



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

### FLASH REPORT

<b>Country:</b>	Norway
<b>Title:</b>	Government proposal regarding an ombudsman for the elderly
<b>Date:</b>	26 September 2019
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<b><u>Context</u></b>	
<b>Issue at stake:</b>	Ombudsman for the elderly for all sectors of society
<b>Grounds of discrimination:</b>	Age, Disability
<b>Field of application:</b>	All fields
<b>Source:</b>	Policy development
<b>Applicable law:</b>	Government proposal Lov om eldreombud (Ombudsman for the Elderly Act) of 6 September 2019

### Content

**Policy development:** The Government now proposes an Ombud for the Elderly Act, as agreed upon in the Government platform (the key points agreed upon between the political parties the Conservative party (*Høyre*), the Progress party (*Fremskrittspartiet*), the Liberal Democrats (*Venstre*) and the Christian Democrats (*Kristelig Folkeparti*) on 17 January 2019.<sup>1</sup> This ombud will be an independent administrative body, based on the model of the Children's Ombud. As with the Children's Ombud and the Equality and Anti-Discrimination Ombud, it will be placed under the administration of the Ministry for Culture and Equality, but the Ministry will have no power to instruct the Ombud, except through the creation of regulations (the proposed Ombudsman for the Elderly Act Articles 2 and 8).

This body will not have the power to make binding decisions, as does the Equality Tribunal, but shall work proactively in order to monitor and promote the rights and living conditions of the elderly. It will not make decisions in individual cases or serve as a complaints mechanism.

No definite age limit is proposed, as who are seen as elderly vary.

As a means to enhance the Ombud's independence, the leader, also called the Ombud, holds the position for six years, with no possibility of holding it longer (the proposed article 2(2)).

It will be located in Ålesund, a town in the North-West of Norway. In order to obtain some synergy and close cooperation, a new Centre for an age-friendly Norway (*Senter for et aldersvennlig Norge*) will also be located in the same town. The centre is organised under the Ministry for Health, and will mainly serve as a secretariat for an elected council for the

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<sup>1</sup> Granavoldplattformen page 50, available (in Norwegian) at <https://www.venstre.no/assets/krf-v-h-frp-politisk-plattform-2019.pdf>.

rights and living conditions of the elderly, with representatives from NGOs, employer's unions, researchers etc.

It is uncertain when the new Ombud will start operating. The deadline for comments is 6 December 2019, and the further process will depend on whether there is any new and vital information, and on the priority, it is given in the Ministry for Health etc. Most likely a revised proposition will be presented before the Parliament late 2020 or in the first half of 2021, for entry into force in the second half of 2021 or first half of 2022.

**Key points of analysis:** There will be no formal changes in the mandate for the Equality and Anti-Discrimination Ombud, it will still have age discrimination as part of its mandate. However, it is likely that they will receive fewer questions regarding age, and there will be some overlap.

The main advantages are that the formal anti-discrimination approach can be a too narrow approach to address structural discrimination and many other challenges that Elderly persons experience, and that a new Ombud will provide more resources and opportunities for being a driving force for improvements in the living conditions of the Elderly.

The main drawback is that the Ombud for the Elderly is likely to not have much, or any, knowledge of anti-discrimination law, or the anti-discrimination field, as it will both have a very limited field of recruitment due to its location in a small town far from any anti-discrimination institutions or institutions doing research in the field of anti-discrimination. In addition, there is the danger of overlooking diversity among the elderly, such as various ethnic and religious backgrounds, gender perspectives, sexual orientation, and combinations of these, as well as the very relevant disability approach, including CRPD.

**Internet link source:**

[https://www.regjeringen.no/contentassets/420a23364a294b34924abc30ee21aa0e/horin\\_gsnorat-eldreombud.pdf](https://www.regjeringen.no/contentassets/420a23364a294b34924abc30ee21aa0e/horin_gsnorat-eldreombud.pdf).