**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Norway**

**Main issues raised by TBs:**

* Discrimination of women and children with disabilities
* Awareness-raising campaigns to combat the stigmatization, prejudice and discrimination, notably of women with disabilities
* Mental health services for prisioners
* Need for protection and support to women with disabilities victims of violence

Concluding observations of the Human Rights Committee, 2016

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Concluding observations of the CERD Committee, [CERD/C/NOR/CO/21-22](http://daccess-ods.un.org/access.nsf/Get?Open&DS=CERD/C/NOR/CO/21-22&Lang=E), 2015

Refugees and asylum seekers, including unaccompanied minors

35. While noting the explanations provided by the State party, the Committee remains concerned about the use in the Trandum immigration centre of solitary confinement to ensure safe deportation, reportedly without a proper assessment or appropriate health services. It is also concerned at reports of the detention of children in immigration centres in the State party. The Committee is further concerned about the reported disappearance of unaccompanied minors, who may become victims of human trafficking (art. 5).

36. The Committee recommends that the State party review the procedures for and restrict the practice of solitary confinement of migrants and asylum seekers awaiting deportation, establish adequate health services, **including for mental illness**, for such persons, avoid the detention of children and ensure effective protection of unaccompanied minors, including against trafficking.

Concluding observations of the CESCR Committee, [E/C.12/NOR/CO/5](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/EGY/E_C-12_EGY_CO_2-4_15900_E.doc), 2013

3. The Committee notes with appreciation:

(c) the ratification on 3 June 2013 of the Convention on the Rights of **Persons with disabilities**;

15. The Committee is concerned that the municipal social housing stock is about 4 percent of the nation-wide housing stock, resulting in strict criteria for social housing allocation and long waiting lists. It is concerned that the quality of social housing is generally poor with a large maintenance backlog. The Committee is also concerned about the continuing high number of homeless persons, including an increasing number of children that are homeless with their parents (art.11).

The Committee recommends that the State party take steps to improve the availability and provision of municipal low-cost social housing units to disadvantaged and marginalized groups and individuals. It also recommends that the State party take steps to ensure the collection of data, on an annual basis, on the demand for social housing and the average waiting time, and include such data in its next periodic report. The Committee urges the State party to strengthen measures to address the phenomenon of homelessness, and recommends that it take immediate steps to address the situation of children that are homeless with their parents. The Committee draws the attention of the State party to its General Comment No.4 (1991) on the right to adequate housing.

18. The Committee is concerned about insufficient availability of **mental health** care services for prisoners with serious **mental health** problems. It is also concerned that persons with a serious mental illness continue to be imprisoned, in contravention to section 459 of the Criminal Procedure Act (art.12).

The Committee recommends that the State party take measures to ensure that prisoners with **mental health** problems receive adequate **mental health** care, including through transferal to an appropriate medical establishment. The Committee also recommends that the State party take steps to increase the number of beds in psychiatric in-patient wards to respond to the needs of prisoners with serious **mental health** problems.

19. The Committee is concerned about the high frequency of compulsory treatment and confinement in the **mental health** system of persons with psycho-social disabilities, as well as the inadequate legal framework regulating the application of coercive treatment. (art. 12).

The Committee calls upon the State party to ensure full respect for human rights of persons with psycho-social disabilities in cases of treatment in a psychiatric institution, including through ensuring that treatment is based on the free and informed consent of the individual concerned or his or her legal representative. It recommends that the State party amend the **Mental health** Act to introduce stricter procedural requirements to ensure that persons with psycho-social disabilities have adequate legal protection against the use of coercion. It also recommends that the State party 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). It further recommends that the State party increase the number of community-based services, including peer support and other alternatives to the medical model, for persons with psycho-social disabilities and allocate the necessary financial and human resources for the effective functioning of these services.

20. The Committee is concerned that children and adolescents living in reception centers do not receive satisfactory treatment from psychiatric services and that the waiting time before receiving such services is long (art.12).

The Committee recommends that the State party take steps to ensure that asylum seeking children receive adequate psychiatric services when needed, and to improve the competence and preparedness of staff at reception centers in relation to the special vulnerability of asylum seeking children.

Concluding observations of the CEDAW Committee, [CEDAW/C/NOR/CO/8](http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-NOR-CO-8.pdf), 2012

Definition of gender discrimination and gender equality

9. The Committee notes the upcoming White Paper and a Bill on the State Party’s future gender equality policies aimed at adjusting existing anti-discrimination legislation with an aim to harmonize the rules in different legal acts. The Committee is concerned at the lack of guarantee or definition of gender equality in the State Party’s Constitution or other appropriate legislation. The Committee is also concerned that the use of genderneutral legislation, policies and programmes, which might lead to inadequate protection of women against direct and indirect discrimination and hinder the achievement of substantive equality between women and men. Furthermore, the Committee is concerned at the lack of attention, in some laws and policies, to the specific needs of minority groups of women, including women with ethnic minority background and **women with disabilities**, often leading to intersectional discrimination.

10. The Committee calls upon the State party to:

(a) Embody the principle of equality of women and men into the Constitution or other appropriate legislation in accordance with Article 2 of the Convention;

(b) Adopt a more gender specific approach for its legislation, policies and programmes; and

(c) Raise awareness with respect to the nature of indirect discrimination and the principle of equality for all women, including women from ethnic minority background and **women with disabilities**, among Government officials, the judiciary and the general public.

23. While welcoming the launch in January 2012 of a new Plan of Action to Combat Domestic Violence and the establishment of the duty to contact the police or otherwise attempt to prevent domestic violence (section 139 of the Penal Code), the Committee expresses its concern at the high prevalence of violence against women in the State party, in particular, domestic and sexual violence, including rape and, marital rape in some communities, the high level of acquittals, the lenient sentences imposed on perpetrators which may be partly attributed to lack of gender training of lay judges who serve as jury in criminal cases, the absence of surveys and research on root causes of violence against women. It is also concerned at the apparent lack of awareness among women that marital rape is criminalized in the State party. The Committee reiterates its previous concerns at the lack of a comprehensive law on prevention of violence against women. The Committee is also concerned that the definition of rape contained in the General Penal Code, maintains the requirement of the use of threat or force. While noting the adoption in 2009 of the new Act relating to provision of municipal crisis centres (Crisis Centre Act), which directs all municipalities to have a shelter for women, men and children victims of violence and abuse in close relationships, the Committee is concerned that from 51 shelters, 22 shelters are for men and 10 of them remain empty, apparently due to inadequate estimation of the needs for this type of establishment, and that only half are accessible for women with physical disabilities.

24. The Committee urges the State party to:

(a) Give high priority to the enactment of comprehensive specific legislation on domestic violence, to put in place comprehensive measures to prevent and address violence against women and girls, including marital rape, to ensure that perpetrators are prosecuted and punished commensurate with the gravity of their crimes, in accordance with the Committee’s general recommendation No. 19 and to raise awareness among women that marital rape in criminalized;

(b) Adopt a legal definition of rape in the Penal Code so as to place the lack of consent at its centre, in line with the Committee’s general recommendation No. 19, and the Vertido case (CEDAW/C/46/D/18/2008);

(c) Train lay judges on the subject of violence against women;

(d) Provide adequate assistance and protection to women victims of violence, including to **women with disabilities**, by strengthening the capacity of shelters and crisis centres, and ensure that the need to help men victims of violence is addressed without detriment to the needs of women victims of violence; and

(e) Set a time frame for ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence.

35. The Committee is concerned about the situation of disadvantaged groups of women,

including **women with disabilities**, women of ethnic and minority communities and migrant women, who may be more vulnerable to multiple forms of discrimination with respect to education, health, social and political participation and employment. The Committee is concerned that requirements under the national legislation, such as proof of at least three years of marriage as precondition for claiming residency by foreign women or of difficulties in social integration in the country of origin, may pose difficulties for women victims of violence to acquire or renew residency or asylum permits and may continue to prevent them from leaving abusive relationships and from seeking assistance. The Committee notes difficulties some lesbian and trans-gendered asylum seekers have faced due to narrow construction of gender-related persecution as a relevant factor when considering asylum, as acknowledged by the State party.

36. The Committee calls upon the State party to:

(a) Take effective measures to eliminate discrimination against women of ethnic and minority communities and migrant women, irrespective of country of origin, both in society at large and within their communities;

(b) Take proactive measures, including through the development of targeted programmes and strategies, to increase women of ethnic and minority communities’ and migrant women’s awareness of and access to education, health and social services, legal aid, training and employment;

(c) Keep under review and carefully monitor the impact of its laws and policies on women of ethnic and minority communities and on migrant women, with a view to taking remedial measures that effectively respond to the needs of these women; and

(d) Take specific measures to address difficulties faced by lesbian and transgendered asylum seekers.

42. The Committee notes that the adherence of the State party to the nine major international human rights instruments1 would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, i.e. the International Convention for the Protection of All Persons from Enforced Disappearance, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and Convention on the Rights of **Persons with disabilities**.

Concluding observations of the CRC Committee, [CRC/C/NOR/CO/4](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskd8j6m8TLYHEq%2b8lcfyyNiQUvNf%2fFkGuqSHcLCnVGgW%2fBeyI7ES1Dm3GJe8JiGiLuPIucoilSYXpckfc5UCyjCEX4hP7jlulf8sOE31vVC%2b), 2010

Non-discrimination

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

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

21. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as the outcome document adopted at the 2009 Durban Review Conference, taking into account the Committee’s general comment No.1 (2001) on the aims of education.

**Mental health**

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

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