

Committee Against Torture 63rd session
Consideration of Norway 24-25 april 2018
Presentation on behalf of We Shall Overcome – WSO at the NGO-briefing with the
committee 23rd April, by Mette Ellingsdalen

I speak on behalf of We Shall Overcome, a Norwegian a DPO, run by and for users and survivors of psychiatry. WSO advocates for the human rights of users and survivors of psychiatry, the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD), and bringing forced psychiatric practices and other infringements in the mental health system to an end. I am myself 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.

Deprivation of liberty, forced treatments and use of coercive means in the mental health system is discriminatory, disability-specific forms of torture and other ill-treatment.

Persons with psychosocial disabilities face discrimination, stigma and marginalization. We are subjected to emotional and physical abuse in mental health facilities, where we are especially at risk of ill-treatment carried out through coercive psychiatric procedures. The discrimination includes deprivation of liberty based on perceived impairments, rejection of our will and preferences as “incompetent” and ill-treatment masked as treatment.

Unfortunately, stricter procedural safeguards will not solve the fundamental problem of discriminatory legislation authorizing disability-based detention and forced interventions. If procedural safeguards are put in place instead of a serious initiative to abolish forced commitment and treatment, they simply judicialize these harmful and discriminatory practices committed against persons with disabilities, and allow them to continue to be practiced with impunity, involving courts or other tribunals as well as medical personnel in committing acts that amount to torture and ill-treatment.

The UN CRPD Committee, has spoken clearly both in its General Comment No. 1, in its guidelines on CRPD Art. 14, and in its Concluding Observations; there can be no legitimate detention in any kind of mental health facility, and forced treatment by psychiatric and other medical professionals is a violation of the right to equal recognition before the law, as well as an infringement of the rights to personal integrity (CRPD art. 17); freedom from torture (CRPD art. 15); and freedom from violence, exploitation and abuse (CRPD art. 16).

Facilitated and authorized by 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.

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. The amount of suffering and pain reported by people experiencing this, among them many of our members, and the high risk of physical and mental harm that comes with the long-term use of neuroleptic drugs, makes it a high priority to end this practice.

Another major concern is the use of forced electroshock and electroshock administered without guaranteed free and informed consent of the person concerned. 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.

We ask the committee to give Norway a clear recommendation to ban the practice of forced electroshock and forced medication, that is already recognized as a form of torture and ill-treatment by among others the UN Special Rapporteur on torture.

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

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