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Norway: people with disabilities and Roma need more attention

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Strasbourg, 18 May 2015 – “Norway has a strong human rights architecture, but more attention should be given to the empowerment of people with disabilities and the full inclusion of Roma” said today Nils Muižnieks, Council of Europe Commissioner for Human Rights, while publishing a [report](#) based on his visit to the country carried out from 19 to 23 January 2015.

The Commissioner welcomes Norway’s ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) and the domestic legal framework against discrimination on the basis of disability. However, he points out that Norway still fails to fully promote the self-determination, legal capacity and effective equality of people with psycho-social and intellectual disabilities. The 2013 Guardianship Act continues to allow substituted decision-making and plenary guardianship in this area, a practice which is not in line with CRPD obligations. “The Norwegian authorities should revoke plenary guardianship and full incapacitation regimes as a matter of priority. They should also develop new systems of supported decision-making, based on individual consent, together with people with psycho-social and intellectual disabilities.”

While noting the Norwegian national strategy 2012-15 to reduce the use of coercion in mental health care, Commissioner Muižnieks recommends a more comprehensive approach to bring about fundamental changes. He calls on Norway to reform legislation on involuntary placements in a way that it applies objective and non-discriminatory criteria which are not specifically aimed at people with psycho-social disabilities. Medical treatment should be based on free and fully informed consent with the exception of life-threatening emergencies when there is no disagreement about the absence of decision-making capacity. The Commissioner is not convinced that the documented involuntary use of electroconvulsive therapy in Norway is in line with human rights standards.

The Commissioner has serious concerns about the situation of the Roma community in Oslo. The extremely frequent use of child protection measures which separate children from their families and low school attendance are the main problems. “The Norwegian authorities must review Roma children’s alternative care decisions for their human rights compliance and provide support to Roma parents in exercising their parental role. The best interests of the child should be a primary consideration. Preventing family separation and preserving family unity are important components of the child protection system.” The Commissioner also recommends the development of programmes for mediators and teaching assistants for improving the school attendance of Roma children.

The Commissioner welcomes the withdrawal of the Government’s recent proposal for a nation-wide prohibition of begging but remains concerned about bans at municipal level on begging and “sleeping rough”. “A blanket ban on non-aggressive begging has a

discriminatory impact on Roma immigrants and interferes with freedom of expression. Such bans should be repealed. The authorities should also ensure the sufficient availability of emergency accommodation to those in need, including immigrants.”

The Commissioner points out that the arrival of Roma immigrants to Norway has been accompanied by worrying manifestations of anti-Gypsyism and hate speech. He urges the authorities to firmly condemn all instances of racist and xenophobic hate speech and to ensure effective investigations into such cases. The Commissioner also highlights the positive and inclusive work of the Government Commission set up to establish a shared understanding of past injustices and abuses experienced by Romani people/Tatars in Norway.

While noting with satisfaction the current process of reforming the National Institution for Human Rights, the Commissioner recommends reinforcing the mandate of the Equality and Non-discrimination Ombud with the authority to provide assistance and legal representation to victims of discrimination.

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Nils Muižnieks, took up his function on 1 April 2012