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Summary record of the 2845th meeting

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Chairperson: Ms. Majodina

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The meeting was called to order at 10 a.m.

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

Sixth periodic report of Norway (continued) (CCPR/C/NOR/6, CCPR/C/NOR/Q/6 and Add.1; CCPR/C/NOR/CO/6)

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*
2. **Ms. Aas-Hansen** (Norway), replying to a question from Mr. Salvoli on the definition of rape in the Norwegian Criminal Code, said that the definition included not only the use of physical violence but also cases where victims were unconscious or unable to defend themselves. The Minister of Justice had made the fight against rape one of her main priorities and considered rape to be the most serious offence after murder. Reporting of rape was on the rise, and the Ministry encouraged that trend, particularly by ensuring that complainants were not re-victimized during their dealings with the police, the judicial system and social services.
3. One might think that the increase in the number of reported rapes indicated an increase in the actual number of rape cases; instead, it was due to changes in the public's attitude towards rape, which was now considered a serious offence and, as such, was reported to the police. If the number of complaints resulting in the conviction of the rapist seemed low, that was because it was difficult in Norway, as in other countries, to gather the evidence required in criminal proceedings. There were rarely witnesses, and often one person's testimony contradicted that of another. The Norwegian Government had launched several studies to strengthen rape prevention and the investigative techniques used. It was still taking measures to provide follow-up support for victims, particularly by providing safe houses and health services and ensuring that they received compensation.
4. **Mr. Andersen** (Norway), answering allegations that the Control Commissions were not independent and questions about the membership of those commissions and the powers their members held, said that the Law Committee had submitted a report, which was publicly available until 3 January 2012, in which it examined the status of the Control Commissions and put forward proposals — some of them quite radical — to improve the monitoring system in general. The Ministry would not be able to decide on those proposals until after consideration of the report.
5. In accordance with the agenda of the current coalition Government, mental health services would be given priority attention during the consideration of the Law Committee's report. The Norwegian Government considered that user participation should be a fundamental principle of the health-care system, and the Ministry would ensure that users' voices were heard. Such participation was evident in the ongoing reform of the coordination of health-care services as a whole. In addition, users' organizations made no small contribution to the development of those services.
6. With regard to the legal aid available to patients in psychiatric institutions, in its report the Law Committee had also examined the relevant provisions in force and had proposed amending the system currently used to determine whether patients with mental disabilities required legal aid. The Ministry would reflect on that issue when it considered the findings of the review.
7. With regard to employees of psychiatric institutions who reported misconduct, on 8 June 2007 the Ministry of Health and Care Services had sent a letter to the regional psychiatric institutions informing them that the new law on working conditions had entered into force and emphasizing that they were required to conduct routine inspections and to

take appropriate measures to facilitate internal whistle-blowing. According to information recently provided by the institutions in question, those instructions had been followed. At the latest steering group meeting, the Ministry had asked the psychiatric institutions whether it would be appropriate to review and, if necessary, amend practices at the regional level. The psychiatric institutions had been asked to reply by autumn 2011.

8. With regard to the penalties faced by employees of psychiatric institutions who mistreated patients, both the supervisory boards and the police could institute investigations with a view to punishing employees who had violated the relevant provisions, namely the Health Personnel Act and the Criminal Code. That procedure had already been used to convict medical personnel.

9. **Ms. Erdis** (Norway), replying to a question from Mr. Flinterman about the employment of persons of foreign origin in the public sector, said that each year the ministries included their social integration goals in their respective budget proposals. Those goals included a higher proportion of employees of foreign origin in the public service, including the various ministries and the police. The proportion had risen from 6.5 per cent in 2004 to 8.9 per cent in 2010. The figure given at the previous meeting was for employees of non-western origin in the Government administration.

10. The percentage of persons of foreign origin among employees of State-owned enterprises had risen from 5.7 per cent in 2004 to 9 per cent in 2010. The former Ministry of Labour and Social Inclusion, which had been replaced by the Ministry of Children, Equality and Social Inclusion, met each year with the leaders of State-owned enterprises to discuss ways of further increasing that percentage. In the police force and the judicial system, 3.4 per cent of employees were of foreign origin in 2010, compared to 2.8 per cent in 2008. Long-term social integration objectives had been developed on the basis of the existing data.

11. Replying to a question Mr. O'Flaherty had raised, she said that a 2009 report on the immigrant housing situation had revealed discriminatory mechanisms and practices in the rental market. Those conclusions were difficult to prove, however, mainly because the housing available for rental accommodation was usually owned by individuals. According to information contained in the State party's report and based on interviews with immigrants, when owners refused to rent housing they generally cited reasons other than the applicant's origin. Those issues would be thoroughly examined in the White Paper to be submitted in 2012.

12. In response to the questions raised at the previous meeting on strengthening penalties against female genital mutilation, the steps taken to encourage victims to report such practices, and cooperation between the Government and the groups and communities concerned, she said that all forms of female genital mutilation had been criminalized under a law passed in 1995. Facilitating such practices was also a punishable offence, even if they were carried out abroad. Pursuant to the new Criminal Code of 2005, female genital mutilation was subject to a penalty of up to 6 years' imprisonment, compared with 3 years under the previous Code. If the case was considered to be serious, the penalty could be increased to up to 15 years. However, the new Criminal Code would enter into force only once the whole police data processing system had been modernized and reconfigured, at a date yet to be determined.

13. Under the 2009 Act amending the 1902 Criminal Code, victims 19 years of age or older could file a complaint. The new Criminal Code would abolish that age limit and allow victims to file a complaint regardless of their age, which should facilitate the filing of complaints, the opening of investigations and the initiation of proceedings in cases of female genital mutilation.

14. Given that a global approach was required to combat the practice, Norway had adopted numerous measures under the Action Plan against Female Genital Mutilation (2008–2011) to strengthen public services, train professionals in the relevant fields and provide adequate medical assistance for victims. Measures had also been taken to improve the skills and knowledge of professionals in various key public sectors, including health and child protection services. The issue of female genital mutilation was discussed: in meetings with representatives of groups that engaged in the practice; as part of parent counselling; in the Norwegian courses offered to new arrivals; and by the family health and education services, which were very influential institutions. The Government of Norway also attached great importance to cooperation with NGOs, which forged a link between public services and minorities and helped to prevent and combat the practice. Those NGOs also received Government subsidies. The period covered by the Action Plan against Female Genital Mutilation would end in 2011, after which it would be renewed.

15. **Mr. Narvestad** (Norway), answering a question from Mr. Iwasawa about the status of the Covenant in Norwegian domestic law, explained that Norway applied a presumption of compatibility between national and international law, and that most of the major international human rights instruments had been incorporated into Norwegian law. The question was less how to resolve a conflict between international human rights law and Norwegian legislation than the correct interpretation of international human rights law. The Constitutional Court of Norway had not yet ruled on the issue.

16. Prior to the entry into force of the Human Rights Act of 1999, the Supreme Court had rarely invoked the Covenant. Starting in 1999, references to the Covenant had become more frequent. In 2008, the Supreme Court had invoked the Covenant in 90 out of 116 cases. Lawyers, judges, the national courts and officials now seemed to be familiar with the Covenant and made reference to it. In 2008, the Constitutional Court had recognized that the fact that the high court was not required to give a reason for its decisions to deny leave to appeal was in violation of the Covenant, as the Committee had pointed out. Knowledge of the Covenant was only partial, however, because in most cases only article 14 was invoked, while other articles were much more rarely invoked. In fact, the European Court of Human Rights case law on the same issues received more attention than the provisions of the Covenant.

17. **Ms. Ryan** (Norway) said that the State party would reply in writing to the Committee's questions about the implementation of the Istanbul Protocol. In reply to a question from Mr. O'Flaherty about the trade in small arms and the use of those arms after export or their re-export, each year the Ministry of Foreign Affairs submitted a report to parliament on the export of such arms, specifying the types of arms involved, the country of destination, the selling price, and the legislation governing the monitoring of commercial trade and related practices. The Ministry also provided specific data on Norwegian exports. By submitting those reports, the Ministry aimed to improve transparency and facilitate public debate on the issue. The legal basis for measures to monitor exports was clear, and Norway continually ensured that its legislation met the highest international standards. Norway did not export arms to conflict or war zones or to areas where there was a risk of war. Arms could be exported only after a careful assessment of the situation in the destination area, including the human rights situation. An end-user certificate was systematically required for the export of arms. Norway did not resell to third countries arms purchased from another member of the North Atlantic Treaty Organization (NATO) without prior consultation with the producing State. In the case of exports to countries outside NATO, Norway required an end-user certificate and documents indicating how the equipment would be installed and used. Certain clauses also prohibited the resale of arms without the prior consent of the Norwegian authorities. The issue of re-exporting weapons was currently the subject of widespread debate within Norwegian society.

18. **The Chairperson** invited Committee members to ask further questions concerning the second part of the list of issues (CCPR/C/NOR/Q/6).

19. **Ms. Chanet** said she took the view that an increase in the number of offences alone could not justify an increase in the number of persons placed in pretrial detention, that being a measure of last resort. She would like to know why the Norwegian authorities did not make more frequent use of other measures of judicial supervision, such as surveillance by means of an electronic bracelet, house arrest or seizure of the person's passport. Regarding the use of solitary confinement as punishment, she wished to know what disciplinary criteria were used, whether those criteria were set out in legislation or regulations, which authority was competent to impose that type of punishment and what recourse was available. She would also be interested to learn which authority decided whether to place an individual in incommunicado pretrial detention and what was the maximum length of such detention. With regard to placing detainees in preventive detention after they had served their sentence, for periods sometimes approaching life imprisonment, she wondered who had the authority to take such a decision and on the basis of what criteria, and how the danger the detainees posed was subsequently re-evaluated.

20. As to the need to segregate minor detainees from adults and the reservation that Norway had entered to article 10, paragraphs 2 (b) and 3, of the Covenant, apparently the number of minors in detention in the country was on the rise and the time had come to establish specialized institutions to accommodate them. According to information before the Committee, minors 15 to 18 years old were frequently held in police custody, sometimes for up to 90 hours. She would like to know what legislation was applicable in such situations, whether the minors concerned were heard in the presence of an ad hoc guardian, and whether video recordings of the hearings were made.

21. Lastly, she would like the delegation to state under what conditions and according to what criteria it might be decided to withhold certain evidence from the defence, including for reasons of public interest, and if Norway planned to entrust those decisions to an independent commission that would ensure that the rights of the accused were not violated.

22. **Mr. O'Flaherty** requested clarification of the following points regarding legal aid in Norway: according to information before the Committee, the indicators used to determine the income threshold below which individuals qualified for legal aid were rudimentary and did not take account of the potential recipient's actual financial situation (for example, in the case of persons with a large number of dependants). In addition, the actual cost of the required legal services, which could vary considerably depending on the type of legal case, were not taken into account in that calculation. Moreover, it would seem that in some cases legal aid was not available even on a means-tested basis, such as in asylum cases heard at first instance, which deprived the poor of the opportunity to defend their rights. Lastly, even when legal aid was granted, the amount was often not enough to cover the person's legal costs.

23. **Mr. Bouzid**, referring to the role of the judiciary in resolving electoral disputes in Norway, said he would like to know the results of the Government's review of national electoral practices and legislation, and whether the role of the judiciary would be strengthened pursuant to the recommendations contained in the joint opinion adopted in 2010 by the Organization for Security and Cooperation in Europe and the European Commission for Democracy through Law (Venice Commission) of the Council of Europe. In the light of the massacre that had taken place in Oslo in July 2011 and the incitements to hatred and violence that had inspired the perpetrator, he asked whether Norway intended to maintain its reservation to article 20, paragraph 1, of the Covenant, which it had entered on the ground of protecting freedom of expression. He would also like information on the practical application of the new article 147 (c) of the Criminal Code, which banned public incitement to commit acts of terrorism and seemed to respond in part to the Committee's

concerns about compliance with article 20, paragraph 1. Lastly, he wished to know the outcome of the measures taken to combat racial and religious hatred, as referred to in paragraphs 105 to 114 of the State party's written replies (CCPR/C/NOR/Q/6/Add.1), and whether other measures would be taken in that regard.

24. **Mr. Lallah** raised the issue of protection of the family and minors and referred to an article on sexual domestic violence in Norway published in the 25 October 2011 edition of the *International Herald Tribune*. He welcomed the growing awareness within Norwegian society of the importance of the problem and asked if the State supported associations which could play a crucial role in the fight against that type of violence. He welcomed the fact that Ms. Aas-Hansen, State Secretary of the Ministry of Justice and the Police and head of the Norwegian delegation, had commissioned a study on the profiling of rapists in order to fight stereotyping.

25. With regard to family reunification and unaccompanied minor asylum seekers, he believed that the recently enacted legislation, which he considered too restrictive and which set out, inter alia, economic criteria for family reunification, constituted discrimination based on property and hindered protection of the rights of families and children, in violation of articles 2, 5 and 26 of the Covenant. At the same time, the fact that some decisions rejecting asylum applications were overturned through the immigration service's internal administrative appeal procedures did not mean that judicial remedies should not also be available; all the more so since, in the light of Mr. Narvestad's statement, it could be assumed that the ordinary Norwegian courts were more aware of the country's international obligations to protect the family and minors.

26. With regard to discrimination against the Sami people, it should be remembered that the Committee had affirmed in its jurisprudence that article 27 of the Covenant protected minorities' way of life, and one might ask why the Norwegian Government had not followed the recommendations of the Coastal Fisheries Committee in support of Sami fishing rights, which had been unanimously supported by the Sami parliament. Norway did not have official statistics on the Roma, but if the estimates were to be believed, according to which there were only 400 Roma in the country, then the Government should not have any difficulty in solving the problems of over-incarceration, lack of schooling, and domestic violence within that group.

27. **Mr. Iwasawa** noted that the agreement reached with the Sami parliament in May 2011 provided that a local fisheries commission should be established. He wished to know the current status of the discussions on that body's mandate and membership.

28. **Ms. Motoc** said that statistics on complaints of racist acts received and of related investigations, prosecutions and convictions would be welcome. Children of immigrants were particularly vulnerable targets of racist acts. In its concluding observations on the report of Norway (CRC/C/NI/CO/4) issued in January 2010, the Committee on the Rights of the Child had indicated that 10 per cent of children of immigrants had been victims of threats or violence based on their cultural origin. It would be useful to know what measures had been taken to better protect those children against prejudice, violence and stigmatization. Children seeking asylum required special care and attention, especially those from countries in conflict situations where massive human rights violations were committed. The Committee would appreciate details on the measures taken to identify children likely to have suffered violations and to ensure appropriate support for them, especially for those over 15 years of age, who fell outside the scope of child protection services. Was it true that minors could be denied asylum on the ground that their parents' credibility was deemed insufficient? If so, how was that criterion — which was subjective to say the least — defined and to what extent were the best interests of the child taken into consideration? The State party had stated in its written replies to paragraph 21 of the list of issues that, despite the agreement reached between the Ministry of Fisheries and Coastal

Affairs and the Sami parliament, there was still a dispute about the legal grounds for Sami fishing rights. Details on the positions of the two parties would allow the Committee to better understand the origin of the dispute and the consequences it might have for Sami rights in the future.

29. **Mr. Neuman** said that the State party's replies to issue 18 seemed to indicate that the income criteria for family reunification were designed to prevent forced marriages. That justification was surprising to say the least and called for explanation.

30. **The Chairperson** thanked Committee members and suggested suspending the meeting for a few minutes to allow the delegation of Norway to prepare its replies.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

31. **Mr. Austad** (Norway) said that since the expansion of the European Union, robberies, burglaries and other offences committed by foreign organized criminal groups had increased considerably. The increase in the use of pretrial detention in recent years was a consequence of police efforts to combat that new form of crime. Pretrial detention remained a measure of last resort, used only after other non-custodial measures had been duly considered and deemed inappropriate. Furthermore, for the past few years the courts had applied more stringent criteria when deciding whether to extend pretrial detention and did not authorize an extension if the investigation was not progressing. Electronic bracelets, already used as an alternative to imprisonment, could sometimes replace pretrial detention.

32. The imposition of solitary confinement was reasonable and stable. The idea of limiting its duration had been considered during the process of amending the Code of Criminal Procedure, but the Ministry of Justice had felt that in exceptional cases longer periods of isolation could be necessary and that it was best not to set an absolute limit. For minors, however, the length of isolation could not exceed eight weeks. Prolonged isolation might be required, particularly in cases of transnational crime or other cases necessitating investigations abroad, in order to prevent any risk of evidence tampering.

33. The number of minors in detention was very low; there were currently no more than 10. The Government was firmly committed to limiting the detention of minors as much as possible. The applicable restrictions were very strict in that regard. It sometimes happened that minors were detained by the police until the child protection services could organize appropriate care for them. Detention could be extended in the case of unaccompanied foreign minors, who were often unknown to the Norwegian State services and whose care was therefore more difficult to organize. In all cases, the Government ensured that all minors in pretrial detention were assisted by an ad hoc guardian and a lawyer. Generally speaking, hearings involving minors were not filmed. Work was under way to improve court statistics on racist acts, and efforts had been made to ensure that the police handled complaints of such acts with due diligence.

34. **Ms. Fergusson** (Norway) said that solitary confinement while serving a sentence was strictly governed by the Act on Execution of Sentences. Under that act, the prison service could decide to place a prisoner in partial or total isolation when such a measure was necessary to maintain order and safety within the prison or when prisoners posed a danger to themselves or others. The length and conditions of the isolation varied depending on the nature of the offences committed. For example, violations of prison disciplinary rules were punishable by isolation for up to 20 days, but in that case the law provided that the prisoner could participate in group activities on a daily basis. The law clearly established that solitary confinement must be used only as a last resort, that it must be continuously monitored, and that it must be terminated as soon as the circumstances under which it had been necessary no longer existed. If those circumstances persisted, a decision could be made to transfer prisoners to another prison in order to avoid keeping them in excessive isolation. Prison staff had to check on prisoners placed in solitary confinement

several times a day and immediately alert the prison doctor if necessary. If the prisoner's physical or mental health was deteriorating, the doctor must immediately inform the director of the prison so that the measure could be lifted or its length reduced. Prisoners consigned to solitary confinement could lodge a complaint with the regional prison administration, the prison supervisory council or the Parliamentary Ombudsman.

35. The Government remained convinced that the detention of minors should be avoided as far as possible and should be used only as a last resort. From that point of view, it had proposed a new system of non-custodial measures for minors 15 to 18 years old who were repeat offenders or had committed serious offences. The Government recognized, however, that imprisonment might be necessary in exceptional cases. In those cases, minors must be separated from adults and must receive support adapted to their needs. Juvenile units would be established for that purpose. Minors detained there would have access to education and would receive support throughout their detention and after their release. A multidisciplinary team would shortly be established to assess the minors' needs in various areas and to establish a unified procedure for the competent administrative authorities to monitor the units.

36. The Criminal Code set the maximum initial period of preventive detention at 21 years. It provided, however, that in extreme cases preventive detention could be extended by 5 years on the basis of a court ruling. That provision was justified by the need to protect society from individuals who had committed particularly serious crimes and had a high risk of reoffending. The presence of that risk and its duration could not always be determined at the time of the original conviction, hence the need not to limit the possibility of extending the detention. Furthermore, in Norway custodial sentences punishing offences such as homicide, rape or aggravated assault were less harsh than in many other countries and would be too lenient in the case of individuals with a high risk of reoffending. It should be stressed, however, that preventive detention was subject to very stringent requirements, and that the detainees enjoyed procedural safeguards, including the right to apply once a year for provisional release.

37. **Ms. Rytterager** (Norway) said that pursuant to article 242 of the Code of Criminal Procedure, the suspect and his or her counsel had access to all documents relating to the case, including photographs. Such access might be restricted during the investigation if it was thought to interfere with the investigation or put others in danger. After initiating judicial proceedings, the prosecuting authority was required to disclose all evidence in its possession to the defendant. It might be preferable not to do so, however, in order to protect the fundamental rights of a third party or to protect a substantial public interest. The decision to take such a measure was made by a special judge and could be applied only in cases where it was strictly necessary and as long as it did not compromise the rights of the defence. When making such a decision, the special judge took due account of article 14 of the Covenant and other obligations deriving from international human rights instruments so as to ensure respect for the right of the accused to a fair trial. Furthermore, Article 100 (a) of the Code of Criminal Procedure provided that, in cases where access of the defence to certain evidence was restricted, the court was required to appoint an official counsel to ensure that non-disclosure of such evidence did not conflict with the interests of the accused.

38. **Mr. Narvestad** (Norway) said that the law provided for exceptions whereby persons above the income threshold for legal aid could nevertheless receive it. The legal aid system was currently under review. While no decision had yet been taken, various measures were being considered to make it more effective. One such measure was raising the income threshold for entitlement to legal aid, thereby doubling the number of eligible households. Another measure under consideration was to offer one free hour of legal advice to all defendants, regardless of their income and the nature of the case. The possibility of

expanding the scope of legal aid to include, inter alia, cases of discrimination and international child abduction was also being considered. The problem of insufficient legal aid to cover the actual costs incurred arose mainly in administrative proceedings, where legal aid was not subject to a means test and was determined on the basis of a fixed number of hours. If the actual costs exceeded the aid by a wide margin, the county governor could authorize the payment of all or part of the additional costs incurred. In judicial proceedings, the amount of legal aid provided was much more substantial, in particular because the complexity of the case was duly taken into account when estimating the time required to prepare the defence.

39. **Ms. Ryan** (Norway) said that the fact that Norway had asked the Venice Commission to examine the national legislation on electoral disputes, including the legislation banning any court appeal of the decision of the Ministry of Local Government, was a first step towards implementing the recommendations of OSCE on the mechanisms for resolving electoral disputes. The authorities were currently considering the joint report issued by the Venice Commission and OSCE in 2010 and were also assessing to compliance of domestic legislation with the country's international obligations. No conclusion had yet been reached on the subject.

40. Cases were currently being heard under the new article 147 (c) of the Criminal Code on terrorism-related offences, but no sentences had yet been passed. Norway needed time to draw all the right conclusions from the attacks of July 2011, and the authorities did not want to rush into amending the legislation on freedom of expression.

41. Many organizations that worked with victims of domestic violence or rape received public funding, particularly from the Ministry of Justice and the Ministry of Children, Equality and Social Inclusion.

42. **Mr. Bordvik** (Norway) said that the Ministry of Justice would evaluate the effects of the Immigration Act and determine whether the restrictions on family reunification were reasonable, particularly in the light of the right of children to live with their parents. The Committee's opinions and views would be taken into consideration during that process.

43. The Norwegian Government was currently preparing a report on children who came to Norway seeking asylum. The report would be submitted to parliament by Christmas of 2011 and would give rise to a broad debate. It would address the situation of children during their journey to Norway and during examination of their application, as well as the situation of those who were rejected.

44. **Mr. Megard** (Norway) said that the Norwegian authorities had thoroughly considered the issue of the fishing rights of the Sea Sami people, who made a living from fishing. Extensive consultations, mainly devoted to practical solutions to the problem, had been held with the Sami parliament from 2008 to May 2011. The Norwegian Government and the Sami parliament had agreed that legislative measures were needed to guarantee the fishing rights of the Sea Sami people. There were plans to expand the mandate of the Finnmark Commission, which was tasked with reviewing Sami land claims to enable it to consider any complaint concerning fishing rights.

45. In June 2009 the Norwegian Government had introduced an action plan for the Roma people, in which it was estimated that about 700 lived in Oslo.

46. **Ms. Haare** (Norway), referring to Mr. Lallah's comments about the lack of statistics on minorities, said that the members of minority groups themselves were sceptical about collecting data on ethnicity because such an approach kept the spotlight on minority groups, which was undesirable. The authorities had initiated a dialogue with national minority organizations, including Roma organizations, on how to develop effective methods that

would give a better idea of the living conditions of those groups and use that information to formulate policies for their benefit.

47. The action plan for the Roma people in Oslo included measures to protect the rights of women and of that group in general, such as: a pilot project on adult education; the establishment of a counselling centre for informing the Roma people about the various public institutions and bodies in the areas of housing, welfare, labour and health; and training measures, particularly for women.

48. The Government was well aware of the school attendance problems among Roma children who cherished their way of life. The laws and regulations were not sufficient to help balance the obligation to educate Roma children while respecting their nomadic culture. That was why the Ministry of Education and Research had commissioned a report on the compliance of national legislation on education with Norway's related international obligations. The report concluded that, from a legal standpoint, the State party's international obligations seemed to be fulfilled, but some minor adjustments were needed. The Government was still deciding how to further address those issues.

49. **Mr. Megard** (Norway) said that the Roma people suffered from discrimination in housing, education and employment. The Government tried to resolve the issue without using stigmatizing language, and to find a balance between the right to equal treatment and the obligation to take special measures.

50. The Sami parliament and the Government of Norway still disagreed on several points, particularly with regard to land rights. The Sami Rights Committee II still needed to hold consultations on some outstanding issues related to land claims outside Finnmark county, the procedure for consulting with the Sami parliament, and certain aspects of mining legislation. The bill on coastal fishing should be submitted to the Norwegian parliament by the end of 2011.

51. It was very important to preserve the newly established democratic institutions, such as the Sami parliament, and to dispel the notion of a hierarchy of cultures, but that would take time.

52. **Ms. Haveland** (Norway) said that the Government had adopted the 2009–2013 Action Plan to promote equality and prevent ethnic discrimination. The Plan, which targeted all members of minority groups, focused on combating discrimination and racism against children, particularly in the areas of education and housing. It promoted a violence-free education system that reflected the diversity of the population, and called for the hiring of more preschool and minority teachers.

53. The number of unaccompanied children seeking asylum had increased significantly. They benefited from the Child Welfare Act on an equal footing with all other children in Norway. It was true that children 15 to 18 years old did not benefit from the same coverage as those under 15. However, all children enjoyed protection, health-care services and access to education, and Norway thus fulfilled all its obligations under the Convention on the Rights of the Child. Children seeking asylum were housed in centres reserved for minors.

54. **Ms. Chanet** said she hoped that as part of the follow-up procedure the Norwegian authorities would be able to provide information about the improvements made with regard to pretrial detention and solitary confinement, particularly when the latter was used as punishment. She was pleased that remedies were available to persons subject to those measures.

55. Despite the very low number of juvenile offenders, young people sometimes remained in custody for up to 90 hours while awaiting a suitable placement order, and yet the Covenant required that minors should be subject to a special procedure. Police

questioning was not filmed, which would be fairly easy to organize and would provide a very important guarantee, as would the presence of an ad hoc guardian.

56. In its consideration of communication No. 1542/2007 (CCPR/C/93/D/1542/2007), submitted by Mr. Abdeel Keerem Hassan Aboushanif, the Committee had found a violation of article 14, paragraph 5, of the Covenant because the court had not provided any argument for its denial of leave to appeal. The Committee had therefore asked the State party to review the situation and provide the author with compensation. During the follow-up procedure, the Committee had found that the decision to deny leave to appeal had been quashed and that the court was now required to justify any decision to refuse an appeal. However, Mr. Aboushanif protested against the reimbursement of his legal costs alone. While the Committee had not specified the amount of compensation sought, it was the State party's responsibility to arrive at a reasonable sum. She wished the Norwegian delegation to know that the Committee was not entirely satisfied with the State party's response about the case, which was still open.

57. **Ms. Fergusson** (Norway) said that the Norwegian Government sought to avoid pretrial detention for minors whenever possible, including by placing minors in establishments run by the child protection services. Other possibilities, such as electronic monitoring, were also considered. It should be noted, however, that minors were placed in pretrial detention only if they had committed extremely serious offences and that it was not always possible to find alternatives to pretrial detention.

58. **Ms. Ryan** (Norway) said that all of the Committee's comments would be transmitted to the Government, which would examine them in more detail. She thanked the Committee for the high quality of the dialogue it had held with the members of the delegation.

59. **The Chairperson** said that the Committee welcomed the parliamentary initiatives to strengthen protection for human rights in the State party, and the emphasis placed on anti-discrimination policies. The Committee remained concerned, however, by the high number of cases of domestic violence; the excessive use of measures of constraint in psychiatric institutions; the rights of asylum seekers, especially regarding family reunification; the issue of legal aid; and the situation of minorities, particularly the Roma and Sea Sami peoples. She welcomed the replies about pretrial detention but would like further information on the issue. She reminded the Norwegian delegation that it had 48 hours to provide additional information in writing, particularly on the communication referred to by Ms. Chanet and all the other questions. Lastly, she thanked the Norwegian delegation for having engaged in a genuinely constructive dialogue with the Committee.

The meeting rose at 12.45 p.m.