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Contribution to a study in relation to the Convention on the Rights of Persons with Disabilities and its Optional Protocol – Norwegian Centre for Human Rights

Reference is made to the letter dated 4 June 2008 from Mr. Ibrahim Wani asking the Norwegian Centre for Human Rights to contribute to a study undertaken by the Office of the United Nations High Commissioner on Human Rights in relation to the Convention on the Rights of Persons with Disabilities and its Optional Protocol. The Norwegian Centre is thankful for the opportunity to contribute to the study. The information provided can be made available at the OHCHR website.

The Norwegian Centre for Human Rights is a multi-disciplinary research institution, and a part of the Faculty of Law at the University of Oslo. The Centre is also Norway's fully A-status accredited National Institution for the Promotion and Protection of Human Rights.

The following comments from the Norwegian Centre for Human Rights are based on information from the Norwegian Ministry of Foreign Affairs and the Ministry of Children and Equality:

a) Legal measures for ratification of the Convention and Optional Protocol

Norway signed the Convention on the Rights of Persons with disabilities 30 March 2007, but has not yet ratified it. However, Norway is of course obliged to refrain from acts which would defeat the object and purpose of the treaty prior to its entry in to force.¹

According to the Ministry of Foreign Affairs and the Ministry of Children and Equality, the Government intends to present a proposition to Parliament on the ratification of the Convention at the end of 2009. No decision has yet been made regarding the signing and/or ratification of the Optional Protocol, but the Government is in the process of considering this.

b) Legal measures for implementation of the Convention and Optional Protocol

The Norwegian authorities are currently reweaving relevant legislation to ensure compliance with the Convention.

¹ Vienna Convention on the Law of Treaties, May 23 1969, Article 18.

Before ratification of the Convention, the Norwegian legislation of guardianship has to be revised to bring it in accordance with article 12. The Ministry of Justice hopes to be able to present its proposition to Parliament at the end of 2008.

An act relating to prohibition of discrimination on the basis of disability (the Discrimination and Accessibility Act) was adopted by Parliament in June 2008 and will enter into force on January 1st 2009. Further legislation in this field is being prepared.

All government ministries have been asked to prepare a report on the implementation of the Convention, including measures for securing the realisation of the rights of Persons with Disabilities. The deadline for these reports is October 15th 2008. On the basis of the reports the Government will consider whether further changes in the current legislation is needed before the ratification of the Convention. During 2008, a consultation process will also be initiated for the Optional Protocol.

c) Legal measures on national monitoring, particularly in relation to article 33 of the Convention

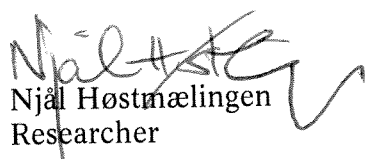
The Ministry of Children and Equality is responsible for coordinating the Equality and Anti-discrimination disability policy. This is done in cooperation with a committee of state secretaries with participation from most government ministries. An independent Equality and Anti-discrimination Ombud² is already in place. The Ombud promotes, monitors and enforces existing legislation against discrimination based on various grounds, including gender, ethnic origin, religious belief, sexual orientation, disability and age. The national monitoring of the Convention will build on this existing structure.

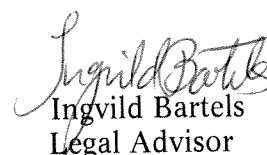
The Equality and Anti-discrimination Ombud and NGO's working in this area have been asked to give suggestions on how one should organize the participation of representatives of persons with disabilities in the monitoring process, as set out in article 33, paragraph 3. The Ombud has also been asked to make a proposition on how to implement article 31 Statistics and data collection.

d) Any other information relating to paragraph 16 of the resolution

According to the Ministries, the Convention seems to be quite well known in Norway already. However, more information on the implications of the Convention will probably be necessary when Norway ratifies the Convention.

Yours sincerely


Njål Høstmælingen
Researcher


Ingvild Bartels
Legal Advisor

² <http://www.ldo.no/en-gb/>