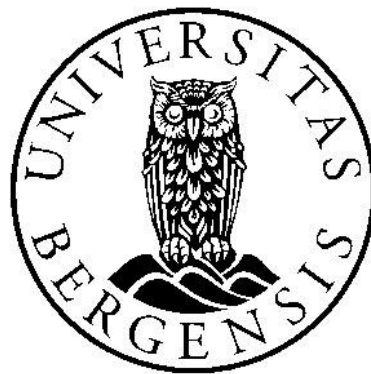


Human rights commitment in advanced democracies

A study of Norway and Finland's commitment to the UN Convention of Rights
for Persons with Disabilities

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Abstract

Human rights are viewed, by the West and especially the Nordic countries, as something that has already been achieved. Thus, little research focuses on explaining differing levels of commitment to human rights within advanced democracies. This limits our understanding of the strength of the human rights regime.

I argue that human rights commitment of advanced democracies can be explained by the level of policy integration, which is cross-cutting policies that overlap existing political divisions. By analyzing the commitment to the Convention on the Rights of Persons with Disabilities in Norway and Finland, I find that the placement of the co-ordinational unit impacts human rights commitment.

The analysis is based on a variety of data sources. Firstly, 22 experts divided in four groups: interest organization representatives, researchers, human rights lawyers, and state representatives were interviewed. Furthermore, National Action Plans, media coverage, ratification processes and important political debates were analyzed. Thus, giving a reliable understanding of the country specific human rights commitment and policies.

I find that human rights commitment and implementation can be undermined in a number of ways. Most importantly is the level of power asymmetries which exist both within the state, and between the state and interest organizations. The presence power asymmetry within the state can cause differing economic and political power between the co-ordinational unite and other branches of government, and highly siloed working structures. They lead to a lack of policy integration which in turn leads to low levels of effective human rights implementation. Secondly, the placement of the co-ordinational body, and level of political will impacts the structure and participation in policy creation of interest organizations. Clearly expressed lack of political will leads to unified and cohesive interest organizations. Furthermore, the placement of the co-ordinational body also determines the type of influence interest groups have on policy creation. High power asymmetry in the form of placing the co-ordinational body with a ministry leads to influential participation in policy creation.

Consequently, provide a new theoretical framework which enhances the understanding human rights commitment of advanced democracies.

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List of abbreviations

CRPD – Convention on the Rights of Persons with Disabilities

UN – United Nations

UNHR – United Nations Human Rights

KUD – Ministry of Culture and Equality (Norway)

FFO – Funksjonshemmedes Fellesorganisasjon

VANE – Advisory Board for Persons with Disabilities

STM – Ministry of Social Affairs and Health (Finland)

NAPs – National Action Plans

NHRI – National Human Rights Institute

NHRP – National Human Rights Paradox

IA-agreement – The Inclusive Work-life Agreement

SOTE-reform – Finnish Health and Social Service Reform

DPOs – Disabled Persons Organizations

THL – Finnish Institute for Health and Welfare

1 Introduction

Human rights are viewed, by the West and especially the Nordic countries, as something that has already been achieved. Furthermore, the concept of the Nordic Human Rights Paradox describes the tendency of the Nordic countries to assume that human rights to be an issue for other countries, but not for their own. However, as the last few years have clearly showcased, non-majority groups experience discrimination and abuses to a greater extent than the majority. The discrimination of black people became more openly discussed globally following the death of George Floyd and with the forming of the Black Lives Matter movement. In Norway, the establishment of the Truth and Reconciliation Committee for the Sami proved that there is still a need to rectify the country's human rights abuses of the past (Stortinget 2021). Similarly, the "Tolga"-case and "NAV"-scandal in Norway further proved that the state is not free of human rights violations (Andersen et al. 2021; Vollan and Kampestuen 2021). Both cases uncovered human rights abuses or general state abuses against vulnerable citizens. In Finland, Truth and Reconciliation Committees are to be set up to look into the violations against the sign language community, as well as for the Sami people (Hofverberg 2021; HR2).

Human rights research today largely focuses on why states ratify treaties, as well as the differing levels of compliance of the treaties. This research mainly focuses on the differences of compliance between developed and developing nations. Little research focuses on explaining differing levels of commitment to human rights within advanced democracies. This limits our understanding of the strength of the human rights regime. If two developed countries are complicit in human rights abuses, but also have ratified the convention, then what explains the weak levels of commitment? And how do the two countries differ in their actual implementation of human rights treaties?

I argue that human rights commitment of advanced democracies can be explained by the level of policy integration, which is cross-cutting policies that overlap existing political divisions. In this thesis I analyze state agencies and their relation to interest organization to determine the level of policy integration. I demonstrate this through the cases of Norway and Finland, the theoretical framework constructed is supported through qualitative research largely reliant on in-dept interviews with experts, and other qualitative data sources.

The human rights regime has many different steps of commitment. Commitment starts with signature, then ratification, and possibly transformation of national laws or incorporation into

the national law. Furthermore, there are additional steps of enhanced monitoring through individual complaint mechanisms and inquiry procedures. Consequently, some authors have argued that the signature and ratification with additional acceptance of enhanced monitoring mechanisms are what one can deem *deep commitment*. However, as the scandals and truth commissions in Norway and Finland prove, there might be additional factors which influence the level of human rights commitment. I focus on the role of state agencies and their relations with interest organization. Consequently, this thesis asks the question:

How do state structures and their relations with interest organizations impact commitment to human rights treaties?

To analyze this question, I focus on the Convention on the Rights of Persons with Disabilities (hereafter CRPD). Persons with disabilities are the largest minority in the world, making up approximately 15% of the population (World Health Organization 2021; UN n.d.-a). While there are no international statistics on the overall percentage of persons with disabilities, I expect it not to vary greatly across countries. The core issues are that persons with disabilities experience more challenges in terms of accessing and participating in society. This is exacerbated by the minority being economically vulnerable and more likely to be poor (Eurostat 2021; UN 2006, 3). The link between poverty and disability proves that being disabled is not only a characteristic of a minority but one that puts one at risk no matter the national context. Thus, disabled people are often excluded from discussions on human rights and freedom of speech (Fritt Ord 2021), making it even more important to analyze human rights commitment through CRPD. As the goal is to understand human rights commitment of advanced democracies, CRPD will be studied mainly through its practical implementation. However, two ratification processes serve as the starting point for analysis.

The two Nordic countries, Norway and Finland are in many respects similar, but they differ in their implementation of the treaty. They have similarly small populations of around 5 million, high levels of employment, stable economies, are both social democracies, and are in the eyes of the world champions of equality and rights. However, they differ in their legal implementation of human rights treaties and acceptance of enhanced monitoring mechanism. In summary, there are key differences in the status and practices of signing and ratifying human rights treaties generally between the two countries, as well as more specific differing ratification and implementation of the CRPD convention. I find that even though Norway as not incorporated the convention into law, clearly breaks with the convention and has not signed enhanced monitoring mechanisms, their state structures increase unity of interest organizations

and ensures more influential participation of interest organizations. In contrast, Finland has transformed its national laws and accepted enhanced monitoring mechanisms but has placed the co-ordinational unit outside the ministries leading to poor unity among interest organizations and low-quality participation in policy creation.

I present, using an inductive approach, a new theoretical framework to explain human rights commitment. I find that the placement of the co-ordinational unit of CRPD impacts the level of commitment and implementation. When the co-ordinational unit is at a higher political level such as a ministry it alters the type of communication and participation of relevant interest organizations. Furthermore, the stronger the co-ordinational unit, the more policy integration takes place which ensures good implementation and rights protection. When the co-ordinational unit is at a lower political level, such as an independent institution outside ministry structures, it leads to less fruitful participation of interest organizations, and a lack of policy integration. This strength of the co-ordinational unit is referred to as “power asymmetries”.

To analyze how power asymmetries impact human rights commitment, I conducted 22 expert interviews in addition to a paired comparison of the ratification process of Norway and Finland. The interviews show how national experts view commitment of CRPD in their respective country. In addition, the paired comparison of the ratification process sheds light on the human rights commitment of the countries I present an original theoretical framework which is both inductive and deductive based on original data. The theoretical framework is original and aims to fill the knowledge gap on what determines human rights commitment in advanced democracies.

The thesis will present relevant research and highlight the research gap on human rights commitment of advanced democracies. Subsequently, I present the theoretical framework before the methodological approach and case selection. Then there are two analytical chapters where I present the main findings and their relation to the hypotheses. Lastly, I conclude with a discussion on the generalization of the findings and areas for future research.

2 Literature review

It has been argued that “human rights treaties are quite ineffectual at changing domestic practices in most cases” (Camp-Keith 1999; Hafner-Burton and Tsutsui 2005, 2007; Hathaway 2002; Neumayer 2005), which is “often attributed to the weak enforcement mechanisms that accompany these treaties” (Hill 2010, 1161). Thus, it is important to look deeper into the enforcement mechanisms and compliance of advanced democracies.

However, research on human rights implementation and effects range on their intended focus and purpose. A large portion of the research focuses on the difference between ratification in democracies and non-democracies (Hafner-Burton 2008; Hafner-Burton and Tsutsui 2007; Hathaway 2003, 2007; Davenport 1999; Checkel 2005), since the focus of research has been understanding whether ratification has positive effects on state behavior. Others have committed their time to understand and explain the intended consequences of international human rights law (Simmons and Strezhnev 2018, 6). A large portion of academia have concerted their efforts in understanding *why* states ratify human rights treaties (Cole 2012; Simmons and Strezhnev 2018; Comstock 2019; Hathaway 2007; Hill 2010; Neumayer 2007).

While the research on understanding implementation is quite dominant, there is quite a substantial portion of research which discusses Human Rights in general. Furthermore, other research is focused on the domestic versus international battle of human rights, as well as a small focus on constitutional convergence and human rights compliance.

Due to the lack of research focusing directly on the research question at hand, I will divide the literature review into five categories: 1) why countries ratify human rights treaties; 2) compliance; 3) challenges of enforcement; 4) domestic institutions; and 5) disability research. The last section on disability research provides a short overview of the challenges of disability research and the reasoning for focusing on human rights and disabilities and CRPD. The disability research reviewed is only research focused on disability as a social phenomenon and not a medical one.

2.1 Why Countries Ratify Human Rights Treaties

Research covering the simple question “why states ratify UNHR conventions” is well established. However, most research on implementation of UN conventions are convention specific due to “the effects of the implementation of an international human-rights treaty are

not readily measured” (Pais and Bissell 2006, 698). Therefore, one convention is used in this thesis to understand human rights commitment of advanced democracies.

Simmons and Strezhnev find that “treaties did not have much positive impact on the rights they were intended to protect” (2018, 5). Nevertheless, many have studied the causes and reasoning behind implementation, which is even more interesting if they indeed don’t have as positive an impact as they intended.

There are many arguments for why and what aspects influence the decision and motivation of implementation of UN Human Rights (UNHR) treaties. “Michael Ignatieff, for example, has proposed a ‘typology’ of trade-offs that governments often face, including derogations of human rights law for national security purposes; reservations to protect the primacy of domestic law; human rights compromises for foreign policy or diplomatic purposes; and trade-offs between competing human rights objectives themselves” (Simmons and Strezhnev 2018, 7). However, others have structured their research by comparing democracies and non-democracies (Neumayer 2007; Davenport 1999; Hafner-Burton 2008; Hathaway 2007). Nevertheless, UNHR treaties have been argued to be an ideal “starting point for understanding state commitment decisions because they constitute the paradigmatic hard case” (Hathaway 2007, 589). Similarly, the differing level to which the CRPD convention has influenced domestic law serves as one of the factors used for the case selection of Norway and Finland.

Furthermore, authors such as Comstock (2019) , argue that “domestic factors such as regime type, judicial institutions, and group mobilization offer better explanations for rights behavior” (Powell and Staton 2009; Simmons 2009; in Comstock 2019, 25). Nevertheless there are more factors that impact a states willingness to ratify and comply. Hoffmann-Reim argues that “the willingness of the state concerned to accept an opinion correlates closely with whether the opinion was requested by it or instead imposed upon it” (2014, 592). “The literature on ratification of international human rights treaties demonstrates that liberal democracies are much more likely to ratify these treaties (early on) than are other countries” (Landman 2002; Cole 2005, in Neumayer 2007, 402). However, what happens after ratification in these countries has not been studied at a considerable rate, thus underscoring the importance of studies such as this one and understanding actual commitment.

One of the main theories on ratification/implementation of human rights is the “spiral model” developed by Thomas Risse, Stephen Ropp and Kathryn Sikkink in *The Power of Human Rights* (Simmons 2013, 43; Risse, Ropp, and Sikkink 1999). Beth A. Simmons, and other

scholars, often refer to the “spiral model” theory which attempts “to explain how international human rights norms come to influence actual human rights practices domestically” (Simmons 2013, 44). However, as argued by Simmons, “The spiral model is intriguing because in some sense it appears to rest on an irrational logic. Governments take what they think will be inconsequential policy actions that they think may mollify their international and external critics” (Simmons 2013, 47). However, the transnational spiral model of influence argues that domestic mobilization, international pressure, general treaty ratification and socialization between countries bring about human rights changes (Dancy and Sikkink 2012, 752). The factor of domestic mobilization is a key factor in understanding human rights commitment of advanced democracies.

Implementation and ratification is a focus of research of international law more generally because “international law, in both its ‘hard’ (binding) and ‘soft’ (nonbinding) variants, has contributed to the incorporation of many human rights into the domestic constitutions of a significant number of states” (Elkins, Ginsburg, and Simmons 2013, 63). However, even though “ratification is important, and that binding international law leads to new rights in subsequently adopted national constitutions” (Elkins, Ginsburg, and Simmons 2013, 74), we see that in Norway this is not necessarily equally true for all treaties, such as CRPD.

Not only does ratification of human rights treaties provoke “commentary and analysis by policymakers, lawyers, advocates, and academics alike” (Simmons and Creamer 2015, 579), but there are efforts by scholars, supranational courts and treaty bodies “to find ways to address this low rate of implementation” (Open Society Justice Initiative 2010; Hillebrecht 2014; Viljoen and Louw 2007; in Murray and Sandoval 2020, 102). Examples of this can be found in projects such as the Nordic Welfares Centres report on available statistical measures on persons with disabilities in the Nordic countries (Jokinen, Montefusco, and Koivumäki 2021).

The motivation of human rights treaty ratification varies. Although the “rewards-for-ratification” hypothesis is widely used in the established literature on ratification which particularly focuses on economic benefits through “more foreign investment, aid donations, international trade, and other tangible benefits” (Hathaway 2004, 207), Simmons argues that this assumption has not been substantiated enough in the empirical evidence to be proven (2015, 197,199), and neither does it seem to be relevant when discussing advanced democracies. For instance, “when asked specifically whether treaty ratification influences their aid decisions, relevant Norwegian officials at the Ministry of Foreign Affairs denied that aid policies had any linkages with a country’s status as a party to any human rights treaties. They described

development aid as being on a 'different track'. They often, of course, discussed human rights with officials from recipient states, but never suggested that aid was conditioned on treaty ratification" (Simmons 2015, 202-203).

Socialization has also been argued to be a key driver of the human rights regime (Simmons 2015). It is also argued by some of the sources to be an important aspect in state handling. While socialization can, and has been, used to discuss international treaties influence between countries. It can also be used to understand processes and actions within states, which is interestingly argued to be more important in Norwegian than in Finland when analyzing CRPD handling. "Sociological theories tend to emphasize the collective legitimating function of international legal agreements, especially in the human rights area" (Risse and Sikkink 1999, 8). The reason being that human rights are one the main was of defining community norms (Risse and Sikkink 1999, 8). The differing levels to which socialization seems to matter may thus be a cultural factor.

Governments are "socialized" to care about what other states think of them (Lutz and Sikkink 2000), and "international law plays a central role in this process" (Simmons 2015, 199). Furthermore, states aim and desire to "to avoid public criticism. This desire stems from both instrumental and identity-based factors". Hawkins (2004, 793) explains states' shifting positions on the universal jurisdiction provisions of the CAT (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) as a reflection of efforts to "avoid positions in which they would stand alone against other states, especially those with similar identities" (Simmons 2015, 199). "In a global macrosociological context, treaty ratification is part of this process of diffusion in which governments seek to present themselves to the broader international community, and to their own citizens, as actors that affirm the basic rights of individuals. This line of argument treats ratification as an act of emulation, in which states "enact" the values of a broader Western progressive culture, in an effort formally to identify themselves as members in "good standing" of the modern society of" (Meyer et al. 1997; in Simmons 2015, 199).

As the literature both points towards domestic mobilization and an aim to avoid public criticism, it is important to briefly cover literature on civil society, as it is argued to a core actor in this thesis. As "Civil society is an important terrain of democratization, of democratic institution building" it is also an important factor in the human rights regime (Cohen and Arato 1992, 16). Especially since "modern civil society is based on egalitarian principles and universal inclusion, experience in articulation the political will and collective decision making"

it is highly relevant to rights protection of human rights treaties (Cohen and Arato 1992, 19). In the context of CRPD civil society is interest based and issue oriented, interacting and relating to state practices without aiming to win political power (Diamond 1994, 6). Not only is civil society an important factor for democratization, it is argued by Salamon, Sokolowski, and Haddock (2017, 78) that one can “explain the role of power relations in shaping modern institutions, (by) viewing civil society as an independent variable”. Hence, the focus on interest organization as a key actor to explain human rights commitment in Norway and Finland.

2.2 Compliance

However, why states chose to ratify a convention is interconnected with to what extent they comply with the conventions in their national context. While a lot of the external motivations discussed in literature on signing and ratifying conventions, these factors could be argued to be relevant at the national level. As ratification does not necessarily mean compliance, many states ratify UNHR treaties without putting the principles into practice (Cole 2012, 1132), hence the importance of understanding human rights commitment of advanced democracies. Some have found that “stronger commitments in the form of optional provisions that allow states and individuals to complain about human rights abuses are often associated with improved practices” (Cole 2012, 1131). Thus, it might seem like democracies are more critical to the UNHR but are trying to make sure they comply. This is argued by Neumayer to be “Because liberal democracies take their obligations seriously but, like any other nation-state, want to limit the extent of interference with their sovereignty, they are more likely to set up RUDs to minimize the extent of intrusion” (Neumayer 2007, 401).

RUDs refer to Reservations, Understandings, and Declarations states give when ratifying conventions (Comstock 2019, 25). While the RUDs in principle “adjust” the commitment the state makes regarding the relevant convention, literature finds them mostly to be used by countries who take human rights seriously, while “authoritarian regimes often sign and ratify without reservations” (Neumayer 2007, 401).

As RUD’s are believed by researchers to signal deeper commitment (Neumayer 2007, 401; Comstock 2019, 25), the difference between the use of RUD’s between Norway and Finland is interesting, and a starting point in selecting them as relevant cases for comparison. Norway has issued two statements of understanding; on article 12, 14 and 25 (Funksjonshemmedes Fellesorganisasjon et al. 2019; Barne- og familiedepartementet 2015). Finland on the other hand

does not have a tradition of using RUD's. Does this mean that the country is less committed to human rights commitments?

If one bases one's view of human rights commitment on the status of a human right in the legal sense (from signature, ratification to incorporation/transformation) then Finland seems to be more deeply committed to human rights as they have transformed their national laws to match the convention. In early 2021, on the other hand, the Norwegian Parliament voted to not implement CRPD into Norwegian Law for the second time (Bufdir 2021; Piene 2021). Interest organizations and human rights defenders argued, and still argue, that the exclusion of the treaty from the human rights law in the constitution shows a discrimination of a minority as this is the only general Human Rights convention signed and ratified which is not incorporated into national law (Elvestad 2022). Additionally, as Norway and Finland are Nordic countries, the Nordic Human Rights Paradox (NHRP hereafter) will be a relevant context to consider. The NHRP refers to the notion that the Nordic countries support human rights norms abroad but do not implement them at home (Vik et al. 2018).

There are many aspects of legal actions following a commitment to UNHR treaties, however the analyses have largely focused on RUDs, and especially reservations (Lijnzaad 1995; Goodman 2002; Schabas 1995; Baratta 2000; Cited in Comstock 2019, 25). While, very few scholars analyze the legal action following ratification of treaties (Comstock 2019, 25). This is strange as they can "provide an ideal starting point for understanding state commitment decisions because they constitute the paradigmatic hard case" (Hathaway 2007, 589). Consequently, "we know shockingly little about this category of legal actions that occurs after states bind themselves to United Nations human rights treaties" (Comstock 2019, 24).

What we do know is that "human rights treaties are quite ineffectual at changing domestic practices in most cases (Camp Keith 2002; Hafner-Burton and Tsutsui 2005, 2007; Hathaway 2002; Neumayer 2005), a finding often attributed to the weak enforcement mechanisms that accompany these treaties" (Hill 2010, 1161). The findings by Cole (2012, 1163) that "for many human rights treaties, optional interstate and individual complaints provisions contribute to improved practices" leads to his hypothesis (the deep commitment hypothesis) that "human rights treaties will be more effective for countries that accede to optional monitoring and enforcement provisions than for countries that do not" (Cole 2012, 1141).

It is interesting that "even if states felt compelled to call attention to their own transgressions the human rights committees that view the reports are powerless to punish recalcitrant states"

(Hill 2010, 1162). So much so that it cumulates quite a lot of research and literature criticizing the “weakness” of human rights (Neumayer 2007, 400; Cole 2012; Hafner-Burton and Tsutsui 2007, 2005; Camp Keith 2002). Nevertheless, “noncompliance in one area of international law does not necessarily signal an inability or unwillingness to comply in other areas, and this may be especially true of noncompliance with human rights regimes” (Downs and Jones 2002; in Hill 2010, 1163). Therefore, “scholarship has become increasingly critical of both the assumption that ratification is a set point rather than a process (Finnemore and Toope 2001; Goodman and Jinks 2003) and that human rights practices have been on the decline” (Fariss 2014; in Comstock 2019, 25). Hill states “that existing theories of compliance with the human rights regime imply that empirical tests which do not confront the process by which states commit to the regime in the first place and expressly consider how this process affects compliance are flawed” (Hill 2010, 1165). Thus, the ratification process is an important step in constructing an analytical framework for understanding human rights commitment of advanced democracies.

The assumption that legal incorporation distinguishes degrees of commitment and influences the number of human rights abuses by states heavily inspired the focus of the thesis, and especially case selection of Norway and Finland due to their differing incorporation practices. However, even though “judiciaries can restrict state behavior, we should not be too quick to put our faith in courts as a solution to compliance problems in the human rights regime” (Hill 2010, 1165). “Because human rights agreements are not effectively monitored, the expressive benefits that countries gain from the act of joining the treaty will be enjoyed [...] regardless of whether they actually comply with the treaty’s requirements” (Simmons 2015, 198). This issue of monitoring is a huge challenge for human rights. Consequently, acceptance of optional protocols and enhanced monitoring mechanisms serves as a case selection measure.

Furthermore, when states do not sign the optional protocols for individual complaints this further limits the ability of monitoring. Nevertheless, “some international legal theorists claim that ratification provides a critical signal of intent” (Simmons 2015, 198). Thus, the concept of political will is a starting point in understanding the level or degree of human rights commitment, or whether window dressing is taking place. While the concept and measure of political will is explained throughout, it is relevant to note that the concept is often used in political research (Brinkerhoff 2010, 2000; Brysk 2013; Malena 2009; Post, Raile, and Raile 2010; Treadway 2012). The important and influential concept is however under-defined and ambiguous.

The importance of political will as a variable of interest is further supported by the findings that “powerful countries are rarely consistent in their application of human rights standards to their foreign policy, and they are rarely willing to grant human rights questions priority” (Neumayer 2007, 400). Furthermore, “international human rights treaties do not exert any independent effect on the behavior of countries. If governments respect human rights, they do so because it coincides with their interests” (Neumayer 2007, 400). This could be argued to be because “countries take relatively little interest in the extent of human rights violations in other countries, unless one of their own citizens is affected. As a consequence, international human rights regimes are comparatively weak compared with, say, the regimes of finance or trade” (Neumayer 2007, 400). The “weakness” of international human right regime compared to regimes of finance and trade as Naumayer argues, I believe to be a representation of hard and soft politics. Thus, I would expect there to be a lower level of political will related to human rights policies in contrast to finance and trade policy.

Another aspect of compliance is that there needs to be a “strategy of legalizing human rights principles in formal agreements” (Simmons and Strezhnev 2018, 2), as “the legal system is cracking under challenge by sovereign governments who claim it does not bind, and by resurgent religious organization that claim it has lost – or never had – moral authority to describe a set of such rights in the first place” (Simmons and Strezhnev 2018, 3), which is central in the rhetoric and debates of human rights incorporation in Norway. This is further exacerbated by “The non-legally binding nature of decisions” as “the argument that no mechanism or means exist within the state to implement them” (Fox Principi 2020, 188). And while “Reporting and monitoring have become increasingly common aspects of international governance across issue areas, [...] there is surprisingly little analysis of the politics of such information provision or its effects on state behavior” (Simmons and Creamer 2015, 580). Furthermore, the quality of the periodic reviews on implementation of treaty obligations are tremendously varied (Simmons and Creamer 2015, 581). And while “all committees publish some form of ‘concluding observations,’ most commentators agree that these recommendations are not legally binding on states parties” (Simmons and Creamer 2015, 583).

Thus, one of the main reasons human rights expectations are not met is “in part because follow-up work is inadequately resourced. [...] Supranational bodies should proactively seek out diverse sources of information and adopt more transparent and responsive working methods so as to enable ‘real time’ participation by all interested parties” (Donald, Long, and Speck 2020, 125). Nonetheless, “no secretariat body can feasibly do its own detailed fact-finding, let alone

regular country visits, for all the cases under follow-up”(Donald, Long, and Speck 2020, 128). Consequently, it is important to investigate resource allocation to relevant human rights mechanism in the countries being analyzed. By resource allocation I both refer to number of employees at the relevant human rights institutions and as well as to some degree the budgetary power of the co-ordinational unit responsible for human rights protection and implementation of the relevant convention.

2.3 Challenges of enforcing International Law

“The major effort to institutionalize and universalize an international human rights regime dates from just after World War II” (Elkins, Ginsburg, and Simmons 2013). However, UN human rights (UNHR) have become more common over the last forty years, both in terms of areas they cover and the number of countries who ratify (Wotipka and Tsutsui 2008, 725). As the UNHR were “designed to express fundamental values of the community of nations, and to articulate the importance of human rights in the wake of World War” (Elkins, Ginsburg, and Simmons 2013, 65), they are consequently controversial in that there are “inherent contradictions between global human rights regimes and state sovereignty” (Wotipka and Tsutsui 2008, 725), as previously expressed. The reason being that treaties, unlike declarations, “are binding legal documents and, therefore, are much stronger instruments to promote global human rights” (Wotipka and Tsutsui 2008, 726). Thus “each treaty’s monitoring body requires states parties to submit reports on their human rights practice and can pressure violating governments by demanding explanations for local practices and by condemning the governments for human rights violations” (Wotipka and Tsutsui 2008, 728).

As the Cold War “elevated the status of human rights at the rhetorical level” the “enforcement action on human rights” grounds are rare (Wotipka and Tsutsui 2008, 732). And while enforcement faces many obstacles and challenges, scholars argue that the “U.N. human rights treaties continue to provide legitimacy and leverage for these activities” (Wotipka and Tsutsui 2008, 732). Globalization has also “coincided with an increased protection of human rights, and posits that this has involved a convergence in constitutional protections accorded to rights” (Elkins, Ginsburg, and Simmons 2013, 62). While constitutional convergence is an important aspect which researchers study, the findings that human rights commitment cannot be determined based on the constitutional level of protection makes the research fall outside the scope of the thesis.

The view of UNHR are varying, and some scholars find this to follow their fields of knowledge as “International lawyers seemed to assume human rights treaties were important and beneficial, while students of government (domestic and international) tended to be somewhat more skeptical” (Simmons and Strezhnev 2018, 5). “Treaties can play a role by mobilizing domestic forces, which, in turn, encourage the incorporation of treaty commitments into domestic law” (Elkins, Ginsburg, and Simmons 2013, 69), which is also visible in the cases selected here. Thus, “ratification is important, and that binding international law leads to new rights in subsequently adopted national constitutions” (Elkins, Ginsburg, and Simmons 2013, 74). Consequently international law “has contributed to the incorporation of many human rights into the domestic constitutions of a significant number of states” (Elkins, Ginsburg, and Simmons 2013, 63).

As the number of complaints to the treaty bodies have increased exponentially, and continue to do so, Fox Prinicipi argues that there is an increased criticism of human rights where there is a global pushback from states which have been supportive are now becoming more sceptical (Fox Prinicipi 2020, 185). Thus, looking at the activity, legitimization of interest organization and civil society is an important aspect to understand the two differing approaches of incorporating the CRPD convention into national law. Which provided clues that the interest organizations position, strength, and unity largely impacts human rights commitment.

2.4 Domestic Institutions

While previous research on Human Rights have focused on global trends quantitatively there is a need to investigate domestic mechanisms through qualitative data (Simmons 2013, 59). Checkel has expressed a need “know precisely what steps states have taken to implement international agreements domestically”, especially in terms of identifying “the varying legal costs of adopting new international human rights norms” (Checkel 2005, 167-167). Hence, the focus on state structures to understand human rights commitment in advanced democracies.

Furthermore, there is “Relatively little empirical research on the protection of human rights considers the significance of legal rules and institutions. [...] Yet researchers have consistently focused on such factors as national wealth and civil unrest as the keys to human rights and have generally ‘ignored’ the particular effect of law and more specifically national constitutions” (Leoni 1961, 2; in Cross 1999, 87). Interestingly though, I find this to be less essential as practice is more important to understand the practices of countries due to the possibility of window dressing human rights. Nevertheless, the effect of law and national constitutions does

signal levels of political will and should therefore be included in any study of human rights commitment, no matter the regime.

Lastly, “The most obvious potential legal determinant of human rights protection might seem to be whether the particular right received constitutional protection in a country” (Cross 1999, 89). Thus, the legal status of CPRD was the starting point for the case selection, and the starting point to assess human rights commitment.

However, as the thesis proves, legal/constitutional protection might not be enough to ensure human rights commitment as seen through implementation of rights. However, as the literature hints to, understanding the legal context and how it relates to “deep commitment” of human rights provides important case selection evidence and contextual background for the thesis. Therefore, Norway and Finland’s relative legal contexts and the status of being disabled in each country will be compared as evidence in support of the inductive thesis with a most similar systems design.

2.5 Disability Research

The Convention for the Rights of Persons with Disabilities (UN CRPD) is used as the case of analysis. It was chosen partially due to it being one of the newer conventions, but also because there are differing practices regarding implementation of the convention in the two countries analyzed: Norway and Finland.

The UN CRPD, which has been ratified by 152 countries, is one of the newest UN conventions (Mittler 2015, 79). It aims to limit the impediments to freedom for persons with disability, and be a guide for states to ensure rights protection (UN 2006). One of the many important aspects of the convention is the focus on in what paradigm one views disability. The convention aims to promote shift towards the social definitions of disability in which “disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others” (UN 2006, 1). Consequently, moving away from the medical paradigm in which disabilities are only viewed through diagnoses. The convention emphasizes “the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices” (UN 2006, 2). Lastly, I will emphasize the focus on the inherent core issue:

“the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex,

language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status, [...] that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, [...]" (UN 2006, 2).

The convention has eight principles, which are specified through the 33 articles¹, (UN 2006, 5; Funksjonshemmedes Fellesorganisasjon et al. 2019): 1) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons, 2) Non-discrimination, 3) Full and effective participation and inclusion in society, 4) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, 5) Equality of opportunity, 6) Accessibility, 7) Equality between men and women, and 8) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

While all articles are equally important, there are a few articles which will be core to the analysis of human rights commitment in this thesis: article 5 (Equality and non-discrimination), 8 (awareness raising), 13 (access to justice), 31 (Statistics and data collection), and 33 (national implementation and monitoring). Additionally, I focus on the use of statements of understanding in Norway and Finland.

Furthermore, disability research is a vastly interdisciplinary field, reflecting a lot of the challenges of the CRPD convention. The conventions and rights touch upon so many aspects of politics and consequently research fields. There is research on accessibility in terms of architecture, medical and health research of disabilities, but very little research in areas of social science and the humanities. Due to the differing approaches and fields of expertise, finding and evaluating the size of the field is rather difficult. Nevertheless, it exists.

One example is the research on the Implementation of CRPD in Norway and the Nordic countries found that the Nordic "welfare culture" is standing in the way of proper implementation of CRPD (Brennan and Traustadottir 2020). The welfare culture is a hinder for implementation to CRPD due to the inflexibility towards "new, and tailor-made services, particularly those" which comes from grassroot activism (Brennan and Traustadottir 2020, 256). This is argued, by Brennan and Traustadottir, to be due to policy makers relying on the

¹ 50 articles when including articles of practicalities of reporting and practical articles of a legal nature

Nordic reputation of a generous welfare state (Brennan and Traustadottir 2020, 256). Studies such as this one is few and far between.

When looking at the research published by the Scandinavian Journal on Disabilities searching for research with “Norway” or “Finland” as search words, less than 10 articles show up for each search. This in and of itself showcases why finding relevant research on disabilities has been difficult. Another aspect for research on disabilities is that the term “disabilities” can mean so much. The Scandinavian languages have divided their terminology to differ between mental and physical disabilities to a larger extent, but the terms still cover too much to find a lot of research on the broad topic. Consequently, one must look at concepts such as “universal design” (Ferguson et al. 2019; Canadian Human Rights Commission 2007; Imrie 2012; Ostroff 2011), “right to self-determination” (Hannum 1998; Bauböck 2005; Kolodner 1994; McCorquodale 1994), challenges of disabled people (Ebersold, Schmitt, and Priestley 2011; Goodlad and Riddell 2005; Oswal and Hewett 2013; Aiden and McCarthy 2014), “user led personal assistance”, “employment” (Tøssebro 2016; Mizunoya and Mitra 2013; Vornholt et al. 2018), and so on in order to find relevant research. However, as the CRPD convention is a rather “young” convention, there is not a lot of research on its compliance, and I would expect the literature to follow the same patterns as human rights literature in general: focusing on the difference between developed versus developing nations or democracies versus non-democracies.

Statistics further exemplify why both CRPD, and Norway and Finland were chosen as the case. The numbers which Eurostat has collected on the likelihood of poverty and social exclusion points to an interesting difference: while Finland is one of the European countries with the lowest proportion of people with disability who are at risk for poverty (around 22.5%), Norway’s likelihood is close the European average at 29% (28.3%). The reason this finding is interesting is that when looking at the likelihood of poverty and social exclusion of the general population, Norway and Finland are almost equal at 12.6% and 12.7% respectively in 2020. Both countries are thus way below the European average at 19% (Eurostat 2021). The findings and link between disability and poverty is not only highlighted in the UN’s sustainable development goals in goal numbers 4, 8, 10, 11 and 17 (UN 2015), but has become a focus of disability research (Palmer 2011; Groce, Kumbhavi, et al. 2011; Groce, Kett, et al. 2011; Grech 2009; Eide and Ingstad 2011). Thus, proving that not only is it an issue of developing nations, and poor countries, but one that affects all countries. Four other measures are used to support

the selection of Finland and Norway as cases, which are discussed in the methods chapter under case selection.

The challenges and lack of research within the social sciences will be discussed to a greater extent when discussing the findings of the interviews conducted with researchers in Norway and Finland as a way of explaining the states effort and structure. Nevertheless, both the field of research and thus knowledge levels are still very much focused on the medical view of disabilities.

2.6 Summary of the Literature Review

As the literature review highlights, there has been little to no focus on explaining differing levels of commitment to human rights in advanced democracies. While the literature presents arguments which could explain aspects of differing human rights commitment such as domestic mobilization, increased rights protection through constitutional convergences, and socialization of the importance of the rights, window dressing of human right is less discussed. Consequently, I attempt to fill the gap in the literature explaining how one can determine and understand differing human rights commitment through a case study of CRPD and paired comparison of Norway and Finland. The theoretical framework constructed to understand advanced democracies human rights commitment will attempt to explain how state structures impact human rights commitment, and the nature and extent to which interest organizations participate in policy creation.

3 Theoretical Framework

The overarching question of the thesis is “How do state structures and relations with interest organization impact commitment to UN human rights conventions?” Literature views human rights commitment to largely be determined by the legal status of human rights. I argue that policy implementation must also be considered. More specifically, I argue that human rights commitment can be explained through state structures and interest organizations and the explanatory variable of power asymmetries.

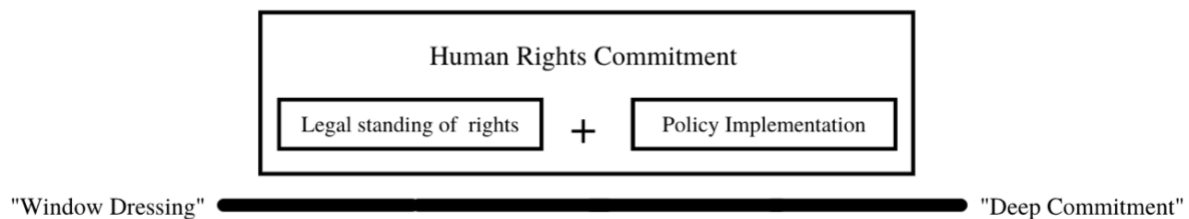
Higher legal status of the rights does not necessarily mean higher degree of human rights commitment. Rather human rights commitment is impacted by power asymmetries, political will in the country, and the position of interest organizations in the political sphere. I argue in this thesis that the presence of power asymmetries *within* the state decreases a country’s human rights commitment, bringing it closer to window dressing. While increased power asymmetries *between* the state and interest organizations can increase a countries human rights commitment towards deep commitment. Thus, human rights commitment is heavily influenced by the power asymmetries.

I first present the dependent and independent variables separately, before ending the chapter by explaining the causal relationship of the variables. The last section also presents the hypothesis created, which are founded in expectations generated from soaking and poking.

3.1 The Dependent Variable: Human Rights Commitment

First, I explain the concept of human rights commitment, which is the dependent variable. Secondly, I preface the relation of the independent variable of power asymmetries, and how it influences the dependent variable differently based on the actors involved, which in in this case is the state and interest organizations.

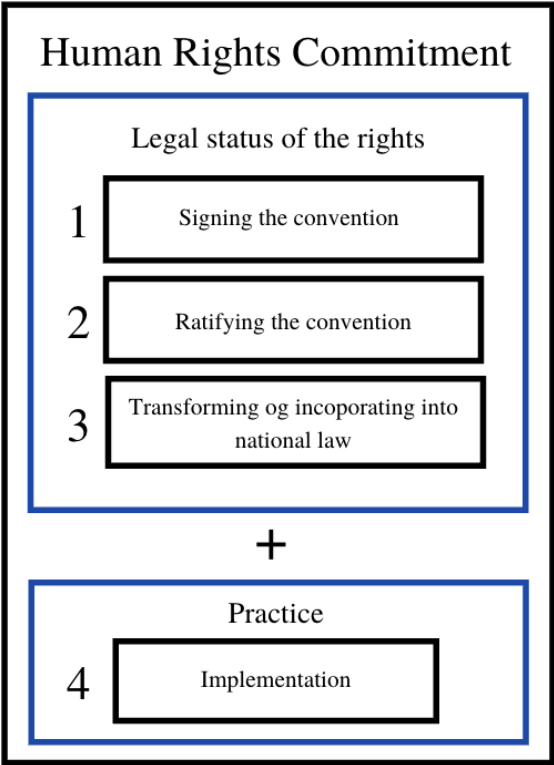
Figure 3:1. The conceptual framework of the dependent variable, human rights commitment



I argue that human rights commitments can be seen on a scale between “window dressing” and “deep commitment”, as visualized by Figure 4:1. By window dressing I mean that the legal

status of the rights makes it “look” like the country is committed to human rights through being signed & ratified, or even fully transformed/incorporated into national laws. Thus, making the country seem to be a champion of human rights even though they have no actual policies or practical efforts to reach these rights. The rights are only rights on paper, not in practice. In other words, there is human rights hypocrisy by the state. Deep commitment is in contrast when a country is both commits through the legal status of the rights but ensures the rights in practice. The legal status of rights is divided into three phases: signature, ratification and transformation/incorporation as visualized by figure 4.1. Human rights commitment can be seen as window dressing if a country is at any of the three phases but has no practical implementation of the rights. In contrast, a country can also be deemed to be deeply committed even if they have not reached step three of the legal standing of the right, as long as the rights are materializing in practice. Figure 4:2. describes the three steps of legal standing, and the fourth step of rights implementation (or human rights practices of the nation).

Figure 3:2. Human rights commitment specifying the different aspects of legal status and policy implementation



As a country can window dress their human right commitment at any of the three steps of the legal status of rights, this thesis focuses on the implementation of the rights in the selected cases. The implementation of the rights more clearly reflects the country’s commitment. As

commitment cannot easily be quantitatively measured, analyzing and measuring the implementation is best done through qualitative methods to ensure to reflect the national contexts. Therefore, human rights commitment is in this thesis a qualitative measure of the implementation of human rights for persons with disabilities. How this is measured and analyzed is presented in the methods chapter, to follow.

3.2 The Independent Variable: Power Asymmetries

The independent variable, power asymmetry, can be viewed and understood both in terms of political power, and in terms of economic power. Consequently, power asymmetries *within* the state will be understood as both the political power each ministry (or relevant governmental body) has compared to each other, and political power in terms of how important their political field is viewed, and their economic power decided by the budgeting of the government. Consequently labeled “strength of co-ordinational unit” in figure 4.3. Thus, the within state power asymmetry is a dichotomous variable.

Power asymmetries between the state and interest organization is regarded in terms of political power. Political power largely points towards the relevant governmental body’s ability to produce policy, and influence or endure that the rights materialize in practice. In other words, how equal are they in the “game” of national politics. Thus, it is labeled “placement of co-ordinational unit” in figure 4.3. The measure of power asymmetries between interest organizations and the state one refers to the amount of power asymmetry, as there will always be a power asymmetry. Consequently, the illustration of “ministerial level” and “independent body” are examples to illustrate such a power asymmetry.

Figure 3:3. The causal argument - Power asymmetries’ impact on Human rights commitment.

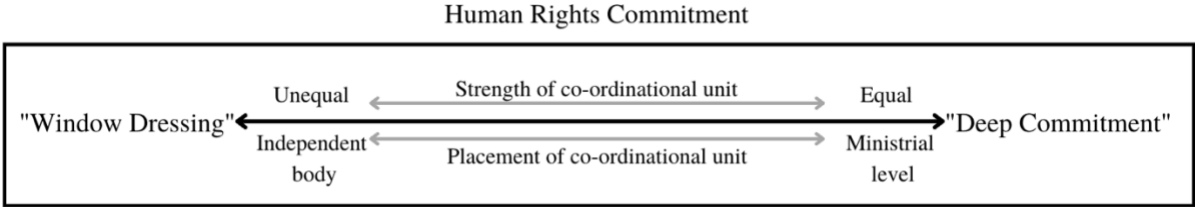


Figure 4:3 illustrates the relationship between power asymmetries and human rights commitment. Consequently, a strong co-ordinational unit, placed with a ministry equal to other ministries will lead to deep commitment. A weak co-ordination unit, which is placed with an independent body will lead to window dressing. The concept of strength of the co-ordinational unit is furthermore interconnected to the concept of hard and soft politics discussed in the

literature reviews. I stress that strength and placement do not need to be connected, as one can place that co-ordinational unit at the ministerial level without it being strong and equal to other ministries.

Lastly, the term, power asymmetry, is less specific than *strength* and *placement of co-ordinational unit*. However, it is used to ensure generalizability and applicability of the theory on other conventions which have differing implementation structures.

3.3 Explaining the Causal Relationship through Power Asymmetries and Policy Integration

As this thesis is both inductive and deductive hypothesis have been created to clearly highlight the different aspects which have been found to impact the relationship of the dependent and independent variable. It is inductive in that it is an exploratory study, and deductive due to hypothesis/expectations being generated from the initial interviews and empirical data.

Thus, while they are not directly “tested” as one would in a purely deductive thesis, they provide the foundation of the different aspects of the contracted theoretical framework. Furthermore, the hypotheses were constructed before the analysis was conducted, and could therefore to some extent be “tested” when combining all data. Therefore, I both explain the rationale of the hypothesis/expectations generated to understand human rights commitment of advanced democracies.

Firstly, as figure 4.1 illustrates, high levels of power asymmetry within the state leads to low human rights commitment. Power asymmetry can be a result of not prioritizing the politics, and thus not granting it “the time of day”, or more likely due to having surpassed the policy integration threshold triggering challenges in creating policy and ensuring rights. Consequently:

H₁: High levels of power asymmetries within the state leads to low human rights commitment.

Secondly, as explained above, lower levels of power asymmetry within the state are expected to lead to both a lack of policy integration, as well as higher levels of human rights commitment. In other words, a stronger co-ordinational unit or relevant governmental body, the less power asymmetry within the state. The reason why this power asymmetry impacts the likelihood of policy integration not taking place as there is less political power which is needed to push and coordinate effective policy across the established policy silos of the state. Consequently, **H₂** is the causal mechanism explaining **H₁**.

Specifically, when a certain level of power asymmetry within the state is reached, policy integration becomes impossible which further exacerbates the challenge being deeply committed to the human rights treaty even if there is political will and intent. Thus, policy integration is a mechanism between the dependent and independent variables. Therefore, it is expected that:

H₂: A stronger co-ordinational unit leads better policy integration

Policy integration (PI) is a term used mostly in connection with climate policy (Briassoulis 2004). As the term insinuates, the issue of climate meets an integration challenge as the policy area does not fit in one of the established “categories” of political policy. Thus, policies need to be integrated policies which cuts across the established division of responsibilities of ministries. Consequently, states need to find ways to create policy together with policy areas which they normally have never needed to cooperate with to reach their policy goals. This is true for human rights as well. In the field of human rights of persons with disabilities, the challenge of inclusion in the workforce requires policy which takes into consideration health, transportation, and work, which has not previously been necessary. Therefore, a lack of policy integration is a result of any factors which make creating policy across established policy “silos” difficult. The term “silo” is used to describe the division of policy areas which are not built to cooperate.

A lack of policy integration refers to challenges or factors which hinder reaching the goal of compliance. Some of the general criteria which need to be in place to avoid such challenges are according to Briassoulis (2004, 22): 1) political commitment and leadership for PI in general, 2) general compliance with the agreement or treaty, 3) existence of a long-term strategy for compliance through reporting, 4) the social, economic and judicial agendas for different sectors form a consistent overall strategy, 5) favorable policy tradition and administrative culture, 6) shared core belief system and communication across policy sectors, 7) absence of intra-governmental power relation and of vertical alliances hindering policy integration and horizontal networking. The last point of absence of intra-governmental power relations refers to the same as challenges and mechanisms as power asymmetry.

If one assumes that policy integration is related to power asymmetry, then policy integration issues are a result of poor collaboration across the established division of political responsibilities of the state. When this established division of political responsibilities is very divided, they can be deemed to be structures as silos, hence the term silo working structures

will be used to describe a high level of division. As policy integration requires collaboration, such a siloed working structures, will result in a lack of policy.

Power asymmetries within the state impacts human rights commitments to a larger extent. The reason for this is that power asymmetry within the state trigger a lack of policy integration which further pushes a country closer to window dressing.

The interconnectivity of high levels of power asymmetries within the state and a lack of policy integration is supported by the general criteria presented by Briassoulis (2004) in that there needs to be an overall strategy, political commitment and leadership, and that there cannot be intra-governmental power relations standing in the way of the work. Consequently, when the power asymmetries reach a certain level, policy integration does not happen, and impacts a country's ability to be deeply committed to human rights. The country is hindered from falling in the category of deep commitment as the rights may not materialize due to poor or non-existent policy creation. Therefore, the will is the starting point for understanding a country's human rights commitment, but their efforts and commitment is influenced by the political structures of the country. The literature on why states ratify human rights treaties focuses heavily on their incentives for signing or ratifying. In some ways this can in part be explained by the *political will* to comply with the convention, which is elaborated on as a key variable below.

3.3.1 Political Will

Thirdly, to what degree does the treaty match the country's own politics? Does the country wish to properly comply, or are they window dressing to gain credit in the international community? I argue that a countries human rights commitment is not solely determined by their "will" to comply but serves as a starting point to evaluate how much effort they are willing to put in to secure the rights within their country.

If one assumes political will to vary between countries, and that this affects the human rights commitment of the country, which to a large degree is supported by the literature on why states ratify human rights treaties. Furthermore, the assumption that if there is a lower level of political will the human rights commitment will be lower might seem intuitive, however it is included to see if there are instances or evidence that would suggest that human rights commitments can be achieved even without political will. For instance, if the strength of the co-ordinational unit is the favor of the rights question. Consequently, I test to see if human rights commitment can materialize despite low levels of political will:

H₃: Lower levels of political will leads to lower levels of commitment to human rights by the state.

3.3.2 Variables impacting Interest Organizations: Unity, and Participation in Policy Creation

Furthermore, there is assumed to be a connection between political will and unity among interest organizations. The idea is that when there is a lack of political will for the rights the interest organizations are working for, the more important their unity becomes. As they have a stronger “common” enemy, the focus their grievances or issues with current politics becomes consolidated to maximize their political power. This concept of a common enemy is an established factor seen to unify nations throughout out history. Therefore, I expect there to be a higher level of unity among interest organizations if they experience there to be a lack of political will regarding their rights.

H₄: Lower levels of political will leads to a more united and active interest organizations.

Lastly, I argue that the strength and unity of interest organizations reflect to a degree the political will they experience from the state. As the hypothesis states, it is expected that a higher degree of unity will arise when there is less political will. Assuming the theory of power asymmetries between the state and interest organizations to be beneficial and I specify this in terms of policy creation. An assumption which is implied in this hypothesis is that the power asymmetry is a result of the contact point, between the interest organizations and the state, being at a higher political level within the state. Power asymmetry between the state and interest organizations are expected to lead to more influential participation in policy creation as it assumes that the interest organizations will have to rise to a higher level of political activism.

Consequently: **H₅:** High levels of power asymmetry between the state and interest organizations leads to more influential participation in policy creation

The hypothesis thus assumes that greater power asymmetry increases the interest organizations quality of participation because they must raise their competence, and possibly discuss it in a more formal manner, being able to put greater pressure on political actors. Consequently, they become part of the normal processes of how politics and policies are discussed and created within the state.

Another assumption which **H₅** makes, is that the interest organizations have a high level of independence. The level of independence is largely a result of the state funding structures. While power asymmetries lead to more influential participation in policy creation due to the interest organizations “upping their game”, it is also a result of the level of candid political discussion. Assuming the interest organizations are independent, a power asymmetry will lead to less occurrences of politeness, and more heated conflict. When there is less power asymmetry it is expected that the discourse will be influenced by a desire to be “civil” or “friendly”. However, when there is a power asymmetry policy is discussed more come conflictual and candid. This increased tension between interest organizations and the state will also attract more media coverage, which again puts political pressure on the state, leading back to the importance of political will discussed in **H₃**.

In conclusion there are five hypotheses to be tested in the analysis. They are tested by the help of six variables partially introduced in the introduction of the hypotheses. Therefore, the variables of *human rights commitment*, *power asymmetries*, *policy integration*, *political will*, *unity and strength of interest organizations*, and *participation in policy creation* will be operationalized in the following chapter, Research Design and Method.

4 Research Design and Method

Research on human rights commitment is largely focused on the differences between developing and developed nations. While a comparison of developed and developing nations provides valuable insight, a comparison between similar nations with different outcomes provides a different depth to the analysis. Thus, by conducting a paired comparison analysis based on a most similar systems design for case selection, it is easier to control for external factors impacting human rights commitment.

Consequently, conducting an inductive paired comparison of Norway and Finland allows for the strengths of case studies, while also contrasting it to another context to test its generality (Tarrow 2010). Thus the in-depth analysis of each countries makes it possible to unfold “causal mechanisms because” the “style of gathering evidence is likely to produce clues into what connects x and y” (Gerring 2004). Furthermore, as the research is inductive and theory generating the choice of paired comparison allows for a “causal-process analysis” (Gisselquist 2014). As is common with paired comparison, a large portion of the research is focused on measuring the dependent variable, which is also the case in this thesis. Nevertheless, it is difficult to know “whether the cases are extreme or representative” (Gisselquist 2014).

I will first present the case selection justification, secondly, I explain the measurement and operationalization of the dependent, independent, and explanatory variables, then, thirdly, I present the methods used for data collection.

4.1 Case selection and Research design

The justification of the comparability of Norway and Finland, in terms of a most similar systems design, is based on their different output of the dependent variable. The four aspects in which they differ are: 1) the differing acceptance of enhanced monitoring mechanism, 2) the legal status of the convention in national law, 3), the differing relationship between likelihood of poverty between the general and disabled population and 4) the time spent between signature to ratification. Their similar traits are based on overall economic and cultural factors such as being a welfare state, having close to equal size populations, being social democracies, their geographic closeness, and thus largely similar histories in terms of war and conflict. Thus, the four aspects provide evidence that despite their similar context and traits, they differ in how they view and handle human rights treaties. The two countries provide valuable insight into the phenomenon of human rights commitment seen through their respective implementation of rights.

As the data four factors show, there are differences in the human rights handling of the two countries which the literature does not explain, thus an inductive study of UN CRPD is necessary. Furthermore, due to the lack of statistical data, and comparability and availability of national statistics qualitative data had to be used to both uncover the theoretical framework and measure the human rights commitment of both countries.

4.1.1 Four factors and justifications of comparability

The first aspect which gave reason to compare the two countries came as a result of gathering the overview of the different treaties and looking at implementation. I found that the countries differed in their acceptance of enhanced monitoring mechanisms. The enhanced monitoring mechanisms of UN human rights treaties are “individual complaint mechanisms” which allows anyone to “bring a complaint against a State party alleging a violation of treaty rights to the body of experts monitoring the treaty” and “acceptance of inquiry procedures” which allows for “a view to investigating ex officio grave and systematic violations of human rights» (Office of the High Commissioner and UN Human Rights ; Pinto 2019). Finland has signed and accepted most of the individual complaint procedures, as well as the inquiry procedures related to the treaties they have signed. This is not the case for Norway, which has only signed 4 and 2 respectively.

Table 4:1. Overview of Individual complaint procedures accepted in Norway, Finland and Sweden.

Treaty	Name	Finland	Norway	Sweden
CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	YES	YES	YES
CCPR	International Covenant on Civil and Political Rights	YES	YES	YES
CED	Convention for the Protection of All Persons from Enforced Disappearance	NA	NO	NA
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	YES	YES	YES
CERD	International Convention on the Elimination of All Forms of Racial Discrimination	YES	YES	YES
CESCR	International Covenant on Economic, Social and Cultural Rights	YES	NO	NO
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	NA	N.A.	NA
CRC	Convention on the Rights of the Child	YES	NO	NO
CRPD	Convention on the Rights of Persons with Disabilities	YES	NO	YES

Finland and Norway differ, not only between each other, but also compared to Sweden when comparing the acceptance of individual complaint mechanism in table 5.1. above. Understanding what is causing differing human rights commitment between the otherwise similar countries is important.

While signature of enhanced monitoring mechanism is seen as evidence of “deep commitment” of human rights (Cole 2012), there are also different legal commitment strategies which states can take in order to enhance their commitment: incorporating/transforming the convention into national law (the third phase/step of human rights commitment). The differing legal commitment is the second factor of comparability where the two countries differ. In Norway, only 5 treaties are ratified into law (Menneskerettsloven 1999). While Finland transforms their national law to match that of the convention at the same time as they ratify the treaty, impacting the time from signature to ratification compared to other European nations.

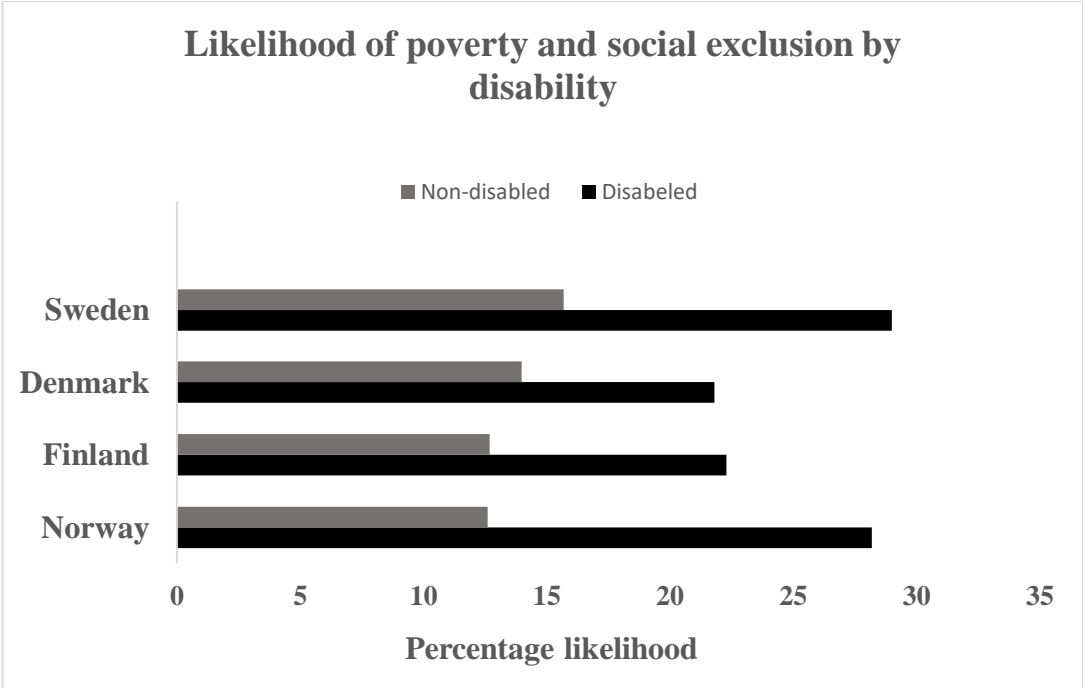
Furthermore, the use of RUD’s are believed by some to be a sign of truly caring about the nation’s commitments to human rights conventions (Neumayer 2007). Consequently, the Norwegian use of statements of understanding with the ratification of CRPD can, according to literature, be a sign of deep commitment, even though it seems contradictory. Finland, however, has never signed any RUD’s and would therefore, according to literature, care less about the actual commitments of the treaties. This aspect of the state’s actual commitments brings us back to the overarching theoretical framework: where on the scale between window dressing and deep commitment can the two nations be placed? Thus, highlighting that the aspect of their stance and handling of human rights differs.

Thirdly, the statistical data available from Eurostat on likelihood of poverty of disabled individuals provided another factor of comparability. The data was used to establish that something in Norway is causing Eurostat to predict persons with disabilities to be treated worse than those without disabilities. The statistic are only used as a motivation for the study, without being explanatory, as the measurement of the variable and estimates are not extremely clear and I find there to be contradictory evidence in my interviews. Nevertheless, the variable highlights that there are assumed differences which leads to lower risks of poverty for disabled individuals in Finland than Norway. However, due to the lack of statistical data and the existing data’s quality, any analysis must be supplemented with in-depth interviews to understand the

mechanisms which are causing this varying degree of human rights protection in Norway and Finland.

Nevertheless, Eurostat estimated that one is far more likely to become poor as a disabled individual in Norway than in Finland. This fact becomes even more interesting when the likelihood of poverty for the general population is lower in Norway than in Finland. Thus, it seems to be better to be disabled in Finland than in Norway. When including Sweden and Denmark, this difference becomes even more interesting as the likelihood of poverty to the general population in Norway is the lowest between all four countries. However, when looking at the disabled population, the likelihood of poverty is lower in both Finland and Denmark. Thus, understanding what can be causing these differences (visualized in Figure 4:1) are important. Thus, the statistics could be an indicator of the state’s efforts to facilitate persons with disabilities right to *having a life* versus *living/existing*, hence the importance of the study.

Figure 4:1. Visualization of the Nordic countries and their respective likelihoods for poverty based on disability in 2020

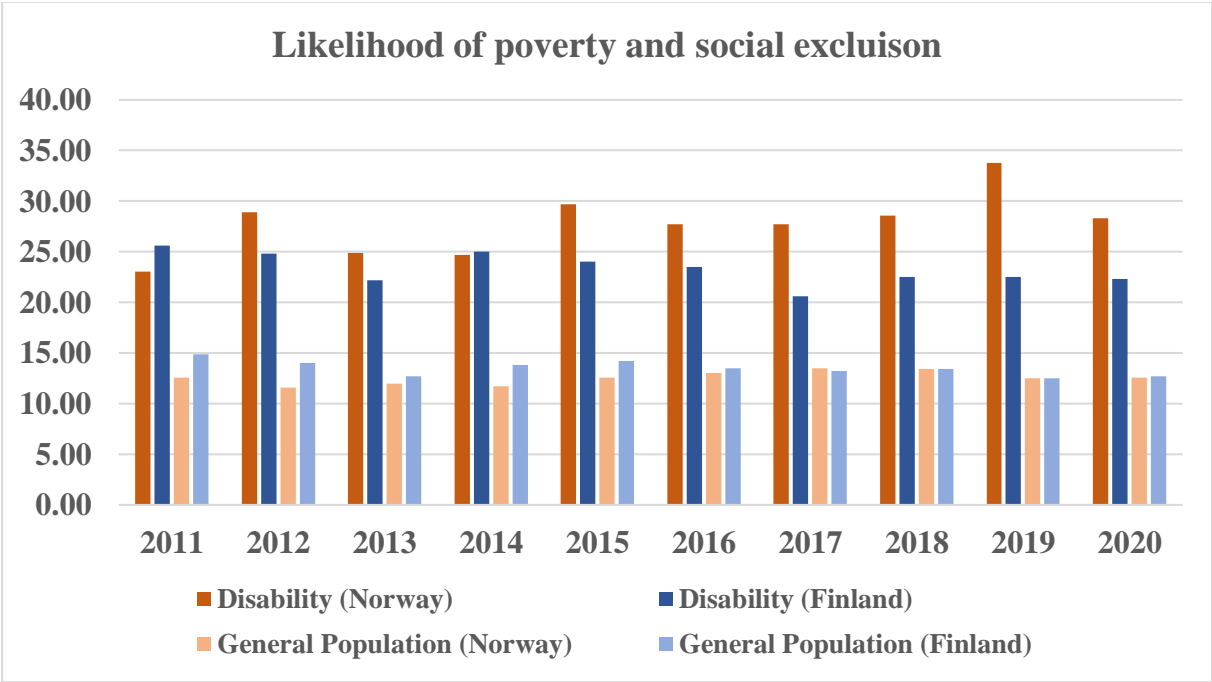


EU SILC, variable: HLTH_DPE010 (Eurostat 2021)

Furthermore, when comparing only the likelihood of poverty in Norway and Finland over time, the findings are even more interesting. The Eurostat finds that Norway’s likelihood of poverty for disabled individuals has also increased since the data was collected, while their overall likelihood of poverty has stayed relatively stable over time. In contrast, the likelihood of poverty for disabled individuals has declined in Finland, similar to the likelihood of poverty and social

exclusion of the general population. From these numbers one can both see the evolution in the likelihood in each country, as well as the difference between them. However, an interesting aspect of this data is that Finland does not have any data on educational levels nor employment levels of disabled individuals. Norway does however have this to some degree. Consequently, it could be possible that the statistics in Norway reflect a more realistic estimate than the Finnish statistic. Another alternative is that there is a difference in self-reported disability between the two countries, thus impacting the data.

Figure 4:2. Visualization of the likelihood of poverty and social exclusion in Norway and Finland over time



Generated from from EU-SILC: HLTH_DPE010 data (Eurostat 2021)

One of the challenges with this data is however that the statistics are based on a “relatively small selections when it comes to people with disabilities”, and that thee seems to be a “suspiciously high” occurrence “of persons reported to have limitations in some Nordic countries compared to others” (Jokinen, Montefusco, and Koivumäki 2021, 26). Furthermore, the “excellence” of Finland is not only questioned by the Nordic Welfare Centre, but also by researchers in Finland stating that “we doubt this, known the realities” of employment in Finland (R3). This will be further discussed in the following section on Finland.

The time spent between signature and ratification is the last factor used to establish the comparability of the two countries. One can, according to literature expect there to be a higher level of human rights commitment in Finland than Norway, as they have a habit of accepting

individual complaint and state inquiry mechanisms for alle treaties (UN Treaty Body Database). Furthermore, they always transform their national laws to match that of the UN conventions before ratifying the convention. Thus, instead of spending some time between signature and ratification, and then some more between ratification and transformation, they spend longer time than the European average between signature and ratification (UN Treaty Body Database). In the context of this specific case, the CRPD, it took 3330 days from signature to ratification and transformation. While the European average is 1326 days, and Norway spent 2257 days between signature to ratification. The fact that Finland spent longer time between signature is not unique to the convention at hand, but rather seems to be a trend in their human rights handling². Contrastingly, Norway varies between spending significantly shorter time between signature and ratification compared to the European average and being rather equal to the average. This difference was one of the first factors which Norway and Finland differed on in terms of their human rights handling, and consequently led to the evaluation of them as valuable for a paired comparison.

Their differences regarding their position and signature history on enhanced monitoring solidified their value as cases for comparison. While Finland has signed the enhanced monitoring mechanisms for all treaties signed and ratified, Norway was not signed any agreed to any mechanisms of enhanced monitoring since 2002 (UN Treaty Body Database)³. A last factor which supports the choice of countries for a paired comparison is the Eurostat's EU-SILC estimates that the likelihood of poverty for disabled individuals is lower in Finland than in Norway, even though the general likelihood of poverty is lower in Norway.

Thus, these four factors, 1) the differing acceptance of enhanced monitoring mechanism, 2) the legal status of the convention in national law, 3), the differing relationship between likelihood of poverty between the general and disabled population and 4) the time spent between signature to ratification, point to the assumption that commitment to human rights are deeper in Finland than in Norway. However, as the literature has pointed out signature of human rights does not mean a lack of human rights abuses. Thus, a deep understanding of the human rights context of CRPD in each country is necessary to be able to measure the human rights commitment, and contextualize the statements given by the experts interviewed. Consequently, understanding the legal contexts of both the country and the convention itself is necessary. By understanding and

² For an overview of the European averages for each treaty, and the respective time between signature and ratification of Norway and Finland can be seen in Table X in the appendix.

³ An overview of which and when enhanced monitoring mechanisms were accepted can be found in the appendix: table 9:3 and 9:4.

being aware of the similarities and difference of the legal context in which the convention is placed, it is possible to determine how state structures and interest organizations influence and impact human rights commitment.

4.1.2 Legal system, and legal status of CRPD

Both Norway and Finland have a dualist legal system, which means that international treaties signed, and international law that applies to the country is binding, but is not automatically part of national law (Dancy and Sikkink 2012, 764). Thus, before ratifying international conventions, the national laws must be reviewed to assess whether they conflict with the international legal body.

The Norwegian state has done this for all human rights conventions, which in 2013 lead to a change in the law on guardianship (Vergemålsloven 2021; Barne- og familiedepartementet 2015). Furthermore, Norway has its own human rights law as part of the constitution which was enacted in May of 1999 aimed to strengthen human rights commitments (Menneskerettsloven 1999). However, CRPD is not included in this law, which means that municipalities are not bound by its content as the law on municipalities specifies that they are only bound by national law (Kommuneloven 2018; Larsen 2021).

In contrast, however, Finland does not have a human rights law in the national law like Norway does. Rather, they adjust their existing national laws to comply with the international law, or in this case convention (Eduskunta n.d.). This practice is supposed to be identical in Norway, but unfortunately it does not happen (Larsen 2021). However, one important and significant difference found in the Finnish constitution from 2000, through section 1 and 22, which ensures that “the public authorities shall guarantee the observance of basic rights and liberties and human rights” as well as “guarantee the inviolability of human dignity and the freedom and rights of the individual and promote justice in society» (*The Constitution of Finland 1999*). Consequently, the Finnish constitution mentions human rights in a broader sense, and all laws must follow the constitution and thus human rights.

Not only do the two nations differ in terms of acceptance of enhances monitoring mechanisms. They differ in terms of the legal status of the convention. Where Norway has voted not to incorporate the convention into national law twice, Finland has a different tradition; they transform their national laws and ratify at the same time. Thus, the convention has different legal status in the two countries.

Norway's handling of the convention is different. It was ratified on June 3rd 2013 (UN Treaty Body Database), and has been voted not to be incorporated into the law in Norway two times; in 2019, and 2021. Furthermore, the treaty was ratified with a statement of interpretation for article 12, 14 and 25 (Barne- og familiedepartementet 2015). It is in these statements of interpretation that part of the legal differences of Norwegian law and the convention can be found (Larsen 2021), and where Norway has been criticized the most by the UN (Komitéen for rettighetene til mennesker med nedsatt funksjonsevne 2019, 2). Civil society, or more DPOs have been clear on how Norway can solve the issues of the convention in the CRPD-coalition's alternative rapport (Funksjonshemmedes Fellesorganisasjon et al. 2019).

Even though the convention is ratified (although with statements of interpretation) actors have expressed concern with the poor practice of implementing the convention. Law professor Kjetil Larsen has expressed that although the laws today do not substantially differ from the convention today, practice does (Larsen 2021). Furthermore, the main challenge (supported by testimony from FFO) is that as the convention is not a part of Norwegian law of any sort, the municipalities are not bound by it (Larsen 2021, 39). This is due to the municipalities independence given by Norwegian law (Kommuneloven 2018§ 2-1). Hence, the importance of qualitative interviews to uncover the actual human rights commitment of the two countries.

4.1.3 Legal and institutional structures of disability rights

How the state structures its work related to minorities matters for policy and practice. The simple fact that in Norway, the Ministry of Culture and Equality does not mention disability on their page hints at a structural issue which differs from the Finnish context, where disability is mentioned on all pages related to discrimination and inclusion. Consequently, it is important to compare the two countries in how they structure their work, as well as divide the responsibilities of CRPD. However, how the systems are built, and theoretically are supposed to function might differ quite starkly from the actual practice similarly to the law. Hence, the focus of human rights commitment through implementation practices. I present the structure of the coordinational unit responsible for the CRPD convention, and the institutions and mechanisms meant to secure the rights of persons with disabilities in order to showcase how Norway differ on a structural level.

4.1.3.1 Structure of the ministries and their responsibilities

One of the main challenges for disability rights in Norway is that Norway has not signed any of the optional protocols for enhanced monitoring related to CRPD. Thus, any breaches of

human rights are locked in the national justice system. However, if the state had one ministry of governmental office which handled all matters on disability rights, this might not have been as problematic as it becomes in today's organization. While the ministry of Culture and Equality has a co-ordinational responsibility, it is the only aspect which binds all areas related to CRPD together. As no one has the single responsibility overall, all aspects of disability rights are divided between the different ministries; Health and care services, Justice and Public Security, Transport, Labor and Social Inclusion, Education and Research, Culture and Equality, and Children and Families. This fragmentation is reflected further in when discussing the "principle of sectorial responsibility" in the analysis.

The Equality and Anti-Discriminations Ombud has the overall responsibility to oversee the national implementation of the convention, and published a report in 2015 (Likestillings- og diskrimineringsombudet 2015). The report states that the government must ensure that the use of force is minimized (as the convention states), that disabled individuals are free from violence and sexual assault, hate crimes and harassment, accessibility of buildings needs to be improved, and that disabled persons must have access to the same information as the overall population (Likestillings- og diskrimineringsombudet 2015). In other words, the state must do what the convention specifies. However, the first report states that there is an overall lack of knowledge, information and data on disabled individuals (Likestillings- og diskrimineringsombudet 2015, 17-18). Consequently, The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) has been given the responsibility to head the documentational system. However, the structure of the documentational system was predicted to not solve the informational need that the convention demands in order to understand or measure the effect of policies or practices (Likestillings- og diskrimineringsombudet 2015, 18). This has not changed in the last 7 years, hence the need to structure this thesis as an inductive, exploratory study based primarily on qualitative data collected through expert interviews.

One of the important aspects of the organizational structure of the Norwegian state is that the Ministry of Culture and Equality has the second to most areas of responsibility, only beaten by the Ministry of Trade, Industries, and Fishery. Furthermore, Bufdir (mentioned previously) is not a directorate which is under the Ministry of Culture and Equality. Rather, Bufdir is under the Ministry of Children and Families, but is linked to the Ministry of Culture and Equality due to their overlapping policy area responsibilities.

In Finland the co-ordinational responsibility lies with VANE, the Advisory Board for the Rights of Persons with Disabilities. It is partially independent, and partially operates under the Ministry

of Social Affairs and Health (VANE n.d.). Thus, the focal point of CRPD lies with the Ministry of Social Affairs and Health with a focus on implementation, and preparatory work on legislation, report and information gathering and statistics (Human Rights Centre n.d.). Additionally, Finland mentioned disabilities as one of the topics which the Ministry of Justice under their section on fundamental rights and Equality and non-discrimination. In Finland “authorities, education providers and employers are obliged to promote equality” (Ministry of Justice n.d.). However, as the data suggest, this is not necessarily working as well as they express.

The independence of VANE becomes clear in that it, and all the other advisory boards and committees are not included in the organizational diagram of the ministry (Ministry of Social Affairs and Health 2021a). There are 15 boards and committees listed on their home pages, VANE included (Ministry of Social Affairs and Health 2021a). VANE has their own independent webpage which does not seem to be used actively. For example the webpages in Swedish has not published a single press release since 2020, and only include 5 press releases on their page (VANE 2022b). In Finnish however, there are also only 5 press releases, however the newest one is from 2022 (VANE 2022a). This could indicate that one of the issues is a poorly designed webpage, not reflecting the number of statements they actually have given.

4.1.3.2 Securing rights – Structure and accessibility of justice

It is not only the political structure and legal system which determines human rights commitment and implementation. CRPD specifies that the state must have a national human rights institution (hereafter NHRI). Both Norway and Finland have these institutions, but they seem to be functioning quite differently.

The Norwegian NHRI (Norges Institusjon for Menneskerettigheter – “NIM”) is an active actor of bringing to light human rights challenges of the state, is closely connected to the states work, is held in high esteem by interest organizations and the state and is active in publishing reports and statements. It has 28 employees with different focus areas (Norges institusjon for menneskerettigheter 2022), and has multiple published reports and statements on the Norwegian human rights situation of CRPD (NIM 2020a, 2018a, 2020b, 2021, 2018b). The Finnish institution (“Ihmisoikeuskeskus” – The Human Rights Centre) has in contrast only 8 employees, and based on their website it seems like they only focus on rights of older persons and persons with disabilities (Human Rights Centre 2022).

In addition, to the country's human rights institutions, they both have a non-discriminations ombudsman and anti-discriminations tribunal. However, these two institutions provide different legal protection the two countries. While the Norwegian tribunal can give out both fines and give economic compensation when discrimination is found (Diskrimineringsnemda 2022b), the Finnish counterpart only give out fines (National Non-Discrimination and Equality Tribunal of Finland 2022). In Norway this is not only something which helps those who are discriminated based on disability, ethnicity, or sexuality, but helps to visualize the discrimination which takes place within our society as seen by news coverage (Turnage and Lindsetmo 2021; Kvistum 2022).

A common issue for Norway and Finland is the challenge of access to justice. While the tribunal can give fines to those who have discriminated, and compensation to the discriminated in Norway, it is still expensive to take a case to court. While the compensation for discrimination, provided in Norway, is helpful in many cases where one loses income or has more costs, it does not necessarily help any individual who is discriminated against but who continues at their job, as one has then not "lost" income. The costs of taking a case to court is not the only risk one takes, if one was to lose one would also have to cover the legal expenses of the sued. When knowing that disabled individuals are economically vulnerable, the costs and risks of justice could be argued to be a restriction to their access to justice.

4.2 Operationalization and Measurement of Key Variables

As presented, the explanatory variables of “political will”, “policy integration”, “unity and strength of interest organizations”, “participation in policy creation”, the independent variable “power asymmetry”, and the dependent variable of “human rights commitment”, are measured through the expert interviews and supplementary data from documents, research, and media coverage.

Human rights commitment (the dependent variable) is measured through the overall experienced human rights commitment of the experts interviewed. The interviews based their statements both in terms of compliance with the convention, as well as their impression of the country’s interest and efforts to the human rights. Thus, the measure of human rights commitment is measured through the subjective opinions of experts on the experienced change following the ratification of the convention, as well as through their opinion on the amount of human rights work being done by the state. In other words, to what degree to the experience the state to be “doing” human rights work between reporting to the UN. This was measured through asking “How well do you experience the compliance of the convention to be going?”, “Do you see/ have you experienced any significant differences from before and after 2013/2016?”, and “What positive changes are you seeing in terms of CRPD and your studies/work?”

The measure of *Power asymmetry* (the independent variable) is comprised of two different aspects: 1) the degree to which the relevant governmental body is an independent entity, or if it is a ministry, and 2) the governmental budget allocated as well as the number of full-time employees. When discussing power asymmetries *within* the state, there is deemed to be power asymmetry if the relevant governmental body has less, or no budget to ensure policy creation, or is not directly able to create policy on the same line as ministries generally. Contrastingly, there is deemed to be high power asymmetry *between* the state and interest organizations if responsible governmental body is allocated in a ministry, and low if the responsible agent is an independent agency. It is based mainly on the statement state representatives, interest organizations, human rights lawyers, and researchers. To establish the most accurate picture of the asymmetries, the statements are supported of contrasted with state/governmental information on organizational structures. Additionally, information was gathered from the home pages of the relevant actors or state units in order to compare the structures of Norway and Finland. Evidentiary statements shedding light on the amount of power asymmetries were categorized into *organizational structure*.

Policy integration is an issue which arises when power asymmetry within the state reaches a certain level. It is mainly measured using expert interviews, as well as the national context. By national context I refer to important political battles, discussions, events, debates, statistics, ratification process, legal agencies, legal mechanism, adjudication which impact and/or signal policy output and human rights commitment. Policy integration can partially be identified by simply looking at policies and to what extent they cut across the established “silos” of politics. But in order to properly determine if policy integration is or has taken place one must evaluate all six general criteria given by Briassoulis (2004), presented in the theoretical chapter. Thus, qualitative studies are necessary. As policy integration is a mechanism which further enhances “window dressing” when power asymmetry reaches a certain level, it will be measured through the degree to which the interviewees make statements which point towards a lack of cooperation across the established political silos, and to what degree there are policies which cut across the established “political silos”. These statements, relevant to the measurement, were categorized as statements about *organizational structure*.

Political will “represents an actor’s willingness to expend energy in pursuit of political goals” (Treadway et al. 2005, 231). As it “exhibits a latent quality: it is not visible separate from some sort of action” (Brinkerhoff 2000, 241), it is measured mainly through analyzing the efforts and expressed will to ensure human rights protection of people with disabilities. Firstly, statistical information on relevant indicators of inclusion in society, in contrast to simply the cost of “having” a disabled population is collected. This is done mainly by gathering an overview of the national statistics, as well as speaking with researchers on their experiences regarding funding and research challenges. Secondly, media coverage and articles are used as supplementary evidence to evaluate the visibility of the issues faced by disabled individuals. Lastly, evidence in terms of the ratification process, funding of research, effort to collect knowledge on the living conditions and quality of life of disabled individuals, as well as the experienced political will by interest organizations helps to determine the level of political will in each country. The political will experienced by interest organizations were gathered and categorized in two categories: *fighting and communication*, and *human rights work*.

Unity and strength of interest organizations, Unity is measured in terms of who is the most influential actor, the umbrella organizations, or the individual interest organizations. This unity is found through the statements given in interviews with experts, both from interest organizations themselves, but particularly based on researchers and state representative’s answers to the question “who is the main actor, individual interest organization or the umbrella

organizations?” Furthermore, the strength of the interest organizations is determined by the subjective view of both interest organizations themselves, as well as all other experts interviewed. Statements seen to provide evidence for this indicator were consequently categorized under *interest organizations strength and position*.

Participation in policy creation is also largely based on the information gathered from the expert interviews. Participation in policy creation is firstly measured through the type of communication there is between the state and the interest organization: is it dominated by one- or two-way communication? Secondly, participation is measured through what degree they experience to be invited to speak on or participate in actual policy creation. Both these measures are based on the experienced and subjective opinions of the experts. The participatory nature could also be analyzed through a quantitative analysis of state documents and meeting records. However, this was not conducted as the method and findings could be its own thesis, and largely its own field of research popular when studying the EU.

Table 4:2. Summary of variables, data, and indicators for analysis

Variable	Data source	Indicator
<i>Human rights commitment (dependent)</i>	Expert Interviews	Subjective experienced change, and to what degree the paradigm shift has taken place
	National Statistics and available indicators for disabled people	Type and amount of national statistics collected
	Media Coverage and Published Research	What degree the media coverage exists in national media
	Governmental webpages, documents, and official statement	The amount of relevant information found, and the extent to which the information is detailed and easy to find
<i>Power asymmetries (independent)</i>	Expert interviews	The degree to which the relevant governmental body is an independent entity, or if it is a ministry.
	Governmental webpages, documents, and official statements	The governmental budget allocated as well as the number of full-time employees.

<i>Other variables of interest</i>		
<i>Political will</i>	Ratification process	Overview of the ratification process and level of incorporation/transformation of convention into national law.
	National Statistics and available indicators for disabled people	Number and type of relevant national statistical indicators
	Expert interviews	Subjective experienced political will of the state and politicians generally by the experts
	Media coverage	Whether there is or isn't media coverage of human rights abuses and grievances of disabled individuals, as well as disability being part of national public debates
<i>Policy integration</i>	Expert Interviews	The degree to which the interviewees make statements which point towards a lack of cooperation across the established political silos.
	Overall national information: debates, statistics, ratification process, legal agencies, legal mechanism, adjudication,	To what degree there are policies which cut across the established "political silos".
<i>Unity and strength of interest organizations</i>	Expert Interviews	<p>Unity is measured in terms of who is the most influential actor, the umbrella organizations, or the individual interest organizations.</p> <p>Strength is determined by the subjective view of both interest organizations themselves, as well as all other experts interviewed.</p>
<i>Participation in policy creation</i>	Expert Interviews	<p>The type of communication there is between the state and the interest organization: one- or two-way communication.</p> <p>To what degree they experience to be invited in to speak on or participate in actual policy creation.</p>

4.3 Collecting and handling of Qualitative Interview Data

The analysis is based largely on in-depth interviews of four distinct types of experts. The goal was to interview as many individuals as possible in order to understand what is structural, and what is simply lack of political interest/will by the welfare state or state overall. The interviews are also important to uncover legal and political cultural differences between the two countries which are difficult to grasp when simply reading documents. Due to the inductive nature of the thesis, the interviews were both used to uncover the relevant mechanisms to analyze and provide evidence in support of the theoretical framework. Furthermore, due to the independent variable of power asymmetry, and the important explanatory variable of policy integration being difficult to statistically measured, qualitative methods were the only reasonable method which would provide any meaningful analysis and findings.

4.3.1 Interviews

In order to evaluate the effect of implementation and understand if window dressing theory is relevant for the thesis, it would have been necessary to look at various indicators of how Norway and Finland treat disabled persons. As the thesis is inductive, the interviews served two purposes. Firstly, to provide enough insight to construct a theoretical framework to understand human rights commitment in advanced democracies. Secondly, they provide evidence in support of the theoretical framework.

Due to the two-part purpose of the interviews, I present the two different purposes of the four types of experts. While all experts were asked the same questions (with adjustments to fit their profession and expertise), the weight of questions were different based on what their group was aimed to illuminate and provide insight into. The human rights lawyers were firstly interviewed to grasp the status of CRPD and historical elements of the histories in each country. Then, the interview focused more on gathering information important human rights work being done in each country. The state was interviewed to understand their view on the commitment of the country, and compliance. As the interview progressed the goal was to understand how the coordinational unit functioned, and interacted with interest organizations, and with other governmental bodies in policy creating situations. The DPOs were interviewed partially to contrast or compliment the states view of the countries human rights commitment, as well as to provide insight into the relationship between the DPOS and the state, and their impact and involvement in policy creation. Furthermore, they provided valuable insight into their position, strength and unity which proved to be a crucial piece to understand human rights commitment.

Lastly, researchers were interviewed to firstly provide insight on the status of the field, the viewed importance of the field by the state, and how the issue has evolved over time. Their insight provided important knowledge on many of the national political aspects which impact human rights commitment.

While the overall purpose of the interviews with experts were the same, the topics which they could answer differed. Therefore, the interviews with state actors and interest organizations were grouped together, and the same for researchers and human rights lawyers. The rationale of this is founded in that interest organizations and state actors operate in the same sphere, and both interact with policy formation in two separate ways. Researchers and human rights lawyers however, both work in the field and use the framework actively in their work and are both more and less invested in the policies. They are both more invested in the policies as they use them as the foundation of their work, but less invested in that they do not directly affect them but rather are focused on the fallout and consequences of the state policies.

4.3.2 Selection of interviewees

The individuals invited for interviews were mostly contacted through the snowball method. The snowball method utilizes respondents to find new respondents or be introduced to possible respondents. As I knew the biggest umbrella organization in both Norway and Finland, I first reached out to them for an interview. The same went for one researcher at the university of Oslo who I knew conducted research related to CRPD. For the state actors I contacted the relevant ministry and was then passed on to the most relevant individual based on my questions. For human rights lawyers I struggled the most to find respondents. However, for each interview I asked for tips of relevant individuals to talk to regarding the topic. Therefore, all interviewees were chosen and found through purposive and snowball sampling. The respondents categorized in the table below were those who responded and agreed to participate in interviews of the 53 email invitations sent out during from January through March of 2022.

Table 4:3. Overview of number of respondents for each interview group.

Respondents In-depth	<i>Norway</i>	<i>Finland</i>
<i>Human rights lawyers</i>	2	2
<i>Interest organizations</i>	4	5
<i>Researchers</i>	3	2
<i>State actors</i>	2	1
Total	11	10

Finding relevant sources proved harder than expected. Especially in the Finnish context. When it became clear that the weight of sources leaned to the Norwegian context, I found a Facebook group for CRPD-related researchers. After posting a post asking for help finding relevant researchers who both understood the disability field to some extent, but also had a good grasp on the legal and human rights context of Finland, I received one answer.

“As you might have guessed there are not many active (non-emeritus) legal scholars working with disability law and/or CRPD at universities in the Nordic countries at all. And the field of comparative legal scholarship with regard to disability law in the Nordic countries is certainly not large – basically I'm it” – Andreas Petterson, in comment on Facebook, March 2022.

While this statement confirmed my understanding of how small the “pool” of sources was, it confirmed that all statements I was able to get needed to be evaluated and analyzed through both written governmental sources, as well as fact-checking their statements in order to establish validity. Due to his statement however, I invited him for an interview even though he was not from the Norwegian or Finnish context. This interview proved to be rather crucial in supporting many of the findings and instinctual analyses of the interviews conducted of Norway and Finland because it highlighted the importance of the Nordic Human Rights Paradox and its relevance in relation to how disability rights are seen. This aspect will be discussed in the discussion and helps evaluate the generalizability of the findings and the theoretical framework created.

4.3.3 Evolution of questions

In the preliminary interviews with experts, it was not clear what factors were influencing the states level of compliance. Consequently, the interviews focused multiple aspects: structure,

compliance, challenges and issues, effect, and finding respondents/experts (questions and measurement topic can be found in table 3 in the appendix).

Questions focused on structure were aimed at understanding the states handling of their CRPD-commitment and thus the structure of the co-ordinational body. Compliance related questions tried to gauge the experienced level of compliance of the relevant state by the different categories of experts. Challenges and issues of implementation, compliance and overall commitment to the convention were discussed in order to understand what was unique in each country. All questions on the effect of the ratification of the treaty built on the questions regarding challenges and compliance, trying to understand if the signing of the convention has been noticed or created a noticeable shift within their relevant fields and work. Furthermore, the communication between interest organizations and the state was discussed more in the later interviews, after it was brought up indirectly in some of the first interviews. It proved to be crucial in creating the theoretical framework. Lastly, it was whether there were outstanding topics which were not covered in the interviews which they viewed as important, and if they had any suggestions on other individuals who would be relevant to speak to.

After having spoken to 3 sources in each country it became clear that there were two main aspects which seemed to dominate: the structure of the state and legal context, as well as the position and legitimacy of the interest organization which thus through analysis led to the theoretical framework developed. Consequently, the remaining interviews focus to a much greater extent on understanding the view of the different experts on the structure of the state and how that interacts with compliance, as well as the experienced legitimacy and strength of interest organizations⁴.

4.3.4 Handling of data from interviews

There are different ways of handling data collected from in-depth interviews. I chose to transcribe the interviews in full and including notes on visual and audial information such as laughter, and in some cases hand gestures. This made it easier when conducting the analysis to detect in which situations the respondent was very sure in their answer, if they thought the questions was funny, or other emotional responses. This was mostly prominent, especially the information on laughter, in the interviews with interest organizations.

⁴ The complete interview guide can be found in the appendix.

I could have chosen to only transcribe the actual statements in a more naturalist approach, however, the responses with laughter and aggressive disagreement were viewed as important non-verbal information. Furthermore, as the interviews were conducted in three languages, Norwegian, Swedish, and English, this contributed to the decided importance of keeping the incomplete sentences, as they could be important information when trying to translate both the Norwegian and Swedish statements correctly. The incomplete sentences provided contextual information to some of the actual complete sentences. Furthermore, due to the rather difficult questions the respondents were asked, most sentences were not full sentences, so to only transcribe the full sentences, or would mean a lot of lost information. Lastly, some of the respondents were not fully comfortable with English, and thus sometimes took some time expressing their opinion or knowledge on the question asked. Thus, transcribing their interview in full made sure no important information was missed, or misunderstood.

As all interviews with Norwegian experts were conducted in Norwegian, all direct quotes are my own translation. As the Finnish interviews were conducted in both Swedish and English, I specify when the quotes are translated by me, rather than being in the original language.

4.4 Challenges of the Process and Method

When writing a thesis on a topic and in a field which is rather underexplored in the social sciences, especially as it does not compare a developed with a developing country as most research does, soaking and poking was crucial (Bates 2009, 2, 6). Furthermore, as the topic of rights for persons of disabilities covers so many different political areas which rarely interact, the challenge of understanding which questions were important took time. Therefore, it was crucial to attend as many seminars and lectures held by different interest organizations as possible in Norway throughout the fall of 2021. Throughout these seminars, and through talking to individuals who attended the event, it became easier to understand what type of literature I needed to be familiar with to properly grasp the issue.

One of the main challenges of conducting research based on expert interviews is finding relevant and reliable sources. When attempting this in a country in which you do not know the language, nor have any point of contact to start, it becomes more challenging. In the Finnish context there were multiple challenges which can impact the reliability and validity of the findings. Navigating and mitigating these challenges is immensely important. Furthermore, validating the statements and determining to what extent their statements can be said to be representational or outliers is a crucial task to strengthen the validity of the findings. Due to

only finding 2 human rights lawyers in each country, where one of the two were representatives for the national human centers, it was important to make sure that any statements which differed from the other groups, was balanced. However, as I found the same type of individuals in each country, I believe there to be a decent balance in the information I was able to collect.

However, I am aware that due to only speaking to 10/11 individuals in each country, and that many individuals who participated were suggested to me, that there is a risk of having interviewed individual who can be seen as outliers in terms of their view of the national human rights situation for persons with disabilities. There is also a risk of "Rashomon" problem, where the different actors within the same context have differing views on what took place (George and Bennett 2005). Hence, the need to make sure to have multiple sources for each group of experts. Nevertheless, this was mitigated largely through getting familiar with the national contexts, and relying on media coverage, official documents, reports, and research to construct the most accurate picture of CPRD handling in the two countries.

A limitation which may impact the findings, and skew them, is the lack of being able to read Finnish news, and research on compliance written only in Finnish. I attempted to find a research assistant in Finland to help mitigate this issue but was unable to find anyone. Therefore, the amount of news coverage and discourse on human rights commitment relies solely on the statements given by experts. This further impacts the number of sources used, where there are much more empirical sources in Norway, as there were more reports and news stories which could be used to verify and support certain aspects of the findings in the interviews. Thus, Norway is the primary case.

5 Findings: Comparing the Human Rights Commitment of Norway and Finland

To fully understand the two countries human rights commitment, I compare both the empirical evidence from the different data sources discussed in the previous chapter and the answers given in the in-depth interviews. The combination of the data sources provides a basis understand how power asymmetries impact human rights commitment in advanced democracies. Additionally, it provides evidence to test the five hypotheses presented in the theoretical chapter.

I find evidence in support of four out of five hypotheses, where H_3 cannot be confirmed due to a lack of variation between the two cases and must thus be tested on other cases. This is discussed further in chapter 6.

Consequently, I find that power asymmetries both between DPOs and the state, and within the state, strongly impacts the level of human rights commitment. Furthermore, I find that human rights commitment is not reflected by the initial political will expressed by states in terms of the legal status of a human rights convention in relation to the national laws. The strength and unity of DPOs is highly impacted by the level of political will. Strong and united DPOs can appear in societies where there is a disregard and/or lack of human rights protection. Thus, when the political will is window dressed to seem higher, the interest organizations become less active and more divided. Lastly, DPO participation in policy creation is impacted by the placement of the co-ordination unit. The higher degree of power asymmetry between them leads to more fruitful participation due to more conflictual communication.

The analysis is divided into four sections: 1) Human rights commitment and political will, 2) Policy integration, 3) Unity and strength of interest organizations, and 4) Participation in policy creation. This chapter aims to provide evidence for each variable and aspect of human rights commitment described in the methods. The next chapter discusses the five hypotheses more generally and evaluates which hypothesis are supported by the evidence here.

5.1 Human Rights Commitment: from political will through actual efforts

To fully determine the impact of power asymmetries, the level of commitment of Norway and Finland must be understood. This is determined by expert evaluations and the degree to which the paradigm shift from a medical to a social understanding of disability has occurred. However, to determine human rights commitment, it is important to evaluate the differing levels of political will of Norway and Finland.

Signature and ratification to UN human rights treaties signals political will. However, it does not ensure national implementation. I find lower levels of political will leads to lower levels of commitment to human rights by the state. It is partially due to difficulty in determining the variation in political will. I find that even if there is political will expressed by interest organizations and the public (expressed through media coverage), the political will of the government and state itself must be in place to ensure human rights protection of minority groups. This is because the rights protection demands continuous policy creation and legal security mechanism to ensure the rights do not wither.

I find that the experienced compliance of the convention differs in Norway and Finland, in terms of expert evaluations of compliance and the level of agreement between experts. This is partially due to the differing national legal status of the convention, as well as the important political battles. Nevertheless, while there seems to be fewer resources and effort to comply with the convention when looking at the national monitoring mechanisms in Finland, the national action plans (NAPs) seem more detailed and there was more initial political will, discussed in depth in section 5.3. Thus, there is contradictory evidence in terms of the level of political will to comply. Lastly, I find that, in Norway, there is stronger agreement among experts on the level of compliance, as well as how the power asymmetries impact human rights commitment in the country.

There is contradictory evidence for both political will and human rights commitment in both countries. Both countries lean towards low levels of political will but fluctuate based on the four different measures. In Norway there is contradictory evidence to determine political will of human rights protection of persons with disabilities. When analyzing the initial political will, how the country is securing the human right legally and national efforts to measure key indicators of CRPD there is strong evidence of a lack of political will. When in contrast to the other evidence, media coverage and visibility signals higher levels of political will. Finland however signals strong initial will in their ratification and transformation process of CRPD,

however show low levels of political will when looking at securing the rights legally, national efforts of measuring key CPRD indicators, and national media coverage and visibility of the issue.

It is important to note that the countries differing stance on enhanced monitoring procedures and the use of RUD's further differentiates their initial political will. While Finland has a history of never signing conventions with RUD's (HR2, UN Treaty Body Database), Norway signed and ratified CPRD with statements of understanding. Thus, their differing position on enhanced monitoring mechanism and the use of statements of understanding signals differing historical practices, and not only their respective level of political will.

Similar to how political will is used in this thesis, political will "is often used with reference to the failings of politicians, governments, and social movements" (Kapoutsis et al. 2017, 2235). Furthermore, as the term is under investigated and "lacks conceptual clarity and valid measurement" researchers have tried to construct the Political Will Scale (Kapoutsis et al. 2017). Nevertheless, any measure and analysis of political will is often a qualitative endeavor which demands case specific insight.

Therefore, this section of analysis is divided in five sections. First, I present the signaled political will of Norway. As presented in the methods, the starting point of determining the level of political will can be evaluated and determined by understanding the ratification process of any country. By looking at time spent between signature and ratification and understanding what caused a quick or slow ratification process. The latter is supported by scholars arguing that human rights commitment is a continuous process rather than a set point. Thereafter, I present the findings on the actual efforts of commitment though the degree to which the paradigm shift has taken place, and the experienced level of compliance by experts. The same is done for Finland. Ultimately a summary of the findings is presented for each country, as well as for the section as a whole.

5.1.1 Norway's signaled political will

To accurately describe, measure, and understand the level of political will in Norway, I present the evidence in four sections: the ratification process, the inclusive work life agreement and rights protection, statistical evidence of political will, and media coverage. While the ratification process is a part of the dependent variable, it also serves as the starting point of political will, and is thus presented here.

5.1.1.1 The ratification process

As mentioned in the introduction, CRPD was ratified on June 3rd, 2013 (UN Treaty Body Database), but has been voted not to be incorporated into the law in Norway 2 times; in 2019, and 2021. Nevertheless, the treaty was ratified with a statement of interpretation for article 12, 14 and 25 (Barne- og familiedepartementet 2015), where the legal contradictions differences between Norwegian law and the convention can be found (Larsen 2021), and thus where Norway has been criticized the most by the UN (Komitéen for rettighetene til mennesker med nedsatt funksjonsevne 2019, 2). The statement of understanding for article 12 allows the Norwegian courts to withdraw “legal capacity or support in exercising legal capacity, and/or compulsory guardianship” (UN n.d.-b, 10), thus being in direct contrast to the convention which specifies that one cannot withdraw legal capacity or support in exercising legal capacity (UN 2006; Funksjonshemmedes Fellesorganisasjon et al. 2019, 19). Furthermore, the statement of understanding related to articles 14 and 25 state that Norway understands that the convention “allows for compulsory care or treatment of persons, including measures to treat mental illnesses”, which is also in direct contrast to the convention (UN n.d.-b, 10). Rather, the convention specifies that one cannot force treatment of persons (UN 2006; Funksjonshemmedes Fellesorganisasjon et al. 2019, 22, 37).

While the convention is ratified, multiple actors have expressed concern with the poor practice of implementing the convention. Kjetil Larsen, at the University of Oslo, has expressed that although the laws today do not substantially differ from the convention today, practice does (Larsen 2021). Furthermore, the main challenge (supported by testimony from FFO) is that as the conventions is not a part of Norwegian law of any sort, the municipalities are not bound by it (Larsen 2021, 39). This is due to the municipalities independence given by Norwegian law (Kommuneloven 2018§ 2-1).

While the legal status of the convention is a part of the measure of human rights commitment, it serves as a starting point to understand political will. Norway has a national law aimed at enhancing human rights treaties position nationally (Menneskerettsloven 1999). While not all human rights treaties are included, CRPD is the only general human rights treaty which is not included (Elvestad 2022). While UN human rights treaties are legally binding when ratified, there are unique conditions in Norway which amplify the importance of having a national human rights law, namely the strong regional self-governance principles. The implications of regional self-governance and the idea of “sectoral responsibility” will be discussed after the two votes on incorporation.

The 2019 vote was only supported by Rødt (R) and Sosialistisk Venstre (SV) (Øvstegård et al. 2018; Hansen 2019). Compared to the more recent vote on implementation, there was extraordinarily little coverage of the 2019 vote. Those who wrote about the vote had personal or professional interest in the matter (Hansen 2019; Berg 2019). Furthermore, there is irony in voting no on the incorporation of CRPD into Norwegian law while simultaneously being criticized for the poor protection of human rights regarding CRPD (Komitéen for rettighetene til mennesker med nedsatt funksjonsevne 2019). The main issues at hand were (and still are) the conflicting laws on self-determination, lack of ratification of the optional protocol, lack of incorporation into national laws, the existence of the statements of interpretation, and poor protection against discrimination (Larsen 2021).

The 2021 vote, however, was a far closer vote, where 42 voted for the incorporation (compared to 8 in 2019) (Bufdir 2021; Roness 2021). This points to a change in awareness of the importance of the convention. More importantly, it seems like the media coverage of disability rights has increased, partially due to the Covid-19 pandemic, illustrated by the Fritt Ord Prize being awarded for the coverage of the impact of the pandemic on persons with disabilities (Fritt Ord 2021). The pandemic impacted vulnerable groups to a larger extent than others due to a sudden stop in treatments, especially those which lead to pain management for the chronically ill (Eliassen 2021; Vea and Funksjonshemmedes Fellesorganisasjon 2020). Thus, the pandemic has brought to light the importance of a human rights of disabled person's debate. Consequently, the vote in parliament to not incorporate CRPD into national law and/or the constitution received much more attention than the vote in 2019 (Kvistum 2021; Bufdir 2021; Wedøe Nodland 2021; FO 2021; Piene 2021).

Following the last vote on incorporation, Norway has held national elections which resulted in a change in government (Kolberg et al. 2021). In the governmental platform of the new government, consisting of the Labor Party and the Centre Party, they pledge to incorporate the UN convention for persons with disabilities into national law (Arbeiderpartiet and Senterpartiet 2021, 69). However, they do not state how this will be done. As one of the key legal debates on incorporation has been whether it will be incorporated into national law more generally or if it will be incorporated into the constitution under the human rights law ("menneskerettsloven") (Elvestad 2022; Larsen 2021). As of May 2021, it is still unclear. Fighting for and raising the issues of the differences between rights on paper and in practice has therefore become not only the main battle of interest organizations, but also the main way in which CRPD is discussed in

the media (Elvestad 2022; Bondevik 2022; Mestad and Bjurstrøm 2021; Sjørdalen 2022; Paulsen 2022; Vegheim 2021).

The two votes, “plan” of incorporation of the new government, and the statements of understandings signals low levels of political will in Norway. Furthermore, the cultural and historically important practice of self-governance impacts and illustrates low political will in all levels of Norwegian politics. While the practice of self-governance of municipalities has been practice in Norway for decade, it became part of the constitution in 2016 (Kommunal- og distriktsdepartementet 2018; Anundsen et al. 2012). The law and practice of self-governance, though important, is argued by interest organizations to be standing in the way of effective rights protection (IO3). However, this practice and right to self-governance is both viewed by interest organizations, and argued by The Norwegian Association of Local and Regional Authorities (KS) to be a reason why CPRD cannot be a part of national law through the human rights law (Kommunesektorens organisasjon 2021).

For instance, a legal employee at the largest umbrella organization in Norway stated that “we experience that KS and others use it against us, that it isn’t incorporated, and thus does not have much importance. But it might be more a way of defending communal self-governance” (IO3.). This to some degree is corroborated by KS’s statement on incorporation of CRPD into national law. They argued that the existing national laws already ensure rights protection, and that incorporation would lead to “a weakening of democratic control” (Kommunesektorens organisasjon 2021, 3). This partially reflects the overall discussion and arguments against incorporation in Norway the last years, and highlights that there is aversion to the convention in all levels of politics.

The arguments against incorporation mainly focus on the fear of letting international treaties dictate national law and policy (Hamidi and Chhabra 2021; Veiby 2021). However, as supported by human rights lawyer and interest organization representative Berit Vegheim (HR3), that “it is under communicated that as it is signed and ratified, it is legally binding”, thus giving rise to the idea that incorporating the convention would create a large shift in how international treaties influence national laws and policies. Consequently, the discussion on incorporation and the official stance of KS that they are against incorporating CPRD, due to a fear of weakening the democracy, stand as evidence of low political will in Norway. Furthermore, there is another aspect to consider, the change in the inclusive work life agreement (IA-agreement). It is important to look at when discussing the human rights commitment of

CRPD because it is an example of declining rights protection of persons with disabilities. Thus, it is a clear example of low and declining political will in Norway.

5.1.1.2 The Inclusive Work Life Agreement and Rights protection

The IA-agreement is a central political “battle”, though secondary to incorporation. While the IA-agreement is changed every 3 years, disability was taken out as a focus area after 17 years because it had not worked in the last 17 years (Halvorsen 2022; Handikapnytt 2018). In place of the agreement is a “inkluderingsdugnad” (Handikapnytt 2018). While the word dugnad is difficult to translate to English the closest one can get is organized voluntary work. Thus, the inclusive work life agreement has been swapped out with an organized voluntary inclusion of people with disability. This change in both the agreement, as well as the words used to replace it can be argued to signal low levels of political will. And while “there is no research evidence proving that the IA-agreement worked, Norway hasn’t wished to use more effective measures in order to provide work for people” (HR3). Rather, the IA-agreement was more of a celebratory speech (IO1). However, with the decision to take the section on disabled individuals out of the agreement, some argue that it has caused the elephant in the room to be addressed (IO1). Nevertheless, human rights lawyers, interest organizations and the state representatives agree that that taking out the group of the agreement was a declaration of defeat⁵ (R4, S2, IO1, IO3). Furthermore, the dugnad of inclusion, while being rather offensive to the persons with disabilities, has not been adequately followed up. A researcher and interest organization representative state that during the time when the dugnad was to be followed up, a newspaper asked around in the ministries and found that only one ministry had followed up, but the majority hadn’t heard of it (R4).

Thus, there is clear evidence that there is little political will to secure human right for persons with disabilities, and that it is not seen as an important policy area which is prioritized at any level of politics. It is further supported by DPO representative and scholar saying that “even if we get it on the agenda, it acts like a tennis ball. So as soon as pressure disappears, it (policies and action) will bounce out (of the agenda)” (IO9).

5.1.1.3 Statistical evidence of political will

Furthermore, the national statistics also indicate political will. Partially because the criteria set by the convention, which specifies that the country must collect data on key indicators on

⁵The Norwegian word «fallitterklæring» was used by multiple sources, here translated to “declaration of defeat”

disability related statistics collection (UN 2006, 23). Norway has been criticized for their statistics on multiple occasions (HR1).

The Norwegian disability related statistics covers a variety of social aspects such as health, employment, education, economy, participation and leisure, accessibility, safety and access to justice, and technology (Bufdir 2022a). Consequently, there is a relatively good understanding of the situation and how it has largely been stable since long before the conventions ratification and signature.

Nevertheless, the collected statistics in Norway have two characteristics: being sporadic and often year specific, and not focusing on service provision. For instance, the Office of the Auditory General published a report at the end of 2021 about what degree individuals under the age of 18 and their families receive equivalent and coordinated health and welfare services, and if state instruments help achieve this. The report covered the time period of 2016 though 2020 (Riksrevisjonen 2021, 4). The report found large variations between the different counties when looking at the number of appeals against decisions on relief and care allowance, varying from 3 to 117 between 2016-2018 (Riksrevisjonen 2021, 9). Furthermore, the share which receives relief and care allowances⁶ differs when categorizing the municipalities on centrality and size (as visualized below). Lastly, they found that the number of instances where appeals lead to change varied between 20% and almost 70% (Riksrevisjonen 2021, 50). Not only does this indicated variation in service provision but also the level of commitment at the local levels.

There is also statistics on discrimination of persons with disabilities. Discrimination against individuals with disabilities in Norway has increased the last 4 years from 156 in 2018 to 429 in 2021 (Diskrimineringsnemda 2022a). While discrimination has increased employment levels have stayed stable for both the non-disabled (around 75%) and disabled population (around 45%) since 2006 (Bufdir 2022b). Lastly, there have been efforts to understand the accessibility of education, but again this was only a one year study (Bufdir 2022c). This tendency of only doing one-year studies makes it impossible to get good overviews of the evolution of inclusion and accessibility for persons with disabilities.

Norway was also criticized by the CPRD-committee for lack of statistical information, which according to the national institute of human rights is a reoccurring theme. “You can see that Norway, at almost all treaty examinations, have been given comments that Norway does not have enough data, and does not collect enough statistics” (HR1). Furthermore, it was argued

⁶ Directly translated from «avlastning og omsorgstønad»

by interest organization representative that data collection is “connected to knowledge and lack of knowledge. [...] And what core issues politicians have chosen. Some have persons with disabilities high on their agenda, but generally we experience it to not be important enough” (IO4). Thus, the information gathered and statistics available is also seen by interest organizations to reflect the importance of the matter, or in this thesis, political will. Because “as long as no-one cares about it, there is no need to have much statistics” (IO9).

Consequently, the national statistics further reflect low levels of political will. However, due to the amount of information available in register data some of the lack of effort can be mitigated (R5). However, there relevant statistics on persons with disabilities lies with very few individuals at Statistics Norway (R5) which means that any new data collection comes from a handful of people, further signaling low political will and viewed importance.

5.1.1.4 Media coverage

Lastly, media coverage is seen as an indicator of political will in the country more generally. In Norway, the incorporation of the treaty as well as the IA-agreement were among the top topics covered in the media, but there was generally quite a lot of articles on lack of access to transportation, Covid-19 restrictions, and general discrimination.

Based on the five indicators of political will, I find that Norway exhibits low levels political will and importance of the topic of rights protection of persons with disabilities. There is however evidence, based on media coverage, of higher levels of political will in the overall population than expressed by actions of the state and political parties.

In summary, the level of political will found by analyzing the ratification process, the IA-agreement, national statistics, and media coverage point towards low levels of political will. The ratification process, with the statements of understandings, highlight the lack of political will to properly ensure rights protection of persons with disabilities in a way that would demand adjustments to the national laws. Thus, proving that Norway indeed deems the national laws to already achieve equality and human rights protection as the Nordic human rights paradox assumes. Furthermore, the IA-agreement adjustment, eliminating persons with disabilities, further proves that there is also a regression on rights protection, proving that rights questions must be constantly fought for. The national statistics provide slightly contradictory evidence in that there are efforts to gather knowledge on the inclusion and accessibility of society for persons with disabilities, but it is not constant. Therefore, it seems to be reliant on individual interest and viewed importance rather than strong state led effort to ensure rights protection.

Lastly, the media coverage in Norway proves that there is political will in the country generally, it is simply not reflected in governmental practices and policies.

5.1.2 Norway's actual efforts as evaluated by experts

Knowing that there is low political will in Norway, the experts evaluated commitment must be analyzed to provide a well-rounded understanding of commitment. The convention stresses the importance of moving away from a more limiting medical paradigm to the social paradigm of disabilities. While the paradigm of disabilities on paper is closer to the social paradigm than the medical, I find evidence that Norway in practice is still relying on the medical paradigm to some degree. Furthermore, there is a broad consensus that compliance to the convention is not going as well as it should. Seven out of eleven experts view the compliance to be decent, but with core problems such as the lack of incorporation and statements of understandings given at ratification. These two problems strongly indicate that Norway is not compliant with the convention.

5.1.2.1 Paradigm shift – from a medical to a social understanding of disabilities

While Norway has had a relation-based definition of disabilities since the 70s, but more clearly since 2001 (R4, NOU 2001: 22), there “is a medical foundation in the understand once policy is to be created. [...] It (the medical paradigm) defines what type of rights you are given, and to what degree they are given. Even what is legitimate and not” (HR3). Therefore, some experience Norway “to have landed somewhere between the two paradigms” (IO1). Nevertheless, Norway, the welfare state, is to some degree the issue as “when disabled individuals aren't a part of the work force it is a welfare state issue, and not a case of disabled individuals being discriminated against by employers” (IO1). For instance, when looking at the “prioritization of the municipal health and care service, the criteria of prioritizing are solely based on health” (IO9). These statements are supported by the findings of Brennan and Traustadottir (2020) that the welfare state practices in Nordic countries partially stand in the way of progressive policies for persons with disabilities.

Furthermore, the way that disability rights are spoken about in Norway signals a lack of paradigm shift. The Ministry of Culture and Equality is “probably more conscious than the other ministries. However, it can be difficult with regard to the law sometimes. Especially some of the words and concepts that Ministry of Labor and Social Inclusion use, we wouldn't use. But they are a part of the law and must thus be used to identify criteria” (S1). The media have in contrast “done a great job with creating a list of word to use and not to use, even if they

sometimes misstep they are present and trying to increase awareness” (S1). Nevertheless, “most resources are spent on areas which are treatment and medically oriented” (R4). This view is supported by the comments made during the report to the UN (UN 2019). Thus, the welfare state and policies force the medical paradigm to remain central.

5.1.2.2 Compliance as evaluated by experts

In Norway there is an agreement across expert groups that there is a lack of compliance with the convention. However, the different groups evaluate the degree to which Norway isn't complying differently. Furthermore, multiple experts raise the issue that many of the “good” policies might not be a result of the convention. Rather, five out of eleven experts do not necessarily experience there to be any major differences when comparing before and after the signing or ratification of CRPD (HR1, IO1, IO9, S1, R4).

While some, two of the eleven Norwegian experts argue that there is a clear lack of compliance, and even disregard for the convention and its demands (IO9, HR3), four argue that while Norway is compliant there is a lack of progress and lack of prioritization (IO3, IO1, R1, IO4). There is clear consensus among all four expert groups that the paradigm shift has not occurred as much as it should. I argue, based on statements of experts, that this is due to power asymmetry within the state.

To summarize the shift towards the social paradigm regarding disabilities has not full taken hold. Rather health care services seem to stand in the way of a full transition to the social paradigm of disabilities. The experienced level of compliance varies both between experts interviewed for this thesis, but also within the Norwegian CRPD committee. As was specified by Berit Vegheim, the differing views depend on how one examines compliance. Thus, I find that there is a lower degree of national implementation and human rights commitment than expected.

5.1.3 Finland's signaled political will

I present the evidence of Finland's political will in four sections, mirroring the Norwegian analysis: the ratification process, the SOTE-reform and rights protection, statistical evidence of political will, and media coverage. Subsequently, the experts' evaluations of compliance is presented. A summary of the findings will be presented together with the Norwegian summary, after the analysis.

5.1.3.1 Ratification process

Finland differs from Norway in many ways, one of them being the signaled level of initial political will. The commitment processes for human rights treaties not only varies between countries, but in Europe time from signature to ratification of human rights treaties varies greatly. For instance, when looking at the time between signature and ratification of Norway and Finland compared to the European average: Norway is generally faster than the overall European average, while Finland is significantly slower on certain treaties (table 5:1).

Table 5:1. Overview of average number of days from signature to ratification, and number of countries which have ratified.

TREATY		Average	Norway	Finland	NR. RAT.
CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	1339	463	1668	29
	<i>Optional Protocol of the Convention against Torture</i>	1782	1372	4033	32
CCPR	International Covenant on Civil and Political Rights	2208	1638	2869	26
	<i>Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty</i>	836	569	415	24
CED	Convention for the Protection of All Persons from Enforced Disappearance	2546	19267	NA	20
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	2544	308	2240	26
CERD	International Convention on the Elimination of All Forms of Racial Discrimination	2039	1354	1377	26
CESCR	International Covenant on Economic, Social and Cultural Rights	2449	1638	2869	27

CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2084	NA	NA	1
CRC	Convention on the Rights of the Child	693	347	510	31
	<i>Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</i>	1152	1197	580	44
	<i>Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography</i>	1594	476	4285	42
CRPD	Convention on the Rights of Persons with Disabilities	1326	2257	3330	46
Averages, and days calculated from the signature and ratification dates listed in UN Treaty Database (UN Treaty Body Database).					

Furthermore, Finland's ratification history is much more straight forward compared to the Norwegian one. Finland spent quite a bit more time between signature and ratification to ensure their national legal framework matched their responsibilities to the convention. From signature to ratification 3330 days passed in Finland. In comparison it took Norway 2257 days, where the European average is 1326. Whether or not this is a result of Finland being slower or more thorough than the other countries, is impossible to say. Nevertheless, the time aspect of ratification is a puzzle still not solved according to multiple sources (HR4, HR2, IO6). When referring to the puzzle of time I refer to the question about why time from signature to ratification differs greatly across European countries, and the two countries of this thesis. Some also view the length of time to be a result of intense political and legal debate on how to harmonize the national laws before ratification (HR2). Therefore, the convention is a part of the national law.

Based on these two differing processes of ratification there is no clear answer to whether the time spent between signature and ratification reflects initial human rights commitment. However, the two differing processes do reflect differing levels of political will impacting their handling of ratification and thus their initial level of human rights commitment. Norway has shown through the twice rejected proposal to incorporate CRPD into national law that there is little political will supporting the human rights commitment to protect persons with disabilities. Finland, however, show higher levels of initial political will as they spent more time on their ratification process to ensure compliance, which does not seem to be the case with Norway.

The initial level of political will seems to be higher in Finland than in Norway. The Finnish actions signals that they take the convention and its demands seriously and aim to comply. However, to do so, they needed time to adjust their national laws. Nevertheless, some scholars, such as one of my sources argued that the time used did not necessarily reflect the efforts, and thus might be creating a false impression of political will (HR2).

Finland ratifies and transforms national laws simultaneously. This means that they do spend longer on their ratification process, but make sure that their national laws comply with the treaty at ratification time. However, while this on paper seems to be the more earnest and strong way of ensuring human rights there are human rights aspects which might not show on paper. An example of this is the Finnish health and social services reform (hereafter the SOTE-reform).

5.1.3.2 The SOTE-reform and Rights protection

The SOTE-reform is a massive reform to the health care regions of the countries, which has been in the works since 2007 (Korpivaara 2021). The reform changes the responsibility of health care from the “293 municipalities to the 21 regional authorities plus the city of Helsinki” at the beginning of 2023 (Yle News 2021). The reason for the reform is the aging population, where one expects 26% of the population to be over the age of 65 by 2030, compared to 20% in 2017 (Yle News 2017). Furthermore, the goal of the reform is also to ensure more “equal and adequate social welfare and health care services for the population” as “Small and financially weak municipalities have encountered significant difficulties in organizing and producing services” (THL 2020). This is one of the main areas of politics which has left the disability organizations unsure of what is to come, as they do not know how the reform will affect their members. One interest organization representative even stated that a Swedish colleague at the Nordic Handicap Forum (NHF) said “you are crazy when you are going for this model” (IO7).

While this policy has been a big part of national discussions both for disability organizations, as well as the overall population, the time leading up to the decision of the reform negatively impacted disabled people more specifically. A human rights lawyer and scholar stated:

“They (the government) made a political deal. [...] We don't give any rights to disabled people before the whole healthcare, social and health care system of ordinary people is changed. So first, the ordinary people and then the minority groups [...] and others. After the ordinary people. They kind took all the minority groups as hostages of this huge reform” (HR2)

Thus, while the reform aims to tackle the fast-approaching challenge of an aging population, the societies challenges of one group seems to directly take away political will and focus of another. This was again supported by IO2 who both expressed concern for budgeting prioritization of disabled individuals due to the aging population, but also the influence of the war in Ukraine due to their closeness to Russia, and recent interest in a NATO membership (Berlinger 2022).

The view of the SOTE-reform and its impact on disability services and consequently proved that while Finland expresses and showcases higher levels of political will than Norway, their practices illustrate that the level of political will is lower than first assumed. Furthermore, all Finnish municipalities are supposed to have a disability council, however in many municipalities they have never met in their four-year term (IO5). In some cases, they are active (mostly in the big cities), while in others they either simply do not exist in practice or are not included in policy creation but rather informed of decisions made in local politics (IO5, IO7). The same is said about the Norwegian disability councils. Furthermore, I find it interesting that the webpages for the disability councils are visually equal to the student council and youth council. If this reflects that the municipalities interact with the disability council and the youth and student councils to the same degree, I cannot say. However, when considering the reflections made by experts, it is plausible. Thus, the disability councils on paper indicate a lack of political will, as they in practice are not as effective as they should be.

Another the key difference in rights protection between Norway and Finland is that the non-discrimination tribunal cannot provide compensation to the discriminated in Finland. However, in all other regards, the countries seem to be equal in terms of lack of access to justice due to the risk of cost, which impacts the disabled population more due to them being more financially more vulnerable than the overall population in both countries. There is thus no evidence of there being any higher levels of political will in Finland than in Norway.

Consequently, I find that that based on ratification process and political debates that the level of political will in Finland is higher than in Norway. There is no obvious disregard of the importance of the rights questions, and the state seems committed to comply, and thus spent time to make sure their laws matched the convention. While there are no methods to provide compensation to those who are discriminated against, this could also simply reflect the difference between the sizes of the budget of the two countries.

5.1.3.3 Statistical evidence of political will

In terms of national statistics, Finland differs starkly to Norway in the type of statistics they collect. The main difference being the focus on service provision and cost, more than the more social aspects of disabilities such as the Norwegian statistics focuses on. The Finnish Institute for Health and Services (THL) states that “Disability is always defined in relation to a specific situation or happening (for example, the need for services, need for modification due to the environment, and own experience of the situation)” (THL 2022). Consequently, their data it seems to be largely on matters such as health services when looking at both Statistics Finland and THL (THL 2022). One of the interest organization representatives reflected that “why is it so closely monitored, how much the state pays because the state pays for the municipalities to provide?” (IO2).

However, there are some statistics available on discrimination, education, economic status, etc. Unfortunately, they are not easily extracted, as they must be analyzed separately with the “wider data material, i.e. they are not easily available through national statistics portals” (Jokinen, Montefusco, and Koivumäki 2021, 37). Consequently, it was assumed that statistics on these matters did not exist. This was further confirmed when emailing Statistics Finland, they confirmed that they simply do not have such data.

“Disability status is not included in any population register data that would allow comprehensive calculation of the indicators you requested, and Statistics Finland does not have statistics on the subject. There are academic studies and surveys, and different non-profit organizations representing people with disabilities might have data regarding particular disabilities” (Niemi 2022, email correspondence).

This was further corroborated by the statement of interest organization representative stating that the THL “sometimes ... even call to functional disability organizations and say: oh, excuse me, but to you know how many people there are with this and this disability?” (IO7). Clearly stating that the information level of the national statistics is partly also trying to rely on interest organizations to generate data, and matching the statement given in email quoted above. Rather, the governmental bodies and unit given the co-ordinational responsibility of CRPD (VANE), knows “the topic, the information of the topic, but they don’t know so much about people with disabilities” (IO7).

In regards to discrimination, disabilities is categorized as the second to most common reason for discrimination in Finland (where ethnic origin was most common) with around 100 cases

each year (Non-Discrimination Ombudsman 2016, 5)⁷. In the Ombudsman's summary of the Finnish report from 2016, respondents reported to have been discriminated against in the working life (41.2%), in the recruiting process (66.9%), and in the workplace (44.5%) (Non-Discrimination Ombudsman 2016, 9). However, only 16.5% of the respondents reported the discrimination they experienced (Non-Discrimination Ombudsman 2016, 10).

5.1.3.4 Media coverage

Media coverage in Finland however is sparser and difficult to find. Therefore, questions on media coverage were asked in interviews of Finnish experts, but not in Norway as I could easily (due to language) get an overview of media coverage. When I asked interest organization representatives about the media coverage of disability issues, the responses varied quite significantly. One representative laughed at the question and stated that "it's bad. It's bad. It's really bad" (IO6). While another Swedish-speaking interest organization said that "I think media coverage had been pretty good in media, generally. Especially in Swedish and on Åland" (IO5). Further they elaborated that previously yellow journalism was more prevalent, but that media now works more preemptive (IO6). Lastly, as the general secretary of the largest umbrella organization in Norway (FFO) participated in large, televised debates (Sæbu 2019; Sollund 2021), I asked if this was the case in Finland as well. This was denied by five of eleven interviewees (HR2, IO2, IO6, IO7, IO8). Rather, an anecdote was told about a national meeting/debate organized by the Finnish government where two individuals who were wheelchair users, could not access the stage, and had to participate from the side of the stage (IO6).

Consequently, there is contradictory information and evidence in terms of which country has the most political will to comply at the starting point of ratification. According to the human rights lawyer and scholar, and the literature on RUD's, Norway seem to have more political will at the time of ratification. However, when taking the national ratification process, and commitment to enhanced monitoring mechanism into consideration, Finland seems to be more deeply committed to CRPD. However, when analyzing political will through media coverage, national statistics, and to some degree the legal protection of disability rights, Norway seems to be more deeply committed. While it is difficult to measure precisely, the best description is that Norway exhibits a more direct lack of political will in terms of incorporation, while Finland

⁷ Newer statistics are not publicly available. Therefore, while not directly comparable to the Norwegian statistics it provides an indicator of the situation.

exhibits a more passive commitment, and this lack of political will when looking at the proxy measures of media coverage, national statistics, and legal protection.

Thus, the overall political will might not actually be lower than in Norway, but simply be more window dressed in Finland. The lack of media coverage, the inability to make sure participant of a national debate who use wheelchairs could access the stage, and the focus of statistics point towards evidence of window dressing.

5.1.4 Finland's efforts as evaluated by experts

Finland experiences overall more conflictual opinions between DPOs and state representatives, which is also illustrated when discussing the paradigm shift and the level of compliance in Finland.

5.1.4.1 Paradigm shift – from a medical to a social understanding of disabilities

The paradigm shift seems to, in some ways, have come further in Finland than in Norway. “The official disability policies ... are very much focused on enhancing full and equal participation in society, through voting, removing voting barriers and so on. So, on a principle, text, and policy goals level it is working” (IO2). Additionally, the same DPO representative expressed that “the challenges are becoming worse because people with disabilities are becoming more educated, and more aware of their own rights” (IO2). This highlights the gap between paper and practice, because the knowledge levels and policies are set up for a welfare system where disabled individuals are outside the workforce (IO2).

The views of state representative and human rights scholar of the NHRI differed more from the interest organization and researchers' opinions in this case. They were much more positive and viewed there to be very few problems. The issues they raised simply pointed towards the time needed for policies to adjust:

“There are differences in how all obligations of UN CRPD are taken into consideration when crafting different proposals and creating reforms, which might also depend on the persons that are in charge of those being aware of rights of persons with disabilities. But of course, there are still challenges and they depend on administrative sectors: how well are these applications taking into considerations” (S3).

Thus, illustrating that many of the core challenges are indeed that within state power structures, confirming that power asymmetries are highly connected to human rights commitment. By state

power structures I refer to the unequal power dynamics between the co-ordination unit and other governmental bodies. This is discussed in-depth in the following chapter. Nevertheless, as will become more obvious, the national statistics collected hint towards the paradigm shift not having moved as much due to them focusing mainly on welfare services and costs.

5.1.4.2 Compliance as evaluated by experts

In Finland experts viewed compliance overall much more positively than in Norway, however those who disagree, disagree strongly. Most, nine of ten, experts either view Finland to be doing well in terms of compliance (IO5, HR4, S3, IO8), or they argue that even though the surface level laws and practices are good, there are major problems in terms of implementation and access to justice (IO6, IO2, HR2, IO7, R3). One of the experts raised the issue of internalized discrimination in that

“Most of the disabled people who win (local elections), people who are interviewed (for a research project) said that everything is fine. But when we analyze what is happening, we find that the City Councils are not accessible. Thus, when all other City Council members are having lunch, the persons who are using wheelchairs are in a separate room” (HR2).

In summary I find the paradigm shift to have come further in Finland, however the national statistical evidence provides contradictory evidence as partially explained above, and in the case selection. The experienced compliance is however largely viewed positively, with only one expert expressing extremely differing views.

5.1.5 Summary of Political Will and Human Rights Commitment in Norway and Finland

In Norway, I find low levels of political will reflected in the ratification process and current legal status of the convention. Furthermore, both countries exhibit low levels of political will signaled in current political debates and policy decisions as evident through the IA-agreement and SOTE-reform. It is equally reflected in the efforts to collect national data on key indicators of CPRD protections, although the Norwegian statistics are better than the Finnish. In contrast there is signaled higher levels of political will in media coverage and visibility in Norway, signaling that there is higher level of political will in the Norwegian population. This was not found in Finland, which either proves that there are generally low levels of political will, or that the language barrier made it difficult to conduct a thorough analysis of media coverage. Nevertheless, both countries exhibit low levels of political will, where Norway is more earnest about their low level of political will compared to Finland. The Finnish case thus hints more

towards window dressing. Furthermore, the two indicators of compliance (paradigm shift and expert evaluations of compliance) highlight that Norway is less committed to human rights than Finland.

To understand this overall low commitment to CPRD in both Norway in Finland, evaluating the level of policy integration is presented next, consequently linking commitment to the impact of power asymmetry within the state through the causal mechanism of policy integration.

5.2 Policy Integration: from silo-structures to co-operation levels

To achieve policy integration different ministries and other relevant political actors must cooperate to produce a cohesive policy. Thus, if the state has a high level of “silo” structure it is less likely that policy integration takes place or is successful. Where Norway exhibits a clear siloed structure through their “principle of sectoral responsibility”, the siloed working structure is more hidden in Finland. This is supported by the statements and expert evaluations. As the silo structure is stronger in Norway it generates less policy integration. Furthermore, I find little to no policy integration efforts other than an overall written goal in Norway.

To evaluate and provide evidence that silo structure indeed leads to a lack of policy integration, it must be established to what degree the “silo” structures exist, and how experts view these. I argue that the existence of silo structures can be seen partially in the National Action Plans (NAPs) of CRPD, and how the experts view the structure of the co-ordinational responsibility. Level of cooperation within the state as evaluated by state representatives, DPO representatives, researchers and human rights lawyers provide evidence of this link. Cooperation differs from compliance in that it is more specific and acts as a facilitator for compliance in many areas. However, cooperation is not all encompassing enough to be synonymous with compliance. I find that experts in both countries describe a lack of cooperation across sectors. Combined with the expressed cooperation of the NAPs presented, I find that both countries exhibit a lack of policy integration.

I present the findings through the presence of silos, and the experienced level of co-operation in both countries, before summarizing the findings.

5.2.1 Level of Policy Integration in Norway

In Norway the existence, and degree of political silos are found by analyzing the National Action Plans (NAPs) relating to policies of CRPD, presented first. Thereafter, the experienced level of cooperation among ministries, and within the state in general, is presented to provide a well-rounded and accurate picture of the level of policy integration in Norway.

5.2.1.1 The presence of silos

In the Norwegian action plan “A society for all – Equality, democracy and human rights” from 2019 all measures are – in the overview of the action plan – marked with which ministry is responsible. The 85 measures listed, are divided between 9 ministries (Kulturdepartementet 2019). By measures I refer to action points which the state aims to enact to ensure compliance.

Table 5:2. Overview of number of policy measures per ministry in NAP in Norway

Ministry full name	Number of measures
<i>Ministry of Labor and Social Inclusion</i>	15
<i>Ministry Culture and Equality</i>	23
<i>Ministry Local Government and Regional Development</i>	3
<i>Ministry of Justice and Public Security</i>	16
<i>Ministry of Transport</i>	1
<i>Ministry Education and Research</i>	12
<i>Ministry Health and Care Services</i>	8
<i>Ministry Climate and Environment</i>	4
<i>Ministry of Children and Families</i>	1
<i>Multiple ministries</i>	7

Contrasting to the 85 measures in the Norwegian action plan, which spans a 10 year time frame, the Finnish action plan has 110 measures, listed with the relevant article of CRPD (Ministry of Social Affairs and Health 2021b).

In the action plan it is stated that there are several initiatives which they at the time of publications claimed were already underway. Now, 3 years later, one of them has still not been published (R4, Kulturdepartementet 2019, 10). Nevertheless, chapter three of the action plan raises the issue of a need for increased coordination. However, they still view the principle of sectorial responsibility to be the foundation for such work (Kulturdepartementet 2019, 31). And further states that they must “evaluate measure which secures that the whole population can utilize the service offers”. Later they specify that at a national level it is Bufdir, the Directorate for Children, Youth and Family Affairs who “have a cross-sectorial responsibility when it comes to equality and non-discrimination” (Kulturdepartementet 2019, 32). Further, they list a need for better coordination of the Nordic, European and UN level, before focusing on three specific areas of better coordination; 1) Better information and more unified and coordinated

services; 2) Strengthen user orientation (“brukerorientering”) and dialogue with civil society regarding guardianship; and 3) Strengthen coordination on guardianship.

While they in the strategy plan (created before the action plan) understand that “in order to ensure good transition (between different stages in life) the different levels of government and sectors must cooperate” (Barne- og likestillingsdepartementet 2018, 7-8). Furthermore, they stress that “people who require support from different agencies shall not experience that their quality and ability of participation and inclusion is weakened by the lack of cooperation” (Barne- og likestillingsdepartementet 2018, 8). However, all clarifications of the action plan only lists directorates and agencies, never cooperation between ministries (Barne- og likestillingsdepartementet 2018, 21-23).

Furthermore, every measure listed has the responsible ministry, and the ministry responsible for carrying out the measure. Of the 85 measures, 7 listed more than one ministry for these two roles signaling that there is a low degree of policy integration when looking at the action plans. Of these seven measures which signaled cooperation across silos, only two of the measures were not related to culture, funding of leisurely activity for children, and support of raising children with disabilities. The only two who actually covered more hard-hitting policies were the fact that all municipalities must establish a disability council (measure 3), and that there must be conducted a comprehensive review of the transportation services (measure 11) (Kulturdepartementet 2019, 28,29). As presented in the foregoing section, the disability council exist, but do not function properly.

Lastly, the Norwegian government has also created a separate action plan for the work of universal design (Departementene 2021), which according to the state representatives and researchers is one of the areas where things are moving the fastest, largely due to EU regulations “having more power” (R4) and the state’s ability to fine non-universally designed platforms or buildings (S1).

5.2.1.2 Expert evaluation of cooperation

The experienced level of co-operation was not only reflected in statements directly regarding how the ministries and agencies cooperate, but also their respective knowledge levels. A DPO representative argued that “one cannot expect that one knows all areas, but in the areas where things are interconnected people (with disabilities) they experience problems being sent back and forth because no-one takes responsibility (IO3). Thus, proving the argument of the NAP on ensuring that a lack of cooperation does not impact persons with disabilities is not working.

However, the lack of knowledge is, as previously argued, a result of political will as “the political leadership just don’t know enough because they haven’t prioritized working on it” (HR3). Furthermore, there was previously a state-level council, “Statens råd for funksjonshemmede”, which directly translates to “the States Council for People with Disabilities”. Before it was shut down in 2011 (Andersen, Holmås, and Arbeids- og sosialkomiteen 2017, 6), it served as a way to “bind the politicians to the flag-pole” (IO1). And while one aspect in Norway is the siloed “administrative structure, ... a large part of the problem is that the policy field⁸ has become purely administrative matter. [...] So, when it isn’t politically anchored, when there is no State Secretary Council which connects the ministers, policy isn’t put forth” (IO4).

Not only is the siloed working structure a hinder, but the different views of the convention also further solidify the challenges of policy integration which arise from a siloed working structure, or as it is called in Norway: the principle of sectoral responsibility. The siloed working structure also makes it difficult for any real knowledge and expertise to be developed. While they might work on equality questions for disabled individuals “they don’t work with the policy instruments” consequently “the division of responsibility is hopeless” (IO9). An example of this was brought up by an interest organization representative and previous scholar:

“The second Lossius committee’s mandate was to suggest improvements on the health care of persons with mental disability. They ended up suggesting shutting it down completely, which conflicted with the mandate. While there were 5000 related to the specific type of health care, they suggested a change which affected 17000 developmentally disabled. They disregarded the mandate, but as long as no-one brought it up, it didn’t matter” (IO9).

In other words, due to the silo structure of the state in Norway, there are less control mechanism to ensure that the policy which is created is doing what it was supposed to. For instance, state representatives experience that the level of cooperation varies based on which ministries are involved (S1). Furthermore, for different policy goals it differs how many ministries have frequent meeting arenas, or not (S1). Thus, while the co-ordinational ministry of CRPD “has good communication (with other ministries) and give their input” they have no budgetary means to create policy. Rather they “can support and participate with knowledge and attitudes, but the coordination role is difficult when there are no budgetary means” (S1).

⁸ Directly translated from the Norwegian term “politikkfelt”

In summary I find that not only do all Norwegian experts (11) express a low level of cooperation across ministries and policy areas, but it is also expressed on paper in the NAPs. Knowing that that the findings on human rights commitment also found a lack of paradigm shift and varying experienced compliance to human rights for persons with disabilities, the findings are highly consistent with the prior findings presented in the sub-chapter on human rights commitment.

5.2.2 Level of Policy Integration in Finland

The structure of the analysis of the level of policy integration in Finland, follows the same structure as with Norway: starting with the NAPs and their objective and measures, before moving on the more subjective statements of experts.

5.2.2.1 The presence of silos

The Finnish National Action Plan of 2020-2021 signals, on paper, much more cooperation across the ministries, compared to Norway. The 110 measures to comply with CRPD are divided over 72 objectives (visualized in the table below). In contrast to Norway, Finland uses the term with objectives which are more overarching goals which in turn have multiple measures to ensure that the overarching goal is reached which are more specific than the ones listed in the Norwegian NAP.

Table 5:3. Overview of number of objectives per ministry in NAP in Finland

Ministry responsible for objectives	Number of objectives per ministry
<i>Ministry for Foreign Affairs</i>	11
<i>Ministry of Social Affairs and Health</i>	10
<i>Ministry of Education and Culture</i>	15
<i>Ministry of Justice</i>	5
<i>Ministry of the Environment</i>	4
<i>Ministry of Finance</i>	1
<i>Ministry of the Interior</i>	5
<i>Ministry of Transport and Communications</i>	3
<i>Ministry of Economic Affairs and Employment</i>	2

All ministries

6

Multiple ministries

10

Not only is the number of objectives which has more than one ministry (16) more than in Norway (7), there is a difference in which ministries are involved. For instance, in Finland, the Prime Minister's office is listed as one of the responsible bodies for multiple objectives and measures. Additionally, The Ministry of Finance, as well as the Ministry of Foreign Affairs, are listed as having the responsibility of one or more objectives in Finland, and not in Norway.

It is interesting though, that the Ministry of Foreign Affairs is the second most mentioned ministry when looking at objectives. This could be argued to reflect the Nordic Human Rights Paradox. However, the Ministry of Social Affairs and Health are underrepresented in the way of counting, as they in most of the instances with multiple ministries, are included. Thus, the objectives which they have responsibility over (alone or with other ministries) is 20 (multiple ministries plus only the Ministry of Social Affairs and Health). Nevertheless, the Ministry of Foreign Affairs is not mentioned in the Norwegian action plans. Rather, the action plan focuses on national policies, and not necessarily policies regarding international advocacy in the Norwegian case.

Based on these observations, Norway seems to be much more siloed than the Finnish state. However, one aspect must be questioned, if many policy objectives are everyone's responsibility, do they then become no-one's responsibility? When looking at the statements given about how VANE is functioning, combined with the resources allocated to ensure policy integration I find no clear evidence that the policy integration is working any better than in Norway.

5.2.2.2 Expert evaluation of cooperation

When interviewing Finnish experts there was less expressed frustration of the organizational structure of the state and their respective silo structure. Rather, as is clear in across all topics, there is more contradictory statements. Some express that it is working, others are deeply frustrated, which differs from the evidence in Norway where absolutely everyone seems frustrated, even state employees.

A researcher and human rights scholar said that due to the “structural barriers, which is the nomination process, VANE is more or less useless. [...] Because VANE is built in a way that everyone can participate, it is not built to actually do things” (HR2). For instance, when a previous government was in an economic regression they decided to “cut funding for disabled people in some way. The government didn’t ask VANE. VANE was put aside” (HR2). Thus, while “there are possibilities to centralize or decentralize (the co-ordinational body). VANE has been decentralized” (HR2). Furthermore, it is not only that the government is siloed in their working structure, even the national monitoring mechanisms in Finland are siloed. The independent monitoring system is not only the NHRI, but also the ombudsman and the human rights delegation whom all have different responsibilities. Thus, not even the monitoring mechanisms are unified. In contrast to Norway, all different parts of the Finnish monitoring mechanism have much less resources as reflected by the number of employees in each. VANE for instance has only 1 employee, who doesn’t even work full time at VANE, but is split between VANE and the Ministry of Health and Services (VANE n.d., IO5, IO7). The fact that there are few people working on the issues in all “corners” is by some viewed as a good thing as “the circles are quite small and (thus) in a way it makes this quite easy, because it is easy to access people. It is easy to work together when you know who they are” (HR4). Nevertheless, there is a clear frustration with VANE and their lack of being able to provide comments on the certain challenges or issues which the interest organizations bring up. For instance:

“I wrote to them (VANE) and asked what their opinion on this was, or if they had discussed it, because I’ve been thinking about solutions. And the response I got was more or less nothing. You cannot do anything with the answer because it’s not saying yes, it’s not saying no. It doesn’t say anything. [...] It would have been more OK to get an answer ‘sorry we haven’t discussed this topic and apologies for not being able to give a better answer’. That would have been a better use of my time” (IO6).

Another interest organization representative stated that “they have too little staff. And there have been people who work there who have been overworked” (IO7). Not only is the fact that VANE has very limited resources and is placed under a ministry, “it is crazy that it is under this ministry which doesn’t have any time. They don’t have time. They don’t have energy” (IO6). Consequently, DPO representatives reflect that one of the issues is that the level at which discussion occur and decisions are made. “When you come to the next level, from the government to where you actually do things, there is a lack” (IO6).

Thus, while the sources did not directly speak on the level of cooperation within the state, they gave examples and expressed concern of the position of the co-ordinational body in relation to the ministries, political power, and actual policy implementation. While it is different from the Norwegian challenges of within state cooperation, there is little direct cooperation between VANE and the rest of the government. Rather, their cooperation mainly takes the form of giving input on policies, much like the interest organizations do in Norway.

Therefore, as both the literature suggests, and was hinted at throughout the in-depth interviews, high levels of power asymmetries within the state leads to a lack of policy integration, even if there is political will. In this case the power asymmetry within the state refers to the unequal power balance between the co-ordinational and other branches of government able to and responsible for policy production. Specifically, while the government policies visualized in the NAPs indicate a lower degree of siloed structure than in Norway, the placement of VANE makes it so that they do not benefit from it. Consequently, highlighting that the co-ordinational unit must also be at higher level in political structure to benefit from low levels of siloed structures.

In summary, there is higher level of policy integration expressed in the NAPs in Finland, but it is not supported explicitly by six of the experts. This in combination with the findings in the previous sub-section on the human rights commitment proves that Finland is better at both policy integration and human rights commitment on paper but differs quite starkly in practice due to the weakness of VANE.

5.2.3 Summary of Policy Integration

In total the findings from Norway and Finland point to common finding: there are no high levels of human rights commitment where there is a lack of policy integration. More specifically the prevalence of silos in both countries support the lack of human rights commitment. When discussing the NAPs, the findings of more policy integration on paper in Finland mirrors the findings on the paradigm shift: good on paper but not necessarily in practice. Furthermore, the experienced level of compliance and cooperation are also equally comparable Finland in that the experts disagree quite starkly. However, there is more agreement on the level of compliance than on co-operation.

While the findings are consistent, there is one aspect of the analysis of the Norwegian NAPs which must be addressed. The NAPs in Norway are much vaguer in their “measures” taken to ensure implementation of rights for persons with disabilities. While this leaves room for error

in the comparability between Norway and Finland, I argue that the differing level of specificity points to differing levels of political will and aimed policy integration.

5.3 Unity and Strength of Interest organizations

Throughout the interviews it is clear that interest organizations (more specifically referred to as Disabled Peoples Organizations - DPOs) had very different positions in the two countries. While all interviewees agreed on the strength, unity and legitimacy of the DPOs in Norway, the views were much more divided in Finland. I find that clearly expressed low levels of political will leads to a more united and active interest organization - in both countries. Evidence for this is presented first in the causes and levels of unity, before elaborating on the strength of the DPOs.

This level of unity is measured through evaluating whether umbrella organizations or individual organizations are the main actors participating and interacting with state and policy creation. And while the unity of interest organization, in this case DPOs, in part reflects their strength, strength must also be measured and evaluated on its own. Thus, I asked all experts how they viewed the strength and legitimacy of the interest organizations. The answers reflected the responses on unity, differing more in Finland than in Norway. The findings on unity of DPOs are presented for each country before a summary of findings is given.

5.3.1 Unity and strength of DPOs in Norway

In Norway there is a high level of unity. This is not only clear through the fact that Norway is one of the few states in the world where civil society only produced one common shadow report to the UN (Funksjonshemmedes Fellesorganisasjon et al. 2019). To achieve the level of unity demanded when producing one collective shadow report, they had to lift their focus to the more overarching challenges, for which they received praise (IO3). Furthermore, human rights lawyer and interest organization representative Berit Vegheim stated that “it is the umbrellas which the government wants to speak to, while we who are experts on more specific topics are not viewed to be as legitimate” (HR3). While FFO is the leading and dominating umbrella organization, there are other umbrellas in Norway such as Norwegian Forum of Disabled Peoples’ Organizations (SAFO) and The Norwegian Association of Youth with Disabilities (Unge Funksjonshemmede). While the other umbrellas might be “trying to elbow their way forward where FFO is strongly represented, they do not disagree on the bigger questions” (HR3).

The state also expressed that their unity has been one of the reasons why the new government has included incorporation into its party platform, saying that they are “very coordinated and have a clear message, which has helped tremendously. [...] The politicians want to listen to them” (S1). The second state representative stated that the DPOs are “in a way the most professional which they (the state and politicians) interact with” (S2). However, not everyone agrees completely on the level of unity, as one researcher (Inger Mari Lid) stated that “it is interesting that the solidarity both within the group of disabled, and between the group of disabled and others is weak. [...] Few people feel like this (human rights of disabled individuals) concerns our democracy, or us” (R1).

The lack of unity which Lid highlights points to one of the core tasks of DPOs: expressing that their increased rights protection does not take away from another group. This topic relates largely to the discussion on the Nordic human rights paradox explained by law professor Andreas Petersson and will be discussed more in the discussion at the end as it is not directly relevant.

“The disability movement is perhaps not as active or as massive as before. In the 70s and 80s, when the disability movement was part of other social movements or in parallel with other social movements, there were so many fundamental issues that they must fight against that person's will disabilities kind of had a collective identity to fight against those injustices. But nowadays, uhm, the welfare state is taking care of many disability services, the fundamental ones. Ah, that's the activism is not as vocal as before” (R3).

Consequently, the unity of interest organization does seem to depend on a larger opposition of rights provision, such as the rejection of incorporation in Norway.

Furthermore, it was clear in Norway that the most legitimate and strong actors were the umbrella organizations (HR3). Their strength and legitimacy are to some extent a reflection of their unity as “it is a goal for us (DPOs) to deliver together, because we receive a lot of cred and praise for sticking together” (IO1). Therefore, there is evidence that there needs to be some form of external pressure in order to unify the DPO. They have a common goal, and thus fight for rights together instead of in fragmented smaller groups.

In summary, the Norwegian DPOs are unified due to the clear lack of political will expressed by government and politicians generally. Thus, the DPOs have been able to focus on the main

issues which are collective to all persons with disabilities and have avoided fragmentation which would weaken their impact.

5.3.2 Unity and strength of DPOs in Finland

In Finland, there is not only interest organizations for different disabilities, but also for those who speak Swedish rather than Finnish. Due to this the interest organizations are more fragmented than in Norway. However, both nations have one large umbrella organization, which in Finland is more a disability forum than a traditional umbrella organization. While the largest umbrella organizations are both central actors in their respective country, the degree of their centrality differs between due to a differing level of unity of interest organizations overall.

I find less clear unity amongst the DPOs in Finland, partially due to the language aspect of the country, but also more generally. For instance, there is a stark contrast between one human rights lawyer and scholar and an interest organization representative:

“I would say that our main problem, where I have given the most criticism is our non-governmental organizations. The Shadow Rap report [...] was terrible. The disability rights organizations are not doing real research. They are sending questions to disabled people and collecting thoughts, and they are saying [...] the most important thing is that the disabled people participate, the quality of participation doesn't mean anything. [...] It has been impossible to give input. But the disability rights organization don't care about the results. They don't have lawyers. They don't have scholars. They don't know the law. They don't know how to carry out research. And that that means that since government is not doing any research, we don't have a picture. No-one cares” (HR2)

In contrast, the interest organization naturally disagreed saying that:

“I completely disagree, because all the bigger organizations have lawyers. They have lawyers that have very high knowledge about this, and they also have in handicap forum (Vammaisfoorumi). They have a separate group, lawyers of handicap and when we may we make joint reports and all the organizations make their own, we cooperate” (IO7).

The last statement was corroborated by a representative from the National Human Rights Institute of Finland (Human Rights Centre) who expressed that “we have this huge amount of NGOs (in Finland). And they're not just like any NGOs, they are very professional. Most of

them have lawyers and a lot of expertise, and persons with disabilities working in them” (HR4). Further supporting the statements with the fact that when the Equality Ombudsman “want a new staff, often they come from the disability organizations because they have so much knowledge” (IO7).

To what extent HR2’s (Pauli Rautiainen) views are of an extreme is a bit hard to understand as only 10 individuals in Finland were interviewed, however as I have found both support for his view in interest organizations and contradictory understandings it is plausible to evaluate there to be less unity than in Norway.

Furthermore, there is a historical aspect which impacts the unity of interest DPOs in Finland, namely the figure Kalle Könkkölä. Könkkölä was not only one of the most prominent and powerful representatives of the disabled population, but also the founder of the Green Party. Thus, he was the “most important figure in (the) environmental movement and most important (person) in ... civil disobedience in the 80s and 90s” (HR2). Simultaneously as Könkkölä was a prominent politician, born in the 1950s, he was also the head of the threshold association (a DPO). In contrast to many of the other DPOs at the time, the Threshold Association was an organization for and of disabled persons and worked more politically than the other DPOs who were more service oriented where “non-disabled people were in power, through parents and relatives and so on” (HR2). However, “when Kalle was alive, it (the Threshold Association) was so totally led by Kalle, and he had absolute dictatorship in that umbrella. So, [...] all the forces were coordinated by Kalle. Very fragile and very ... undemocratic, but understandable from the history coming from the 80s” (HR2). Thus, when Kalle Könkkölä died the organization and movement experienced hardship (HR2).

In terms of who is the main actor, individual interest organizations or the umbrellas, there were differing views. Some argued that “Vammaisfoorumi (the largest umbrella organization) is definitely the main party. But then some organizations like Invalidiliitto are so strong that they can independently have relationships” (IO6), while others said that they “probably work more specifically but have campaigns together with other organizations” (IO5). Nevertheless, while there are differing views on who is the main actor “Vammaisfoorumi (Handicap Forum) is the joint organization for 28 different kinds of disability organizations, and we (Invalidiliitto) work together very tightly. We have a policy that we (DPOs) only give out text that we agree on” (IO7).

In Finland one of the large hindrances for DPO strength was that when Kalle Könkkölä died “He didn't do anything to kind of make a smooth change from one generation to the other” (HR2). And while “their (DPOs) influence has been growing and not lessening, I think they are other factors that make it harder now to fight for rights of persons with disability. And one factor is simply the fact that human rights are questioned a lot right now” (HR2). Nevertheless, the state representative viewed the DPO's to be “very strong and I think that ... we have very strong disability organizations [...]. I think that [...] we (the state) have started to see them as partners and very strong expert organizations” (S3).

In summary the Finnish DPOs are much more divided, both due to language factors of the country, but mostly because the DPOs focus more narrowly on rights issues for their smaller groups. Consequently, they are not as strong and more criticized than their Norwegian counterpart. The history of the movement also plays a large role in their division, as the one central figure, Kalle Könkkölä, did not leave any natural successor or set the movement up with a way forward.

5.3.3 Summary of Unity and Strength of DPOs

While Norway experiences the lack of political will to unite DPOs, and forces a coordinated effort across all DPOs, Finland does not. The difference in level of unity is caused by three different factors. Firstly, Norway has experienced a clearly stated lack of political will by government making it easier for the DPOs to have a common goal and “enemy”. Secondly, Finland's DPO history proves that there has always been division between the different disability specific organizations. Lastly, the language division in Finland between Finnish and Swedish exacerbates the division of the disability specific organizations to also be divided based on language, thus increasing the number of organizations which need to cooperate and be unified.

5.4 Participation in policy creation

As argued in the theoretical framework, I find that higher levels of power asymmetries between the state and interest organizations lead to more influential participation in policy creation. This, I find, is because the type of participation DPOs have changes when the power asymmetry is high partly in terms of communication type and style, as well as what arenas they have access to. I stress the importance of understanding that there always is a power asymmetry between interest organizations and the state, however, the greater this power asymmetry is the better the participation of interest organizations are.

Power asymmetries are impacted by *Political will, Unity and strength of interest organizations* and *Participation in policy creation*. The impact of power asymmetries on human rights commitment is thus a positive relationship in that the larger the power asymmetry is between interest organizations and the state, the more likely a higher level of human rights commitment is. This is because higher levels of power asymmetry raise the contact point for DPOs to a higher political level, thus causing more meaningful participation. Consequently, lower levels of political will leads to a more united and active interest organization, and high levels of power asymmetries between the state and interest organizations leads to more influential participation in policy creation.

To assess the impact of power asymmetries it is important to understand the differences in power asymmetries between DPOs and the state in Norway and Finland. There is less of a power asymmetry in Finland than Norway between state and DPOs, due to the placement of the co-ordinational body of CPRD, which is an independent agency (the Advisory Board for the Rights of Persons with Disabilities, hereafter VANE) partially subordinated to the Ministry of Health and Social Services (VANE n.d.). In contrast, the co-ordinational responsibility of CRPD in Norway is placed with the Ministry of Culture and Equality (hereafter KUD) (Grande 2019).

5.4.1 Participation of DPOs in Norway

Norway placed the co-ordinational responsibility with a ministry. While this increases the power asymmetry between the state contact point and DPOs, it also matters which ministry this is. Particularly because while they have “the co-ordinational responsibility for politics, they do not have the responsibility of implementation” (IO1). Furthermore, it is a relatively “weak ministry money wise. And also to some extent in strength. [...] Especially since [...] the Ministry of Justice, Ministry of Finance, Ministry of Communes, which are large and strong

ministries, might not be too happy about the Ministry of Culture and Equality influencing them” (IO4). Therefore, the larger and stronger ministries might not view it as “serious enough, or that they (KUD) don’t understand the legal or economic consequences. They might seem too much of a lightweight compared to the other ministries” (IO4). This fact of the relative strength between ministries (or the within state power asymmetries) is highly related to the findings regarding policy integration, proving that placing the co-ordinational unity at a ministerial level does not “solve” the problem of power asymmetries as they also exist between ministries.

Nevertheless, the power asymmetry between the state and the DPOs is beneficial to participation in policy creation as the type (structure) of participation is raised to an actual policy creation level, while there is less politeness and need to be friendly when there is a larger power asymmetry.

In contrast, the larger power asymmetry between DPOs and the state contact point in Norway (KUD) changes the communication style to have less dialogue and more “meetings of input” where the DPOs are invited to give their opinion, without politicians or state really participating. Furthermore, this form of participation changes the level of “friendliness”. As both parties are aware of the power asymmetry, there is no need for extreme friendliness, but rather there are more candid conversations about the challenges, struggles and shortcomings of the administration’s policies. In other words, it is more conflictual.

Norwegian DPOs expressed that “we are all left with a feeling that we are only invited to give input. And all the ministries are there, and then nothing happens afterwards” (IO3). While they are invited “there is no active cooperation. [...] A common experience civil society and interest organizations have is that there is no dialogue” (HR3). “Civil society is allowed to give input, but you (the DPOs) don’t get a real dialogue with government” (HR3). However, the co-ordinational body (KUD) is perceived to be “very open and want to partake in a dialogue. But we also understand that while it is great to speak to those who are on our side, [...] the challenge is getting a dialogue with those who are unsure of their position or who disagree. That is the challenge now, we are not invited in” (IO4). The state also supported the views of both the DPOs and human rights lawyers on this matter, saying that “We have received criticism from the organization because they are often invited to input meetings. [...] But what they are asking for is dialogue. And that is a bit hard to get, because it is limited what politicians can deliver cross the table” (S2). Nonetheless, the power asymmetry also impact which actors are invited to participate with policy input. The umbrella organizations are invited more often because “they often have their own agreements and their own access points regarding budgeting, the

yearly round table, and many others. If there is a big case, they are one the list of the invited. However, we also meet with many individual organizations, but then more on individual topics” (S1).

In summary, the placement of the co-ordination unit ensures that DPOs have access directly to politicians and policy creation processes. While the organizations might not experience there to be much dialogue, they are able to give input, and are highly respected by the state agencies. Nevertheless, this is mostly given to the umbrella organizations which represent the movement more broadly. This does not mean that the individual DPOs are not included, but they are rather included on policy issues that are highly disability specific. Furthermore, the high degree of power asymmetry between the state and interest organizations ensures that the DPOs are not afraid to speak their mind, protest and raise demands. Thus, there is more clear conflict, which DPOs appreciate as that is when they experience the most progress to take place in terms of policy creation.

5.4.2 Participation of DPOs in Finland

The Finnish context is different because the co-ordinational responsibility lies with an independent entity whose only mandate is to co-ordinate CRPD relevant policies. A human rights lawyer and scholar noted that “It's not only VANE, but government action plans on human and fundamental rights, and all coordination mechanisms have had similar problems. Since this VANE type of organizations which has representatives from all ministries, they form a low-level organizational hierarchy, (and thus) they are coffee tables with no actual power. They [...] don't have actual political power. And it seems that VANE is unable to ... discuss ... the hard issues” (HR2). Thus, confirming that there is a low level of power asymmetry between DPOs and the state access point. Pauli Rautiainen further specified that VANE, due to “how they are connected to governmental process, are [...] more or less useless” (HR2).

However, just as in Norway, VANE does not bear the full responsibility alone, but rather shares the monitoring together with “three or four entities that have the full responsibility together, making it a bit complicated” (IO2). These are the non-discrimination ombudsman, national human rights institution (NHRI), and partially the ministry of Foreign Affairs (due to it being an international treaty) (IO2, HR4). However, one interest organization questioned the placement of the co-ordinational responsibility and asked “why isn't there a minister who has a specific responsibility regarding question like this? Just like there is regarding environment and so on” (IO5, my translation). This signals that they wish for a larger power asymmetry.

In Finland I find that the DPOs and state contact point have more of a dialogue than in Norway. This is found to be due to the lower level of power asymmetry. The reason the lower power asymmetry leads to higher degrees of dialogue is that they view each other more as equals. Furthermore, there is larger trend that DPO representatives are recruited into the state monitoring mechanisms, that by the co-ordinational body (VANE), the non-discrimination ombudsman's office, the non-discrimination tribunal, or the national human rights institute. Therefore, they are more aware of how they speak to each other and aim to conduct themselves in a friendly matter.

Finnish experts however experience more "invitations to provide statements, you (DPOs) get to participate. And then one has the opportunity to answer certain questions and write reports" (IO5). Nevertheless, they experience that "during election" the topics, which government and parties agree on, are "never discussed" (IO5). Further, a DPO representative expressed frustration that "it's almost like people are scared. They don't want to find new ways" of raising the issues (IO6). Instead, there is a norm is to follow "the procedure which the government ... have always had, which doesn't lead to anything" (IO6). The fear element is an interesting aspect which the DPO representative stressed in that "because you don't have friends enough in different areas who would help you. You don't have like the pride movement, who's kind of backing you up if problems would come up" (IO6). The sentiment reflects part of the issue which was also noted in Norway: there is little between group solidarity for the disability rights. Therefore, "it is almost like the politicians want to be good guys, and also the organizations who represent people with disabilities want to be good guys" (IO6).

The challenge of politeness, friendliness, or simply a lack of conflict is harmful for the movement and rights progression. In both countries experts have stressed the need for conflict for progress to be made. Finnish DPO representative stated that "you kind of would need to have the conflict shown so you can do something about it. It's almost like the conflict, that the parts which are difficult and not functioning, we are not debating" (IO6). Similarly Norwegian DPO representative argued that "when we at least are arguing, and disagree, that is when something happens. That is when policy is created, and when a movement is created" (IO1). In Norway "you walk around irritated and provoked over the lack of incorporation of CRPD, but that at least generates a larger engagement and people know of the convention" (IO3)

Consequently, the difference between the two nations in degree of politeness or on the flip side, the degree or presence of conflict, has a large impact on the level of implementation and commitment. This, I argue, is due to power asymmetries. The larger the power asymmetry

between DPOs and state contact point, the more the conflicts can be candidly discussed, without the desire to be friendly or polite.

Overall, Finland's small pool of employees in both DPOs and the relevant state agencies, such as VANE and the NHRI, and the low level of power asymmetry makes conflict less prevalent. The observation that "everyone wants to be the good-guy" highlights this issue, which is exacerbated by VANE, STM and the NHRI recruiting experts from DPOs. While this recruitment is highly valuable in terms of expertise and knowledge it might be further limiting the necessary conflict needed for policy progress, as seen in Norway. Lastly, the lack of unity found in the previous sub-chapter is not helping matters.

5.4.3 Summary of policy participation of DPOs

In summary, Norway's DPOs are highly unified and strongly represented in policy participation through the umbrella organizations. Furthermore, the placement of the co-ordinational unit with the Culture and Equality Ministry facilitates earnest communication of grievances enabling the DPOs to not fear conflict. In Finland however, the lower degree of power asymmetry due to VANE, the co-ordinational unit, being an independent body leads to "friendlier" communication which hinders policy progress. Furthermore, the participation, which is possible to achieve goes through VANE, rather than creating a direct link to government. Thus, the placement creates distance between DPOs and policy creation, not seen in Norway.

6 Discussion: relating the findings to the hypotheses

I argue that the key independent variable affecting human rights commitment is the level of power asymmetry within the state, and between the state and interest organizations. I find support for four of five hypotheses, where the last hypothesis cannot be confirmed due to a lack of variation of the outcome (H₃). I now summarize the findings and discuss the generalization of each tested hypothesis. The following chapter, the conclusion summarized the overall support and generalizability of the theoretical framework.

6.1 H₁: High levels of power asymmetries within the state leads to low human rights commitment

The link between power asymmetries within the state and human rights commitment was confirmed and supported when discussing the organizational structure of the state and the challenges of securing human rights policies for people with disabilities.

The main challenges expressed by interest organizations was that while they felt heard by the co-ordinational body, they saw that being heard did not materialize into policies which benefit their members. Researchers further corroborated this struggle by arguing that the “weakness” of the co-ordinational bodies result in an inability to create policy. In the Norwegian case it is a result of not having any budgetary means to produce policy. While in Finland the fact the co-ordinational body is an independent entity and advisory board, and only has ministers participate in meetings, makes it impossible to ensure human rights commitment.

Therefore, placing the responsibility of coordinating the state’s efforts of compliance with a ministry does not ensure human rights commitment through implementation of rights. Rather, the human rights commitment is determined by the ability to produce policy and follow up the outcomes. Furthermore, if the state is highly siloed and has low degrees of policy integration on the topic, a strong responsible body can minimize this issue by being able to force policy. This is not possible when there exists, or are high levels, of power asymmetry within the state.

While I find evidence of the paradigm shift being under way in both countries, one challenge will always need to be considered when discussing how “far” one has come in a certain rights area. In this case, internalized discrimination was specifically mentioned in the interviews, as a hinder for progress in rights provision for persons with disabilities. While this is a challenge in all rights questions, it would be interesting to conduct studies which interviewed persons with disabilities to understand to what extent their experience the paradigm to have taken place.

It is also important to ponder if there is a possibility that the Finnish context is viewed as being worse or equally as bad as the Norwegian one *because* they have come further. Thus, the gap between paper and practice “feels” larger in Finland because they have learned to expect more, thus they are more disappointed in the state’s efforts and policies, even though they better. This is difficult to determine, however by using the varied measures of political will and human rights commitment it is viewed to be accurately measured and analyzed.

6.2 H₂: Low levels of power asymmetries within the state leads to better policy integration

One of the main reasons why high levels of power asymmetries within the state leads to lower levels of human rights commitment is that it also weakens the ability of the state to have policy integration. The reason policy integration is affected by power asymmetries is that in order to have successful policy integration one must cooperate across the established division of politics. If the state is highly siloed and has a high level of power asymmetry between the different “silos” creating a common goal, concerting efforts, and creating policies which work in all areas of politics becomes extremely difficult.

In Norway there seemed to be no actual efforts of policy integration, while in Finland there were efforts (at least on paper) to ensure policy integration. On questions and topics such as human rights for persons with disabilities one must create policies in a variety of political “silos”. For them to be effective and ensure not implementation but materialized rights, policy integration is crucial. Thus, the findings that a lack of power asymmetries is one of the key factors to ensure policy integration is not surprising as literature has highlighted that there cannot be competing interests or power asymmetries.

One of the challenges with H₂ is however, that in both Norway and Finland, determining the level of policy integration is difficult. And while there is variation in the level of policy integration in paper, it is difficult through this analysis to confirm the actual level of policy integration. Thus, to confidently confirm the relationship it would be interesting to both test the hypothesis on other policy areas, as well as testing it on different context. Nevertheless, I find enough evidence to rule out rejecting the hypothesis.

One of the key factors which can impact the likelihood of power asymmetries is the classification of hard and soft politics. As equality and minority politics are deemed soft policies it is expect that there will always be some power asymmetries between hard politics which refer to the tangible. Abstract and intangible rights and politics such as equality and discrimination

are thus inherently more vulnerable to be less prioritized by both the state and the population. Therefore, there is a risk that all rights questions will be working against power symmetries, which make the likelihood of power asymmetries within the state to be determinants of human rights commitments in advanced democracies to be high.

It seems however like some of the inherent challenges and hinders to human rights commitment of advanced democracies can be mitigated by supranational organizations such as the EU. The evidence shows, both directly through statements and indirectly through the NAPs that policy creation is more quickly implemented when coming from the EU. This provides important information about what would happen if the power asymmetries were in favor of the DPO and convention. I will discuss this further in the last section, 6.5.

The question raised by Finnish interest organization regarding what happened when something is everyone's responsibility, and thus becomes no-one's responsibility was in part answered by the findings in Norway where the interest organization experience there to be less progress and meaningful policy creation when the responsibility is divided between too many actors. Especially in terms of rights provision of persons with disabilities where they are tossed between different sectors of the state and health care service providers. Thus, it is not evidence which goes against policy integration, but rather strengthens the importance of an overall collective goal by political leadership (Briassoulis 2004).

The fact that DPOs in Norway and scholars view the field to be increasingly an administrative issue, enhances the findings and argument of the need of policy integration, and the low levels of political and to some extent provides another example of the Nordic Human Rights Paradox (hereafter NHRP). Swedish legal scholar described the NHRP as the position and attitude found in the Nordic countries where commitment to human rights is seen as a purely foreign policy issue which they commit to only to "help those abroad" as they view their own policies to be superior to the UN Human Rights conventions. This attitude explains much of the surprisingly low political will found in both countries, where even the welfare states seem to stand in the way of rights (also found in study by Brennan and Traustadottir (2020)).

Not only does the NHRP provide a valuable explanation to the surprisingly low human rights commitment of the two countries, the stance of KS in Norway provides further evidence of the fact that the human rights provision should be a foreign policy issue rather than one impacting national policy. The argument that incorporation will weaken the national democracy is not only a flagrant display of lack of knowledge, but also false. The incorporation would not result

in any more international influence than already agreed to by ratification. Rather, the incorporation will enhance democracy by making human right abuses against persons with disabilities less likely as it becomes national law. By being national law, the municipalities will be more bound by its content and thus protect more persons across the country.

Lastly, one difference between the two countries must be discussed seeing the differing resources allocated to rights protection of persons with disabilities, namely the budgetary means of the countries. While the countries are close to equal in terms of population their GDPs differ significantly. Norway's GDP was at almost 400 billion USD in 2021, while Finland's GDP was 255 billion USD. This stark difference might be impacting the found difference in resource allocation to the human rights efforts seen in the number of employees and overall resources of both the NHRI and VANE. To accurately determine whether the differing national budgets are the reason for the differing resource allocation (which would impact the findings) one would need to conduct more specified statistical analysis of budgeting and resource allocation to rights protection in both countries.

6.3 H₃: Lower levels of political will leads to lower levels of commitment to human rights by the state

While the assumption that lower levels of political will leads to lower levels of human rights commitment by the state might be obvious, and intuitive, the literature presents the fact that while human rights commitment (in terms of signature, and ratification of treaties) does not necessarily mean that there is actual compliance of the conventions. Rather, researchers find that there is a higher likelihood of human rights violations in countries which have signed and ratified human rights treaties. Thus, it was important to establish that lower level of political will nationally is connected to human rights commitment in terms of implementation to rule out a negative relationship as seen with ratification of treaties.

I find evidence that the lower levels of political will does lead to lower levels of commitment to human rights by there being little to no efforts of policy integration. However, the variation between Norway and Finland is minute, and thus must be tested on other cases to confirm the hypothesis. Nevertheless, the findings when looking at H₂ and H₃ together suggest both to be supported as there is more political will in Finland, and more evidence of an attempt at policy integration. While in Norway where there is less political will compared to Finland, there is also less evidence of policy integration.

In order to determine to what extent, the findings are strong enough to generalize and argue that the theoretical framework is useful in determining a country's human rights commitment, one must look at alternative measures of commitment. It is possible that over time and by utilizing the different methods of quantitative analysis of human rights commitment that a model could be built to predict differing human rights commitment of advanced democracies. However, due to the inherent lack of statistical information available, such a quantitative measure and prediction is still far off. Furthermore, the findings of this thesis point towards the importance of understanding the national characteristics to uncover the independent variable: power asymmetries. As both the independent and explanatory variables are difficult to quantify, I argue that qualitative measurement is still the best way to understand any advanced democracies human rights commitment. The reason being that quantitative measures will struggle to differentiate between good practices on paper, and actual rights implementation and practice.

Furthermore, the literature of compliance and commitment stresses the importance of viewing ratification, and consequently human rights commitment as a set point, enhancing the strength and plausibility that human rights commitment can be window dressed at any point if ratification level as explained in the theoretical chapter. Furthermore, the level of political will is to a large degree an extension of the literature's arguments that "if countries respect human rights, they do so because it coincides with their interests" (Neumayer 2007, 400).

The found lack of knowledge both within the state in terms of understanding the implications of treaty ratification exhibited in Norway, and in the lack national statistics in Norway and Finland further enhances support for political will being a valuable measure of human rights commitment in advanced democracies. Not only does it provide evidence on the level of political will, but it also provides evidence on why there might be conflicting interests regarding actual human rights commitment resulting in window dressing.

This lack of knowledge contributes even more to what the DPOs must focus on: low levels of knowledge, coupled with the poor solidarity between groups the DPOs experience, leads to a need to constantly argue that the rights provision for their members does not mean that others' rights will be taken away. This sentiment and view is highly connected to the Nordic Human Rights Paradox which will be discussed more in section 6.5.

Lastly, the language barrier in Finland, which has made it difficult to understand such nuances of the political debate and situation as I have been able to gather in Norway. An example is the

change from IA-agreement to the inclusion-“dugnad”. This change provides evidence of a decline of human rights in Norway to some extent. Thus, as I was not able to get such a detailed overview and understanding of public discourse and rhetoric used when disabilities are discussed there may be some chance that political will and commitment measures and information have been overlooked.

6.4 H₄: Lower levels of political will leads to a more united and active interest organization.

I find that the less political will exhibited by the state directly the more unified and stronger the interest organizations become, which in this case are the DPOs. The reason being that they have a common goal, a common frustration. Thus, they put aside the areas where they disagree, and focus on what will benefit them the most as a whole. This is evident in Norway where the state has explicitly rejected the demand of incorporation twice, removed long standing policies on inclusion in the work force, and view a possible incorporation of the convention as a threat to the democracy and the states sovereignty.

While it is not surprising that civil society becomes more unified and stronger in the face of hardship in terms of rights provision, it is contradictory to the literature that rights provision does not seem to follow the pressure of civil society. As domestic mobilization is argued to be an influencing factor it is interesting that Norway seems to deviate from the patten, as there has been high degree of unwillingness to incorporate the convention into national laws.

6.5 H₅: High levels of power asymmetries between the state and interest organizations leads to more influential participation in policy creation

I find significant evidence in support of the fact that higher levels of power asymmetries between the state and interest organizations lead to more influential participation in policy creation. The evidence, based on the expert interviews and overall information gathered from official governmental documents and pages, support the findings that the difference in power asymmetries in Norway and Finland are correlated with the level and type of participation the DPOs have regarding policy creation. In Finland the co-ordinational body (VANE) is at a lower political level due to being an independent entity subordinate to the ministry of Health and Services. This causes the DPOs to have the same type of influence on politics whether they go through VANE or not. In contrast, in the Norwegian case the co-ordinational body is the

Ministry of Culture and Equality and thus the participation both through the ministry and in general to be directly with policy makers, which is not the case in Finland to the same extent.

Furthermore, the increased power asymmetry in Norway makes it easier for DPOs to be candid, and not feel the need to be friendly. Therefore, a lower level of power asymmetries changes the way in which interest organization and state interacts with each other. Hence, lower degrees of power asymmetries lead to more friendly and less direct communication and confrontations between DPOs and the state. Which again leads to less influential participation in policy creation because the real issues and grievances are not discussed properly.

The factor of between group solidarity discussed in both Norway and Finland seems to be standing in the way of concerted efforts of rights protection of the minority population. What is causing poor solidarity between groups is difficult to say based on the findings, however it might partially be due all minorities viewing increased rights protection and inclusion in society as a cake which must be divided. Thus, if one group receives more rights protection, there is less cake for the others. When looking to the level of political will in both countries and the fear of losing priority due to an ever-aging population, this is understandable. The Swedish legal scholar Andreas Peterson argued that all Nordic countries have to some degree a built-in scale of which groups of the population deserve more welfare services, which is reflected in the discussions of health care services for persons with disabilities and the elderly. When the elderly are in need of more health care services this is viewed as natural and the “right” use of the tax money. Whereas when persons with disabilities need more disability benefits, or a variety of health care services they are viewed to be “shopping benefits”. This is reflected in the discourse surrounding the “NAV”-scandal in Norway, and in the incorporation of the elderly into all services given to persons with disabilities. A DPO representative from Finland argued the unfair nature of the organization as “all people become disabled at some point in their lives when they live long enough” (IO6). Thus, the states are through their policies and practices pitting the minorities against each other, making it more difficult for civil society to increase pressure for policy creation due to their division.

Finally, Anders Petersson, a Swede, made an interesting observation about the two countries. He reflected that he viewed Finnish civil society, especially DPOs to be rather “loyal to the state”, while the Norwegian civil society to be more “rebellious” (R2). While the Finnish interest organizations disagree that there is any “loyalty” it is reflected in the communication style with the state. However, if the communication style is highly “friendly” and polite due to

the power asymmetry, or a combination of power asymmetry and loyalty, with the evidence at hand, it is impossible to determine.

7 Conclusion

In this thesis I have analyzed Norway and Finland's handling of CRPD. Through 22 expert interviews and supporting qualitative and quantitative data I find that the placement of the co-ordinational unit of CRPD impacts the human rights commitment of the advanced democracies. Specifically, it impacts the unity and strength of DPOs, as well as the structure and level of influence their participation in policy creation has, which in turn impacts human rights commitment of advanced democracies.

I have found that there are different ways in which human rights commitment and implementation can be undermined. Most importantly is the level of power asymmetries which exist both within the state, and between the state and interest organizations. The presence power asymmetry within the state is determined firstly by where the co-ordinational body for the relevant convention is placed, then by the level to which government is highly siloed in their workings structure. Differing economic and political power between the co-ordinational units and other branches of government, in addition to highly siloed working structures all lead to a lack of policy integration which in turn results in low levels of effective human rights implementation.

Furthermore, the placement of the co-ordinational body and level of political will impacts the structure of DPOs within the country, as well as their participation in policy creation. Clearly expressed lack of political will leads to DPOs being more unified and cohesive as seen in Norway, while a subtle lack of political will does not - as seen in Finland. The placement of the co-ordinational body also determines the type of influence the DPOs have on policy creation, as well as the communication style between state and DPOs. High power asymmetry in the form of placing the co-ordinational body with a ministry leads to earnest and conflictual interactions when there is a lack of political will as seen in Norway. This communication and participatory structure were deemed more impactful. In contrast, placing the co-ordinational body with an independent agency leads to more friendly and less effective interactions between DPOs and the state due to everyone wanting to be the "good-guy".

For the theoretical framework to be generalizable to advanced democracies as a group and conventions more generally one needs to test the findings on different contexts. Because **H3** cannot be confirmed with confidence due to the lack of variation in political will, it is not possible to falsify or prove whether one can achieve human rights commitment where there are low levels of political will. Furthermore, as the study is an inductive one of only two Nordic

couriers it is possible that there are underlying similarities which make the findings less generalizable than expected. Nevertheless, the findings are overall solid, and it is expected that the findings are generalizable to advanced democracies generally. This is firstly because the findings build upon fragments of the established literature on human rights commitment. Secondly, the expert interviews provide both supporting evidence in terms of the similar results of similar scenarios, as well as evidence of what happens when the co-ordinational unit's placement is different. Additionally, the combination of interviews and additional qualitative and quantitative provide a detailed picture of both countries' human rights commitment.

The most strongly supported finding, and thus most likely generalizable is that power asymmetries within the state leads to a lack of policy integration which again weakens human rights commitment. This mechanism is not case specific and is thus a key factor in analyzing human rights commitment of advanced democracies. The findings and impact of political will on a countries human rights commitment should be studied further with other cases to ensure its generalizability.

To further understand human rights commitment of advanced democracies there are several studies which could help to determine the validity of the findings. Additionally, they can further elucidate the understanding of the impact of power asymmetries on human rights commitment. Firstly, it would be interesting to study in detail the impact of the input given by interest organizations on policy, much like research on lobbying at the EU. Secondly, in-depth studies could be conducted to explore on the level of political will within different areas of government to see whether political will varies based on the existing political silos. Thirdly, analyzing whether human rights issues are viewed as soft politics and consequently delegated less budgetary means in all advanced democracies to see whether human rights is truly not prioritized. Fourth, it is necessary to test the hypothesis of unity and strength, as well as participation in policy creation on other conventions to see if the findings are convention specific or generalizable. Another aspect which would help understand the commitment to CRPD would be to analyze the rhetoric used in national documents and media coverage to determine the extent to which the paradigm shift has taken place. Additionally, analyzing the budgetary allocation of resources to rights questions could help elucidate the commitment levels internationally. Similarly, it would be interest to test if the speculated differences in loyalty towards the state by interest organizations can be deemed as a factor for human rights commitment internationally. Lastly, the EU is clearly an important factor in policy progress in both Norway and Finland regarding accessible transportation and so on. Therefore, analyzing

whether the power of the EU is the better target for interest organizations to ensure policy progression for their case would help understand the “strength” of the human rights regime today.

Not only will further studies on power asymmetries and their impact on human rights commitment increase our understanding of human rights commitment of advanced democracies, but it can also make it possible to foresee challenges developing countries will eventually face. The reason it will be helpful for developing countries and advanced democracies alike, is that the findings provide evidence on the implications of the coordinational unit. Thus, it illuminates issues and hinders to human rights commitment which are not intended – such as placing rights questions with a ministry with little budgetary means or influence over the other ministries. Lastly, being aware of, and understanding these mechanisms and the implications of power asymmetries of state structures not only illuminates the inherent weaknesses of the human rights regime but provide evidence on how it can be alleviated.

8 Bibliography

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9 Appendix

Table 9:1. Overview of respondents

Actor	Code	Country	Person
Human Rights Lawyers	HR1	NO	Gro Nystuen (NHRI)
Human Rights Scholar	HR2	FI	Pauli Rautiainen
Human Rights lawyer	HR3	NO	Berit Vegheim (Stopp Diskriminering)
Human Rights Lawyer	HR4	FI	Sanna Ahola (NHRI)
Interest Organization	IO1	NO	Individual interest organization representative
Interest Orgnaization	IO2	FI	Pirkko Mahlamäki (Vammaisfoorumi)
Interest organization	IO3	NO	Representative from FFO
Interest Organization	IO4	NO	Siri Espe (Unge Funksjonshemmede)
Interest Organization	IO5	FI	Oscar Ohlis (Förbundet Finlands Svenska Synskadade)
Interest Organization	IO6	FI	Individual interest organization representative
Interest Organization	IO7	FI	Ylva Krokfors (Invalidiliitto)
Interest Organization	IO8	FI	Henrik Grustafsson (Invalidiliitto)
Interest Organization	IO9	NO	Jens Petter Gitelsen (NFU)
Researcher	R1	NO	Inger Marie Lid
Researcher	R3	FI	Finnish Human Rights Scholar and Professor
Researcher / state	R5	NO	Hakon Karlsen (SSB)
Researcher / state	R6	FI	Iiro Toikka (THL)
Researcher	R2	SE	Andreas Petersson
Researcher	R4	NO	Jan Tøssebro
State	S1	NO	KUD
State	S2	NO	KUD
State	S3	FI	VANE

Table 9:2. Interview Guide

Question	Aimed measurement variable
Present the project	Make sure all information is given and uniform for participants.
Can you describe your work and how it relates to CRPD?	Clarify their relation to the convention. Background
Can you try to explain how the state has structured its handling of CRPD-convention?	Gather information in order to create a path diagram for the responsibility and reporting structures of the convention in the state. Structure
Who has the overall responsibility for compliance with CRPD today?	Further gather information on where the responsibility lies; see if this is seen as the same actor by all interviewed. Structure
How well do you experience the compliance of the convention to be going?	Understand the view of those working with the convention and policies to see if they are aware of the issues. Compliance
In the work of this thesis, it has become clear that data related to disabled persons is scattered, do you believe this reflect the states organization of CRPD-relevant policies? If not, why?	Further confirm if the issues with data are structural, and if this finding is as important as believed. Or discover other aspects which have not been found in the research this far. Structure
What challenges do you meet in your work with CRPD?	Understand what areas of the convention has impacted their work in terms of challenges, to see if there are other aspects which are standing in the way of compliance. Challenges/Issues
How have these challenges evolved over time?	Understand the evolution of such challenges. Challenges/Issues
Do you see/ have you experienced any significant differences from before and after 2013/2016?	Evaluate if signing the convention has had any impact. Effect
Researchers/HRL: What positive changes are you seeing in terms of CRPD and your studies/work?	See if there are any positive changes which have not become evident in my research thus far. Effect
In your opinion, do you think that the paradigm shift from a health perspective to a social perspective on disabilities has happened in Norway/Finland?	See if the paradigm shift has happened in the political realm in practice, does this differ from the view of disabled individuals. Effect
Are there any important aspects related to CRPD which we have not discussed today?	Make sure no important topics have been missed. Various
Is there anyone you suggest that I speak to regarding this topic?	Help further get respondents. Respondents

Table 9:3. Acceptance of Inquiry procedures for each convention and country.

Country	HR Number	Treaty	Treaty name Full	Law		
Norway	9	CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	YES	Article 20	09.06.1986
Norway	16	CED	Convention for the Protection of All Persons from Enforced Disappearance	NO	Article 33	22.08.2019
Norway	8	CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	YES	CEDAW-OP Article 8-9	05.03.2002
Norway	3	CESCR	International Covenant on Economic, Social and Cultural Rights	NA	CESCR-OP article 11	
NORway	11	CRC	Convention on the Rights of the Child	NA	CRC-OP-IC article 13	
Norway	15	CRPD	Convention on the Rights of Persons with Disabilities	NA	CRPD-OP article 6-7	
Finland	9	CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	YES	Article 20	30.08.189
Finland	16	CED	Convention for the Protection of All Persons from Enforced Disappearance	NA	Article 33	
Finland	8	CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	YES	CEDAW-OP Article 8-9	29.12.2000
Finland	3	CESCR	International Covenant on Economic, Social and Cultural Rights	YES	CESCR-OP article 11	31.01.2014
Finland	11	CRC	Convention on the Rights of the Child	YES	CRC-OP-IC article 13	12.11.2015
Finland	15	CRPD	Convention on the Rights of Persons with Disabilities	YES	CRPD-OP article 6-7	11.05.2016
Sverige	9	CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	YES	Article 20	08.01.1986
Sverige	16	CED	Convention for the Protection of All Persons from Enforced Disappearance	NA	Article 33	
Sverige	8	CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	YES	CEDAW-OP Article 8-9	24.04.2003
Sverige	3	CESCR	International Covenant on Economic, Social and Cultural Rights	NA	CESCR-OP article 11	
Sverige	11	CRC	Convention on the Rights of the Child	NA	CRC-OP-IC article 13	
Sverige	15	CRPD	Convention on the Rights of Persons with Disabilities	YES	CRPD-OP article 6-7	15.12.2008

Table 9:4. Acceptance of individual complaints procedures for each convention and country.

Country	HR Number	Overarching Treaty	Treaty name Full	Acceptance	Treaty Specification	Date
Norway	9	CAT	Convention against Torture and Other Cruel Inhuman or De	YES	Article 22	09.07.1986
Norway	5	CCPR	International Covenant on Civil and Political Rights	YES	CCPR-OP1	13.09.1972
Norway	16	CED	Convention for the Protection of All Persons from Enforced	NO	Article 31	
Norway	8	CEDAW	Convention on the Elimination of All Forms of Discrimination	YES	CEDAW-OP	05.03.2002
Norway	2	CERD	International Convention on the Elimination of All Forms of	YES	Article 14	23.01.1976
Norway	3	CESCR	International Covenant on Economic, Social and Cultural Ri	NO	CESCR-OP	
Norway	13	CMW	International Convention on the Protection of the Rights of	N.A.	Asrticle 77	
Norway	11	CRC	Convention on the Rights of the Child	NO	CRC-OP-IC	
Norway	15	CRPD	Convention on the Rights of Persons with Disabilities	NO	CRPD-OP	
Finland	9	CAT	Convention against Torture and Other Cruel Inhuman or De	YES	Article 22	30.08.1989
Finland	5	CCPR	International Covenant on Civil and Political Rights	YES	CCPR-OP1	19.08.1975
Finland	16	CED	Convention for the Protection of All Persons from Enforced	NA	Article 31	
Finland	8	CEDAW	Convention on the Elimination of All Forms of Discrimination	YES	CEDAW-OP	29.12.2000
Finland	2	CERD	International Convention on the Elimination of All Forms of	YES	Article 14	16.11.1994
Finland	3	CESCR	International Covenant on Economic, Social and Cultural Ri	YES	CESCR-OP	31.01.2014
Finland	13	CMW	International Convention on the Protection of the Rights of	NA	Asrticle 77	
Finland	11	CRC	Convention on the Rights of the Child	YES	CRC-OP-IC	12.11.2015
Finland	15	CRPD	Convention on the Rights of Persons with Disabilities	YES	CRPD-OP	11.05.2016
Sverige	9	CAT	Convention against Torture and Other Cruel Inhuman or De	YES	Article 22	08.01.1986
Sverige	5	CCPR	International Covenant on Civil and Political Rights	YES	CCPR-OP1	06.12.1971
Sverige	16	CED	Convention for the Protection of All Persons from Enforced	NA	Article 31	
Sverige	8	CEDAW	Convention on the Elimination of All Forms of Discrimination	YES	CEDAW-OP	24.04.2003
Sverige	2	CERD	International Convention on the Elimination of All Forms of	YES	Article 14	06.12.1971
Sverige	3	CESCR	International Covenant on Economic, Social and Cultural Ri	NO	CESCR-OP	
Sverige	13	CMW	International Convention on the Protection of the Rights of	NA	Asrticle 77	
Sverige	11	CRC	Convention on the Rights of the Child	NO	CRC-OP-IC	
Sverige	15	CRPD	Convention on the Rights of Persons with Disabilities	YES	CRPD-OP	15.12.2008

Table 9:5. Overview of the number of countries which have signed the Individual Complaint procedure for each convention.

Treaty	Number of countries
CAT	39
CCPR	45
CED	16*
CEDAW	46
CERD	38
CESCR	9*
CMW	0*
CRC	21*
CRPD	34

Numbers are based on the countries which have specifically accepted the procedure in the UN Treaty Database 2021. *Controversial treaties – meaning less than 50% of countries have signed the treaty.