



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Norway
Title:	New government White paper on the rights of people with intellectual/ cognitive disabilities
Date:	6 February 2017
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<u>Context</u>	
Issue at stake:	Government White paper on the rights of people with cognitive disabilities - NOU 2016:17 <i>På lik linje – åtte løft for å realisere grunnleggende rettigheter for personer med utviklingshemming</i> ("On equal footing – 8 boosts to realize basic rights for people with cognitive disabilities") sent on public hearing
Ground of discrimination:	Disability
Source:	Policy development
Field:	All
Applicable law:	-

Content

Policy development:

The White paper NOU 2016: 17 "On Equal Footing – 8 boosts to realize the basic rights of people with cognitive disabilities" is the work of a governmentally appointed commission mapping the living conditions of people with developmental disabilities. This work is a follow-up from a previous Parliamentary report (Meld St 45 (2013) *Freedom and equality*) which concluded that the policies to improve the conditions for persons with cognitive disabilities over the past decade had not improved their rights, and in some areas had even deteriorated.

The (Equal Footing) Commission has analysed and assessed what changes are necessary to ensure the fulfilment of the fundamental rights of people with cognitive disabilities. Their starting point is the CRPD, and already table 1.1 of the report outlines areas in which the rights of people with cognitive disabilities are not met. The white paper outlines eight areas in which a particular boost is needed to secure the basic rights of people with cognitive disabilities. These are: inclusive and equal education, self-determination and the rule of law, work for all, health and care, and four areas of particular relevance to the right to private and family life: the right to their own home, expertise and knowledge, coordinated services and targeted management. Within each of these areas, the white paper focuses on measures to improve rights, using CRPD as a yardstick for the rights to be assessed.

Key points of analysis:

The White paper suggest in particular five important proposals of relevance to the EU

anti-discrimination directives:

- CRPD should be implemented in the human rights act, thus giving the convention the same status in national law as for example CEDAW and CRC.
- Free legal aid should be provided specifically to people with cognitive disabilities, taking into account their special needs.
- Moving away from the current system of legal guardianship, to introduce systems of decision-support instead.
- Changing the legal framework for the current deprivation of legal capacity to be in line with CRPD.
- Changing the legal framework for compulsory treatment of people with cognitive disabilities.

Internet link source:

<https://www.regjeringen.no/no/dokumenter/nou-2016-17/id2513222/sec1>

(in Norwegian only).