
ADVANCE UNEDITED VERSION

Human Rights Committee

103rd session

Geneva, 17 October – 4 November 2011

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations of the Human Rights Committee

Norway

1. The Committee considered the sixth periodic report submitted by Norway (CCPR/C/NOR/6) at its 2844th and 2845th meetings (CCPR/C/SR.2844 and CCPR/C/SR.2845), held on 24 and 25 October 2011. At its 2858th meeting (CCPR/C/SR.2858), held on 2 November 2011, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the sixth periodic report of Norway. The Committee also expresses its appreciation for the information contained therein and for the opportunity to renew its constructive dialogue with the State party. The Committee is also grateful to the State party for its written replies (CCPR/C/NOR/Q/6/Add.1) to the list of issues, which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing. The Committee also commends the State party for continuously updating its Core document (HRI/CORE/NOR/2009).

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

- (i) The amendments to the Children Act in 2010 to proscribe light forms of corporal punishment;
- (ii) The enactment of the Media Ownership Act in 2004;
- (iii) The enactment of Act No. 41 of 2008 on Editorial Freedom in the Media;
- (iv) The adoption of an action Plan to Promote Equality and Prevent Ethnic Discrimination for 2009-2012;
- (v) The Action Plan for Combating Female Genital Mutilation 2008-2011; and

(vi) The Action Plan against Forced Marriages 2008-2011.

C. Principal matters of concern and recommendations

4. The Committee welcomes the reflection by the State party on how better to address human rights within its constitutional framework.

The State party should ensure that Covenant rights, including the right to an effective remedy, are adequately taken into account in its constitutional framework. (art. 2)

5. While welcoming the existence of the National Centre for Human Rights (NCHR) which plays the role of a National Human Rights Institution (NHRI), the Committee is concerned that the on-going restructuring of the NCHR may negatively affect its capacity to discharge its functions in accordance with the Paris Principles (General Assembly resolution 48/134). (art. 2)

The State party should ensure that the current restructuring of the NHRI should effectively transform the current institution with the view to confer on it a broad mandate in human rights matters. In this regard, the State party should ensure that the new institution will be fully compliant with the Paris Principles (General Assembly resolution 48/134, annex).

6. The Committee is concerned that means tested legal aid fails to take account of the actual circumstances of the applicants, and is assessed without regard to the actual cost of the legal service being sought. Moreover, legal aid is not available at all with regard to certain categories of case. (art. 14)

The State party should review its free legal aid scheme to provide for free legal assistance in any case where the interests of justice so requires.

7. While welcoming the efforts by the State party to eliminate all forms of discrimination in the granting of housing subsidies, the Committee is concerned at reports that persons with an immigrant background experience discrimination and negative stereotypes in the housing sector. The Committee is also concerned at reports of discrimination in employment experienced by persons with an immigrant background. (art. 2 and 26)

The State party should take measures to eliminate all forms of discrimination in the housing sector and take measure to challenge negative stereotypes and prejudices that landlords and property owners might have against renting accommodation to those with an immigrant background. The State party should also intensify its efforts to combat discrimination against persons with an immigrant background in employment matters.

8. While the Committee welcomes the progress made with respect to gender parity, the Committee is concerned at the significant wage gap between men and women. (arts. 3 and 26)

The State party should pursue and strengthen its measures to ensure that women enjoy equal pay for work of equal value.

9. The Committee is concerned about reports of widespread gender-based violence particularly rape, which is not often reported to the Police. The Committee is also concerned about the high incidence of domestic violence against women and children leading to deaths. (arts. 3, 7 and 26)

The State party should take all necessary measures to effectively combat all forms of violence against women, particularly sexual violence. In this regard, the State party should sensitize the society on the prevalence of gender-based violence,

including domestic violence, and also provide appropriate training to law enforcement personnel to be able to effectively deal with these incidents. The State party should also ensure that the perpetrators of such acts are investigated, prosecuted and, if convicted, punished with appropriate sanctions.

10. The Committee is concerned at reports of excessive use of coercive force on psychiatric patients and of poor mechanisms of the Control Commissions in monitoring mental health care institutions. (arts. 7, 9 and 10)

The State party should take concrete steps to put an end to the unjustified use of coercive force and restraint of psychiatric patients. In this regard, the State party should ensure that any decision to use coercive force and restraint should be made after a thorough and professional medical assessment that determines the amount of coercive force or restraint to be applied to a patient. Furthermore, the State party should strengthen its monitoring and reporting system of mental health care institutions so as to prevent abuses.

11. The Committee is concerned at the increased use of pre-trial detention and solitary pre-trial detention, as well as post-conviction incommunicado detention, in the State party. (arts. 7, 9 and 10)

The State party should ensure that solitary confinement, both pre-trial and following conviction, is used only in the most exceptional circumstances and for strictly limited periods.

12. The Committee is concerned at the excessive length and conditions of pre-trial detention of juveniles. (arts. 10, and 14)

The State party should strictly limit the pre-trial detention of juveniles and to the extent possible adopt alternative measures to pre-trial detention.

13. While welcoming the efforts by the State party to establish separate juvenile detention units, the Committee is concerned that the State party maintains a reservation to article 10(2)(b) and (3) of the Covenant and that juveniles are not segregated from adult prisoners. (art. 10)

The State party should consider withdrawing its reservations to article 10(2)(b) and (3) of the Covenant and in so doing, should ensure that juveniles are segregated from adult prisoners, and promote alternative forms of punishment such as community service and the use of electronic monitoring devices.

14. The Committee is concerned at reports that many children are exposed to violence and neglect and that the State party does not conduct mandatory death investigations in cases where a sudden death of a minor is reported. (arts. 6, 7 and 24)

The State party should ensure that in all cases where there is a reasonable cause to believe that the death of a minor has been caused by abuse or neglect, a mandatory investigation should be conducted to establish the actual cause of death.

15. The Committee regrets that the State party has not withdrawn its reservation to article 20, para.1 of the Covenant. It further regrets the persistence of hate speech against the Sami people, as well as xenophobic, anti-Semitic and Islamophobic statements.(art. 20)

The State party should consider withdrawing its reservation to article 20. Furthermore, the State party should continue and intensify its efforts to raise awareness to promote tolerance and diversity in society. Law enforcement officials should be trained to detect and prosecute hate speech that constitutes an offence.

16. While noting that the conditions for the receipt of residence permits and family reunification have the objective of preventing forced marriages, the Committee is

concerned that the excessive breadth of the conditions may adversely affect the enjoyment of the right to family life, marriage and the choice of spouse, (arts. 2, 23, 26)

The Committee urges the State party to assess the impact of the new conditions for such permits on the enjoyment of the right to family life, marriage and choice of spouse. Such a study should assess whether conditions should be amended to better respect the right to family life.

17. The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the sixth periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the official language of the State party. The Committee also requests the State party, when preparing its seventh periodic report, to broadly consult with civil society and non-governmental organizations.

18. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 5, 10 and, 12 above.

19. The Committee requests the State party, in its next periodic report, due to be submitted on 2 November 2016, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.
