**NAD’s submission for the Day of General Discussion on** **Article 5 of the Convention on the Rights for Persons with Disabilities**

*The Norwegian Association of Disabled (NAD) is an advocacy organisation of and for persons with disabilities. Our vision is a society for all, where persons with disabilities have the same opportunities as other people to live according to their own wishes, abilities and interests.  
At present, NAD has almost 15 000 members, 250 local branches, 9 regional branches, 11 affiliated national diagnosis groups, and a youth organisation.*

NAD welcomes the initiative of the Committee on the Rights of Persons with Disabilities (*hereinafter* “the Committee”) to call for comments to its "Outline of the draft General Comment on article 5” and to hold a Day of General Discussion on the issue. The outline refers to many key elements of CRPD Article 5. In this submission, we contribute by stressing some key points from a Norwegian perspective, to be considered by the Committee.

**II. Normative content**

Art. 5 (2)

7.b. Personal scope

Article 6 and 7 already mentions that women and children with disabilities might suffer a greater risk of discrimination. It would be useful however, if the Committee could clarify other grounds and also stress the importance of working against the intersectional discrimination faced by many.

**III. Interrelation with specific other articles**

14. Article 13.

In Norway, we have a Supreme Court ruling that excludes blind and deaf persons from serving as jurors or lay judges.[[1]](#footnote-1) In addition, recent research shows that inmates with disabilities often serve out their sentences in worse conditions than others[[2]](#footnote-2). NAD sees this to be a direct violation of CRPD article 5 (1), 13 (1) and 14 (2).

**IV. State Party obligations**

19. Norway has recently passed a new Anti-discrimination law. The following comments are based on the new law that will take effect on Jan. 1st, 2018.

- Geographical limitations. Certain areas in Norway are exempted in the new law, for instance Svalbard. Svalbard is a special area where several other laws are also exempt from taking effect, but with regards to the CRPD, NAD sees this in stark contrast to article 4 (5).

- Undue burden. The term “undue burden” is vague. In our country, we experience that as soon as anything have an economic cost, however little, “undue burden” is used as an argument to do nothing. The new law mentions “undue burden” several times, with respect to both issues of accessibility and concerning reasonable accommodation. When the term is as vague as it is, it is easily misused. A clarification from the Committee would be helpful in this respect.

- Goods and services are left out of the anti-discrimination law. NAD wishes the Committee would highlight that article 5 applies to all parts of society.

1. https://www.domstol.no/no/Straffesak/Lekdommer/meddommervalg/ofte-stilte-sporsmal/ [↑](#footnote-ref-1)
2. http://www.ldo.no/globalassets/brosjyrer-handboker-rapporter/rapporter\_analyser/soningsrapport-web.pdf [↑](#footnote-ref-2)