
Summary in English: NOU 2001: 22

From User to Citizen

A strategy for the dismantling of disabling barriers

Foreword

This condensed version of *From User to Citizen* is an attempt to provide a good summary of the 330-page report. In the report the Commission gives a detailed description of the situation of people with disabilities in most areas within society. In addition the Commission provides a thorough exploration of Norwegian legislation as well as its international obligations. These descriptions are not included in the condensed version. The condensed version focuses on the evaluations and proposals. For fur-

ther details, please consult, the complete version of this report (NOU 2001:22). To make it easier for readers wanting to read the complete version of *From User to Citizen*, the chapters have been given the same titles in both versions. As a result there is no chapter 2 in this version. Chapter 2 in the Norwegian Official Report consists of a brief summary.

The full version of *From User to Citizen* is available in norwegian only

1 Mandate, Composition and the Commission's Work

The Commission's mandate is very extensive, consisting of a broad spectre of issues. Among other things, the Commission shall evaluate different strategies and means to promote the goal of full participation and equality. The Commission is to describe the institutional and structural framework

that disabled people encounter in different areas and in different phases of their lives. The Commission shall give an evaluation of whether or not the rights of disabled people are sufficiently safeguarded, and whether or not the use of rights in legislation represents a good means for achieving these goals. The Commission has consisted of the following members:

Sigurd Manneråk
Chairman

Erling Brandsnes
Sidsel Grasli
Sissel Stenberg
Berit Vegheim

Malin Brattstrøm
Alice Kjellevoid
Ann-Marit Sæbønes

Gunnar Buvik
Håkon M. Pettersen
Jan Tøssebro
Vegard Ytterland

Grete Hjermsstad
Anne Lieungh
Mariann Helen Olsen
May Schwartz

The Commission has understood its mandate as mainly being oriented towards political and practical measures against disabling processes and barriers in the environment. Questions related to the medical, psychological or educational treatment of impairments is therefore given little attention. This is also true for questions relating to prevention, diagnostics or treatment.

The Concept of Disability

With regard to the concept of disability, the Commission says that this is such a multi-faceted phenomenon that further definition is required: *The concept of impairment* refers to the loss of, injury to or deviation from the normal psychological, physiological or biological functions of the body. Disabling factors refer to the gap or discrepancy between the ability of the individual and the demands of society – with regard to those functional abilities that are vital in order to establish and maintain independence and a social life. When the concept of disability is applied to persons, it refers to people whose practical living is limited due to the gap or discrepancy between their impairment and the demands of society/the environment.

The Concepts of Full participation and Equality

A policy for the disabled is ultimately a question of democracy. It is about the right to participate in society, on the basis that all people are equal. Equal status reflects this commitment – but equality does not mean that we are all the same or that we should all be treated the same. Formal equality is not sufficient to ensure equal status. The goal must be real equality. The Commission interprets the goal of equal status to mean equal chances, i.e. equal chances to enjoy life and participate. Full participation implies the opportunity to participate on your own terms in a society where there is room for different ways of functioning.

The main challenges for achieving full participation and equal status are linked to the way our society is designed. If these goals are to be taken seriously, both resources and competence are required. The right to participate in society is a question of basic human rights; seen in this perspective, the question of economy becomes a secondary concern, even if, due to limited resources, it may take time to realise these goals.

Adaptation, Accessibility and Universal Design

The Norwegian society of today has not been designed for everybody. Its design is influenced by the fact it is the non-disabled citizen that has been used as its model. The consequences of not taking the diversity of the population into consideration, is a society where many are prevented from making full use of their abilities, and where many disabled people encounter man-made barriers. These man-made barriers can often be compensated for through special adaptations. This means incurring extra costs, which could have been avoided: When the Commission uses the concepts of accessibility and adaptation, this is based on the understanding that the accessibility and the adaptation shall be universal and include all. Accessibility for all is a social right, and shall in principle be achieved through universal design.

Universal design represents a strategy of design and planning which introduces equality as an important element in the physical design of society. Products, buildings, outdoor areas and means of communication shall be designed in such a way that the solutions can be easily used and are suitable for everybody. These solutions provide equality for all in basic design so that unnecessary additional arrangements shall be avoided.

3 Human worth, solidarity and a society for all

The values – base for the Commission, is provided by its mandate, and derived from the current goals of the policy for the disabled. There is hardly any essential disagreement as to these goals, and challenges related to values are not linked to a need for a renewal of ideals. The main challenge is linked to the fact that, to some extent, the ideals appear to be honorary words only, whose consequences we are not quite willing to face. There is however an issue about what is called manifest and latent values, or open and hidden values.

By open values we mean values that people openly confess to, that are stipulated in objectives or in statements about values. Hidden values are not expressed, but they are nonetheless central to what we do in practice. As in cases where neighbourhoods protest fiercely when mentally retarded people are moving into their neighbourhood, while at the same time they deny just as fiercely having any negative attitudes towards mentally retarded people. Instead it is claimed that mentally retarded people will not fit into the neighbourhood, for ex-

ample due to a lack of parking spaces, unsuitable outdoor areas etc.

The problems attached to this discrepancy between open and hidden values are often linked to what may be called a non-expressed prioritisation of other considerations – to factors that we have little conscious awareness of. This can take many forms: one is the things we «simply don't think about». When a conference room is fully accessible to wheelchair users with the exception of the speaker's platform, the fact that the speaker may be in a wheelchair was not taken into consideration during construction. There are numerous examples of this kind, and many will accept them as being merely an oversight or a blunder. But the problem arises when the blunders become systematic, then they can no longer be called blunders. Constantly overlooking the human diversity of our society becomes part of our social structure and in practice a part of the value system of our society. The Commission has seen it as an important task to highlight this unexpressed aspect of our value system.

The history of society's treatment of people with impairments is full of examples and tales of the violation of human worth. The protection of human worth for people with impairments requires a special alertness, especially with regard to hidden values. An illustration of this is the inconsistency that characterised the first half of the 20th century. On the one hand, there was a gradual introduction of schemes that have later become associated with the welfare state. On the other hand, there was a strong influence exerted by eugenic and racial «hygienic» thinking, where the most common measures involved internment and sterilisation. Internationally, this was a period characterised by the establishment of large institutions for the mentally retarded and for people with mental illnesses.

It is an important principle that human worth cannot be ranked. In some cases however, one may ask, if such a ranking of people occurs, among other things, on the basis of functional ability. For instance, for a long time it has been considered completely unthinkable that people with Down's syndrome could have a kidney transplant. The arguments for this were largely of a practical nature, but it is likely that the idea was just too unfamiliar. After the first kidney transplant was carried out at the National Hospital of Norway, Rikshospitalet, a few years ago, the operations have become more common, and the experiences gained from this are good.

The question of abortion on an eugenic basis is another ethical challenge. The current legislation on abortion in Norway allows for the possibility of an abortion between the twelfth and the 18th week of pregnancy if there is a great risk that the foetus may be born with a serious illness. This includes a number of conditions that are incompatible with life, but it also applies to cases where there is a risk that the child may be born with impairment. As few treatment possibilities exist, there is a close link between foetal diagnostics and selective abortion. This is problematic when the debate on foetal diagnostics and abortion following the twelfth week of pregnancy is not discussed as an ethical question, but rather as preventive health care. There is no reason to accuse parents seeking abortion of participating in a selection process, nor is there any reason to suspect that the physicians who are developing and applying foetal diagnostics are working to ensure that as many children as possible are born healthy without defects. On a social level, the consequences of the Abortion Act maybe provides foetuses with functional limitations, a different and weaker legal status than others. In a time where it is technically feasible to carry out things that earlier were unthinkable – both good and bad – it is important with a legislation and a practice that do not undermine or weaken our views of the inviolability of man and the idea of equality. The Commission sees it as very important that we have a continuous debate concerning questions of medical technology, the priorities of the health system, human worth/dignity and equality.

In closing, the Commission points to the fact that the term integration has some implications which makes many people want to exchange it for another. The word integrated is still used – about children growing up today. It is as if we, without giving it much thought, employ the word about people belonging to a group to which society earlier have applied special measures, or where some people are of the opinion that they should have separate services. «In our class, there are 24 students, two of which are integrated» is a way of saying that it is not a given thing that the two last students are in the class. Many people are therefore in favour of replacing the term integration with the term inclusion, to make it clear that disabled people are not to be introduced into anything – but that they simply are.

The exchange of terms has another aspect to it as well; integration is used about introducing someone into something. Such as the ordinary school, without necessarily any changes being made to the actual school. The focus is on the

person that is being introduced, not on what one is being introduced into.

In the UK the term inclusion is used, and a programme exists to change the schools or other institutions in society, so that they can be altered to accommodate the whole range of human diversity. Inclusion is about changing the attitudes in such a way that everybody can find their place. Thus, the term inclusion represents a shift in perspective. In this way there is a connection between the concept of inclusion and the modern understanding of the word disability. Similarly, there is a connection to the strategy which is known as universal design.

4 Background and Developmental Trends

Measures for people with disabilities have long been part of the general welfare policy, but they have never held a very prominent place. The development of the social affairs policy in Norway has occurred through an increasing number of groups of people in need of assistance, being elevated from being dependant on the system of poor relief to being made the object of special care and legislation. General measures for people with disabilities were not given priority. The Act of 1936 relating to the «blind» and the «crippled» for instance only included certain groups, and a general disability pension was not introduced until 1960. For many handicapped people the poor relief fund was the only alternative. It was only in the early 60s that it became possible to talk about a comprehensive policy for the disabled.

At that point in time, there was a shift in mentality in Norwegian society, and a brake away from the idea of segregation. The distribution of tasks between the voluntary organisations and the public was changed, providing the organisations for the disabled with a new role. The principle of social and organisational integration formed the basis for the development of policies, and a number of new organisational mechanisms were employed. The idea of rights and user participation moved to centre-stage.

Emerging trends within society played an important role in the choice of strategy and implementation of policies for the disabled in the years ahead. Therefore a brief review of some of these central societal trends has also been included: Decentralisation and privatisation, are not new, but have had an impact on society for some time. This is followed by comments on demographic chang-

es, globalisation of the economy, the emergence of the information society and individualisation.

5 International Obligations

None of the international/European conventions on human rights contain regulations that have been especially directed towards people with disabilities. Work on a separate convention relating to the abolition of discrimination against disabled people has not been successful. The Convention on Children of 1999 is the only one of the conventions to mention disability as an unacceptable basis for rationing discriminating treatment. Article 2 states that no one shall be discriminated against because of a disability and Article 23 deals with the rights of physically and mentally handicapped children to lead a full and decent life.

The Human Rights Act of 21 May 1999 incorporates three central conventions. They are: The European Convention on Human Rights with protocols, the International Convention on Economic Social and Cultural Rights and the International Convention on Civil and Political Rights. These apply directly as Norwegian law. At present there is an ongoing work with a view to incorporating more of the conventions into Norwegian Law, among others the Convention on Children.

As part of the promotion of human rights, the government has presented an Action plan on human rights. (Report to the Storting No 21 1999–2001) entitled *Menneskeverd i sentrum – Human Worth in Focus*. The situation for people with disabilities is dealt with in chapter 4.6.7 of the action plan. The issues discussed among other things include the use of force against people with mental retardation, employment, standard of living and sexual abuse against disabled children.

United Nations Standard rules on the equalisation of opportunities for persons with disabilities was passed by the UN General Assembly in 1993. The rules are not legally binding, but are presented in the form of recommendations to the member states. They do however express a strong moral and political obligation on the part of the states themselves. The rules have been written on the basis of the experiences gathered during the UN decade for disabled persons. Furthermore the conventions on human rights form the political and moral foundation for the rules. The objective is to ensure that people with disabilities have the same rights and duties as other people in society. The follow-up on the international level takes place through a special rapporteur who monitors the im-

plementation of the rules. In Norway each Ministry, in accordance with the principle of sector responsibility, is responsible for implementation and follow-up within its particular field.

The Commission would like to point out that the standard rules set minimum standards. They have been passed by and apply to countries with very different capacities and resources. The aim is for the standard rules to be fully implemented in Norway, but in many areas there may be reasons for going further than the standard rules recommend. Norway, which is in a favourable position with regard to resources, ought to be a pioneer in its policies for disabled people. In some areas the situation today is likely to be better already than what follows from the standard: The Commission on Human Rights in Geneva has been given the task of finding ways to strengthen and monitor human rights for disabled people. The question of a separate convention for disabled people will be a central issue in their work. Their report will be ready in 2002.

6 Democratic Rights

The most important characteristics of a democracy are the granting of equal opportunities for exercising active political influence and the difficulty of filling political posts. Several reasons have been put forward in order to explain low election turnout and a lack of participation in politics: As a protest due to indifference or due to political distance and powerlessness. There are also other and more complex explanations for this that are not based on the subjective experiences of voters. One such explanation is that the conditions are not the same for all members of the population, something that is connected to the fact that external structural conditions have a differential effect on different groups.

Recently a lot of critical attention has been directed towards democracy as seen from a minority perspective. The problems ethnic minorities encounter with language and cultural barriers have been in focus. The establishment of the Sami Parliament – Sametinget – was due to the fact that democracy did not function satisfactorily from a Sami viewpoint. However very little attention has been directed towards the barriers disabled people encounter with regard to active political participation, and there has been little focus on the fact that the lack of adaptations in the environment pose a democratic problem: Concepts such as citizenship and political rights are almost absent from the po-

litical documents in which guidelines are drawn up for policies relating to disabled people.

Participation for people with disabilities has traditionally been understood to be a question of physical access. By extending the concept of accessibility, questions related to participation in the information and communication community appears on the agenda.

Freedom of Expression

Freedom of expression is also regarded as a basic right in a democratic state. This right includes the freedom to hold an opinion, and to receive and pass on information without public interference. Freedom of information – i.e. the freedom to seek and receive information is a central aspect of the freedom of expression. A democracy is based on the idea that people can form their own opinions on social issues, and that they are familiar with arguments and counter arguments in a public debate. This aspect of democracy is at least as important as the decision-making procedures themselves. Freedom of expression and information may therefore be just as important to society as to the individual. Disabled people formally have the same rights as the rest of the population with regard to obtaining information, participating in public debate and exercising political influence. In reality, several groups encounter actual obstacles and barriers Deaf persons and people that are hard of hearing, blind people, person with severely impaired vision, people with reading problems and people who for different reasons have problems expressing themselves, all experience difficulties in accessing information. The election turnout among deaf people is slightly lower than that of non-deaf people, and this is likely due to a lack of information.

Traditionally freedom of expression has been regarded as a protection against intervention in statements from the state. Today an extended perception exists as to the obligations of the state: the state should actively facilitate public dialogue and free flow of information. There is no general right to demand adapted public information, but strong political and moral guidelines, indicate that information should be adapted to the greatest possible extent. The abilities and opportunities for minority groups to participate in an open and educated dialogue may be regarded as a test of conditions for freedom of expression in any given society. Access to information is of vital importance if full participation and equality are to be realised.

The Right to Vote and Participation in Political Work

The United Nations Universal Declaration on Human Rights Article 1 states that anyone has the right to participate in the government of his/her country, either directly or through freely elected representatives. The International Convention on Civil and Political Rights makes it clear that any citizen, without any form of discrimination, shall have the right to participate in the safeguarding of public issues, to vote and to be elected in free periodical elections. Some people with disabilities experience difficulties upon exercising their right to vote. For many people, the problem is one of access to polling stations and voting booths. Blind and visually impaired people experience practical barriers because they are unable to read the ballot paper by themselves, or because the ballot box has not been marked in Braille or in large black print. Both the Norwegian Association for the Blind and the Norwegian State Council on Disability raised the question of improving the opportunities for voting to the Election Act Commission In the Norwegian Official Report No. 2001:3 Velgere, valgordning, valgte (Voters, electoral system and the elected) the Election Act Commission points out that it is fair that all polling stations as public premises should be accessible to all, including disabled people, but that it would be to go too far in detailed regulation of the municipalities to make it a statutory requirement. The Election Act Commission see it as a prerequisite that the Ministry in collaboration with the organisations for the disabled require the municipalities to be aware of the particular needs of this group of voters, and make special consideration on their behalf. The Commission disagrees with the Election Act Commission that other considerations, such as the wish to avoid a detailed regulation of the municipalities, should be regarded as more important than the commitment to ensure that disabled people are in a position to exercise their right to participate in an election.

Some disabled people also experience obstacles with regard to participation in political work. These difficulties vary, but for people in wheelchairs, on crutches or other with mobility problems, the difficulty lies in the fact that few Municipal chambers have been adapted to meet their needs. Visually impaired people may have problems reading political documents. Not all municipal chambers have installed a t-loop, and this makes it difficult for hearing impaired people to participate. For hearing impaired people depend-

ent on interpretation, the 70 hour limit a year on interpretation will be a major obstacle.

For all of us, if we are elected, there are a number of practical problems that need to be solved, before we can start working on political issues.

7 Economic Living Conditions

One of the main objectives of welfare policy is to provide security to those groups that need it most. Everybody should receive a fair share of the material resources in our society, and these resources should be distributed in a better and a fairer manner than the case is today.

People with disabilities have far worse economic living conditions than the average population. Six out of ten had bad or very bad overall living conditions in 1995, while this only applied to 28 percent of the population in total. Only 14 percent had good or very good overall living conditions. The difference between disabled people and others is greater among elderly people than among younger people, but there are also younger people with disabilities whose living conditions are difficult. Households which include a disabled person had on average approximately 15 per cent lower income than households without disabled persons in 1995, and the average income for disabled people is only three quarters of that of the population in general.

Many disabled people have a greater need for health, nursing and care services, dental services and medicines, and as a result they have higher costs of living. The average monthly costs for medicines is considerably greater among recipients of basic and attendance benefit than for the population in general. In addition to ordinary health related expenses, many people have additional expenses that are linked to their impairments. No Norwegian survey of such additional expenses exists, but a Swedish survey showed that more than half of the disabled people participating in the survey had additional expenses exceeding SEK 10,000 a year.

Also in Norway, poverty is a particular problem among certain groups of people with functional limitations. As many as 73 percent or 10,000 people receiving disability pension who support children under the age of 18, have an income below the poverty line. As for social security schemes, women are worse off than men. The difference in average pension benefits between men and women is large, and this negative trend for women will continue in the years ahead due to the development in the supplemental pension system.

The lack of participation in the labourmarket is the greatest barrier to having an income sufficient to live on. Approximately half of all disabled persons are not part of the workforce, and many have benefits as their sole source of income. Income resulting from benefits is far lower than income resulting from work. In addition, disabled people on average have a lower work-related income. Many work part-time, but also differences in career choice and education may serve to explain this gap. Education is an important prerequisite for employment. Education in general and higher education in particular is of far greater importance as a factor in whether or not people with disabilities obtain work than other criteria. Factors such as age and education provide some of the explanation as to why disabled people are less likely to be working, but also factors relating to the labourmarket and the social security system, such as mechanisms which exclude are important key factors.

Another important barrier is the lack of compensation for additional expenses linked to disability. The National Insurance Scheme covers some of the additional expenses, but several surveys show that many recipients of basic and attendance allowance are not fully compensated for their additional expenses.

There is reason to claim that there is a lack of coherence between the goal of ensuring a fair distribution of income and living conditions and the actual situation for disabled people.

8 Accessibility

Access to the Physical Environment

The current situation, does not guarantee access to or usability of outdoor areas and buildings. The goals which are expressed in policy are good, but the Commission question the will and the means suggested to achieve them. The paramount goals have not been linked to schedules or financial incentives in Norway as is the case in several other countries.

Although there has been some progress during the past 25-30 years, a considerable task remains to be achieved. Great variations exist from municipality to municipality and with regard to the type of disability to which the various measures are directed. The greatest number of measures is directed towards people with mobility problems, but in recent years, relatively more attention has been focused on problems related to indoor climate and pollution. Far fewer measures have been imple-

mented for visually-impaired people, hearing-impaired people and people with cognitive problems.

The main impression seems to be that less than half of the measures required to ensure basic accessibility have been implemented. This concerns problems to which the solutions are known, and where these solutions have often been recommended in regulations and directives. Solutions and measure that have been less precisely formulated are implemented to an even lesser extent.

Requirements stipulated in regulations on usability for people with mobility and orientation problems are precisely those which are overlooked. This especially applies to public buildings and buildings for employment. The greatest problem seems to be the right to grant and dispensation. Despite the fact that this is not something which is meant to be easily achieved, a dispensation is too often granted. The notification requirements of the Public Administration Act are seldom adhered to and the organisations for the disabled are seldom or never given the opportunity to present their opinion in such cases. The authorities too are concerned with reducing the number of cases relating to dispensations. And the circular T 5/99 Accessibility for All is a means in this regard, but it is too early yet to have an opinion as to the effect of this circular.

The Planning and Construction Act contains provisions for sanctions, but there is no documentation regarding the implementation of these provisions. Other states employ sanctions (for instance fines combined with refusals of the right of use) as an active means for achieving access for all. The Planning and Construction Act stipulates user participation in the planning process, but when it is time for comments, participation occurs in as little as 37 percent of the municipalities. There is no provision relating to user participation in construction cases, and this has resulted in organisations for the disabled being excluded from the planning process of several major building projects in recent years.

Access to Common Products for Daily Living

There has been a growing focus on the universal design of products and product information, but this does not seem to have had much impact. Lack of adaptation of product information has an excluding effect on the visually-impaired, the hearing-impaired and people with cognitive limitations, preventing independence. The blind in particular experience great difficulties as consumers. For people with asthma and allergy, deficient information can have serious consequences.

Access to Information

Information which today is provided through the Norwegian media has not been designed in such a way that everybody is able to make use of it. People with a hearing impairment, a vision impairment and dyslexia in particular, experience being excluded from such information. Deaf people are, according to the Norwegian Association for the deaf, placed on the outside of the communication community – something which leads to them being poorly informed on society issues. The radio is excluded as a channel of information. Informative programmes and debates on TV are often neither interpreted, nor subtitled. Deaf people often have a poor understanding of language and read less in newspapers than others. The fact that so little information is provided in sign language makes it hard for deaf people to safeguard their political, civil and social rights.

The area has not been regulated through legislation and there is a lack of guidelines and provisions that ensure people with disabilities have equal access to information. Work on a system for direct subtitling of television programmes so that deaf people can take part in the current social debate, is underway. The system has already been employed in the United States, Great Britain and the Netherlands. In the United States, all television sets of 13 inches or more are required by law to have built-in closed caption. (subtitles appear at the push of a button), and all national news programmes, popular series, sport programmes and commercials that are being broadcast at night has closed caption that can be made visible on screen. The biggest problem for Norway is that so far we do not have the necessary resources for a national language database.

The United States also requires that all public information that is being broadcast on television and which wholly or in part are being financed through federal means shall have closed caption. The Commission notes the lack of guidance on national standards for the provision of information, and refers to Denmark where there is a quality assurance system for monitoring and the implementation of requirements for the design of central government websites. Much remains to be done before newspapers, television, radio and literature are designed in such a way that they are accessible and usable for all, even if, in recent years, Norway has seen some progress mainly prompted by project funds from government action plans for disabled persons.

Access to Technical Aids

Access to technical aids is an area where Norway, despite obvious shortcomings has come further than most other countries. The field of technical aids has for the last 20 years been an area of strong growth, receiving much political attention and priority. The right to technical aids is an important right, because access to technical aids is of crucial importance for independence and participation. Universal design will never exclude the need for technical aids, but will be able to reduce it.

In general the Norwegian system of rights to and distribution of technical aids must be characterised as good, but many people hold the opinion that the emphasis on professional distribution has been weakened in favour of an increased focus on administration. The system is functioning very differently from county to county, and is still facing great challenges with regard to improving the quality of serviceprovision.

The right to technical aids has been restricted in several regulations through the stipulation of requirements such as limits on grants (hearing aid, the number of hours per year (interpreter) age (technical aids for exercise and stimulation) and the consequences resulting from the fact that equal services are not provided for different groups. Despite the fact that user participation has been implemented through regulations, the organisations find that they are not being heard sufficiently, both on individual level as well as system level.

9 Transport

Access to means of transport is a prerequisite for participation in a lot of other areas, such as school, work, hobbies and cultural activities. Several political documents published during the 90s, underlines the goal of accessible public transport for all. There is however a huge gap between the stated goal of an inclusive transport policy and the reality in Norway today. The practical steps taken in pursuance of these goals have been too weak. People with disabilities encounter great barriers as road users. Many are forced to use special transport schemes because public means of transport are not accessible to them.

The National Plan for Transport 2002–2011 repeats the goal of accessible public transport for all, but the plan does not outline any concrete means for achieving this. Several other countries such as the UK, Sweden and the United States can, due to

the efficient and purposeful use of means (legislation, sanctions, rules relating to the issuing of permits. Action plans with fixed time limits and financial means) have achieved greater results with regard to the accessibility of public transport than Norway, and considerably greater correspondence between goals and reality. The Ministry of Transport and Communication has considered introducing a requirement for accessibility, but concluded that the current legislation contains enough provisions. The regulations however do not contain any such concrete requirements. Nor are there any requirements relating to the issuing of permits for busses and taxis. There is therefore little correspondence between political goals and reality.

Access to and inside Terminals

Different measures during recent years has lead to some improvement in the accessibility of terminals and stations for road, rail, air and sea transport, especially for people with mobility problems. However, there are still things that remain to be done before these are usable for all. Different groups encounter different problems: While people with mobility problems run into difficulties resulting from poor accessibility on older railway stations, new and larger railway stations providing poor visual public information (sign placement) the choice of types, lighting conditions and a lack of symbols create problems for the visually-impaired. Auditory information is not highly rated by the hearing-impaired when it is not combined with a t-loop while the transition from manned to non-manned stations represents a major challenge for all. The Plan and Construction Act with its Technical Regulation stipulates requirements relating to accessibility for people with mobility problems and people with visual impairments, and the nature of the requirements stipulate that it should provide a foundation for good solutions. Often, however, the requirements are not adhered to, without any negative consequences to the builder, Sanctions, which have proven to be effective in American policy upon the granting of public funds, have not been employed in Norway. Our experience is that disabling barriers are still being built into various projects, even new high prestige projects, such as the new national airport and the Nasjonalteateret tube station, are being built with disabling barriers.

Getting on and off

The legislation does not ensure sufficient accessibility upon the embarkment and disembarkment from means of transport. The Regulations relating to the Railway Act stipulate that trains should be made suitable for people with mobility problems and people with problems of orientation, but these requirements are not absolute, and there is a need for stronger requirements. The majority of public transport receives public funding, but so far the State has chosen not to make the funding dependent on compliance with fixed standards. The county municipalities may stipulate accessrequirements when issuing permits for new routes with bus and ferry companies, but as far as the Commission knows, this has not been done.

Passengers Onboard

Many people also experience limitations as passengers. Increased efficiency and change in service routines can exclude different groups. The use of dining cars requires mobility without the use of a wheelchair, and a number of new technical solutions requires good orientation abilities. The result is that people who earlier could manage without help, are now dependent on assistance from others.

Special Transport

People with disabilities, as users of transport services should to the greatest possible extent, be served through adaptation of the ordinary systems. Special solutions should only be seen as a supplement. A number of people however have had to become users of special transport schemes due to the fact that public transport is disabling them. The county municipal transport services vary greatly in content as well as extent between counties and municipalities, and great variation also exists as to which groups are able to exercise their rights to transport services. In several places, transport to and from work and educational facilities are not granted, which cuts across the aim of ensuring that disabled people are not prevented from obtaining an education or employment. It is too early to predict the effect of the trial scheme relating to transport to and from work or educational facilities.

Car-purchasing grants are also an important right, and for many a condition for holding down a job and participating in everyday life. Restrictions

imposed in recent years have provided the users with a much poorer service.

No action plan for door-to-door transport has been set up, despite the fact that the Standing Commission on Transport requested this as early as 1992. Organisations for the disabled have also asked that such a plan be made. The authorities have issued non-mandatory guidelines, but these are of less value as long as they are not made mandatory.

10 Information and Communication Technology

Information and communication technology is not equally accessible for all. The sector is not committed to the idea that equipment and software shall be generally adapted to suit all, even if this is the case in some areas. The technology is contradictory in that on the one hand it opens up new opportunities while shutting the doors on others. Many people with disabilities are excluded from important arenas, such as participation in social life, politics and opportunities for work and education as a result of this.

It is a characteristic of the sector that few mandatory objectives have been set and that the central government has not laid down any strategies to ensure equality for disabled people. Through the eNorway plan, the Government's goal is for Norway to become an information and knowledge community in which everybody takes part. Furthermore Norway wants to be among the leading countries in the use of the Internet and mobile telecommunications. As far as people with impairments are concerned however, few concrete solutions are put forward.

By using legislation and purchasing policy, some other countries have come further than Norway in safeguarding the equality perspective. Experience from the United States show that various forms of regulation and sanctions, such as exclusion from public purchases, fines and the obligation to pay damages have resulted in the businesses becoming interested in providing information about and stimulation of means of development and disseminating of strategies to disabled users. There is much to indicate that as long as Norway does not employ stronger management strategies in this area, other, more sporadic measures will have a limited effect.

Information Technology is a double-edged Sword.

Technology can have both an including as well as an excluding effect. The Internet makes it possible to communicate with others through the use of text, speech or pictures. A mobile phone may be used as a text telephone as well as a computer. But those, who do not have access to these medias, or lack understanding of how to use them, are excluded.

The growing transition from manual to technology-based services creates problems for many groups. People with disabilities are not a uniform group, and the same solutions are not appropriate for all. What is «smart» for some, does not necessarily suit others. People with a visual impairment, mobility problems or cognitive difficulties, will face different problems when it comes to the use for instance of graphic menus or in operating cash-dispensers.

Inadequate development of Information Technology

Information technology provides opportunities for very flexible, advanced and specialised solutions. For instance there are computer programs that talk on the phone, satellite-based speech navigators and microprocessor-based hearing aids that provide a near normal hearing impression. It is also possible to have many different possibilities incorporated into the standard solutions and software, The limitations are not to be found in the technology itself, but are the consequence of economic and political priorities. The development of technology is mainly commercial, and people with disabilities do not represent a large user group. Without better management, people with impairments are excluded, due to the fact that they are forced to use specialised solutions, which are more expensive to purchase and of poorer quality than the standard applications.

The most important barriers to accessibility can be found in the lack of legislation in the area, a lack of guidelines for development and use, a lack of standards and requirements in the design of equipment and software and a lack of public purchasing strategies which embrace the use of adapted technology.

11 Housing

The main goal of the housing policy is that everybody shall have access to good housing in a good

living environment. Everybody should be able to use the same design as far as possible. Norwegian housing policy has been characterised by lack of comprehensive thinking and practice on how to accommodate the various needs that people with functional limitations have with regard to housing. Planning and building of new houses and dwellings has been based on the needs of the able-bodied population. The trends in recent decades has been a more inclusive housing policy, where people in need of assistance are offered their own dwelling with assistance instead of being placed in an institution. Despite this, many people with functional limitations still live under segregated institution-like conditions.

Norwegian law does not stipulate any individual right to adapted dwellings, even if the Social Services Act has as its objective that all people shall have the opportunity to live and function independently. People with mental retardation who earlier lived in institutions, were on their part granted the right to a dwelling through the Dismantling Act, but people with mental retardation living at home were not granted the same rights. There are still people with various disabilities living in old people's homes or nursing homes, but it looks as if the financial incentives that have been employed to promote relocation, have worked, at least as far as young physically disabled people are concerned.

Access to Housing and Residential Areas

A number of people encounter disabling barriers, and lack of access gives many people with impairments fewer opportunities on the housing market. The Plan and Construction Act does not contain any provisions which especially ensure accessibility for disabled people. Furthermore, the act is not clear enough with regard to the requirement for standards to be stipulated in regulation and settlement plans for the whole life span of the buildings/areas. The consequence of this is a housing stock where a minority of the dwellings are accessible to all.

The Commission is of the opinion that the legislation on this area is too weak, and that not enough has been done to obtain more accessible housing stock. Neither the housing grant nor the loan supplement granted by the State Housing Bank – the financial means used to achieve accessibility and life span standard – have had good enough effect. It still remains an expressed political objective that the number of dwellings and residential areas with life-span standards are to be in-

creased, and it is important to find other means which can have the desired effect.

Limitations in the Choice of Dwelling

Many people with disabilities are limited in their choice of dwelling and their place of living. This is not only caused by poor physical accessibility and a lack of infrastructure, but also because the provision of services in some municipalities is linked to specific dwellings. Choice is especially limited for people requiring both an adapted dwelling and -services.

Nursing and care dwellings with apartment services were originally built to accommodate elderly people with extensive nursing requirements, but also people with mental retardation and people who had an extensive need for services have in recent years been placed in these nursing complexes. People who are offered a nursing and care dwelling, often have little freedom in their choice of home, and the companionship of others is forced upon them in what many experience as mini-institutions. The offer of housing and services seems to be organised more on the basis of the municipality's needs for efficiency and profitability than based on what services would best serve the individual.

Housing policy differs from municipality to municipality. To a large extent it seems to be characterised by the idea of categorisation. People with varied disabilities are often regarded and perceived as a uniform group with similar needs, desires and abilities. The dwellings are very seldom integrated into the ordinary housing stock. The services are attached to the dwelling instead of being based on the needs of the individual.

In reality, people with disabilities also have reduced opportunities for moving to another municipality. The municipality which a person moves to, is required to accommodate and provide adequate services for the disabled individual, but the municipality is not required to honour the offer of services the person received in his/her previous municipality.

Economy

People with functional limitations often have a lower income than others. At the same time many of them have large additional expenses due to their functional limitations. Their economy limits their choice of dwellings and the options available to them.

12 Training and Education

Kindergarten

The kindergarten is the institution which seems to function the best with regard to providing children with opportunities for participation and inclusion. Good kindergartens create inclusive environments, and children have a great potential for caring and showing solidarity by adapting rules and play so that disabled children can take part as well. Many parents however have to go through a process of complaints to achieve sufficient arrangements for their children. Surveys also show that there are still serious deficits with regard to physical access, indoor climate and outdoor environment of many kindergartens.

What is special about the kindergarten sector is that in all areas where barriers exist, there are means that are being used to overcome them. The great number of complaint-cases that have been documented, show that although legislation works, too much of parents' time and energy is spent on achieving sufficient support for their children. All in all, the Commission finds that the correct strategy has been employed, when within the kindergarten area one has chosen to combine the statutory right to be granted priority to kindergarten places, the statutory right to specialised education and an earmarked supplement allocated for adaptations for children with disabilities. But there are still too many complaints, and there may also be some doubt as to whether the Pedagogical Psychological Advisory Service is sufficiently independent of the municipal economy to be able to function as an impartial expert body.

Elementary School, Upper Secondary College Education and Adult Education

There has been a gradual, and over time rather extensive improvement of the individual rights for children, young people and adults in the school sector. In addition to the right to special education, in recent years, several statutory provisions have been introduced which contribute to increased quality and legal protection. This applies to the right to receive instruction in sign language, and the right to Braille instruction. This also applies to the content requirements of expert assessments, and the provision relating to the fact that the municipalities will have to provide special reasons for deviations from expert assessments. Individual education plans and co-operation with parents and students in special education have been intro-

duced as quality assuring measures. Regulation of the work environment for students has been proposed. Education until the level of upper secondary education/College education is one of the areas where people with disabilities have been granted individual rights. The fact that the area has been regulated by law in this way, has probably made a strong contribution towards the positive development we have seen since the 70s. At the same time the inclusive school represents a very ambitious goal, and in practice there is still a long way to go before schools get close to achieving this goal.

An inclusive school is a school that does not differentiate between education and special education. What is characteristic of elementary education and upper secondary education is that students to a far greater extent than necessary are taken out of their class to practice what they do not yet master. The school has only to a very limited extent managed to incorporate the special considerations required into the general tuition it offers. There is a need to promote working towards co-ordinated and goal oriented development within this area, work which should include studies of existing good practice in the area as well as outcome-oriented pilot projects.

At each of the transitions between kindergarten, elementary school and upper secondary education, barriers are created due to delayed and poor planning from the schools, the municipalities and the counties. This applies to physical adaptation of buildings and educational curriculae. For the students this means a qualitatively much poorer start as a student than other students experience.

The rights of visually impaired students and dyslectics to education are not fulfilled in the same ways as that of other students. For these groups therefore the concept of equal right to education is not real. It has not been sufficient to legalise the right to education as long there are no opportunities to impose sanctions. Great deficiencies in physical accessibility is still a problem for students with mobility problems and students with orientation difficulties. New schools are still being built, where disabled people can not make use of all the educational facilities. The municipality of Oslo's own Clerical Firm revealed that all eight of the inspected schools in Oslo that were new or newly renovated in the autumn of 1999 had violated the provisions of the Planning and Construction Act relating to the access requirements for persons with mobility problems. Furthermore, it is a seriously disabling barrier when so many schools have

such poor indoor climate that students who function well in their home environment, become disabled at school.

As is the case for pre-school children, the Commission is of the opinion that there are too many complaints. In all likelihood the rules need to be made more precise, and schemes must be introduced that prevent municipalities from making financial savings by reducing the offer of services compared to what has been recommended by experts.

It should be evaluated to see if the Pedagogical Psychological Advisory Service is sufficiently independent of municipal funds to uphold its expert role.

The Transition from School to Work

It is a barrier that the school fails to adequately prepare students for working life and for the actual transition between school and work. There is a lack of systematic work throughout education aiming at employment. There is a lack of clarity as to what the contents of upper secondary education shall consist of for severely disabled pupils, and schools still lack competence in creating opportunities for disabled people in working life.

For adults, there has been a clear improvement in that the right to elementary and upper secondary education has become established by law. In this area, Norway is far more advanced than others. It is however hard to envision how the goal of life-long learning for all adults can be realised as long there are no offers available for adults who are left out of the labour market. The Further and Additional Education Reform seems to have been given a form that serves to increase the differences between those inside and those outside the workforce.

Higher Education

Higher education has not seen the same positive development as the rest of the education system. In this area, individuals encounter major barriers, and this is also socio-economically counter-productive. Education is the most decisive factor in relation to whether or not people with disabilities are able to find employment. The approach employed by the Ministry of Education, Research and Church Affairs within the area of higher education is too weak, and the institutions of higher education lack knowledge of what is required to serve students with disabilities. Neither the academic courses on offer, nor the general conditions for

study are good enough. Other countries, such as the US, the UK and Denmark have based their legislation in this area on the idea of entitlement and equality. Experiences from the United States where legislation has been at work the longest is that legislation leads to the educational institutions being more focused on adaptations, and that the number of students with disabilities has increased. The establishment of approaches to ensure that student, who for different reasons use more time than those functioning optimally, are not excluded from higher education for reasons of profit, is a matter of urgency.

Students with disabilities often use extra time to complete their studies. The current student financing scheme allows disabled students to take up more loan than others, thus making their studies more expensive. In practice this means that students with disabilities do not have equal opportunities compared to others when it comes to education.

13 Work

Full employment is the paramount goal of economic policy. The employment approach which implies that work is to be the primary choice however requires that the option to choose employment for the individual is a real one. This option does not exist for people with disabilities today, even though their qualifications might be good.

A lot of people with disabilities are excluded from the workforce due to the fact that they receive disability- or other types of benefits or because they have been categorized as being vocationally handicapped. Vocationally handicapped people are not considered to be ready for placement, and as a result they can not be registered as being unemployed. Public debate and research have had little focus on the employment situation for disabled people. A lack of exact knowledge on employment frequency, and the rate of real unemployment represents a serious obstacle in making this unemployment visible as a social problem.

Individually Directed Measures

The employment policy which has been applied to people with disabilities has been very heavily influenced by the fact that unemployment has been explained on an individual basis. It is taken for granted that a person's impairment is the cause of their unemployment. This understanding of the causes for unemployment has resulted in a num-

ber of individually based measures and support schemes. The means employed have therefore been directed towards correcting and compensating for the person's impaired functioning. The correction and change of disabling barriers of a physical or attitudinal nature have not been sufficiently challenged. These have traditionally been seen as outside the reign of the placement services. The efforts made by the authorities to remove barriers and to control mechanisms of exclusion and non-inclusion have been too modest. It is not sufficient to go for individual compensatory measures. It is also necessary to adapt the condition of working life, so that everybody can take part on their own terms. Norwegian employment policy has been minimally directed towards changing the structural conditions of working life.

Article 13 of the Amsterdam Treaty prohibits discrimination of people with disabilities in the world of work. The directive introduces the reverse burden of proof in cases concerning discrimination. Recently protection against discrimination for reasons of disability has been introduced in Norway (§55 of the Work Environment Act). Experience from the United States shows that anti-discrimination laws are likely to have the greatest effect for individuals who already are employed. In Norway we know that provisions for the adaptation of the work place through the use of technical aids and other measures is little known to employment seekers as well as employers. Long processing periods of applications for required technical aids result in great uncertainty, and may, if worse comes to worse, result in the offer of employment being withdrawn. It is therefore necessary to adhere strictly to the new provision.

Lack of differentiation between disabled people has been a problem with regard to employment measures. Different types and degrees of impairments have very different consequences for individual employees. The duration of measures as well as their extent will have to take this into consideration. The wage compensation scheme is one example of how a lack of differentiation can have unfortunate consequences for the individual employee. The three year limit of the scheme affects those who need the scheme on a permanent basis due to a reduced capacity for work in comparison to that of their colleagues.

The Commission regards the relaxation of the rules on disability benefit as a considerable contribution to ensure that people with severe disabilities or chronic diseases are able to make use of their resources in working life. Combinations of work and benefits are good examples of how socie-

ty can have much to gain from making maximum use of the capacity for work that an individual possess.

14 Culture and Leisure Activities

Access to culture and leisure activities is also an important part of the overall policy for disabled. In this area, a number of barriers exist which limit participation, and partly exclude people with disabilities. Considerable challenges remain to be tackled.

People with disabilities participate to a lesser extent than others in a range of cultural events and leisure activities. Their low participation is in part caused by poor physical accessibility and by the fact that they encounter problems linked to excluding attitudes, transport, extra expenses and an unfulfilled need for assistance.

Several different means have been employed such as measures of incentives and allocation schemes to develop the range of activities offered by ordinary cultural institutions. Some municipalities have introduced a companion scheme and leisure assistants. The Norwegian Sports Organisation for the Disabled has employed integration consultants in all sports districts. The Ministry of Cultural Affairs has developed rules on how sports facilities etc are to be adapted to suit people with functional limitations.

Accessibility

All facilities that are built with grants from the football pool profits must be accessible and usable for people with functional limitations. However surveys still show that the usability of the facilities is not always consistent with these requirements. The explanation for this can mainly be found in poor follow-up and inspection of the completed facilities, but this is also caused by the granting of dispensations by the municipalities after the facilities have been approved and football pool profits allocated. The football pool profits are being paid in stages, and one possibility for sanction is to stop the payments if the requirements are not adhered to. This would require that the supplier of the football pool profits establish an inspection routine for facilities under instruction. As far as the Commission knows, this option has not been used. It is difficult to comment on what the effect of the Advisory Pamphlets on requirements to facilities have been, but they are in great demand.

Access to church buildings has been greatly

improved in recent years due to a conscious use of plans by the Church Council (An especially appointed consultant, advisors, t-loop facilities in all church buildings, the Bible and hymn book in Braille etc).

However, information from organisations for the hearing impaired, indicate that maintenance and repair of t-loops are often lacking.

Community and recreational areas have to a varying extent been given a universal design. Some municipalities can report a high degree of accessibility as a result of conscious effort. The use of funds earmarked for adaptations (project funds and football pool profits) has proved to be important in places where good solutions have been achieved.

Other people's attitudes for many, represents a great barrier to participation. Many people refrain from taking part in activities and events for fear of being left out. Children and young people are especially vulnerable in this respect. There is a need for measures that can contribute to a better understanding and increased knowledge as far as the authorities are concerned.

The companion scheme is important, and for many people a prerequisite for increasing their possibilities for participation. The Leisure Assistant Scheme is a good one, but the fact that it is voluntary represents a vital flaw, and its advantages are little known in the municipalities. Many municipalities have implemented the scheme, financing it through the support contact scheme. This may easily result in an unfortunate and competitive relationship between two different services of clearly different content, with only one of the two (the support contact scheme) regulated by law.

The cost of attending various cultural events and leisure activities on offer or going away on holiday, excludes many people. This is especially true for those individuals who are dependent on bringing a companion to assist them, and more often than not have to pay double price,

15 The Health- and Social Services

Norway is a country of well developed welfare measures and support schemes. Still, there are a number of weaknesses relating to how the services function.

The Norwegian welfare system requires that the individual himself/herself is responsible for getting in touch with, following up and possibly co-ordinating the different measures. This requires the resources and abilities to speak up for

oneself. The fact that the initiative rests with the individual, makes socially deprived persons especially vulnerable.

Some are left completely out of the system, and many do not get the services they need. The survey on health services to the mentally retarded illustrates this. Furthermore, surveys show that people with mental illnesses have the poorest level of municipal health services and the poorest living conditions.

Municipal Self Government and Individual Rights

A paramount barrier is found in the tension between the principle of municipal self government and individual rights. It is a political objective that the municipalities freedom of action is limited as little as possible. The desire to uphold this objective may come into conflict with the goal of equal municipal services.

Habilitation and rehabilitation are areas where major challenges have been revealed. In practice there are great discrepancies in the services offered, and the services also differ according to the type of disability involved.

The provisions relating to rights in both the Social Services Act and the Municipal Health Services Act are vague. They grant the rights to required services of assistance on a proper level, but leave room for great variation with regard to the extent and quality of services offered. According to the opinion of the Commission, people with disabilities should have a legal right to health and social services that not only fulfil the required needs, but that also ensure the opportunities for achieving the greatest possible functional ability and coping skills, independence and opportunities for active social participation. It ought to be possible to formulate more clearly the standards with regard to extent and quality of services, and granting the individual a more extensive right to determine the types of assistance offered.

In some areas, it is the application of the rules which creates barriers. Deficient practice relating to the granting of social services is one example of this. There is a need for increasing the public administration's knowledge on legislation to ensure correct practice.

A Lack of Personnel and Co-ordination

The lack of personnel is an obstacle to a good supply of services. This is a major problem within the nursing and care sector. Low stability and continuity for personnel creates anxiety and poor con-

ditions for the development and well-being for the users of the services.

Many people find the health and social services system to be complicated and over-complex. The main problem is lack of co-ordination. Deficiencies makes it difficult to achieve good and comprehensive arrangements for the individual, and having to act as your own co-ordinator with regard to the various measures and services represents a burden. Finding your way around the system can also be a burden. The establishment by law of individual plans may be an effective way to ensure a comprehensive supply of services, but it requires that the municipalities are capable of a following up these plans in practice. The right to an individual plan must be extended to also include social services.

Attitudes

Meeting the service system can be a challenge. Feelings of humiliation and powerlessness are very common and despite the fact that services are provided in private homes, the personnel and the activities they perform are characterised by institutionalised thinking. A lack of flexibility and predictability in the services offered, contribute to a limiting of the freedom of choice for the users. It is difficult and impractical not to be able to decide for oneself when to go to bed, when to eat or when to take a shower, but this also has an effect on a person's self respect and feelings of personal worth. On a system level, the lack of an individually directed approach is evident in the extended priority given to communal housing solutions and the fact that dwellings which provide nursing and care services are located together in one place. This tendency for group thinking is being made at the expense of individual needs and responses, and comes into conflict with the goals of equality and normalisation.

A Greater Need for Services

There are queues and waiting lists for both the very basic services such as nursing homes and home services and for different types of dwellings. This shows that the quantity of services provided needs to be extended. This also applies to the new personal assistance service, managed by users, whose goal is to offer users of nursing and care services increased self determination and independence.

Economic Barriers

The results of high medical fees is that many people with functional limitations are struggling with high expenses, and are therefore unable to afford the optimal habilitation/rehabilitation. This acts as a barrier to good health services and is regarded as an additional tax on illness, something which is contradictive to the goal of equality.

The economic challenge for the municipalities is a constant headache, and the state must follow up their financial responsibility to a much greater extent in order to achieve the goals.

16 The Sami People and Immigrants with impairments

The goals of equality and full participation in society apply to all disabled individuals. In order to realise these goals, experience of people from ethnic minorities must be made visible and form the basis for policy-making for an inclusive society. It represents an especially great challenge to a democratic society to ensure that ethnic minorities are given the opportunities to safeguard their interests while at the same time ensuring them the same rights and opportunities as the rest of the population.

Sami People and especially Sami people with impairments encounter both language and cultural barriers that increase their problems and makes education, diagnosis, nursing, rehabilitation and user communication difficult. This is not consistent with the rights that Sami people have as aborigines to equal status with other Norwegian citizens, or the right to measures to counter negative discrimination. In order to achieve these goals, more and more extensive safeguards must be introduced to ensure that Sami people with functional limitations shall be met by personnel who know the Sami language and have knowledge of Sami history, culture, norms and way of life.

For sami people, especially Sami people with functional limitations that involve communication problems, it is especially important to be met by professionals who can speak the language and know their situation. For these groups and others in need of prolonged rehabilitation, one needs to consider the establishment of a Sami-speaking rehabilitation centre. The development of a special needs education centre for Sami users must take place more rapidly and be made more extensive than the current plan indicates, and a Sami network within the area must be established. The Action Plan for Health and Social Services for the

Sami population with concrete measures and allocation must be passed immediately and implementation must take place as of 2002.

Sami research and documentation must be strengthened. There is among other things a great need for better data on Sami living conditions as well as their social conditions.

Ethnic Minorities

Very little scientific knowledge exists on immigrants and ethnic minorities with disabilities. A survey on adults show that they are experiencing great problems with regard to work, housing and in relation to public service providers. They experience two overlapping sets of problems. Immigrants with functional limitations are a minority among minorities.

Illness and disability may be regarded as culturally constructed categories, and must be understood as being relative concepts. In their meetings with the Norwegian health system, disabled people may find that their manner of expression and understanding is not understood. Understanding the health personnel's perspective may also be difficult. In meetings between immigrant families and health personnel, general communication problems are increased and made evident: At the same time special problems originating from language difficulties, cultural differences and attitudes are brought into play. The immigrants' need for information about the providers of services, their rights and opportunities is great. The need however varies, depending on language skills, educational background and their link to the labour market, their period of living in Norway and degree of isolation. There is also a need for improved accessibility to the information that is already being provided. People who are de facto illiterate and people with little education and poor knowledge of Norwegian, experience a large degree of «information impairment».

Information and communication impairment is not only a problem for minorities to solve, but a problem society must solve.

The ordinary providers of services offering services to disabled people must develop services that reach all groups, both integrated and specialised services, on all levels.

There must be a range of services based on individual considerations.

17 Personal Integrity, Family Life and a Sex Life

Full participation and equality for people with disabilities shall apply to all areas of life including the right to a family life and a sex life.

The right to a family life has been especially safeguarded through international conventions such as the European Convention on Human Rights, Article 8.

Norwegian legislation is not contradictory to international conventions on a strictly formal level and Norway has a non-discriminatory legislation in this area. But it is questionable whether or not Norway, in accordance with international conventions, is doing enough to ensure that people with disabilities avoid difficulties in this area of their lives. Legal practice shows that barriers exist in the form of different and sometimes stricter requirements being applied to people with disabilities. This is particularly evident in practice involving the Child Care Act and the Adoption Act. Organisations for the Disabled report that guidelines on health are applied discriminatorily to people with disabilities when they apply for adoption. Surveys also show that the Child Care Act is in many cases applied differently to children with impairments compared to other children.

The Right to a Family Life and the Right to be Parents

Both the providers of services and society in general seem to be very biased in their opinion of the care-giving and nurturing abilities of parents with disabilities. There is little understanding of the fact that amongst disabled parents, there is as much variation as among other parents with regard to their ability to provide responsible care for a child.

Disabled parents are often met with prejudice and negative attitudes, both from their local community and from the providers of services. They are met with prejudice about their desire to have children and their need for assistance to accomplish practical tasks, and they are not believed when they insist that also for people with functional limitations, having children may be a natural part of life.

Some parents with disabilities need assistance with personal care and everyday household tasks in addition to looking after and taking care of their children. The fact that these parents have increased contact with the providers of services results in being more subjected to control than other

parents. The fact that the providers of services have a more active involvement than normal, may make many disabled people feel that they are being checked up on, and that more is being required of them in their role as parents compared to the requirements made to other parents.

Sexual Assaults

Recent research shows that people with disabilities, and children in particular, to a far greater extent than others, are the victims of sexual assault. One of the explanations for this is that many disabled people are staying in day care institutions for the disabled or in live-in institutions. In order to prevent children from being the victims of sexual assault, it is important to facilitate a good relationship between the parents, the assistant guardian and the personnel involved.

Research from abroad indicates that both women and men with disabilities are victims of sexual assault to a far greater extent than others. The assaults are often committed by people to whom they have a relationship of trust, something which makes it difficult to report the assaults. Emergency centres and refuges are often poorly adapted to cope with the needs of disabled people with regard to interpreting services, physical adaptation and transport.

The Right to a Sex Life

There is a low degree of knowledge among the providers of services and in society in general with regard to these questions. There is therefore a need for more knowledge and education of health in order to fulfil the users' need for information and guidance.

Knowledge deficiency may be caused by the fact that health personnel do not in fact know what they are supposed to give information about, for instance which impairments are hereditary, and by the fact that health personnel do not know how to pass on the information they do possess.

There is a great degree of confusion relating to the meaning of the concept of the right to a sexual life and if it implies something more than protection against violations and discrimination. It should be made clear that it is important that people with functional limitations are enabled to create their own private sphere in this area. This is especially important for the group of disabled people who are surrounded by nursing and care providers for the greater part of their days.

Furthermore, it is especially important that per-

sons who are dependent on nursing and care are given a sexual education. This is especially evident with regard to disabled children who often miss out on the informal opportunities to learn about their body and their sexuality through play and interaction with their peers.

A limited degree of knowledge among the providers of services makes it difficult to lay down limits with regard to what constitutes normal sexual contact and what constitutes an assault.

18 Research

Research makes an important contribution to the objective of full participation and equality. Research is currently being carried out in a number of areas with direct relevance to people with functional limitations, even if this research is scattered, both geographically as well as professionally.

The Commission would like to point out two problems linked to research on disabled people: There is not enough of it, and its organisation has been too casual. There are still several areas where both the status of knowledge and the effort given to research is poor. The majority of the research is concentrated on the individual perspective, a great deal being related to diagnosis.

What is missing is more socially oriented research. There is a lack of research with a focus on the environment and what it is that creates barriers.

There are several reasons for this situation. Lack of interest from different quarters is an important cause. Individual scientists and some researchers have periodically been studying the life-situation for disabled people and various schemes/measures, but it was the organisations for the disabled, as well as the state Council on Disability which exerted pressure to establish a separate research programme. The programme did get established following an order from the national assembly (Stortinget). Generally, the ministries play a vital role as providers of research assignments, but it has mainly been the Ministry of Health and Social Affairs and the Ministry of Education, Research and Church Affairs which have shown an interest in research on disabled.

There is a need for increased resources allocated to research. The question of resources is however not just a matter of money, but about human resources as well. A sufficient number of competent scientists who are interested in this field, and who are willing to invest their time and career in it, because the field is so complex that it is impossible

to jump in and out of it. The challenges consists of attracting students doing a Master's degree or a Ph.D. to the field, generating interest among new scientists and keeping established scientists interested.

Access to funds is vital to future development and it should be increased, but extensive consideration should also be given to what organisational structures might strengthen the field. Only to a minor extent have the administrative researchbodies implemented the various organisational measures that have been proposed.

The Commission is of the opinion that some of the scientific communities need to be stimulated for further development, for instance through recruitment funds. Meeting places and forums for professional debate, and contact with colleagues outside the working place are also important

The universities have not distinguished themselves with regard to research on disabled people either, but there as well, the picture has changed somewhat during the last decade. The universities now play an important role with regard to recruiting. The main source of recruitment is through the Ph.D. and Masters programmes. It is much easier to attract the interests of students if there are projects at their place of study and if there are supervisors who are knowledgeable in this field. Some of the organisational measures should therefore be designed with increased recruitment in mind. The establishment of leading positions at one or two universities as well as funds for recruitment of scientists have been proposed earlier, but the Commission cannot see that these proposals have been followed up,

19 Experiences of different approaches tried in Norway

Legislation used as Strategy

Legislation has traditionally been regarded as an appropriate way of achieving a range of objectives. In Norway, legislation is used as one of several means to ensure that all citizens have the same rights and opportunities in society.

People with disabilities have no special status in Norwegian law. Unlike other states, no special legislation has been laid down to safeguard this group by for instance using an Anti-discrimination Act. The intention is that it is the general legislation which is to safeguard the rights of disabled people. In some areas however, it has been considered necessary to incorporate some special rights

into generic legislation, such as in the Education Act and the Day Care Institution Act.

Legislation has had a variable effect as a strategy to achieve equality for people with disabilities. We have learned that legislation is not always used optimally and that the options for stipulating special measures have been exercised minimally. It also true that the intended effect of legislation is dependent on its economic, social and political context: Legislation is very seldom effective as the sole strategy, but may have a positive effect when used in combination with other means.

User Participation used as Strategy

User participation is a democratic right allowing individuals to participate in decision-making processes that concern their own lives (at an individual level) or where representatives of organisations take part in the design of services and plans (at a system level). User participation is an approach which ensures quality assurance of the design of services and plans through the transfer of direct experience-based knowledge to decision makers and providers of services. This is also one of the strategies being used to achieve an inclusive society.

We have especially seen what can be gained from user participation in the three Action Plans for the Disabled, and also what conditions must be present for user participation to work. Disagreement exists as to what extent that user participation has had an effect? There are those representing users, providers of services and the system who find user participation to be a troublesome, costly and resource consuming exercise and with few results.

Experiences from the Action Plan Projects show that users wants to take responsibility for the design of services and planning, and that the results are different with user participation than without it. Taking the users' needs, wishes and experiences into consideration ensures that the providers of services get it right with what they offer.

User participation has made visible the obstacles that disabled people encounter in today's society, and the shift in attitude towards disabled people which has occurred in the last ten to fifteen years is probably connected to the increased use of user participation.

Municipal Councils on Disability and Municipal Action Plans

The majority of the municipalities which have established councils find this to be useful. The evaluation from 2001 by the Work Research Institute showed that where councils were positively evaluated, it was because it had been seen as important to focus on the needs of people with disabilities, and that the municipalities needed their input. Where councils had been rejected, the reason was that the needs of disabled people were considered to be a natural part of the responsibilities of the other municipal bodies and should be safeguarded by these. Some municipalities are uncertain of how useful it is to have councils as models. And a number of municipalities do not want this form of participation.

Experiences of municipal Action Plans have not been solely positive. In spite of enthusiasm and good intentions, some plans have hardly produced any results. The plans that follow good, long term planning and administration strategies have a much better chance of producing results than the ones which are based on more casual organisation and short-term thinking. Planning, political foundation and well resourced capability is of crucial importance for successful implementation of municipal and county municipal action plans.

The Government's Action Plan for the Disabled

During the 90s action plans were introduced as a new strategy in the policy for the disabled. Three plans have been issued during the period from 1990 until today. As a strategy, the action plans represented something new, and one of their most important approaches was user participation. The plans were designed to start new activities in a number of areas. In addition, the action plans were used as political documents where the over-reaching goals of policy on the disabled were formulated.

Experiences show that a number of measures that would otherwise not have been started, got under way through this resource planning. Many of the measures have been carried on as permanent measures. The work on the action plans also uncovered a number of challenges to the policy for the disabled. Among other things; they focused on how little was being done in Norway with regard to making adaptation for all a natural part of social/societal planning. The action plans also uncovered a number of areas which can not be solved through action plans because they were optional and not mandatory.

The HVPU Reform

The reform relating to people with mental retardation was passed by the Storting in 1987, and the main objective was to close down all institutions within the Health Care for People with Mental Retardation (HVPU). The aim was to improve the living conditions, integration and normalisation, and 5100 individuals were to move out of institutions into their own dwellings. As stipulated through the Dismantling Act, two regulations were issued – the Regulation relating to Complaints – was regarded as especially important because it ensured the quality of the services offered. The Ministry of Social Affairs also published a number of circulars, which provided guidance on the goals and implementation of the reform. The circulars made requirements regarding action plans and time limits, and economic incentives were provided in the form of special government grants.

The evaluation shows that overall the development has been positive for the former HVPU inhabitants. Housing conditions in particular have improved. Despite the fact that the reform was poorly regulated through law, the guidelines laid down by the authorities were clear. Nor should the ideological aspect of the reform be underestimated, especially not in combination with the more authoritative factors linked to the fact that the institutions simply closed. The use of time limits proved to be effective.

20 Strategies used in other Countries

Different countries have chosen different strategies to achieve the goals of ensuring people with functional limitation the same rights and opportunities as any other citizen in all areas of society. Opinions may differ and be contradictive regarding what strategies are the most effective in order to achieve equality and the history, culture and social conditions of each individual country are often a deciding factor in their choice of strategy.

A common feature of the states that are presented here, is the belief in mainstreaming and universal design. These concepts are applied a little differently in each individual state, but what they have in common is that the alteration of the environment is the key element to social inclusion. The strategies presented have all worked in their respective states, and as a result they may have important lessons as far as Norway is concerned.

Legislation

An increasing number of states make use of legislation as a means of ensuring disabled people achieve equal rights and opportunities for participation in society. The most far-reaching legislation is found in the United States. The US has consistently chosen to use legislation as a strategy in all areas, and this has turned out to be effective. The legislation does not only aim to change society's attitudes, but also to change society's infrastructure. In addition it lays down rights and provides legal protection against discrimination.

What makes the American legislation so special is that it has the characteristics of an action plan but also stipulates how to achieve implementation of these plans. The act and its adherent regulations lays down time limits for the implementation of measures, confirms the locus of responsibility, and accountability. Based on the act, a number of detailed requirements have been laid down which need to be adhered to. The act applies to both the public as well as the private sector, and stipulates sanctions in cases where action plans are not followed. The Act facilitates the solving of conflicts through mediation Each Department is responsible for their own areas. In addition to the United States, the UK has an anti discrimination act. Germany has provision on anti-discrimination in its constitution, as does Finland. Canada has a constitutional protection and a separate human rights act, and Ireland has an equal rights act which prohibits discrimination in most areas.

Means used in the Labour Market Area

There is a wide range of approaches to ensure access to the labour market.

Sweden has a special act that prohibits discrimination against people with disabilities in working life. The act applies to all places of work, irrespective of size. However the act does not clearly define the employer's duty to make adaptations, but the employer's duty should not represent an unreasonable burden. The employer is responsible for providing proof showing that discrimination has not taken place. The ombudsman on disability is responsible for the follow-up of the act, and he may instigate lawsuits on behalf of individuals in cases before the Industrial Disputes Court. The employer is liable for damages, but the courts have been criticised for awarding too low compensation. Germany, France, Spain, Ireland and the UK practice different quota systems for disabled people in working life. Common to all these coun-

tries is that in cases of violations of these provisions, the employer is fined. In Germany and France, the effect of the system is regarded as positive due to the fact that these countries have established effective systems of control. In the public sector, the system seems to have had a positive effect on the employers attitude towards employing people with disabilities. In other words, the effect of quotas is partly a positive one. Objections to the quota system are directed towards the fact that the system only works in relation to those firms that can not afford to pay their way out. The system is being criticised for being an incentive only and not a real obligation. Furthermore the system is being criticised for not being effective in recruiting new individuals for work.

In Denmark, a scheme has been established whereby disabled people may get to employ a personal assistant to assist them in their working life. The disabled person must be able to manage the actual job itself, the assistant's job is only to provide help with practical matters. The scheme has been established by law and is administered by the unemployment office.

Denmark also has special disability consultants at the regional employment offices. It is a requirement that these positions are occupied by disabled people. The disability consultants scheme is regarded as a success, and is an important factor with regard to finding employment for disabled people in the regular market.

Educational Campaigns

Several countries have used educational campaigns with good results. In Denmark the campaign has been a contributory factor in bringing attention to the problems which face disabled people on the labour market, and it has contributed to a positive change in employers' attitudes. This is being confirmed through an increased demand for information, as well as a significant uptake in the use of some of the approaches described.

The Transition from school to work

The US Rehabilitation Act places a statutory requirement for collaboration between the two authorities responsible for education and employment respectively. This requires the establishment of an Individual Transition Plan to ensure that each person with a functional limitation enters into employment after having completed their education. The individual Transition Plan incorporates vocational training and training in daily living skills. It is

a four-year plan, with a step-by step progression. The Plan, among other things, facilitates training at various places of work after having completed one's education in order to obtain meaningful, permanent employment. The rehabilitation plan has to be drawn up for the student leaving school, and follow-up visits are carried out before a final evaluation is done.

The Act stipulates this collaboration as a condition of receiving federal funds. In addition to this, the Act contains deadlines for when the collaboration is to start, how it is to be co-ordinated and the locus of responsibility at any given time.

The Danish Scheme, *Isbryderordningen* – the Ice Breaker Scheme, is in practice a subsidised trainee scheme which helps disabled people who recently completed their education to gain work experience. The scheme provides the recent graduate with the opportunity of being employed on a trial basis in an enterprise for a period of six to nine months. During the trial period the employer receives a grant to cover 50% of his or her salary expenditures.

Means in the Transport Area

An increasing number of countries have applied legislation to ensure disabled people have satisfactory options for transport. The US is the country that have come the farthest, and the only country to have stipulated a schedule for when the accessibility requirements must be fulfilled, both for new transport facilities as well as existing means of transport. The same year the act came into force, all new railways should comply with the requirements. It was also decided that all older railways must be accessible by 2010.

Means in the Area of Information and Communication Technology

Denmark has the action plan *Det digitale Danmark* – Digital Denmark – where measures for disabled people are integrated into the generic planning. Denmark has also stipulated in the statutes for TV2 that a significant share of the programmes in Danish shall have subtitles. The expenditures for subtitling is to be financed through increased licence fees.

The United States employs legislation to ensure disabled people have equal access to electronic equipment as that afforded to other individuals. The Act has a provision linked to federal purchases.

Supervising Bodies

Several countries have established supervising bodies in order to follow up legislation relating to disabled people. In the US the Justice Department holds the main responsibility, but within each department, there is a division that deals with complaints relating to discrimination.

The UK has recently established a Disability Rights Commission, Ireland has Equal Authority, Sweden has the Disability Ombudsman, and Denmark has its Center for *ligebehandling av funksjonshemmede* – The Centre for Equal Treatment of the Disabled, which both have been established independently of legislation on anti-discrimination.

21 Strategies and Planning

The Commission's review of the living conditions of disabled people reveals that in most areas of life, there is a huge gap between political objectives and reality. Despite improvements in some areas, we have not managed to put a new values base into practice. Equal participation and equal opportunities are hardly ever introduced as important premisses in generic planning and decision-making processes or in the actual design of initiatives. The Commission concludes that it is necessary to apply new and more compulsory means, and proposes an overarching structure whose aim is to change the position of disabled people in society, by utilizing political channels and mechanisms

The Commission proposes a strategy consisting of three different components:

The first element of the strategy: – mechanisms to close the gap between objective and reality

The first element aims to develop a system to ensure that matters are brought onto the agenda and that implementation is supervised. The proposal involves a set of political mechanisms that can strengthen efforts to close the gap between ideals and reality. To prevent a substantial section of the population from still encountering disabling barriers and being discriminated against, other more mandatory strategies need to be applied than the ones traditionally used in Norway.

The current legislation does not sufficiently safeguard the needs of people with disabilities. The Commission therefore proposes:

An Act relating to anti-discrimination for the disabled

Anti-discrimination legislation should prohibit both direct and indirect discrimination against disabled people with equality as its objective. The aim of such an Act would be to ensure that we achieve a society which is equally as accessible to the disabled as it is to nondisabled, and in this way to minimise the need for specialised solutions. The Act would be mandatory in order to strengthen the effect of currently existing legislation, especially in cases where other acts are unclear and inaccurate with regard to the rights of the disabled people. The Act would apply to both the private and public sector.

The Commission proposes that the following elements must be central in the formulation of such an Act: The Act would need to stipulate the use of positive special treatment in some areas. It should require that standards are set. It should contain a statutory requirement for all public reports to clarify the consequences for disabled people as well as a requirement that in cases involving public funds, grants would be made conditional on adaptation for the disabled. The Act should grant individuals the right to lodge a complaint in cases where they feel themselves to have been discriminated against, and the Act should provide the basis for the filing of lawsuits. Shared burden of proof should be introduced. The Act must contain provisions on sanctions.

The Commission proposes that a legal Commission be established to design and formulate such an Act as soon as possible and no later than the end of 2002.

Strengthening of the Existing Legislation

The Commission holds the opinion that there is a clear need to strengthen existing legislation, and to ensure that strategies that already have been incorporated, such as stipulation of conditions relating to the granting of permits, licences and dispensation are used. The Commission therefore proposes that the Ministries are required to review existing legislation in order to evaluate the need for additions and clarifications. Based on the weaknesses and deficits found in the review and to especially ensure that buildings, products and services are made accessible to all. The Commission proposes that user participation is made a statutory right, and that the legislation must contain stronger and more clearly defined individual rights of people with impairments.

The Supervising Authority on Disability Rights

To prevent discrimination against people with disabilities, and to safeguard their general and special rights, the Commission proposes the establishment of a supervising Authority on Disability Rights. The establishment of this authority is in line with developments internationally, where several countries, with good results have established similar bodies. The Authority's main task is to ensure that the UN Standard Rules, laws and regulations are adhered to, The Authority should be authorised to meditate and to file lawsuits on behalf of other individuals and to provide legal advice/guidance in individual cases of fundamental importance. The Authority should document the type and extent of discrimination, and ensure that cases of discrimination against disabled people are brought onto the agenda.

The Commission wants a strong Agency with authority and weight. It is proposed that the overall responsibility for the Authority shall lie with a governing board, while the day-to-day running of the Authority be left to an interdisciplinary secretariat. The director should be appointed for a fixed term of years. Primarily, the Commission would like the Authority to be organised directly under the Storting in the same way as the Office of the Auditor General. If this is not possible, the Commission proposes that the Authority be made subordinate to one of the co-ordinating Ministries. The Board of the Authority should be appointed by the Government.

Research

The Commission finds that there is a lack of information in a number of areas, and that the degree of research carried out in areas of interest to the disabled has been far too limited. In particular, there is a lack of research focusing on the environment and on conditions which create barriers. The Report shows that there has been a high level of consensus on what measures that needs to be implemented with regard to research, and the Commission therefore proposes that the Ministry of Education, Research and Church Affairs assign to the Norwegian Research Council the duty of implementing the following measures: There is a need to develop a better co-ordinated effort similar to the initiative entitled Research on the Disabled. The Research Council must ensure that research on the disabled is included in all programme areas, and report on how this can be safeguarded. Forums must be set up that ensure co-ordination and

collaboration within this area of research, as well as measures to ensure the recruitment of students. Another model is the one applied to the area of child research.

The Commission also proposes the establishment of an information centre whose task will be the collection and dissemination of knowledge and the updating of previous and current research and development work.

The Organisations of the Disabled

Closing the gap between objectives and reality requires continuous feedback from people who are affected by the barriers. The organisations of disabled people have an important role as watchdogs vis-a-vis the authorities. Based on knowledge and first-hand experience, they possess a competence which makes them key partners in finding solutions in the effort to reach the goal of universal participation and equality in society. User participation is a central principle in the policy for the disabled. Public administration should acknowledge that these organisations have experience and competence of vital importance. Through the grant scheme for organisations of disabled people, the State is allocating funds to strengthen their work.

The Commission proposes that the funding of the various organisations for the disabled is increased considerably in order to strengthen their opportunities for participation and interaction with the authorities. The Commission also proposes that systems are established to allow representatives for the various organisations to be compensated for their loss of pay when they are participating in work groups and Commissions established by a public body.

Municipal Councils and local Action Plans

The Commission has been asked to evaluate how the needs of the disabled may best be safeguarded in municipal planning, including the question of whether the municipalities should be required to have separate action plans and councils on disability.

The Commission is of the opinion that all municipalities throughout the country must establish mandatory meetings between representatives of organisations of the disabled and politicians/public administration, but the Commission is divided on the issue of whether or not municipal council on disability should be established by law. The majority (Manneråk, Brattstrøm, Grasli, Kjellevoid,

Stenberg, Sæbønæs and Tøssebro) recommend that municipalities be required to organise forums for participation, but that they should be free to decide how they want to organise these meetings. The minority (Buvik, Pettersen, Vegheim and Ytterland refer to the fact that municipal councils on disability represent good arenas for participation, and is of the opinion that only a legal requirement, will efficiently make the municipalities establish such an arena.

The second element of the strategy – three key areas of priority

Main Objectives

Most of the barriers disabled people encounter are man-made, and they result from the fact that society has not been planned or designed with the diversity of the population in mind. Financial estimates which have been carried out in connection with the Commission's work show that it is very costly to remove existing barriers. The costs of requirements and advance planning in respect of *new* investments are minor by comparison. The requirements that are not being made today will contribute to additional costs tomorrow.

The Commission is of the opinion that we are about to enter a new era. We can no longer accept that society is designed with an ever increasing number of disabling barriers, whose removal we will later have to pay dearly for. Therefore from now on, political directives must be laid down, stating that all areas shall be planned and designed based on stated national access standards.

The Commission has prioritised three areas of importance to participation and equality. The areas are all characterised by the fact that they represent major man-made and excluding barriers, but in a relatively short period of time, great progress could be made. The Commission proposes that a mandatory action plan be established, combined with national access standards, economic incentives, and binding deadlines.

The first area of priority: Access to Transport for All

Main objective:

Public Transport with its adjacent infrastructure (means of transport and terminals) shall be accessible by 2012.

This objective involves creating an infrastructure which will enable everybody to travel by public means of transport by 2012. It will not be possible to achieve comprehensive options of trans-

port before 2012 due to the fact that the transport-stock has a long lifespan, and older models are seldom replaced with new ones.

The cost involved in the adaptation of public means of transport is considerable. In addition to the allocation of investment and maintenance funds, the Commission proposes that means are set aside for a Special Priority Fund for adaptation of existing means of transport and terminals. This is the solution selected by Sweden. An annual allocation of NOK 300 million a year for a period of five years is proposed. The national standard on access to public means of transport shall form the basis for applications for funds from the Special Priority Fund, and the first year for applications will be 2004.

The second area of priority: Complete access to buildings and outdoor areas

Main objective:

All buildings housing publicly elected bodies shall by 2005 be accessible to persons with a sensory impairment, persons with orientation impairments and persons with mobility problems. Elected members of a public body should be entitled access to such premises from the first day of service.

All buildings where services to the public are being provided shall by 2006 be accessible to all disabled people.

Kindergartens, schools and universities should by 2007 be accessible to all, but disabled students are already entitled to access the facilities from their first day at kindergarten, school or university.

Buildings and premises in which people work shall by 2008 be accessible to all employees and visitors.

The Commission proposes that a separate pump-priming grant be allocated for the adaptations of NOK 150 million a year for a period of five years.

The third area of priority: Complete access to information and to the information technology

Main Objective

Equal access to public information by 2005.

The objective involves ensuring that *all* public information can be received by *all* citizens through the desired medium.

Equal access to technology by 2005.

The objective means that all information technology is either made accessible while being developed or is adapted so that it is accessible to people with disabilities.

The Commission proposes that a sum of NOK 300 million in total is allocated as a stimulus for the measures in this area of priority.

The third element of the Strategy – Priority measures

The third element of the strategy consists of a list of prioritised measures that are important in order to achieve the overarching objective of full participation and equality for all disabled people. The measures have been consciously chosen to supplement the other elements of the strategy, and are linked to the Commission's evaluation of deficiencies in the various areas. The Commission has put emphasis on the fact that these are measures that can be implemented immediately, independently of the other components of the strategy.

22 Financial Analyses and Consequences

Making a standard cost-benefit analysis directed towards disabled people is problematic. Finding quantitative figures for the benefit side is especially difficult, but for costs as well, it has proved difficult to find concrete figures for various measures. Nor can all things be measured in an ethically responsible manner in connection with costs and benefits. Financial analyses of such matters should instead concentrate on the requirements for standards which should be financed in the most cost-effective way.

More Research has been undertaken by the Commission to evaluate the financial consequences of the proposals in relation to transport and buildings/outdoor areas.

Costs related to measures on Transport

Total costs involved in making the following public means of transport accessible to disabled people by 2012 is estimated at approximately NOK 6,0 billion, or approximately NOK 550 million annually:

- Town buses/-local traffic
- Bus stops
- Long distance coaches
- Regional Coaches
- Norwegian State Railway long distance
- Norwegian State Railway medium distance
- Norwegian State Railway short distance commuter trains
- The Airport Express Train
- Key railway stations

- Air Transport (airport terminals)
- Ferry Transport

There is inevitably uncertainty concerning these figures. The additional costs involved for making town buses accessible to disabled people may prove to be lower than estimated, because there is reason to believe that when requirements related to improved access, are introduced, low floor buses will become more standardised. With regard to the railway, the cost may be considerably greater. The Norwegian State Railway estimates the costs to be somewhere between NOK 500-600 millions annually if a requirement for complete access for all by 2012 is laid down. Replacing the ferry fleet will also involve considerable costs. If the renewal of the train fleet is included, as well as a reduction in costs for local bus traffic, the total costs of making public transport accessible for all by 2012 comes to approximately NOK 26 billion, or approximately 2.4 billions annually. Not all of these costs can be attributed to the access requirements, due to the fact that within a reasonable period of time, the ferry and train fleet are due for renewal anyway.

It would be more reasonable to lay down required standards on transport equipment and infrastructure in advance than to repair/rebuild afterwards. As requirements are to be introduced, the suppliers of new equipment/material are likely to standardise their products, so that they comply when manufactured. These requirements for additional equipment and adaptations will of course be reflected in the purchase price, but this increase in prices would still be lower than the cost of rebuilding old equipment.

Costs related to measures on Access to Buildings

A rough estimate is that it will cost NOK 4.6 billion or approximately NOK 700 millions annually to make the following types of public buildings accessible to disabled people by the stipulated deadline:

- Buildings of importance for democratic participation by 2005
- Buildings linked to public service by 2006
- Kindergartens by 2010
- Elementary and secondary schools by 2010
- Universities and colleges by 2010
- Work buildings managed by Statsbygg, the Directorate of Public Construction and Property, by 2008

As far as public buildings are concerned, one assumes that some of the deficiencies relating to the need of disabled people, will be improved regardless of whether standards for access are made or not. It will primarily be a question of time.

According to information from Statsbygg, making new public buildings accessible for disabled people, does not involve significant, additional costs. Measures relating to access will only constitute a small part of the total costs, and will be able to compete well with other items in the new project.

The conclusion is that the costs involved in making public transport as well as buildings/outdoor areas fully accessible for all prove to be very high.

It turns out to be far less expensive to implement accessibility measures when investing in new equipment than to repair/rebuild old ones. Requirements relating to equipment design should therefore be stipulated in advance through rules and regulations

The conclusion must be that it will be cost-effective to introduce standard requirements, so that the needs of disabled people are considered in advance of new projects. A requirement based on justice that all public transport and all buildings in the public arena shall be fully accessible to all within a short period of time will be unreasonably expensive. Stipulating requirements on access for disabled people for all new investments related to transport services and buildings would be far more responsible since this will be able to compete well with the other items involved in the new projects.

