barn-og-unge-med-lavt-evneniva>.

<sup>217</sup> See: <http://naku.no/sites/default/files/files/Helserapport.pdf>

NOU 2016: 17: *På lik linje. (On an Equal Footing.(NB: our translation))*  
<https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

A summary of nationwide supervision in 2016 of municipal health and care services for people with intellectual impairments. It Concerns Lives. Report of the Norwegian Board of Health Supervision 4/2017:  
[https://www.helsetilsynet.no/upload/Publikasjoner/rapporter2017/helsetilsynetrapport4\\_2017.pdf](https://www.helsetilsynet.no/upload/Publikasjoner/rapporter2017/helsetilsynetrapport4_2017.pdf)

<sup>218</sup> English summary of Report of the Norwegian Board of Health Supervision 4/2017:  
<https://www.helsetilsynet.no/norwegian-board-of-health-supervision/Publications/Report-of-the-Norwegian-Board-of-Health-Supervision-2017/It-is-all-about-life-Summary-of-countrywide-supervision-in-2016-of-municipal-health-and-social-services-for-people-with-mental-disabilities/>

<sup>219</sup> Wendelborg, Christian, Tøssebro Jan: *Helsestatus til foreldre til barn*

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med nedsatt funksjonsevne (Health status of parents with children with impairments (NB: Own translation)), Norwegian University of Science and Technology (NTNU), December 2009, at: <http://samforsk.no/SiteAssets/Sider/publikasjoner/Sluttrapport%20Helsedirektoratet%2021%20desember.pdf>

<sup>220</sup> Rambøll Management commissioned by the Norwegian Directorate of Health (2012): *Helsetilbud til ungdom og unge voksne* (Health care services for youths and young adults (NB: own translation)). Report IS-2044. See: <https://helsedirektoratet.no/publikasjoner/helsetilbud-til-ungdom-og-unge-voksne>

<sup>221</sup> Experience-based knowledge, The Norwegian Association of Youth with Disabilities.

<sup>222</sup> The Norwegian Association of Youth with Disabilities: Sex that works: Experiences of Young People with Sexuality and Functional Ability, 2018: <https://ungefunksjonshemmede.no/ungefunksjonsjemmede-no/wp-content/uploads/2018/02/Sex-som-funker.pdf>

<sup>223</sup> NOU 2016: 17: *På lik linje. (On an Equal Footing. (NB: our translation))*. See Items 16.3.2 and 16.5. Among other things, it is stated that: “Persons with intellectual impairments do not have the same opportunities as the general population to develop their own sexuality due to a lack of privacy in their personal lives. Service providers often possess limited knowledge about the sexual development of persons with intellectual impairments, which leads to avoidance of the subject and adaptations for their sexuality.” See: <https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

<sup>224</sup> Experience-based knowledge, DPOs.

<sup>225</sup> Helsetilsynet (Norwegian Board of Health Supervision): *Det gjelder livet - Oppsummering av landsomfattende tilsyn i 2016 med kommunale helse- og omsorgstjenester til personer med utviklingshemming* (It is all about life - Summary of countrywide supervision in 2016 of municipal health and social services for people with mental disabilities). Report 4/2017:

<https://www.helsetilsynet.no/en/publications/report-of-the-norwegian-board-of-health-supervision-rapport-fra-helsetilsynet/2017/it-is-all-about-life.-summary-of-countrywide-supervision-in-2016-of-municipal-health-and-social-services-for-people-with-mental-disabilities/>

<sup>226</sup> Baasland, Gro and Engedal, Knut: *Bruk av psykofarmaka hos mennesker med utviklingshemning* (Use of Psychotropic Drugs Among People with Intellectual impairments (NB: own translation)). The Journal of the Norwegian Medical Association 2009; 129:1751-3: <http://tidsskriftet.no/article/1889076>

<sup>227</sup> Helsetilsynet (Norwegian Board of Health Supervision): *Det gjelder livet - Oppsummering av landsomfattende tilsyn i 2016 med kommunale helse- og omsorgstjenester til personer med utviklingshemming* (It is all about life - Summary of countrywide supervision in 2016 of municipal health and social services for people with mental disabilities). Report 4/2017:

<https://www.helsetilsynet.no/en/publications/report-of-the-norwegian-board-of-health-supervision-rapport-fra-helsetilsynet/2017/it-is-all-about-life.-summary-of-countrywide-supervision-in-2016-of-municipal-health-and-social-services-for-people-with-mental-disabilities/>

<sup>228</sup> Summary of nationwide supervision of municipal social and health care services in 2009 for children living in children’s home and respite care homes, ‘Hopefully, it will be fine...’, Norwegian Directorate of Health Report 2/2010: [http://www.helsetilsynet.no/upload/Publikasjoner/rapporter2010/helsetilsynetrapport2\\_2010.pdf](http://www.helsetilsynet.no/upload/Publikasjoner/rapporter2010/helsetilsynetrapport2_2010.pdf)

<sup>229</sup> <http://naku.no/sites/default/files/files/Helserapport.pdf>



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<sup>230</sup> Helsetilsynet (Norwegian Board of Health Supervision): *Det gjelder livet - Oppsummering av landsomfattende tilsyn i 2016 med kommunale helse- og omsorgstjenester til personer med utviklingshemming (It is all about life - Summary of countrywide supervision in 2016 of municipal health and social services for people with mental disabilities)*. Report 4/2017:

NOU 2016: 17: *På lik linje. (On an Equal Footing.*(NB: our translation)) p. 118  
<https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

The Norwegian Board of Health Supervision's Annual Report 2013 shows that county governors conducted a total of 326 supervisory checks in 2013 (regardless method) on municipal health and care services. Of these, 180 consisted of system audits. Random tests were conducted on applications for nursing home places, rehabilitation and respite care. The county governors found 189 law violations during the 326 supervisory checks. See:

<http://www.helsetilsynet.no/upload/Publikasjoner/aarsrapporter/aarsrapport2013.pdf>

NOU 2016: 17: *På lik linje. (On an Equal Footing.*(NB: our translation)) p. 118  
<https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

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<http://www.helsetilsynet.no/upload/Publikasjoner/aarsrapporter/aarsrapport2013.pdf>

<sup>231</sup> For example, see the case concerning a disabled minor , who was deported to Afghanistan:  
<https://www.dagbladet.no/nyheter/gutt-med-mental-alder-mellom-atte-og-ni-ar-er-tvangssendt-til-afghanistan/67400603>

For example, see the case concerning a boy with a brain tumour:  
<https://www.vg.no/nyheter/innenriks/asyl-debatten/retten-skal-avgjoere-om-syke-alkeo-8-faar-bli-i-norge/a/23601965/>

Case concerning an autistic boy: [https://www.nrk.no/sognogfjordane/xl/\\_-eg-tor-ikkje-tenke-pa-korleis-det-skal-ga-med-han-1.13204290](https://www.nrk.no/sognogfjordane/xl/_-eg-tor-ikkje-tenke-pa-korleis-det-skal-ga-med-han-1.13204290) and here: <https://www.porten.no/artiklar/une-ville-kaste-ut-den-autistiske-firearingen-ma-handsame-saka-pa-nytt/409004>

Case concerning a man with a serious liver disease: <https://www.vg.no/nyheter/innenriks/asyl-debatten/mohammed-har-en-doedelig-leversykdom-naa-tvangsutsendes-han-til-sudan/a/23454715/>

Case concerning a child with intellectual impairments. The Norwegian Immigration Board announced that: It is probable that (X) will receive some type of therapy or special monitoring in Nigeria (...). On the other hand, the tolerance level for 'being different' is far higher in Nigeria than in Norway, which means that (X) could have a better social life in the child's home country despite the diagnosis":

<https://www.nettavisen.no/nyheter/innenriks/une-i-avslag---lettere-a-vre-utviklingshemmet-i-nigeria/3423197819.html>

<sup>232</sup> See the Norwegian Directorate of Immigration's guidelines on health arguments in asylum cases, IM 2013-004, at:  
<http://www.udiregelverk.no/no/rettskilder/udi-interne-meldinger/im-2013-004/>

<sup>233</sup> In terms of medical assistance, the Court of Appeal interpreted this as an acute and life threatening physical condition or an equivalent psychosocial condition as an "imperative health-related situation"

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that qualified the person for residency based on strong humanitarian grounds. See the judgment of Borgarting Court of Appeal in case LB-2014-169786.

<sup>234</sup> Office of the Auditor General's investigation on rehabilitation in the health service. Document 3:11(2011–2012) available at:  
[https://www.riksrevisjonen.no/Rapporter/Documents/2011-2012/Dokumentbase\\_3\\_11\\_2011\\_2012.pdf](https://www.riksrevisjonen.no/Rapporter/Documents/2011-2012/Dokumentbase_3_11_2011_2012.pdf)

Rehabilitation in the Special Health Service, Analysis Memorandum, SAMDATA Special Health Service 2016, No. 01/2017:  
[https://helsedirektoratet.no/Documents/Statistikk%20og%20analyse/Samdata/Filer%20til%20WEB\\_Dund as/2017%20Analysenotater/01-2017%20Rehabilitering.pdf](https://helsedirektoratet.no/Documents/Statistikk%20og%20analyse/Samdata/Filer%20til%20WEB_Dund as/2017%20Analysenotater/01-2017%20Rehabilitering.pdf)

<sup>235</sup> Experience-based knowledge from DPOs.

<sup>236</sup> Proposition 1 S (2016-2017), Escalation Plan for Habilitation and Rehabilitation (2017-2019), Norwegian Ministry of Health and Care Services. See the summary on p. 5:  
<https://www.regjeringen.no/contentassets/d64fc8298e1e400fb7d33511b34cb382/no/sved/opptrappings planrehabilitering.pdf>

<sup>237</sup> Proposition 1 S (2016-2017), Escalation Plan for Habilitation and Rehabilitation (2017-2019), Norwegian Ministry of Health and Care Services.  
<https://www.regjeringen.no/contentassets/d64fc8298e1e400fb7d33511b34cb382/no/sved/opptrappings planrehabilitering.pdf>

<sup>238</sup> Development plans for health trusts, Project Report – Sub-project: Rehabilitation, South-Eastern Norway Regional Health Authority 2017: <https://www.helse-sorost.no/Documents/Store%20utviklingsprosjekter/Utviklingsplaner%20-%20Aktuelle%20rapporter/Delprosjekt%20Rehabilitering.pdf>

<sup>239</sup> Office of the Auditor General's investigation on rehabilitation in the health service. Document 3:11(2011–2012). See: [https://www.riksrevisjonen.no/Rapporter/Documents/2011-2012/Dokumentbase\\_3\\_11\\_2011\\_2012.pdf](https://www.riksrevisjonen.no/Rapporter/Documents/2011-2012/Dokumentbase_3_11_2011_2012.pdf)

<sup>240</sup> Experiences of the DPOs.

<sup>241</sup> Rambøll Management commissioned by the Norwegian Directorate of Health (2012): Health care services for youths and young adults. Report IS-2044. See:  
<https://helsedirektoratet.no/publikasjoner/helsetilbud-til-ungdom-og-unge-voksne>

<sup>242</sup> Report: 'Throwing a spanner in the works' – Investigation on Access to and the Availability of Rehabilitation Services for Youths and Young Adults, Young Persons with Disabilities. See:  
<https://ungefunksjonshemmede.no/ungefunksjonsjemmede-no/wp-content/uploads/2017/10/Kjepper-i-hjulene.pdf>

Proposition 1 S (2016-2017), Escalation Plan for Habilitation and Rehabilitation (2017-2019), Norwegian Ministry of Health and Care Services. See the summary on p. 5:  
<https://www.regjeringen.no/contentassets/d64fc8298e1e400fb7d33511b34cb382/no/sved/opptrappings planrehabilitering.pdf>

<sup>243</sup> Annual Report for 2016 of the Equality and Anti-Discrimination Ombud shows that many inquiries and complaints are sent from persons with disabilities, and that the majority of cases regard employment:  
<http://www.ldo.no/nyheiter-og-fag/brosjyrar-og-publikasjonar/Arsrapporter/arsmelding-2016/>

The following table from the Equality and Anti-Discrimination Ombud shows that complaints from persons with disabilities regarding employment remained relatively stable from 2007 to 2015:

A practical example is case 12/2142 of the Equality and Anti-Discrimination Ombud when the complainant with a chronic inflammatory disease was not given adaptation in the form of a separate cell office or flexible working hours.

In case 11/1374 of the Equality and Anti-Discrimination Ombud, the complainant had been dismissed from his summer job due to being a prior patient of a psychiatric hospital: <http://www.ldo.no/nyheiter-og-fag/klagesaker/2011/Forskjellsbehandling-pa-grunn-av-nedsatt-funksjonsevne/>

<sup>244</sup> Experiences from DPOs.

<sup>245</sup> Statistics Norway, *Funksjonshemmede, arbeidskraftundersøkelsen (Disabled people, labour force survey (NB: Our own translation))*, statistics updated 3 September 2018. See: <https://www.ssb.no/arbeid-og-lonn/statistikker/akutu>

<sup>246</sup> *Målene om et mer inkluderende arbeidsliv – status og utviklingstrekk (Goals for a more inclusive labour Market – status and development trends (NB: Our own translation))*, 2017 Expert Group Report for the Inclusive Workplace Agreement: [https://www.regjeringen.no/contentassets/f78f73f646b74b2882254d59c50c7bd3/ia-rapport\\_2017\\_uuweb.pdf](https://www.regjeringen.no/contentassets/f78f73f646b74b2882254d59c50c7bd3/ia-rapport_2017_uuweb.pdf)

<sup>247</sup> *Equality and Anti-Discrimination Act*, Section 22 Right to individual accommodation of job seekers and workers

Norwegian version: <https://lovdata.no/lov/2017-06-16-51/§22>

English version: <https://lovdata.no/NLE/lov/2017-06-16-51/§section22>

<sup>248</sup> The Norwegian Federation of Organisations of Disabled People's Legal Aid Centre received many enquiries related to insufficient adaptation in the workplace. Additionally, the Equality and Anti-Discrimination Ombuds supplementary report to the CRPD Committee states that due to the "disproportionate burden" exemption, the Ombud often have had to rule in favour of the employer in complaint cases relating to insufficient adaptation in the workplace.

<sup>249</sup> *Equality and Anti-Discrimination Act*, Section 17 Universal design

Norwegian version: <https://lovdata.no/lov/2017-06-16-51/§17>

English version: <https://lovdata.no/NLE/lov/2017-06-16-51/§section17>

<sup>250</sup> *Equality and Anti-Discrimination Act*, Section 26 Duty of employers to promote equality & Section 26a Duty of employers to issue a statement

Norwegian version: <https://lovdata.no/lov/2017-06-16-51/§26>

English version: <https://lovdata.no/NLE/lov/2017-06-16-51/§section26>

<sup>251</sup> Inger Lise Skog Hansen and Hilde Haualand, *Diskriminerende barrierer i arbeidslivet: Aktivitets- og rapporteringsplikt som virkemiddel for området nedsatt funksjonsevne (Discriminative barriers in the workplace: The activity and reporting obligation as an instrument in the field of disability (NB: Our own translation))*, Fafo Report 2012:25, 2012. See: [https://www.fafo.no/media/com\\_netsukii/20252.pdf](https://www.fafo.no/media/com_netsukii/20252.pdf)

<sup>252</sup> Jørgen Svalund and Inger Lise Skog Hansen, *Inkludering av personer med nedsatt funksjonsevne i arbeidslivet (Inclusion of persons with impairments in the workplace (NB: Our own translation))*, Fafo Report: 2013:54, 2013: <https://www.fafo.no/images/pub/2013/20344.pdf>

<sup>253</sup> Christian Wendelborg, Anna M. Kittelsaa and Sigrid Elise Wik, *Overgang skole arbeidsliv for elever med utviklingshemming (Transitioning from school to employment for pupils with intellectual impairments (NB: Our own translation))*, Report 2017, Diversity and Integration, Norwegian University of Science and Technology (NTNU) Social Research, 2017:

<https://samforsk.no/Publikasjoner/2017/Overgang%20skole%20arbeidsliv%20WEB.pdf>

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<sup>254</sup> Sylvia Söderstrøm and Jan Tøssebro, *Innfridde mål eller brutte visjoner? Noen hovedlinjer i utviklingen av levekår og tjenester for utviklingshemmede (Achieved goals or shattered visions? Certain main trends in the development of living conditions and services for people with intellectual impairments (NB: Our own translation))*, Norwegian University of Science and Technology (NTNU) Social Research, 2011: <https://samforsk.no/SiteAssets/Sider/publikasjoner/Rapport%20Innfridde%20mål%20WEB-utgave.pdf>

<sup>255</sup> Norwegian Official Report: NOU 2016:17, *På lik linje (On an equal footing (NB: Our own translation))*. See page 82: <https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

Øystein Spjelkavik, Pål Børing, Kjetil Frøyland and Ingebjørg Skarpaas, *Behovet for varig tilrettelagt arbeid (The need for permanently adapted work (NB: Our own translation))*, AFI Work Research Institute Report 2012:14, 2012. See: <http://www.hioa.no/content/download/53400/809899/file/r2012-14.pdf>

<sup>256</sup> Statistics Norway's labour force survey shows an employment rate of 52.3% for persons with impairments aged 25–39 compared to an employment rate of 81.5% amongst the general population between the ages of 25-39: <https://www.ssb.no/arbeid-og-lonn/statistikker/akutu>

Sveinung Legard, *Overgangen mellom utdanning og arbeid for unge med nedsatt funksjonsevne (Transitioning between education and employment for young persons with impairments (NB: Our own translation))*, AFI Work Research Institute, R&D, 2012: [http://www.hioa.no/content/download/53191/808854/file/OvergangMellomUtdanning\\_Legard.pdf](http://www.hioa.no/content/download/53191/808854/file/OvergangMellomUtdanning_Legard.pdf)

Sveinung Legard, *De vanskerlige overgangene: En kunnskapsoversikt over forskning, politikk og tiltak for å bedre unge funksjonshemmedes overgang til høyere utdanning og arbeid (Difficult Transitions: A review of research, policies and initiatives to improve disabled youth transition to higher education and employment (NB: Our own translation))*, AFI Work Research Institute Report 2013:7, 2013: <http://www.hioa.no/content/download/52724/806508/file/r2013-7.pdf>

<sup>257</sup> The Norwegian Labour and Welfare Administration, *Utviklingen i uføretrygd 30. september 2018 (The development of disability benefits as of 30 September 2018 (NB: Our own translation))*, written note: <https://www.nav.no/no/NAV+og+samfunn/Statistikk/AAP+nedsatt+arbeidsevne+og+uforetrygd+-+statistikk/Uforetrygd>

<sup>258</sup> See for example report by Norwegian Association of Youth with Disabilities, *Ufør og arbeidsdyktig – er det en mulighet? (On disability benefits and able to work – is it possible? (NB: Our own translation))*, 2016: <https://ungefunksjonshemmede.no/ressurser/publikasjoner/arbeidsliv/ufor-og-arbeidsdyktig-er-det-en-mulighet-2016/>

<sup>259</sup> *Lov om folketrygd (National Insurance Act) LOV-1997-02-28-19, §11-12 Varighet*: <https://lovdata.no/lov/1997-02-28-19/§11-12>

<sup>260</sup> See for example news article in Fri Fagbevegelse: *Nye regler for arbeidsavklaringspenger: Ungdom presses over på uføretrygd og sosialhjelp, advarer Nav-veileder (New rules for work assessment allowance: Youth forced over on disability benefits and social welfare, warns Nav-supervisor (NB: Our own translation))*, published 7 January 2019. See: [https://frifagbevegelse.no/ntImagasinet/nye-regler-for-arbeidsavklaringspenger-ungdom-presses-over-pa-uforetrygd-og-sosialhjelp-advarer-navveileder-6.158.604285.447dd59b64#cxrecs\\_s](https://frifagbevegelse.no/ntImagasinet/nye-regler-for-arbeidsavklaringspenger-ungdom-presses-over-pa-uforetrygd-og-sosialhjelp-advarer-navveileder-6.158.604285.447dd59b64#cxrecs_s)

<sup>261</sup> Jan Tøssebro and Sigrid Elise Wik, *Funksjonshemmedes tilknytning til arbeidslivet: En kunnskapsoversikt (Disabled peoples' attachment to the labour market: A Knowledge Review (NB: Our own translation))*, Research Council of Norway, 2015

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<sup>262</sup> Lars Petter Grue and Jon Erik Finnvold, *Hjelp eller barrierer? En undersøkelse av betingelser for høyere utdanning for ungdom med nedsatt funksjonsevne (Help or barriers? A study of the conditions for higher education for youth with impairments (NB: Our own translation))*. NOVA Research Institute Report 8/2014, 2014: <http://www.hioa.no/Om-OsloMet/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/2014/Hjelp-eller-barrierer>

<sup>263</sup> *Forskrift om arbeidsmarkedstiltak* (Regulations on labour market initiatives), FOR-2015-12-11-1598, §7-3(3) and §7-4(4): <https://lovdata.no/dokument/SF/forskrift/2015-12-11-1598>

<sup>264</sup> Office of the Auditor General of Norway, *Undersøkelse av forvaltning og bruk av arbeidsmarkedstiltak i NAV (Investigation into the Norwegian Labour and Welfare Administration's management and utilisation of labour market initiatives (NB: Our own translation))*, Dokument 3:5 (2017–2018), 2018: <https://www.riksrevisjonen.no/rapporter-mappe/no-2017-2018/forvaltning-og-bruk-av-arbeidsmarkedstiltak-i-nav/>

<sup>265</sup> Karin Dyrstad, Roland Mandal and Solveig Osborg Ose, *Evaluering av Jobbstrategien for personer med nedsatt funksjonsevne (Evaluation of the Job Strategy for persons with disabilities (NB: Our own translation))*, SINTEF, 2014: <https://www.sintef.no/globalassets/upload/helse/arbeid-og-helse/sintefa25820-evaluering-av-jobbstrategien.pdf>

<sup>266</sup> *Intensjonsavtale om et mer inkluderende arbeidsliv (Letter of Intent regarding a more inclusive working life)*, the period of 2019-2022, signed 18 December 2018: <https://www.regjeringen.no/globalassets/departementene/asd/dokumenter/2018/ia-avtalen-2019-2022.pdf>

<sup>267</sup> Handikapnytt, *Funksjonshemmede er ikke nevnt i den nye IA-avtalen (Disabled people not mentioned in the new IA Agreement (NB: Our own translation))*, news article published 18 January 2018: <https://www.handikapnytt.no/funksjonshemmede-er-ikke-nevnt-i-den-nye-ia-avtalen/>

<sup>268</sup> Anna Kittelsaa, Sigrid Elise Wik and Jan Tøssebro: Living Conditions of Persons with impairments: Commonalities and Differences, Norwegian University of Science and Technology (NTNU), Social Research, February 2015, at: <http://samforsk.no/Sider/Publikasjoner/Levek%C3%A5r-for-personer-med-nedsatt-funksjonsevne.aspx>

<sup>269</sup> See Statistics Norway's Living Conditions Survey EU-SILC and the Norwegian Directorate of Children, Youths and Family Affairs in connection with this: [https://www.bufdir.no/Statistikk\\_og\\_analyse/Nedsatt\\_funksjonsevne/Okonomi/Inntekt\\_og\\_ytelser/](https://www.bufdir.no/Statistikk_og_analyse/Nedsatt_funksjonsevne/Okonomi/Inntekt_og_ytelser/)

<sup>270</sup> Report from the Norwegian Association of Disabled (NHF): What does it Cost to be Disabled in Norway in 2017? See: <http://www.nhf.no/showfile.ashx?fileinstanceid=95d4d41a-a571-4f3d-af45-1a64b70afe3f>

The benefit 'Grunnstønad' according to the Norwegian National Insurance Act, Section 6-3, is a financial benefit to cover specific types of expenses only.

According to the regulations for phasing out special tax deductions for substantial expenses connected to an impairment or chronic disease, FOR-2012-03-30-270, the possibility to deduct such expenses is highly restricted. Other types of expenses were included earlier. See Special Tax Deductions for Substantial Expenses Connected to an impairment or chronic disease. An Interdepartmental Group Report, 20 April 2010.

<sup>271</sup> See, The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir): *Funksjonshemmedes økonomiske situasjon (The economic situation for disabled people (NB: own translation))*. (2018) [https://bufdir.no/Statistikk\\_og\\_analyse/Nedsatt\\_funksjonsevne/Okonomi/Okonomisk\\_situasjon/](https://bufdir.no/Statistikk_og_analyse/Nedsatt_funksjonsevne/Okonomi/Okonomisk_situasjon/)

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<sup>272</sup> Tøssebro, Jan and Paulsen, Veronika: *Foreldres deltakelse i arbeids- og samfunnsliv (Parental Participation at Work and Socially)* (NB: own translation).  
[https://www.researchgate.net/publication/282856472\\_Foreldres\\_deltakelse\\_i\\_arbeids-\\_og\\_samfunnsliv](https://www.researchgate.net/publication/282856472_Foreldres_deltakelse_i_arbeids-_og_samfunnsliv).

<sup>272</sup> See Tøssebro, Jan and Wendelborg Christian (Eds.): *Oppvekst med funksjonshemming – Familie, livsløp og overganger (Childhood with Disability – Family Life Cycle and Transitions)* (NB: own translation).  
Publisher: Gyldendal akademisk, 2014.

<sup>273</sup> Guldvik, Ingrid and Lesjø, Jon Helge: *Lutter velvilje, men mye gjenstår - Politisk deltakelse blant mennesker med funksjonsnedsettelse (Lots of goodwill, but there is still a long way to go - Political Participation of Persons with impairments)* (NB: own translation). Lillehammer University College Working Report 143/2011, Eastern Norway Research Institute Report No. 6/2011. See: <http://www.ostforsk.no/wp-content/uploads/2014/11/062011.pdf>

<sup>274</sup> Examples from national newspapers criticizing the Government for not being representative of the general population, however, the criticism is limited to the lack of representation of women and ethnic minority groups (January 2018):

VG newspaper 15.01.18: *Han kan sikre at det ikke blir en blendahvit regjering. (He may ensure that it won't be a "blendawhite" Government.* (NB: own translation)  
<https://www.vg.no/nyheter/innenriks/i/qnRQkz/han-kan-sikre-at-det-ikke-blir-en-blendahvit-regjering>

Aftenposten newspaper 18.01.18: *Aftenposten mener etniske minoriteter bør være representert i regjeringen. (Aftenposten argues that ethnic minorities ought to be represented in the Government.)*  
<https://www.aftenposten.no/mening/leder/i/oR68xK/Aftenposten-mener-Etniske-minoriteter-bor-vare-representert-i-regjeringen>

Dagbladet newspaper 11.09.17: *Slår alarm etter alderssjokk på Stortinget (focus on law representation of women, elderly and ethnic minority groups in the Parliament.):* <https://www.dagbladet.no/nyheter/slar-alarm-etter-alderssjokk-pa-stortinget---ikke-bra/68681061>

<sup>275</sup> Nørve, Siri, Stokstad, Sigrid, Vestby, Guri-Mette, Winswold, Marte (2014): *Recommendations, Rules and Representation: The Elderly and Persons with impairments*. Memorandum 2014:101. See: <http://www.nibr.no/pub2709>

<sup>276</sup> Example of an inaccessible city hall, Equality and Anti-Discrimination Ombud case 09/473:  
<http://www.ldo.no/nyheter-og-fag/klagesaker/2011/Roros-kommune-har-ikke-utbedret-forste-etasje-i-radhuset/>

<sup>277</sup> Even though the obligation was enacted in the anti-discrimination legislation 10 years ago, this is still the case. See the following examples:

The Norwegian Federation of Organisations of Disabled People (FFO): <http://ffo.no/aktuelt/et-funksjonshemmet-demokrati/funksjonshemmede-blir-diskriminert-i-demokratiet/>

Wheelchair users cannot enter the Norwegian Parliament: <http://www.nhf.no/arkiv/stortingsaksjon-satte-funksjonshemmede-pa-dagsorden/2016/04/06/f5259a2c-3d4e-4131-89b9-7f56c4952778>

The Norwegian Directorate of Children, Youth and Family Affairs refers to an article in Ringerikes Blad newspaper from 2016 about a person hard of hearing who withdrew from political life because he could not hear what was being said:  
[https://www.bufdir.no/uu/Nytt/Arkiv/2016/Horselshemmet\\_politiker\\_orke\\_ikke\\_mer/](https://www.bufdir.no/uu/Nytt/Arkiv/2016/Horselshemmet_politiker_orke_ikke_mer/)

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Sør-Trøndelag newspaper (24.03.18) about wheelchair users not being able to access the local council's hall in the Municipality of Hemne: <https://www.avis-st.no/pluss/2018/03/23/---Jeg-skal-hjelpe-til-å-bære-rullestolbrukere-opp-trappa-16329151.ece> (behind the paywall)

<sup>278</sup> Experience-based knowledge, Norwegian Association of the Blind and Partially Sighted.

<sup>279</sup> Consultation Memorandum of 04.07.2014 regarding the evaluation of the Election in 2013 and proposal to amend the Norwegian Election Act and Election Regulations: <https://www.regjeringen.no/no/dokumenter/Horing---Forslag-enderinger-i-valgloven-og-valgforskriften/id765046/?factbox=horingsnotater>

<sup>280</sup> Norwegian Act relating to Parliamentary, County Council and Local Government Elections, LOV-2002-06-28-57, Sections 8-4 (8) and 9-5 (4): <https://lovdata.no/dokument/NL/lov/2002-06-28-57>

<sup>281</sup> Refused to allow a person with intellectual impairment to vote, gross breach of the Norwegian Election Act and duties of election officers. See: <https://www.budstikka.no/debatt/valg-2017/funksjonshemmet/teller-marthes-stemme/s/5-55-538222#/responses/31019213>

Visually impaired man wanted to his wife to help him, but was refused. He was told that only the voting official could assist him. See:

[https://www.nrk.no/sorlandet/synshemma\\_-\\_tok-en-seddel\\_-og-haper-det-ble-riktig-1.13683124](https://www.nrk.no/sorlandet/synshemma_-_tok-en-seddel_-og-haper-det-ble-riktig-1.13683124)

<sup>282</sup> See the Norwegian Ministry of Local Government and Modernisation: Accessibility for people with a visual or mobility impairment at the 2011 Local Elections at: [https://www.regjeringen.no/globalassets/upload/krd/vedlegg/komm/rapporter/tilgjengelighet\\_ved\\_lokal\\_valget\\_2011.pdf](https://www.regjeringen.no/globalassets/upload/krd/vedlegg/komm/rapporter/tilgjengelighet_ved_lokal_valget_2011.pdf)

<sup>283</sup> Supervisory checks on universal design within ICT carried out in May 2017 to measure the status of universal design on the web sites of Parliamentary parties. See, article: <https://www.difi.no/artikkel/2017/06/politiske-parti-stenger-folk-ute-pa-nett>

Link to the investigation:

<https://uu.difi.no/artikkel/2017/06/er-nettsidene-til-partiene-pa-stortinget-tilgjengelige-alle>

Funka.nu has also tested the parties' web sites:

<http://www.funka.com/no/om-funka/nyheter/no/norsk-politikk-for-hvem/>

<sup>284</sup> NOU 2016:17 *On an Equal Footing*, p. 170: <https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>

<sup>285</sup> Ibid.

In addition see, the Norwegian Directorate of Children, Youth and Family Affairs: *Idrett, fysisk aktivitet og kultur (Sports, physical activity and culture)* (NB: own translation)

[https://www.bufdir.no/en/Statistikk\\_og\\_analyse/Nedsatt\\_funksjonsevne/Deltakelse\\_og\\_fritid/Idrett\\_fysisk\\_aktivitet\\_og\\_kultur/](https://www.bufdir.no/en/Statistikk_og_analyse/Nedsatt_funksjonsevne/Deltakelse_og_fritid/Idrett_fysisk_aktivitet_og_kultur/)

<sup>286</sup> Experience-based knowledge from DPOs.

<sup>287</sup> The scheme that allows an assistant to enter cultural events and entertainments, and access public transport free of charge (where applicable) is not statutory (obligatory?). It is a voluntary scheme for the municipalities.

<sup>288</sup> Eimhjellen, Ivar: Inclusion of disabled people in Voluntary Organisations. Centre for Research on Civil Society and Voluntary Sector Report 2011:2:

<sup>289</sup> Tøssebro, Jan and Wendelborg Christian (Eds.): *“Oppvekst med funksjonshemming – Familie, livsløp og overganger”* (Childhood with Disability – Family Life Cycle and Transitions (NB: own translation)). Publisher: Gyldendal akademisk, 2014.

<sup>290</sup> Kermit, Patrick, Tharaldsteen, Anne Mali, Dalseng Haugen, Gry Mette and Wendelborg, Christian: *En av flokken? Inkludering og ungdom med sanseetap - muligheter og begrensninger* (One of the group? Inclusion of Youths with Sensory Loss – Possibilities and Limitations (NB: own translation)), Norwegian University of Science and Technology (NTNU) Social Research Report. See: <http://samforsk.no/Publikasjoner/En%20av%20flokken%20WEB.pdf>

Finnvold, Jon Erik: *Langt igjen? Levekår og sosial inkludering hos menneske med fysiske funksjonsnedsetjingar* (A long way to go? Living Conditions and Social Inclusion of Persons with physical impairments (NB: own translation), NOVA Research Report No. 12/13. Oslo: Norwegian Institute for Research on Childhood, Welfare and Aging, 2013: <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/2013/Langt-igjen>

See Tøssebro, Jan and Wendelborg Christian (Eds.): *“Oppvekst med funksjonshemming – Familie, livsløp og overganger”* (Childhood with Disability – Family Life Cycle and Transitions (NB: own translation)). Publisher: Gyldendal akademisk, 2014.

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<sup>291</sup> See: <https://lovdata.no/dokument/TRAKTAT/traktat/2013-06-27-24>

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