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**We Shall Overcome (WSO)**

**Oslo, Norway**

[**www.wso.no**](http://www.wso.no)

**Committee on Social, Economic and Cultural Rights - 51 session**

Review of Norway 21 November 2013

**We Shall Overcome (WSO)[[1]](#footnote-1) – briefing of the Committee 18 November 2013**

Hege Orefellen,

Honourable Chair and Committee members,

I am speaking on behalf of We Shall Overcome, a Norwegian organisation of people with psychosocial disabilities and users and survivors of psychiatry. I am myself a survivor of forced psychiatry.

We thank the Committee for this opportunity to raise some of our concerns and would like to refer you to our already submitted report and recommendations.

Among the issues raised therein, we would like to highlight here today the systemic discrimination that persons with psychosocial disabilities are subjected to through forced psychiatric interventions. This discrimination is upheld by legislation, policies, practices and cultural attitudes and stereotypes. We would in particular underscore the need for legislative reform as a first crucial step to combat this discrimination.

Norwegian mental health legislation authorises deprivation of liberty based on psychosocial disability (“serious mental disorder”). Regardless of due process guarantees and legal safeguards, such a regime of detention constitutes disability-based discrimination and runs counter to the UN Convention on the Rights of Persons with Disabilities – also ratified by Norway.

Norwegian mental health legislation also authorizes non-consensual medical practises like forced electroshock, forced drugging, restraint and solitary confinement, practises that amount to ill-treatment. These violent interventions continue to be practised against our members, causing harm, suffering and trauma that remain unacknowledged since the interventions are done in the name of medical treatment. Yet such practices can never be justified: the right to control our own bodies and minds is an aspect of the right to health, guaranteed to us on an equal basis with others under your Covenant on Social, Economic and Cultural Rights.

We propose that the Committee ask the State Party what measures it plans to take to ensure that persons with disabilities will not be subjected to discriminatory and coercive practices in the medical setting, including the forced administration of neuroleptic drugs and electroshock.

We urge the Committee to recommend the State Party to undertake legislative reform and repeal legal provisions that authorizes compulsory treatment and involuntary commitment in the mental health system. The State Party should recognize the immediate obligation to stop ill-treatment from being carried out through forced psychiatric interventions.

Liv Skree

Dear honourable Chair and Committee members,

I am also a survivor of psychiatry.

I was incarcerated for an indefinite time, secluded and isolated. I was placed in mechanical restraints and forcefully medicated. I was denied social activity, information and fresh air. The high doses of neuroleptic drugs changed my thoughts, speech and bodily behaviour. No matter how much I asked to be freed from this, my own opinion was not respected or considered to be of value.

I speak on behalf of all our members requesting your help in putting an end to these forced interventions and to support us in our fight for freedom and equal enjoyment of all human rights. Please urge the State Party to ensure our right to access to health services based on our free and informed consent – this is a right, which must be guaranteed to everyone equally, both in the law and in practice. Thank you for your time.

**Recommendation:**

* The Committee urges the State party to incorporate into the law the abolition of violent and discriminatory practices against children and adults with disabilities in the medical setting, including deprivation of liberty, the use of restraint and the enforced administration of intrusive and irreversible interventions such as neuroleptic drugs and electroshock.
* The Committee urges the State party to undertake legislative reform and repeal legislation that authorises deprivation of liberty linked in legislation to “mental disorder”, psychosocial or intellectual disability, or in other ways being based on disability. Notably, the Mental Health Act authorises deprivation of liberty and compulsory treatment based on psychosocial disabilities in contravention of the CRPD, and ICESCR art. 2 and 12, and needs to be abolished.
* The Committee urges the State party to ensure effective legal remedies for people with disabilities to obtain release from mental health facilities where they may be held against their will.
* The Committee urges the State party to ensure that allegations of torture or other ill-treatment provoke a prompt and impartial investigation by competent authorities, and ensure that ill-treatment and other abuses in the mental health system are remedied and prevented, and that such abuses do not take place undocumented and with impunity, under the pretext of “health care”.
* The Committee urges the State party to recognize the immediate obligation to stop ill-treatment from being carried out through forced psychiatric interventions.
* The Committee urges the State party to ensure that all medical services are provided to persons with disabilities on the basis of the free and informed consent of the individual concerned.
* The Committee recommends the State party to develop a wide range of community-based services and supports that respond to needs expressed by persons with disabilities, and respect the person’s autonomy, choices, dignity and privacy, including peer support and other alternatives to the medical model of mental health, and to ensure that humane and non-medication based treatment alternatives are made readily available.

**Question:**

* What measures are being taken to ensure that persons with disabilities, in the medical setting, are not subjected to discriminatory and coercive practices, including the forced and non-consensual administration of neuroleptic drugs and electroshock, recognised as forms of torture or ill-treatment?
* What is being done to collect, document and learn from the stories of abuse and infringement in the mental health system?
* What measures are being taken to ensure that all medical services are provided to persons with disabilities on the basis of the free and informed consent of the individual concerned?
* What specific measures are being taken when the State party receives allegations of ill-treatment or other human rights violations; to ensure proper investigation, and to ensure that ill-treatment in the mental health system is remedied and do not take place with impunity?
* What measures are being taken to ensure victims of ill-treatment in the mental health setting redress and compensation, and to implement guarantees of non-repetition?
1. Contactpersons: Hege Orefellen; hegejo@kjemi.uio.no Liv Skree; liv.skree@hotmail.com [↑](#footnote-ref-1)