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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Norway

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	6 Aug. 1970	None	Individual complaints (art. 14): Yes
ICESCR	13 Sept. 1972	Art. 8 (1) (d)	-
ICCPR	13 Sept. 1972	Arts. 10 (2) (b), 10 (3), 14 (5), 14 (7) and 20 (1)	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	13 Sept. 1972	Art. 5 (2)	-
ICCPR-OP 2	5 Sept. 1991	None	-
CEDAW	21 May 1981	None	-
OP-CEDAW	5 Mar. 2002	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	9 July 1986	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	8 Jan. 1991	None	-
OP-CRC-AC	23 Sept. 2003	Binding declaration under art. 3: 18 years	-
OP-CRC-SC	2 Oct. 2001	None	-

Core treaties to which Norway is not a party: OP-ICESCR,³ OP-CAT (signature only, 24 Sept. 2003), ICRMW, CRPD (signature only, 30 Mar. 2007), OP-CRPD and CED (signature only, 21 Dec. 2007).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee against Torture (CAT), inter alia, encouraged Norway to proceed with ratification of OP-CAT as soon as possible.⁸ The Committee on the Elimination of Racial Discrimination (CERD),⁹ the Committee on Economic, Social and Cultural Rights (CESCR)¹⁰ and the Committee on the Elimination of Discrimination against Women (CEDAW)¹¹ recommended that Norway consider ratifying ICRMW.

2. In 2006, the Human Rights Committee (HR Committee) regretted that Norway maintains its reservations to articles 10, paragraphs 2 (b) and 3, and 14-20, paragraph 1, of ICCPR and recommended that it continue to review the possibility of withdrawing them.¹² In 2009, UNHCR submitted that Norway had made reservations to article 10, paragraphs 2 (b) and 3 of ICCPR, which means that Norway does not assume the responsibility, under international law, to keep children and adults separated during detention.¹³

B. Constitutional and legislative framework

3. The HR Committee noted with interest in 2006, as did CEDAW in 2007 and the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) in 2008, the adoption of new legislation in the field of equality and non-discrimination, including the Anti-Discrimination Act of 2005 and amendments to the Gender Equality Act.¹⁴

4. CAT noted with satisfaction, inter alia, the incorporation of a new provision in the Penal Code that prohibits and penalizes torture, in conformity with article 1 of the Convention.¹⁵ CESCR¹⁶ and CRC¹⁷ and the ILO Committee of Experts¹⁸ noted with interest the Government's indication that the new section 224 of the Penal Code prohibiting human trafficking has been adopted. CERD acknowledged the entry into force in 2006 of the amendments to the Penal Code aimed at strengthening protection against expressions of racial hatred.¹⁹

5. CERD welcomed the adoption of the Finnmark Act in 2005 which sets out procedures to enhance the Saami people's right to participate in the decision-making processes regarding management of land and natural resources in the areas they occupy.²⁰

6. CESCR welcomed the adoption of the Human Rights Act of 21 May 1999, which incorporated ICESCR into domestic law, stipulating in section 3 that the Covenant takes precedence over any other legislative provisions that conflict with it.²¹ In 2005, CRC welcomed a number of positive developments, including the incorporation of the Convention into domestic law in 2003²² and the OP-CRC-SC into Norwegian law by the Human Rights Act in October 2003²³ as well as changes in specific children's legislation which further strengthen and enhance the scope of the right of children to be heard.²⁴

7. While appreciating the incorporation of international human rights conventions in national legislation, CERD,²⁵ CEDAW²⁶ and CAT²⁷ highlighted that their respective Conventions and, where relevant, their Optional Protocol, had not been incorporated in the Human Rights Act of 1999, which would have ensured that the provisions of these instruments would prevail over inconsistent domestic legislation.

C. Institutional and human rights infrastructure

8. The Norwegian Centre for Human Rights (NCHR) was accredited with "A" Status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2006. It is up for review in 2011.²⁸

9. The HR Committee²⁹ and CERD³⁰ commended the establishment of the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal. However, CEDAW noted, inter alia, that the new scope of action of the Anti-Discrimination and Equality Ombud may result in insufficient focus being given to discrimination against women and that the effectiveness of the new machinery for equality would be evaluated by the end of 2008.³¹

10. CERD welcomed the establishment of, inter alia, the Norwegian Centre for Minority Health Research in 2003 (the mandate of which is to promote the best possible health services for groups of refugees and people with an immigrant background);³² and the bilingual (Saami and Norwegian) Inner Finnmark District Court on 1 January 2004.³³

11. While acknowledging the important contribution made by the Children's Ombudsman, CRC noted that the Ombudsman faces limitations in carrying out his activities due to his apparent dependence on the Ministry of Children and Family Affairs.³⁴

D. Policy measures

12. Norway was commended, inter alia, by the HR Committee on measures taken for gender representation on boards of public limited companies;³⁵ and by CEDAW for its establishment of a system of domestic violence coordinators in all 27 police districts, a countrywide system of mobile violence alarms and a pilot project for a "reverse alarm" for violent offenders who have violated a ban on visits.³⁶ Additionally, CEDAW welcomed Norway's adoption of a new Plan of Action against Human Trafficking, and the launch of its Plan of Action for the implementation of Security Council resolution 1325 (2000) on women and peace and security.³⁷ CEDAW also noted with appreciation that Norway had expanded the gender budgeting approach to encompass all ministries.³⁸

13. A 2008 United Nations Office on Drugs and Crime (UNODC) report noted that Norway resolved to introduce ethical guidelines for civil servants to prohibit the purchase and acceptance of sexual services.³⁹ A 2006 report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children noted that Norway had banned its military personnel from engaging in the use of prostituted persons.⁴⁰

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body⁴¹</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2005	Aug. 2006	Aug. 2007	Nineteenth and twentieth reports due in 2009
CESCR	2004	May 2005	-	Fifth report due in 2010
HR Committee	2004	Mar. 2006	-	Sixth report due in 2009
CEDAW	2007	Aug. 2007	-	Eighth report due 2010
CAT	2005	Nov. 2007	Overdue since 2008	Sixth report due in 2011
CRC	2004	June 2005	-	Fourth report submitted in 2008 yet to be considered
OP-CRC-AC	2006	June 2007	-	Fourth report submitted in 2008 yet to be considered
OP-CRC-SC	2004	June 2005	-	Fourth report submitted in 2008 yet to be considered

14. The HR Committee welcomed, inter alia, the amendments to the Criminal and the Civil Procedure Act regarding the reopening of cases as a result of a decision by an international body, which allows, under certain circumstances, reconsideration of cases following a decision of the HR Committee.⁴² The HR Committee also commended the prompt response and measures taken by Norway to remedy the infringements on religious freedom identified by the Committee, including the adoption of amendments to the Education Act.⁴³

15. In 2008, CAT, in the light of a recent case, was concerned about Norway's general position with regard to requests for provisional measures by the Committee.⁴⁴

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Working Group on Arbitrary Detention (23 Apr.-2 May 2007), independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (28-30 Apr. 2009).
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	
<i>Facilitation/cooperation during missions</i>	During the entire visit and in all respects, the Working Group enjoyed the fullest cooperation of the Government and of all authorities it dealt with, and expresses its gratitude for their transparency and collaboration. ⁴⁵
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, three communications were sent concerning, inter alia, particular groups and one woman. The Government replied to two communications, representing replies to 66 per cent of communications sent.
<i>Responses to questionnaires on thematic issues</i> ⁴⁶	Norway responded to four of the 15 questionnaires sent by special procedures mandate holders, ⁴⁷ within the deadlines. ⁴⁸

3. Cooperation with the Office of the High Commissioner for Human Rights

16. Norway contributed financially to OHCHR in 2005,⁴⁹ 2006,⁵⁰ 2007,⁵¹ 2008⁵² and 2009.⁵³

B. Implementation of international human rights obligations

1. Equality and non-discrimination

17. While welcoming Norway's innovative activities to address the social conduct of women and men and related stereotypes, CEDAW in 2007 expressed concern that stereotypical cultural attitudes persist, which are reflected in particular in the position of women in the labour market, and in their educational choices, particularly in higher education.⁵⁴

18. In 2006 CERD was concerned that the Anti-Discrimination Act does not specifically cover discrimination on the ground of race.⁵⁵ In 2008, the ILO Committee of Experts asked the Government to clarify whether the prohibition of descent-based discrimination in the Anti-Discrimination Act is intended to encompass protection against discrimination based on social origin within the meaning of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111).⁵⁶

19. In 2006, the HR Committee noted with concern, as highlighted also by UNHCR,⁵⁷ reports of a high incidence of discriminatory police stops of persons based on their apparent ethnic origin. The HR Committee stated that Norway should seek to ensure, as highlighted also by UNHCR,⁵⁸ that such police stops are not discriminatory or excessive and should put in place a system to monitor the incidence of such stops to ensure that there is no discrimination.

20. In 2005, CESCR expressed concern, as highlighted also by UNHCR,⁵⁹ about cases of discrimination faced by persons with an immigrant background, particularly in the areas of housing and work.

21. While noting the importance of an adequate command of Norway's language as a vehicle of social integration, CERD was concerned about the strictness of the language requirements for acquiring Norwegian citizenship in the new Nationality Act. CERD recommended that Norway ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship, and that it pay due attention to possible barriers to naturalization that may exist for long-term or permanent residents.⁶⁰ In its response to these concluding observations, Norway indicated that "there are no requirements as regards knowledge or results in connection with Norwegian language training" and that "there is no reason to presume that the requirement as regards completion of a Norwegian language training programme set out in the Norwegian Nationality Act has any discriminatory effect".⁶¹

22. Despite the ongoing measures of Norway, CRC was concerned about the discrimination faced by some children in schools and society on the basis of their religious or ethnic backgrounds.⁶² CRC recommended that Norway continue to intensify its efforts to prevent and eliminate all forms of de facto discrimination against children.⁶³

2. Right to life, liberty and security of the person

23. While noting that measures have been taken to address recent incidents of excessive use of force by the police, CAT, in 2008, was concerned about reports on the use of unnecessary force in some instances, and about reports of discriminatory treatment based on ethnicity. CAT recommended that Norway ensure that all appropriate measures are taken to counter the possible persistence of practices involving the use of unnecessary force by the police, and the risks posed by any discriminatory treatment in that regard.⁶⁴

24. CAT noted, as also highlighted by UNHCR,⁶⁵ the existence of a so-called "48-hour procedure" for the rejection of asylum-seekers from countries generally regarded as safe and whose application is assessed as manifestly unfounded after any asylum interview, and recommended that Norway ensure that a genuine consideration of each individual case could still be provided under the 48-hour procedure and keep under constant review the situation in those countries in respect of which that procedure is applied.⁶⁶

25. CAT noted, as also highlighted by UNHCR,⁶⁷ Norway's explanation that any Afghan citizen apprehended by the Norwegian International Security Assistance Force (ISAF) personnel is handed over to the Afghan authorities in accordance with a Memorandum of Understanding obliging the Afghan Government to comply with international standards in the treatment of any persons thus transferred.⁶⁸

26. The Working Group on Arbitrary Detention, in its report following the mission to Norway in 2007, was concerned at the frequency of the use of isolation in detention, both on remand and after sentencing.⁶⁹ It also observed that it is difficult for the detainees concerned to successfully challenge the decision taken by the prison authorities.⁷⁰ The Working Group recommended that Norway consider establishing a new system for challenging decisions taken by the correctional services authorities on restrictions or partial or total isolation imposed on prison inmates serving their sentences.⁷¹ Another issue of concern for the Working Group was the situation of prisoners sentenced to preventive detention, especially with regard to the broad discretionary powers of the

prison authorities attached to the system and the extent of control by the courts.⁷² The Working Group raised the issue that preventive detention could, in the extreme, amount to indefinite detention.⁷³ The HR Committee, in 2006, also raised concerns about the provisions of solitary confinement and the possibility of unlimited prolongation of such pretrial confinement as well as the continued use of pretrial detention for excessive periods of time.⁷⁴

27. CAT, in 2007, while also noting the amendment of legislation to reduce the length of pretrial detention and to strengthen its judicial supervision, as well as the use of solitary confinement as a preventive measure, remained concerned at the lack of adequate statistics validating the effectiveness of these measures. It recommended that Norway should, inter alia, compile detailed statistics so as to verify the effectiveness of recent legislative amendments, in practice. It should also compile statistics relating to the application of recent amendments to the Immigration Act concerning the detention of foreign nationals.⁷⁵

28. The HR Committee recommended that Norway review its practice of separating infants from their mothers and of using nationality as a criterion to decide on requests for leave from prison when breastfeeding, and consider imposing appropriate non-custodial measures in such cases.⁷⁶

29. The Working Group on Arbitrary Detention referred to conflicts of competence between correctional services and mental health-care authorities regarding detainees requiring psychiatric treatment.⁷⁷ The Working Group recommended that the Government resolve such conflicts, including by creating an independent commission in which all stakeholders are represented.⁷⁸

30. While welcoming legal and other measures taken to combat violence against women, CEDAW remained concerned about the prevalence of violence against women, including domestic violence. CESCR and the HR Committee also expressed concerns about domestic violence.⁷⁹ CEDAW, while commending Norway on its collection of data on the number of women murdered by their intimate partners, regretted the limited data and information available with regard to the age and ethnicity of victims, and the lack of any assessment of additional measures needed to prevent such murders.⁸⁰

31. CEDAW noted that Norway has continued to place the issue of forced marriages, among other practices, on the political agenda, and has adopted and implemented successive plans of action, and it requested that Norway, inter alia, continue its efforts to eradicate them.⁸¹

32. In 2007, CEDAW, while commending Norway on its legislation and measures taken to address the issue of trafficking, was concerned about the lack of statistics and data on trafficking in women and girls and about its prevalence, and that any increase in trafficking in women may lead to an increase in the exploitation of prostitution.⁸² In 2006, the HR Committee also expressed concern, inter alia, about trafficking in human beings, especially women, and urged Norway to effectively protect victims and witnesses, inter alia, by granting residence permits where appropriate on the basis of humanitarian considerations.⁸³

33. CRC encouraged Norway to continue its efforts: to strengthen the capacity of the criminal police to deal with crimes related to child pornography on the Internet and to inform children and their parents about the safe use of the Internet.⁸⁴

3. Administration of justice and the rule of law

34. CAT noted that Norway has taken measures to further improve the handling of complaints against the police and the investigation of relevant allegations. Nevertheless, CAT remained concerned about allegations concerning violations committed by law enforcement officials, including allegations relating to discriminatory treatment, and about the impartiality of subsequent investigations. It recommended that Norway closely monitor the effectiveness of the new procedures for the investigation of alleged crimes committed by law enforcement officials, in particular those in which discriminatory treatment based on ethnicity is alleged.⁸⁵

35. The Working Group on Arbitrary Detention observed a strong role of the police and the police prosecutors who are, in practice, competent to prosecute and bring to trial between 80 and 90 per cent of all criminal cases. The Working Group asked the Government to monitor this system in order to ensure that no abuse occurs in a criminal justice system that would probably not function as well in less democratic societies.⁸⁶

36. The Working Group on Arbitrary Detention noted that Norwegian courts did not have access to the “Infoflyt” database and access to persons concerned or their lawyers may be granted in exceptional circumstances only.⁸⁷ The Working Group recommended that the judiciary be granted access to the information as and when the information contained therein is relevant to decisions on the early release of a prisoner or on the release of a preventive detainee.⁸⁸

37. The Working Group on Arbitrary Detention understood that it is a policy decision of the Government to refrain from providing for a juvenile justice system specifically tailored to the needs of minors. Although the number of detained minors at present is low, the problem persists when juveniles above the age of 15 are detained together with adults while on remand or serving their sentences. The Working Group was informed that the issue is under consideration in Parliament.⁸⁹

4. Right to privacy, marriage and family life

38. In 2005, CRC expressed concern about the number of children who had been removed from their families and live in foster homes or other institutions. CRC noted Norway’s willingness to review its practices concerning the removal of children from their family environment and recommended, inter alia, that Norway take measures to address the causes of the rising number of children who are removed from their families, including through adequate support to biological parents.⁹⁰ Similar concerns were expressed by CESCR.⁹¹

39. CEDAW recommended that Norway ensure that women are guaranteed equal rights with men to property and assets accumulated during de facto unions when their relationship breaks down.⁹²

5. Freedom of religion or belief and right to participate in public and political life

40. The HR Committee noted the proposal to repeal the constitutional provision which stipulates that individuals professing the Evangelical-Lutheran religion are bound to bring up their children in the same faith, and reiterated its concern that this provision is incompatible with

the Covenant. It recommended that Norway repeal this section of the Constitution without delay.⁹³

41. CRC welcomed Norway's information on the planned changes of the Education Act to bring the teaching of the school subject known as "Christian Knowledge and Religious and Ethical Education" into full compliance with the right to freedom of religion enshrined in article 15 of the Convention and encouraged Norway to expedite the process of adopting and enacting these changes.⁹⁴

42. While appreciating the fact that of 19 cabinet ministers, 9 are currently women and that the representation of women in parliament and in county and municipal councils is relatively high, CEDAW in 2007 expressed concern at the low numbers of women mayors, professors and judges at all levels of the judiciary. It urged Norway, inter alia, to continue to take measures to accelerate women's full and equal participation in all aspects of political and public life and decision-making and to ensure that the representation of women in political and public bodies reflects the full diversity of the population and includes migrant and minority women.⁹⁵

43. A 2004 United Nations Development Programme (UNDP) report noted that Norway has extended voting rights to non-citizens in local elections.⁹⁶

6. Right to work and to just and favourable conditions of work

44. In 2007, the ILO Committee of Experts noted with interest the creation of the Equal Pay Commission.⁹⁷ CEDAW remained concerned about women's disadvantaged situation in the labour market, as reflected in a persistent wage gap between women and men, the predominance of women in part-time work and significant job segregation.⁹⁸ Similar concerns were expressed, in 2008 and 2007, by the ILO Committee of Experts.⁹⁹ CEDAW urged Norway to prioritize the realization of women's de facto equal opportunities with men in the labour market; to eliminate occupational segregation and to narrow and close the pay gap.¹⁰⁰

45. In 2005, CESCR expressed concern, as highlighted also by UNHCR,¹⁰¹ about problems faced by persons with an immigrant background, in particular women, in accessing the labour market.

46. In 2006, CERD welcomed the establishment of the Directorate of Integration and Diversity (which aims at promoting diversity and improving the living conditions of immigrants through employment, integration and participation).¹⁰² CERD recommended, as highlighted also by UNHCR,¹⁰³ that Norway take more effective measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects; and that legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken to reduce unemployment among immigrants.

47. In 2008, the ILO Committee of Experts noted that the Working Environment Act of 2005 continues to exclude certain categories of workers including those in the shipping, hunting and fishing sectors, but that workers in these sectors are protected against discrimination pursuant to the Gender Equality Act and the Anti-Discrimination Act of 2005.¹⁰⁴ CESCR in 2005 expressed concern at the high incidence of accidents in the fishing and offshore petroleum industries.¹⁰⁵

7. Right to social security and to an adequate standard of living

48. CRC in 2005 noted with concern the high proportion of immigrant children living in households with a persistently low income and recommended that Norway ensure that the needs of all children are met and take all necessary measures to ensure that no group of children lives below the poverty line.¹⁰⁶

49. In 2007, the CRC noted with particular concern, as highlighted also by UNHCR,¹⁰⁷ that, in some cases, children in need of health care but residing in Norway without a residence permit may have been denied access to health services because they have not been properly registered. In 2006, CERD was concerned, as highlighted also by UNHCR,¹⁰⁸ that many municipalities do not provide sufficient protection from disease in health services for asylum-seekers, refugees and persons reunified with their families. CESCR in 2005 encouraged Norway to adopt effective measures to address the underlying causes of regional disparities in health indicators.¹⁰⁹ In its response to the concluding observations of CERD, Norway indicated that “since ... 2004, the county governors have followed up with those municipalities that provided inadequate services to ensure that the services have been brought up to standard”.¹¹⁰

50. CESCR noted with concern the increasing number of evictions carried out mainly as a consequence of unpaid rent; and that disadvantaged and marginalized groups in society are particularly affected by the privatization of municipal social housing and rising housing prices.¹¹¹ CESCR recommended that Norway, inter alia, take effective measures to provide housing units in sufficient numbers to cater for the needs of low-income families and the disadvantaged and marginalized groups.¹¹²

8. Right to education and to participate in the cultural life of the community

51. In 2006, CERD expressed concern, as highlighted also by UNHCR,¹¹³ regarding the high dropout rate of immigrant children in upper secondary education and urged Norway to take measures to address this concern.¹¹⁴

52. CRC in 2005 noted with concern that children with disabilities are limited in their participation in cultural and recreational activities and recommended that Norway, inter alia, take all necessary measures to ensure that equal access to services is provided to them.¹¹⁵

9. Minorities and indigenous peoples

53. CERD welcomed the establishment of the Romani People’s Fund in 2004, the objective of which is to compensate Romani victims for the negative effects of previous assimilation policies.¹¹⁶

54. CERD expressed concern that the Finnmark Act does not address the special situation of the East Saami people and recommended, inter alia, that Norway take further steps to adopt special and concrete measures to ensure the adequate development and protection of certain highly vulnerable indigenous groups, namely, the East Saami people.¹¹⁷ In its response to the concluding observations of CERD, Norway indicated in 2007 that “measures will be considered in close consultation with the Sámi Parliament and representatives from the East Sámi”.¹¹⁸

10. Migrants, refugees and asylum-seekers

55. In 2007, CAT noted with satisfaction, as highlighted also by UNHCR,¹¹⁹ the recent adoption of legislative measures to regulate the rights of persons staying at the Trandum Alien Holding Centre in accordance with the revised UNHCR Guidelines on Applicable Criteria and Standards for the Detention of Asylum Seekers.¹²⁰

56. UNHCR in 2009 submitted that a number of practical challenges have arisen as a result of the increase in the numbers of asylum-seekers. During 2008, Norway registered a total of 14,431 asylum applications compared to 6,528 received in 2007. Existing reception facilities were reported to be insufficient to accommodate the high numbers of asylum seekers, and local communities and municipalities have protested publicly against the establishment of new reception centres. In January 2008 there were 61 reception centres and by April 2009 there were 112. UNHCR indicated that the arrival of higher numbers of unaccompanied children has resulted in a need to identify more specialists on age assessment. UNHCR reported that the Ministry for Labour and Social Inclusion in 2008 had announced a set of 13 measures to reduce the number of arrivals of persons not in need of international protection. These measures included more restrictive criteria for granting residency permits and restrictions on the previously more liberal asylum policy; law proposals implementing these measures were expected to enter into force in May 2009.¹²¹

57. CRC regretted, as highlighted also by UNHCR,¹²² that there is no national guardian system for unaccompanied asylum-seeking and refugee children and that, under the current guardian system, the quality of the recruitment and training of guardians may not be adequate in all municipalities.¹²³ CRC recommended that Norway, inter alia, as highlighted also by UNHCR,¹²⁴ consider establishing a unified national guardian system; and consider centralizing the responsibility for all unaccompanied asylum-seeking children under one child rights-oriented authority, such as the Child Welfare Services, in order to secure an equal provision of services to all such children.¹²⁵

58. In 2005, CESCR expressed concern, as highlighted also by UNHCR,¹²⁶ that rejected asylum-seekers who cannot be sent home to their countries of origin are not offered accommodation in reception centres after the deadline set for departure. CESCR also urged Norway, inter alia, to strengthen measures to deal with the problem of homelessness.¹²⁷

11. Human rights and counter-terrorism

59. The HR Committee was concerned about the potentially overly broad reach of the definition of terrorism in article 147(b) of the Penal Code and recommended that Norway ensure that its legislation adopted in the context of the fight against terrorism is limited to crimes that deserve to attract the grave consequences associated with terrorism.¹²⁸

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

60. The Working Group on Arbitrary Detention observed a number of best practices in Norway designed to safeguard against arbitrary detention.¹²⁹

61. CRC commended Norway on its ongoing and outstanding commitment to international assistance and cooperation, in particular in the area of education.¹³⁰ CEDAW commended Norway for increasing its focus on gender equality in its development cooperation policy.¹³¹

62. CRC commended Norway for its active role as facilitator in a number of peace and reconciliation processes around the world and its efforts to strengthen the realization of human rights in conflict and post-conflict situations and in peace processes.¹³²

63. The independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights welcomed the efforts of Norway to support the exploration of an internationally accepted definition of illegitimate debt, through the funding of a project to be implemented by the United Nations Conference on Trade and Development (UNCTAD). The independent expert noted Norway's decision to cancel debt incurred from the Norwegian Shipping Export Campaign for five countries, including Ecuador, and that this one-off debt relief policy measure was in acknowledgment of Norway's shared responsibility as a creditor.¹³³

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

Specific recommendations for follow-up

64. CERD¹³⁴ requested Norway to provide, within one year, information on the way it has followed-up on the Committee's recommendations contained in its concluding observations at paragraphs 17 (measures to ensure the adequate development and protection of the East Saami people), 19 (that particular groups of non-citizens should not be discriminated against regarding access to citizenship) and 21 (measures to ensure the right of non-citizens to an adequate standard of physical and mental health). The response of Norway was received on 11 December 2007.¹³⁵

65. In November 2007, CAT requested Norway to provide, within one year, information on its response to the recommendations contained in its concluding observations at paragraphs 6 (ensuring that a genuine consideration of each individual case can still be provided for under the "48-hour procedure"), 7 (related to the continued detention of persons handed over to the Afghan authorities by Norwegian military personnel), 8 (compiling statistics on the application of pretrial detention, the use of solitary confinement and the detention of foreign nationals), and 9 (establishing the supervisory board for the Trandum Holding Centre).¹³⁶ Norway's response is pending.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Art. 17, para. 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ Conclusions and recommendations of the Committee against Torture (CAT/C/NOR/CO/5), para. 14.

⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/NOR/CO/18), para. 24.

¹⁰ Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.109), para. 29.

¹¹ Concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW/C/NOR/CO/7), para. 39.

¹² Concluding observations of the Human Rights Committee (CCPR/C/NOR/CO/5), para. 8.

¹³ UNHCR additional submission to the UPR on Norway, p. 1.

¹⁴ CCPR/C/NOR/CO/5, para. 3 (c) and (d); CEDAW/C/NOR/CO/7, paras. 6 and 13; ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 062008NOR111.

¹⁵ CAT/C/NOR/CO/5, para. 3 (a).

¹⁶ E/C.12/1/Add.109, para. 8.

¹⁷ Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSA/NOR/CO/1), para. 15.

¹⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2006, Geneva, doc. No. (ILOLEX) 092006NOR182.

¹⁹ CERD/C/NOR/CO/18, para. 7.

²⁰ Ibid., para. 6.

²¹ E/C.12/1/Add.109, para. 4.

²² CRC/C/15/Add.263, para. 3 (b).

²³ CRC/C/OPSA/NOR/CO/1, para. 4.

²⁴ CRC/C/15/Add.263, para. 3 (c).

²⁵ CERD/C/NOR/CO/18, para. 14.

²⁶ CEDAW/C/NOR/CO/7, para. 13.

²⁷ CAT/C/NOR/CO/5, para. 4.

²⁸ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

²⁹ CCPR/C/NOR/CO/5, para. 3 (d).

³⁰ CERD/C/NOR/CO/18, para. 5.

³¹ CEDAW/C/NOR/CO/7, para. 15.

³² CERD/C/NOR/CO/18, para. 9.

³³ Ibid., para. 11.

³⁴ CRC/C/15/Add.263, para. 10.

³⁵ CCPR/C/NOR/CO/5, para. 3 (c).

³⁶ CEDAW/C/NOR/CO/7, para. 9.

³⁷ Ibid., paras. 7 and 8.

³⁸ CEDAW/C/NOR/CO/7, para. 10.

³⁹ UNODC, Toolkit to Combat Trafficking in Persons, Global Programme against Trafficking in Human Beings, Vienna, 2008, p. 486, see [www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook\[1\].pdf](http://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook[1].pdf)

⁴⁰ Economic and Social Council, report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children (E/CN.4/2006/62), para. 101.

⁴¹ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

⁴² CCPR/C/NOR/CO/5, para. 3 (b).

⁴³ Ibid., para. 4.

⁴⁴ CAT/C/NOR/CO/5, para. 13.

⁴⁵ A/HRC/7/4/Add.2, para. 2.

⁴⁶ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

⁴⁷ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (k) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (l) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (m) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (n) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the HRC (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes sent in October 2008; (o) report of the Special Rapporteur on violence against women (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy.

⁴⁸ The questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and the joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, the questionnaire on the right to education for persons in detention and the questionnaire on political economy and violence against women.

⁴⁹ OHCHR 2007 Report on Activities and Results, p.168.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² OHCHR 2008 Report on Activities and Results, p. 174.

⁵³ OHCHR 2009 Report on Activities and Results (forthcoming).

⁵⁴ CEDAW/C/NOR/CO/7, para. 17.

⁵⁵ CERD/C/NOR/CO/18, para. 15.

⁵⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 092008NOR111, para. 1.

⁵⁷ UNHCR submission to the UPR on Norway, p. 4, citing CCPR/C/NOR/CO/5, para. 17.

⁵⁸ Ibid.

⁵⁹ UNHCR submission to the UPR on Norway, p. 4, citing CESCR E/C.12/1/Add.109, para. 10.

⁶⁰ CERD/C/NOR/CO/18, para. 19.

⁶¹ Information provided by the Government of Norway on the implementation of the concluding observations of CERD, (CERD/C/NOR/CO/18/Add.1), para. 44.

⁶² CRC/C/15/Add.263, para. 18.

⁶³ Ibid., para. 19.

⁶⁴ CAT/C/NOR/CO/5, para. 10.

⁶⁵ UNHCR submission to the UPR on Norway, p. 1, citing CAT/C/NOR/CO/5, para. 6.

⁶⁶ CAT/C/NOR/CO/5, para. 6.

⁶⁷ UNHCR submission to the UPR on Norway, p. 1, citing CAT/C/NOR/CO/5, para. 7.

⁶⁸ CAT/C/NOR/CO/5, para. 7.

⁶⁹ A/HRC/7/4/Add.2, para. 73.

⁷⁰ Ibid., para. 78.

⁷¹ Ibid., para. 98 (b).

⁷² Ibid., para.79.

⁷³ Ibid., para. 82.

⁷⁴ CCPR/C/NOR/CO/5, paras. 13 and 14.

⁷⁵ CAT/C/NOR/CO/5, paras. 3 (b) and 8.

⁷⁶ CCPR/C/NOR/CO/5, para. 16.

⁷⁷ A/HRC/7/4/Add.2, p. 3.

⁷⁸ Ibid., para. 98 (e).

⁷⁹ CEDAW/C/NOR/CO/7, para. 19, E/C.12/1/Add.109, para. 15, and CCPR/C/NOR/CO/5, para. 10.

⁸⁰ CEDAW/C/NOR/CO/7, para. 19.

⁸¹ Ibid., paras. 29-30.

⁸² Ibid., para. 21.

⁸³ CCPR/C/NOR/CO/5, para. 12.

⁸⁴ CRC/C/OPSA/NOR/CO/1, para. 24.

⁸⁵ CAT/C/NOR/CO/5, paras. 3 (d) and 12.

⁸⁶ A/HRC/7/4/Add.2, para. 68.

⁸⁷ Ibid., para. 86.

⁸⁸ Ibid., para. 98 (d).

⁸⁹ Ibid., para. 70.

⁹⁰ CRC/C/15/Add.263, paras. 23-24.

⁹¹ E/C.12/1/Add.109, paras. 14 and 32.

⁹² CEDAW/C/NOR/CO/7, para. 32.

⁹³ CCPR/C/NOR/CO/5, para. 15.

⁹⁴ CRC/C/15/Add.263, para. 20.

⁹⁵ CEDAW/C/NOR/CO/7, paras. 23-24.

⁹⁶ UNDP, Human Development Report 2004, New York, 2004, p. 105, see: http://hdr.undp.org/en/media/hdr04_complete.pdf.

- ⁹⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2007, Geneva, doc. No. (ILOLEX) 092007NOR100, para. 1.
- ⁹⁸ CEDAW/C/NOR/CO/7, para. 25.
- ⁹⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 092008NOR111, para. 4, and ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2007, Geneva, doc. No. (ILOLEX) 092007NOR100, para. 2.
- ¹⁰⁰ CEDAW/C/NOR/CO/7, para. 26.
- ¹⁰¹ UNHCR submission to the UPR on Norway, p. 4, citing CESCR E/C.12/1/Add.109, paras. 10 and 11.
- ¹⁰² CERD/C/NOR/CO/18, para. 10.
- ¹⁰³ UNHCR submission to the UPR on Norway, p. 3, citing CERD/C/NOR/CO/18, para. 20.
- ¹⁰⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 092008NOR111, para. 3.
- ¹⁰⁵ E/C.12/1/Add.109, para. 13.
- ¹⁰⁶ CRC/C/15/Add.263, paras. 37-38.
- ¹⁰⁷ UNHCR submission to the UPR on Norway, p. 2, citing CRC/C/OPAC/NOR/CO/1, para. 18.
- ¹⁰⁸ UNHCR submission to the UPR on Norway, p. 4, citing CERD/C/NOR/CO/18, para. 21.
- ¹⁰⁹ E/C.12/1/Add.109, para. 39.
- ¹¹⁰ CERD/C/NOR/CO/18/Add.1, para. 45.
- ¹¹¹ E/C.12/1/Add.109, para. 18.
- ¹¹² *Ibid.*, para. 37.
- ¹¹³ UNHCR submission to the UPR on Norway, p. 4, citing CERD/C/NOR/CO/18, para. 22.
- ¹¹⁴ CERD/C/NOR/CO/18, para. 22.
- ¹¹⁵ CRC/C/15/Add.263, paras. 29-30.
- ¹¹⁶ CERD/C/NOR/CO/18, para. 8.
- ¹¹⁷ *Ibid.*, para. 17.
- ¹¹⁸ CERD/C/NOR/CO/18/Add.1, para. 5.
- ¹¹⁹ UNHCR submission to the UPR on Norway, p. 1, citing CAT/NOR/CO/5, para. 3.
- ¹²⁰ CAT/C/NOR/CO/5, para. 3 (c).
- ¹²¹ UNHCR submission to the UPR on Norway, pp. 2-4.
- ¹²² UNHCR submission to the UPR on Norway, pp. 2-3, citing CRC/C/OPAC/NOR/CO/1, para. 18.
- ¹²³ CRC/C/OPAC/NOR/CO/1, para. 18 (a).
- ¹²⁴ UNHCR submission to the UPR on Norway, p. 3, citing CRC/C/OPAC/NOR/CO/1, para. 19.
- ¹²⁵ CRC/C/OPAC/NOR/CO/1, para. 19 (c) and (d).
- ¹²⁶ UNHCR submission to the UPR on Norway, p. 5, citing CESCR E/C.12/1/Add.109, para. 19.
- ¹²⁷ E/C.12/1/Add.109, para. 38.
- ¹²⁸ CCPR/C/NOR/CO/5, para. 9.
- ¹²⁹ A/HRC/7/4/Add.2, para. 96.

¹³⁰ CRC/C/15/Add.263, para. 3 (g).

¹³¹ CEDAW/C/NOR/CO/7, para. 11.

¹³² CRC/C/OPAC/NOR/CO/1, para. 5.

¹³³ Press release of 12 May 2009.

¹³⁴ CERD/C/NOR/CO/18, para. 28.

¹³⁵ CERD/C/NOR/CO/18/Add.1.

¹³⁶ CAT/C/NOR/CO/5, para. 18.
