



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues prior to submission of the seventh periodic report of Norway\*

##### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/NOR/CO/6), including any relevant statistical data. Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with each of the Views adopted in respect of the State party.

2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts.

##### B. Specific information on the implementation of articles 1-27 of the Covenant, including with regard to the previous recommendations of the Committee

###### Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. Please indicate whether the State party envisages withdrawing or limiting the scope of its reservations to articles 10 (2 (b) and 3), 14 (5 and 7) and 20 (1) of the Covenant.

4. With regard to the Committee's most recent concluding observations (see CCPR/C/NOR/CO/6, para. 5) and the information provided by the State party in its follow-up reports (see CCPR/C/NOR/CO/6/Add.1 and CCPR/C/NOR/CO/6/Add.2), please provide information on the progress and adoption of the draft law to regulate the mandate, tasks and management of the new national human rights institution. Please provide

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\* Adopted by the Committee at its 117th session (20 June-15 July 2016).



information on whether the draft law is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

**Non-discrimination, equality between men and women (arts. 2 (1), 3, 20 and 26)**

5. Please provide information on measures taken to combat the manifestation of hate speech, including on the Internet, in particular against Romani people/Tatars, Roma, migrants, Muslims, Jews and the Sami people. Please provide information on the number of racist hate crimes reported to the police and on the ensuing investigations and convictions. Please also clarify what steps have been taken to eliminate and combat all forms of racial profiling against Roma, immigrants and African descendants. Please provide information on the number of complaints regarding racial profiling received since 2011.

6. In the light of the Committee's previous concluding observations (see CCPR/C/NOR/CO/6, para. 7), please provide information on measures taken to eliminate all forms of discrimination in the housing sector and to challenge negative stereotypes and prejudices that landlords and property owners may have against renting accommodation to those with immigrant backgrounds. In particular, please provide information on the criteria for granting housing subsidies. Please also provide information on efforts to combat discrimination against persons with immigrant backgrounds in employment matters.

7. Please provide information on the measures taken to address reported multiple discrimination faced by women belonging to minority groups, including the Roma and Sami communities, immigrant women and women with disabilities. Please describe progress made in that regard. With reference to the Committee's previous concluding observations (see CCPR/C/NOR/CO/6, para. 8), please provide information on closing the wage gap between men and women in both the public and private sectors.

8. Please provide information on the existing legislation and strategies to combat discrimination based on sexual orientation and gender identity, and their compatibility with the Covenant. Please comment on reports that persons belonging to gender minorities face diverse forms of discrimination, inter alia, in the area of the labour market, education and the provision of services and in the gender reassignment process.

**Violence against women (arts. 3, 7 and 26)**

9. In the light of the previous concluding observations (see CCPR/C/NOR/6, para. 9), please provide information on the practical steps taken to combat gender-based violence, particularly domestic violence and sexual violence, including rape and marital rape. Please provide information on the definition of rape contained in the Penal Code and measures taken to raise awareness among women that marital rape is criminalized in the State party. In addition, please provide information on: (a) the number of complaints of such violence received; (b) investigations carried out; (c) the types of penalties imposed; (d) compensation awarded to the victims; and (e) the number of safe shelters, including shelter accessible for women with physical disabilities.

**Elimination of slavery and servitude (arts. 8 and 24)**

10. Please provide updated information on:

(a) The implementation of measures and new plans to combat human trafficking, particularly child trafficking;

(b) The investigations carried out relating to the 68 unaccompanied asylum-seeking children who went missing in 2012 from asylum centres;

- (c) The effectiveness of the protection and assistance measures in the State party, including shelter and medical treatment, for persons vulnerable to or exposed to trafficking;
- (d) Efforts to train law enforcement officers and judges to proactively identify and respond to cases of trafficking in persons;
- (e) Steps taken to ensure that trafficking victims have access to effective remedies and reparation.

#### **Rights of persons with disabilities (arts. 2, 7, 9 and 26)**

11. In the light of the Committee's previous concluding observations (see CCPR/C/NOR/CO/6, para. 10) and the information provided by the State party in its follow-up reports (see CCPR/C/NOR/CO/6/Add.1 and CCPR/C/NOR/CO/6/Add.2), please report on measures taken to ensure that persons with mental and psychosocial disabilities are fully informed about the treatment to be prescribed and that any decision to use coercive force should be made after a thorough and professional medical assessment. In particular, please provide information on:

- (a) The impact of the national strategy (2012-2015) to end the unjustified use of coercive force on psychiatric patients;
- (b) The initiative by the Directorate of Health to prepare new guidelines for the prevention and reduction of coercion;
- (c) Measures taken to strengthen the Control Commissions for monitoring mental health-care institutions;
- (d) Progress on the implementation of the national professional guidelines for the use of electroconvulsive treatment and the establishment of a register for such use.

#### **Right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (arts. 7, 9, 10 and 14)**

12. Please explain how the provision of the Criminal Procedure Act establishing that a person is to be brought before the competent district court as soon as possible and no later than on the third day of arrest is compatible with the Covenant. Please also provide information, including statistical data, on measures adopted to reduce the length and frequency of pretrial detention, including with respect to juvenile offenders. Please also report on the use of solitary confinement, including for prolonged periods of time, and post-conviction incommunicado detention.

13. In the light of the Committee's previous concluding observations (see CCPR/C/NOR/CO/6, para. 6), please provide information on steps taken to guarantee that free legal aid is provided in any case where the interests of justice so require. Do persons held in pretrial detention at police stations have access to a lawyer from the very outset of their deprivation of liberty, in accordance with articles 9 and 14 of the Covenant?

14. Please provide detailed information on the measures taken by the State party to improve the conditions of persons deprived of their liberty, especially at Bergen Police Headquarters. Please report on measures taken to ensure that conditions of detention at the Trandum Holding Centre are in conformity with international standards, in particular with regard to sanitary conditions and overcrowding.

15. In the light of the Committee's previous concluding observations (see CCPR/C/NOR/CO/6, para. 13), please provide information on measures taken to ensure that all juveniles are separated from adults during pretrial detention and after sentencing. In that regard, please provide information on the establishment of two separate units for juveniles. Please also report on measures to promote alternative forms of punishment.

**Refugees and asylum seekers (arts. 2, 7, 9 and 13)**

16. Please provide information on efforts to limit the length of detention of asylum seekers and to ensure that detention is used only as a last resort and is justified as reasonable, necessary and proportionate in the light of the circumstances. In particular, please explain how the provision of the Immigration Act establishing a maximum length of detention of 12 months, with the possibility of extension for a period not exceeding 18 months, is compatible with the Covenant.

17. Please report on measures taken to ensure strict compliance with the principle of non-refoulement in practice. Please respond to allegations that the recent amendments to the Immigration Act of November 2015 introduced an expedited admissibility procedure with reduced criteria and safeguards for the “safe third country” and “safe country of origin” concepts. Please report on the 321 asylum seekers returned to the Russian Federation in 2015 and if those returned had their applications assessed on the merits. Please also provide information on:

(a) The proposed amendments to the Norwegian Immigration Act (presented on 29 December 2015) and whether they are compatible with the Covenant, in particular articles 13;

(b) The legal safeguards available, including legal aid and interpreters, to ensure the rights of persons facing expulsion or return to a country when they face a substantial risk of violation as envisaged in articles 6 and 7;

(c) The grounds for expulsion and the procedures leading to it, including those for reaching a decision on the legality or illegality of a person’s stay in the country.

**Statelessness (arts. 2, 24 and 26)**

18. Please provide information on the legal safeguards to ensure that children born in Norway have the right to acquire a nationality at birth. Please also provide information on protection of stateless persons in the State party.

**Rights of persons belonging to minorities (arts. 23, 24, 26 and 27)**

19. Please provide updated information on the measures taken to protect Sami rights to land and resources and to ensure special protection for Sami reindeer husbandry and fishing. Please update information on measures taken to eliminate discrimination against members of Sami peoples, in the fields of employment, education and housing.

20. Please provide updated information on measures taken to consult Sami communities with a view to seeking free, prior and informed consent and effective participation in decision-making whenever their rights may be affected by projects, including for the extraction of natural resources, carried out in their traditional territories and impacting on the means of subsistence for the Sami people. In that regard, please clarify if the Sami land rights are protected under the Norwegian Mining Act. Please also respond to allegations that the mandate of the Sami parliament was restricted to the role of an advisory body.

21. Please update information on measures taken to eliminate discrimination and the social exclusion of the Romani people/Tatars and Roma in the fields of employment, education and housing. Please provide updated information about the report of the commission of independent experts on this issue, which was expected to be published in 2015, as well as its results and implementation.

22. Please respond to reports that Roma children are frequently placed with child welfare services, including in foster care, and that many Roma mothers avoid going to Norwegian hospitals for childbirth for fear that the newborn will be immediately taken away by child protection services. Please provide information on this practice, including the criteria used when placing Roma children in foster care.