

**Committee Against Torture 49th session
Consideration of Norway 1st and 2nd of november 2012**

**Presentation on behalf of WSO, WNUSP, ENUSP and IDA
At the NGO briefing with the Committee 31st October
By Mette Ellingsdalén (WSO)**

I speak on behalf of We Shall Overcome, a Norwegian organization of people with psychosocial disabilities, as well as the World Network of Users and Survivors of Psychiatry, The European Network of Users and Survivors of Psychiatry and the International Disability Alliance. I am myself am a survivor of psychiatry, having experienced forced commitment and electroshock and been denied the right to free and informed consent.

I thank the Committee for this opportunity to raise some of our concerns. I would like to refer to the already submitted written information and recommendations, and will here highlight some particular issues.

Norwegian mental health legislation authorises deprivation of liberty (partly) based on the existence of a psychosocial disability (serious mental disorder). Regardless of due process guarantees and legal safeguards, such a regime of detention constitutes disability based discrimination. It has the effect of impairing the recognition and enjoyment of liberty on an equal basis with others and runs counter to the UN Convention on the Rights of People with Disabilities (art. 5 and 14), which Norway has signed but not yet ratified. Norway is nevertheless obliged under other binding human rights treaties, including the Convention against Torture, not to discriminate based on disability and to ensure that the law prohibits such discrimination.

Facilitated and authorized by this discriminatory legislation, we are subjected to a whole range of violent medical practices like forced electroshock, forced drugging, the use of restraint and solitary confinement. This causes severe trauma for the individual that remains unacknowledged as such, as it is done in the name of therapeutic treatment. The right to control our own bodies and minds is an aspect of the right to physical and mental integrity, a right guaranteed to us on an equal basis with others under international law. The wide authorizations in national legislation to use force on persons with psychosocial disabilities leads to an oppressive and coercive health-system that deprives us of our basic right to health care based on free and informed consent and the right to self-determination.

It is with great concern we see that the Norwegian Government expresses no intentions to abolish these discriminatory laws, and in fact recent law reform has been expanding, not restricting, recourse to coercive means, despite the government's expressed intention to reduce the use of force in psychiatry.

As a particular concern we would like to highlight the widespread administration of forced drugging on an in-patient and out-patient basis in Norway. Our reason for being especially concerned about this practice is the amount of suffering and pain reported by people experiencing this, the high risk of physical and mental harm that comes with the long-term use of neuroleptic drugs and the fact that people are submitted to these interventions for a prolonged and indeterminate time, for many people several years or even their whole adult life.

Another concern is the increasing administration of electroshock without guaranteed free and informed consent of the person concerned. Forced electroshock is happening without registration, and to what extent we do not know. The high risk of permanent brain damage and the intrusive nature of the treatment makes it a matter of urgency to ensure that it is administered only with the individual's free and informed consent, and that the practice is closely scrutinized.

When people bring forward allegations of the unjustified use of force and ill-treatment in the mental health system, in our experience we see a failure from the government to ensure a prompt and impartial investigation and to ensure the complainants protection against retribution or punishment.

We propose that the Committee ask the State Party what measures are being taken to prevent ill-treatment based on discrimination of people with psychosocial disabilities in the mental health system, and to abolish discriminatory laws that facilitate such ill-treatment.

We also propose that the Committee ask the state party what specific measures are being taken when the State Party receives allegations of ill-treatment or other human rights violations; to ensure proper and impartial investigation, and ensure that ill-treatment in the mental health system is remedied and does not take place with impunity..

Thank you for your time, and we welcome any questions the Committee may have and will do our best to clarify our concerns.