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HUMAN RIGHTS COMMITTEE

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REPLIES BY THE GOVERNMENT OF **NORWAY** TO THE LIST OF ISSUES  
(CCPR/CNOR/Q/6) TO BE TAKEN UP IN CONNECTION WITH THE  
CONSIDERATION OF THE SIXTH PERIODIC REPORT OF NORWAY  
(CCPR/CNOR/Q/6)

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

1. Reference is made to Norway's sixth periodic report paragraph 22. As mentioned in the report, and according to an established practice, the latest concluding observations of the Committee were translated into Norwegian and distributed to, among others, relevant non-governmental actors, and a brief presentation of the concluding observations was published on the Government's website. Furthermore, a joint meeting was organised in order to include civil society in the process. At this meeting the ministries presented their strategy for the follow-up and invited representatives of civil society to give their views on the issues raised by the Committee. In the preparation of Norway's sixth periodic report in 2009, the Ministry of Justice also reminded all the ministries concerned of the recommendations from 2006 that affected them.

Responsibility for national implementation of human rights obligations is divided between the ministries, which are all responsible for following up the recommendations within their sectors. All ministries and administrative bodies have an obligation to take human rights into account when drafting legislation, drawing up guidelines for administrative practice and adopting decisions. For further information, reference is made to Norway's Common Core Document section E.

In 2011, an inter-ministerial coordination group on human rights issues was established. An important task for the group is to coordinate and ensure a coherent implementation of Norway's reporting obligations to the treaty body system. The coordination group meets twice a year and more frequently if necessary.

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

2. Traditional gender choices of education and occupation are among the main causes of systematic differences between women and men at the workplace and otherwise in society. In 2008, the Ministry of Education and Research presented an Action Plan for Gender Equality in Kindergarten and Basic Education 2008–2010. The Action Plan aims to ensure that pre-school, primary and secondary education is conducive to an equitable society, and that equal status and equality form the foundation of all learning and pedagogical activities in day-care facilities and schools. The Ministry of Education and Research will prepare guidance materials with information for pupils, parents and guardians concerning conscious educational choices. Reports on the status of equality in Norwegian schools and day-care facilities were issued in 2010. These reports provide relatively little evidence of development work on gender equality in pedagogical work in schools and day-care facilities. The Ministry of Education and Research has begun to keep statistical records to determine the extent of girls' participation in science subjects. Measures implemented in educational institutions to increase equality include mentor programmes, network building, start packages, career planning, research fellowships and management development programmes.

The gender pay gap in Norway is 15 per cent. That is the ratio for all employees based on gross hourly male and female wages. Norway is a country where the level of gender equality

is high and the position of women is strong. The pay gap persists in a labour market where women and men are almost equally qualified and educated. Today, differences in length of work force participation, education and age explain a minor part of the pay gap. It is therefore an issue of political concern that we still have a pay gap at the same level as the average for the entire EU area.

Available sources show a dramatic reduction in average pay differences between women and men until the mid-1980s, followed by a long period of stagnation (from 34 per cent in 1959 to 20 per cent in the mid-1980s). In the 2000s, there has once again been a tendency for women to catch up, although at a more moderate pace than before. Closing wage gaps between women and men is an important goal of the Government's income policy. It is a priority in the Government's 2009 policy platform.

The report of the Equal Pay Commission (NOU 2008: 6), referred to in paragraph 26 of Norway's sixth periodic report, concluded that:

- the pay gap follows the sex-segregated labour market,
- the Norwegian model of collective bargaining and wage agreements has proved to be unable to reduce the pay gap, and
- the pay gap increases in periods of child rearing. Long periods of parental leave affect women's wages negatively.

A public consultation followed the report, and in November 2010 a White Paper on Equal Pay (Meld. St. 6 (2010-2011) Likestilling for likelønn) was submitted to the Norwegian Parliament. The White Paper highlights several measures where further progress should be made:

- discrimination must be eliminated through effective legislation. Proposed measures are transparency and pay statistics available to all employees at the workplace,
- strengthening the rights of employees who are absent from work due to parental leave in order to avoid discrimination related to pregnancy and child care,
- promoting equal parenting and a better balance between family and working life for mothers as well as fathers. It is proposed to divide the paid parental leave period into three parts, 12 weeks reserved for the mother, 12 weeks for the father and 20 weeks to be subject to "family negotiation". In addition, three weeks are reserved for the mother before birth.

### *3. Alleged discriminatory police stops*

As mentioned in paragraph 256 of the sixth periodic report, the results of the research project did not corroborate that the police would stop and search persons solely based on their ethnicity.

The main measures implemented in the follow-up of the recommendations have aimed to improve the way the police approach the public, and thus prevent discriminatory practices. The Police Directorate's plan to increase diversity ('Mangfoldsplan' 2008-2013) is a key

measure towards combating such practices. The plan comprises a measure to include ethnic minorities as a topic in training.

Police officers are trained on issues relating to dialogue, diversity, ethics, racism and discrimination, as part of the Safety and Trust project. The Police Directorate started the project in 2008. It focuses on dialogue as a method of professional police work, and is carried out in seven police districts. The purpose of this project, and other training programmes, is to focus on the professional behavior of police officers, and on building relationships of trust between minority communities and the police. The intention is to develop a suitable method for implementing the project throughout the police force. As part of their police education, all students at the National Police Academy receive training in topics such as social inequalities, cultural values, prejudices and stereotypes, ethics, racism, the multi-ethnic society, and communication and conflicts.

“Awareness gives security” is a programme designed for local and national police officers. It is a continuation of the Security and Trust project. The "Awareness gives security" programme gathers police staff for a seminar addressing issues such as discrimination, prejudice, stereotypes, first impressions etc. The aim is to increase the participant's awareness of and knowledge about how their behavior might affect others and might be affected by others. Meetings are held with cultural minorities, people with disabilities, people of different sexual orientation, etc. Like the Security and Trust project, this project also focuses on professional behavior in order to ensure that the public will perceive the police as safe, fair and trustworthy. The seminar also focuses on awareness and reflection concerning the participant's own attitudes, reactions and behaviour.

The police services of Oslo, South Buskerud, Hordaland, Haugaland, Sunnhordland and Rogaland and the Immigration Service participate in the project. A total of 16 employees from the various districts are selected as participants and are responsible for planning and implementing the seminar in their own service. Supervisors' skills, ability to manage processes and ability to generate interest in the seminar are important factors for the success of the event. Group work, video clips and role plays are used. Participant feedback and evaluation have been very positive.

#### *Alleged discrimination – persons with immigrant backgrounds*

Norway attaches great importance to promoting equality and preventing discrimination. Legal protection against discrimination is vital in order to ensure equality in all circumstances. An important milestone in the fight against discrimination in Norway was achieved with the Anti-discrimination Act and the establishment of the Equality and Anti-discrimination Ombud; see paragraphs 196-206 and 217-221 of Norway's Common Core Document.

In April 2009, the Government intensified its efforts in this field by presenting an action plan to promote equality and prevent ethnic discrimination. The action plan targets working life, public services, kindergartens and education, the housing market and discrimination in restaurants, bars and night clubs.

The aim of the Government's housing policy is that everyone should have a good and safe home. Some minorities encounter special challenges in the housing market due to language problems and limited knowledge of how the Norwegian housing market works. Moreover, many minorities find that they are turned away from renting or buying a dwelling due to their minority background; see Statistics Norway report 2008/5 and NIBR report 2009:2.

Anti-discrimination clauses have been added to the Tenancy Act. It is important to ascertain and monitor the extent to which these provisions are being complied with. The Norwegian Institute for Urban and Regional Research (NIBR) has conducted a study to obtain more knowledge on the nature and scope of discrimination in the rental sector, "Ethnic minorities and the Rental Market – Equal Opportunities?", Søholt and Astrup, NIBR report 2009:2.

The Ministry of Local Government and Regional Development will follow up the study by requesting that the Norwegian State Housing Bank grant subsidies for the acquisition of a variety of housing types and sizes when allocating funding for renting a dwelling. The Government has dramatically increased rent subsidies, and in 2009, 2441 new rental housing units were made available, which corresponds to an increase of 150% from 2008. A special effort was made to increase the number of homes for refugees. In total, subsidies were granted for 442 housing units for refugees in 2009, compared to 212 in 2008. The Ministry of Local Government and Regional Development has also requested that the Norwegian State Housing Bank undertake competence-raising measures and provide information to landlords to refute the myths about renting to people with minority backgrounds. It is also important that this sector of the housing market is regularly monitored through similar surveys.

The Government is also continuing the practice, initiated in 2006, of reporting on the social inclusion goals. Seventeen specific goals have been developed in various policy areas, with associated indicators. This is a good instrument for assessing whether government measures and the use of resources are effective, and for finding out where new measures are needed. The goals cover several areas that are important in the lives of individuals and can provide information about whether we are achieving the overarching goal of an inclusive society. They are: Work, Welfare and Language, Education and Childhood, Health and Care, the Police, the Correctional Services and the Judicial System, Elections and Housing, Culture and the Media, and the State as Employer. In accordance with the principle of sectoral responsibility, the ministries in charge must report annually on the achievement of the central government budget goals in their own budget proposals.

The 2005/2006 survey of living conditions among immigrants makes it possible to compare immigrants' living conditions in 2006 with their situation ten years ago. The results show that conditions in a number of spheres are gradually improving as the immigrants' period of residence in Norway increases. Levels of employment and education among immigrants are still lower than among the rest of the population, but are rising in step with their years of residence. The same tendency can be seen with regard to housing conditions.

Employment is of major importance. In the past few decades, unemployment among immigrants has been about three times higher than in the population at large, independent of economic cycles.

The Government has no possibility to decide who should be employed in the municipal or private sector. Its main tools are therefore collaboration with labour unions and information and awareness campaigns. Increasing knowledge about the type, scope and causes of discrimination is also of vital importance, so that we can develop effective measures.

By strengthening cooperation with the social partners, the Government seeks to support the implementation of the statutory duty of activity and reporting, which was introduced by the entry into force of the Anti-Discrimination Act on 1 January 2009. Since 1 January 2009, employers, public authorities and employers' and employees' organisations have a statutory obligation to promote equality and prevent discrimination on the grounds of ethnicity and disability. Both public and private enterprises are required to set out the measures implemented to meet this obligation in their annual budgets/reports.

In the public administration, employers are required to invite at least one qualified applicant with an immigrant background to an interview when hiring personnel. A survey done by the Ministry of Government Administration, Reform and Church Affairs shows that 33 percent of the applicants with non-western backgrounds who were called in for an interview were given the job. Managers of all state-owned enterprises are urged to introduce the same system.

Since 2005, the Diversity Award has been awarded annually to public and private enterprises who distinguish themselves in their effort to promote ethnic diversity at work.

The website [www.mangfoldsportalen.no](http://www.mangfoldsportalen.no) was launched in March 2009, containing information and advice on diversity and recruitment of persons with a minority background. The website targets employers, employee representatives and employees working with HR in both public and private enterprises.

#### **Right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)**

##### *4. Initial remarks regarding language use in efforts to combat the stigmatisation and discrimination of persons with mental illness*

The Government wishes to strongly emphasise that the vast majority of persons suffering from a mental illness represent no higher risk of violent or lethal behavior than other people do. Substance abuse and in particular excessive consumption of alcohol constitute a much higher risk of severe violence. Furthermore, suicide among persons with mental illness should under no circumstances be equated with murders, given the fact that most suicides are an isolated tragic act ending a life perceived as unlivable. Therefore, the Government strongly appeals to all media, organisations, agencies and the public not to communicate any flawed, generalised connection between either homicide and mental illness or homicide and suicide.

In order to reduce stigmatisation and to fight discrimination, this warning should be paramount in all forms of public and private communication affecting the lives and future prospects of persons with mental illness as well as their carers and families.

#### *Measures to prevent homicide*

According to the report “Homicide in Norway in the period 2004–2009. Report from the committee appointed by Royal Decree on 24 April 2009 submitted to the Ministry of Health and Care Services on 3 May 2010”, Norway has one of the lowest homicide rates in the world, also compared to the other Nordic countries. Statistics for the period 2004-2009 show that the homicide rate is 0.7 per 100,000 inhabitants, which is about ten times lower than the global rate. The report was commissioned against the background of tragic incidents occurring in a relatively short period of time where the perpetrator’s mental illness and/or substance abuse problems were highlighted in the media coverage of the cases, which included the “Bodø murder” in December 2008 and the triple murder case in Tromsø in March 2009. This led to questions being raised as to whether deficiencies in the system might be a contributing factor in such tragedies. The purpose of establishing the committee was to generate learning, with a view to identifying measures that could be implemented to prevent these kinds of tragic incident in the future.

The report concludes that there is no evidence of system failure in relation to the murders. On the other hand, the perpetrators could have benefited from better follow-up by the services concerned. As part of the assessment of the committee’s findings and suggestions, the Government has circulated the report for public consultation. The results of the consultation process have been evaluated and specific measures to improve society’s handling of vulnerability factors relevant to the prevention of violent behavior and homicide are currently being considered by the Government.

#### *Measures to prevent suicide by patients in the mental health services*

According to the National Board of Health, the number of reports of suicide increased from 31 in 2001 to 118 in 2009. This is primarily an indication of improved reporting of suicide from the mental health services. In January 2008, the Directorate of Health issued national guidelines for the prevention of suicide in the specialist mental health services. The document gives a set of recommendations on, *inter alia*, standardised assessment of suicide risk for all in-patients and proper follow-up of carers and families. The health enterprises are responsible for implementing the guidelines and the Directorate of Health has a key role in overseeing and monitoring that the guidelines are followed up as intended. In 2010, the County Boards of Health Supervision focused special attention on suicide and suicide attempts committed by patients treated in the specialist mental health services. As seen in administrative supervision cases, the health enterprises have to a greater extent than before acknowledged the importance of undertaking efforts to prevent suicides in accordance with the national guidelines and the Health Boards’ requirements regarding routines and procedures.

### *Measures to reduce and ensure correct use of coercion in mental health care*

In May 2010 a committee was appointed by the Government to review the provisions in the Mental Health Act regarding detention, restraints and coercive treatment in order to reduce and ensure correct use of force. On 17 June 2011, the committee submitted a report on increased self-determination and legal security. The report suggests that coercive means still have a justified place in health legislation in order to secure essential care for severely ill persons. Nevertheless, the committee concludes that the Mental Health Act should set narrower, more clearly defined limits for the use of force, partly in the light of the current geographical differences in the way the legislation is implemented. Thus the committee recommends certain changes in the legislation and control system in order to ensure a highest possible, correct threshold for admitting and treating patients with mental illness. One example is a new legal requirement that a patient's capacity to consent to health care be assessed and documented before a decision can be made regarding involuntary health care. According to this proposal, a patient must have clearly demonstrated a lack of this capacity in order for coercive care to be justified, pursuant to chapter 4 a of the Patient Rights Act. The report is now being followed up by the Ministry of Health and Care Services and will be submitted for public consultation after the summer of 2011.

For 2010/2011 the Ministry of Health and Care Services has required the Regional Health Authorities to submit regional and local plans regarding reduced and correct use of coercion and detention in mental health services. The Directorate of Health has also been asked to establish a set of measures at the national level to support the efforts of the Regional Health Authorities to reduce the use of coercion. Together, the national, regional and local plans constitute a new national strategy on reduced and correct use of coercion in the mental health services. The main reason underlying this new strategy is that in the past few years, the national efforts to reduce and ensure correct coercive health care have not achieved significant results despite repeated, clear signals from the Ministry to the Regional Health Authorities. Furthermore, the quality of the national reports on coercive admission and use of coercive means is not satisfactory; improving the quality of data and reporting routines is therefore one of the goals of the strategy.

Other important steps to improve mental health services have been taken with a goal of increasing the availability and proximity of the services. In the past five years, approximately 150 outreach teams have been established to meet people's needs at an early stage and to ensure a closer follow-up when necessary. There is still a lack of good outcomes research, although there are local reports on reductions in the number of involuntary admissions and coercive treatment as a consequence of increased outreach activity. The concept of patient-determined admission to local psychiatric institutions appears to reduce the use of detention among severely ill persons.

5. Most of the efforts to combat violence against women have so far been focused on providing abused women with emergency services and support. Limited attention has been paid to developing primary prevention strategies such as stopping violence before it occurs.



In May 2009, the Norwegian Ministry of Justice proposed a legal amendment that authorises the electronic monitoring of bans on contact or visits. The proposal only allows use of electronic monitoring of offenders as part of a sentence.

The perpetrator will be fitted with an electronic tagging device, which in the event of breach of a restraining order will trigger an alarm at the police station. The system uses 3-way cellular, landline and RF communication as well as GPS tracking in order to monitor the aggressor and alert the victim and monitoring center. The system creates user-defined restricted zones in which, upon an aggressor's entry, a breach-of-terms alert is triggered. There are also warning zones for the victims, designed to notify them of the aggressor's presence in the area. All alerts are communicated in real time to the police.

In spite of the efforts undertaken, there has been a sharp rise in the number of reported cases of domestic violence from 2007 to 2009 (cf. section 219 of the Penal Code). In 2007, 948 cases were reported, in 2008, 1457 cases and in 2009, 2144 cases, which is an increase of 55% from 2007 to 2009. A possible explanation for the increase in the number of cases reported may be the increased efforts of the police to combat domestic violence in recent years. There is no further information available.

Through amendments to the Criminal Procedure Act, in force from 1 July 2008, the rights of victims in criminal procedure have been strengthened, in particular for victims of sexual abuse. More victims are given free legal counsel to assist them during the police investigation and trial. Imposing a duty on the police and prosecuting authorities to report regularly to the victims about the progress and development of the case also strengthens the victims' right to information. During trials, victims are granted some procedural rights equal to those of the defendant, such as the right to examine witnesses in court and the right to comment on evidence presented in court.

No statistical data on the number of complaints relating to violence against women and associated investigations, prosecutions and convictions are available at this stage. Nor are there any statistical data on compensation provided to victims. However, we can inform that crime victims receive compensation through general state-funded compensation schemes, such as sick pay and national insurance benefits, and public and private insurance schemes, etc.

Under the Act on Compensation for Victims of Violent Crime, persons who have suffered a personal injury caused by an act of intentional bodily harm or other criminal act involving violence or force, or his or her surviving relatives, are entitled to criminal injuries compensation from the state. The Criminal Injuries Compensation scheme is funded by the state through the Ministry of Justice and the Police's budget.

As mentioned in paragraph 84 of Norway's sixth periodic report, crisis centres have been set up in every county, in 2009 totalling 50 centres for the country as a whole.

A new Act, which entered into force on 1 January 2010, imposes a statutory duty on local authorities to provide shelter services and co-ordinated assistance for victims of violence. The shelters are available to everyone exposed to domestic violence and to young people subjected to forced marriages and human trafficking. This entails a duty for the local authorities to ensure that women, men and children are given comprehensive assistance and follow-up in the form of coordinated crisis centre services for the users. The Act takes two different gender perspectives into account: one perspective involves promoting equality specifically for women by ensuring particular protection for the group most exposed to domestic violence. The second perspective involves promoting general equality between the sexes by ensuring equal provision of emergency assistance for men and women exposed to domestic violence. The Act states that the residential arrangements for women and men should be physically separate.

The Counselling Offices for Crime Victims, consisting of 14 offices throughout the country, are a supplement to the public services. The administration of the offices is financed by the Ministry of Justice and the Police. These offices give advice and practical help, and provide information to and assist victims in contacting other public services. They also provide information on the progress of a criminal case, from the time a charge is brought to the court's judgment, and on the rights of victims, and they assist in preparing applications for criminal injuries compensation and ex-gratia payment.

6. In the 2005 Penal Code (not yet in force), the penalty for female genital mutilation (FGM) has been increased to imprisonment for a term not exceeding six years (previously three years) for "ordinary" FGM and to imprisonment for a term not exceeding 15 years (previously six or eight years) if the mutilation is considered severe, see paragraph 54 of Norway's sixth periodic report. The increase in the penalty is partly due to the fact that the penalties in the 2005 Penal Code for bodily harm have been increased on an overall basis, compared to the penalties in the 1902 Penal Code, in order to bring the penalties to the same level as penalties for other bodily harm causing serious injury to body or health. The Government believes that the severity of the penalties will have an important preventive effect, both on the individual and on society as a whole. The Government believes that the severity of the penalties sends a clear signal that FGM is not tolerated. This signal will contribute towards combating FGM, and thus affect the incidence of FGM.

With regard to the crime of FGM, section 68 of the 1902 Penal Code was amended by the Act of 19 June 2009. As mentioned in paragraph 55 of Norway's sixth periodic report, the statute of limitations (up to 10 years) now begins to run when the victim has reached the age of 18. This important change will prevent the crime from being time-barred before the victim can be assumed to be sufficiently mature to decide whether she wants to press charges, and is believed to have a positive effect on the possibility of investigating and prosecuting FGM. This is also believed to reduce the incidence of FGM, since it increases the possibility to prosecute FGM.

FGM cannot be fought solely by enacting new legislation, and this is why the Government adopted its third action plan to combat FGM, as stated in the report.

The Government's policy platform states that efforts to combat forced marriage and female genital mutilation will be continued and reinforced. Through the Action Plan against Forced Marriages (2008–2011) and the Action Plan for Combating Female Genital Mutilation (2008–2011), a study has been initiated to investigate possible procedures for systematic registration of cases of forced marriage and female genital mutilation. Protection of privacy will be a key consideration in work on this study. One of the objectives is to determine how registration may form the basis for statistics at the national level. Tasks include disseminating available knowledge, further developing information materials, developing competence and conducting research and development. A survey of competence needs is currently being conducted for personnel working on female genital mutilation issues. The survey is expected to be finalised by 2011.

To ensure that cases of FGM are effectively investigated, the topic has been on the agenda of training programmes for family violence coordinators in the police force, as well as of the major Educational Conference for the police and prosecution service. Training programmes will be also conducted at the local level.

To combat forced marriages, a special Competence Group has been established in the police force.

#### *7. Measures to protect children from violence and neglect*

Both the Child Welfare Act and the Children Act are based on the fundamental principle that children shall have good and proper care. Violence and sex crimes against children are punishable pursuant to the Penal Code. Children shall feel safe in their homes. The child welfare services are in charge of protecting children against all forms of violence and neglect in the family. The provisions on services and initiatives apply to all residents in the kingdom, including foreign children residing in the country on vacation or as asylum seekers. Reference is made to paragraph 97 of Norway's sixth periodic report, which describes the project "Children living with domestic violence". As a result of this project, national conferences were held in 2009 and 2010, publications from the project have been disseminated and a textbook on child protection for use in services and educational institutions has been published in 2011. A major area of focus in the Action Plan against violence in intimate relationships 2008-2011 ("The Turning Point") is children and young people subjected to domestic violence.

To improve the capacity and quality of the municipal child welfare services, the Government has allocated NOK 240 million in 2011 in earmarked grants for these services, in addition to ordinary block grants (unrestricted income). Due to this specific funding, the number of man-years in the services has increased by approximately 12 per cent since the beginning of 2011. Around NOK 50 million of the NOK 240 million will be used to strengthen the professional competence of municipal child welfare personnel.

In April 2010, amendments in section 30 of the Children Act regarding corporal punishment entered into force, see paragraph 99 of Norway's sixth periodic report. These amendments were introduced to underline that there should be no doubt about current law, and that corporal punishment is illegal and punishable, even if it is a part of upbringing. Section 30 of the Children Act states that children must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health. The Act prohibits all kinds of violence (including light slaps) against children, even if it happens as a part of bringing up a child.

At the national level, the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) compiles data and increases expertise on violence, family violence and sexual abuse, refugees' health and forced migration, stress management and collective strain situations. A report entitled *Oppdager sykehusene barnemishandling – en kartlegging av utredningspraksis* [Do Hospitals Discover Child Abuse – Medical Assessment of Suspected Child Abuse] was published in spring 2010. In spring 2010, NKVTS also published an overview of knowledge as regards prevention of violence against children and child sexual abuse (*Forebygging av fysiske og seksuelle overgrep mot barn – en kunnskapsoversikt*). In cooperation with outpatient clinics for children and young people and professionals from other nations, NKVTS is implementing in Norway and evaluating (2008-2013) the knowledge-based treatment method Trauma-Focused Cognitive Behavior Therapy for children who have been sexually or physically abused.

In cooperation with Alternative to Violence (ATV), NKVTS is carrying out a four-year research project to further develop treatment methods at ATV and survey the effects of the treatment in relation to further violence.

The Centre for Crisis Psychology has developed and tested a school system for detecting and reporting violence against children. In addition to this, guidance material adapted to the needs of children has been prepared for crisis centres.

In the revised framework curricula for primary and lower secondary teacher education, weight is given to issues related to violence and neglect. These issues will also be taken into consideration in the on-going revision of the framework curriculum of pre-school teacher education. A guide was also created in 2009 on cooperation between day-care facilities and the Child Welfare Service to help day-care centre employees to follow up on children who may be exposed to violence, abuse or neglect.

A free hotline ("Alarm telephone") was established in June 2009 for children and young people who are exposed to various types of violence, abuse or neglect. The same telephone number - 116 111 - is also used by hotlines in other countries within the EU/EEA area. This Alarm Telephone has been established as a two-and-a-half-year pilot project. The extent to which its goals have been achieved is currently being evaluated.

Finally, reference is made to paragraph 12 of Norway's sixth periodic report on Children's Houses. The activities of these houses include out-of-court examinations, polyclinic medical examinations, short-term therapy and advisory services for regional and local welfare agencies. There are seven such houses in Norway.

*Cases of sudden and unexpected death*

All cases of sudden and unexpected death must be reported to the police by medical personnel. An autopsy will always be performed on a child who dies suddenly and unexpectedly.

Pursuant to section 224 of the Norwegian Criminal Procedure Act, a criminal investigation must be carried out when, as a result of a report or other circumstances, there are "reasonable grounds" to inquire whether any criminal matter requiring prosecution by the public authorities subsists. If the autopsy of the child or any other circumstance suggests that there are reasonable grounds to inquire, the death will be investigated. If there is "just cause" for suspicion of an act punishable, pursuant to statute, by imprisonment, the police will obtain a court decision to perform a mandatory death-scene investigation and a search of the home.

In April 2011, the Government submitted a bill to the Storting (Norwegian Parliament), proposing that when a child under 18 years dies suddenly and unexpectedly, the police shall investigate the cause thereof even though there is no reason to suspect a criminal act, unless it is obvious that the death was not caused by any criminal act. (In order to search the home as part of the investigation, there still needs to be just cause for suspicion of a criminal offence.). The Act was adopted on 15 June 2011 by the Storting, and is expected to enter into force on 1 July 2011.

Since November 2010, the Norwegian Institute of Public Health offers the parents of children under the age of 4 who die suddenly and unexpectedly, a death-scene investigation. The investigation is performed by a team consisting of a medical professional and another person with knowledge and experience of death-scene investigation. As soon as possible, and preferably within 48 hours, they shall examine the scene of the death (which will normally be the child's home). If the parents refuse the offer, the investigation of the scene is not performed. The team is not able to enter the home by force, and the team is not affiliated with the police. If a suspected offence is discovered after the death-scene investigation has begun, the investigation under the auspices of the health service should be stopped. Further investigation should then be carried out by the police.

8. Norway's practice under the Regulation is founded on the expectation that other member states comply with their international obligation. However, if an individual is at risk in the member state, he or she will not be returned under the Dublin Regulation. In October 2010 Norway decided to halt all returns to Greece under the Dublin regulations until further notice, as a result of a request from the European Court of Human Rights (ECHR). The Norwegian decision to halt all returns still applies. Before the halt of returns to Greece, applications were evaluated specifically and individually. Relevant in this assessment were, among other

factors, the applicant's vulnerability and individual capabilities of safeguarding his/her rights as an asylum seeker in Greece. Unaccompanied minor asylum seekers were never returned to Greece, neither before nor after October 2010.

9. Pursuant to Section 38 of the Execution of Sentences Act (2001), the Correctional Services may make use of a security cell, a restraining bed, or other approved coercive measure in order to

- a) prevent a serious attack on or injury to a person,
- b) prevent the implementation of serious threats or considerable damage to property,
- c) prevent serious riots or disturbances,
- d) prevent escape from prison, during transportation to or from a destination,
- e) prevent unlawful intrusion into a prison, or
- f) secure entrance to a closed or barricaded room.

The Correctional Services shall use coercive measures only if the circumstances make this strictly necessary, and less forceful measures have been attempted in vain or will obviously be inadequate. Coercive measures shall be used cautiously so that no person shall unnecessarily be injured or made to suffer. As far as possible a medical opinion shall be obtained and taken into account in considering whether a decision shall be made to use a security cell or a restraining bed. The Correctional Services shall constantly consider whether grounds for maintaining the measure exist.

Use of a restraining bed for a period that exceeds 24 hours shall be reported to the regional level, which will decide whether the measure shall be maintained. The question shall be reconsidered after 24 hours. The measure shall be reported to the national level, if a restraining bed is used for more than three 24-hour periods. Use of a security cell for more than three 24-hour periods shall be reported to the regional level, which will decide whether the measure shall be maintained. The measure shall be reported to the national level if a security cell is used for more than six 24-hour periods.

The vast majority of the administrative decisions taken by the prison authorities can be appealed to the regional level or to the central level. In addition, it is possible to make a complaint to the Parliamentary Ombudsman for Public Administration. Most administrative decisions can also be reviewed by the courts, including the European Court of Human Rights (once national judicial remedies have been exhausted). Complaints can also be made to international and regional monitoring bodies.

Furthermore, there is a Supervisory Board in each region. The board's mandate is to monitor prisons and probation offices as well as the treatment of prisoners. The reports from the boards are submitted to the Ministry of Justice and the Police. The Parliamentary Ombudsman for Public Administration has on several occasions expressed his recognition of the importance of the Supervisory Board's role as positive, but has pointed out that the boards do not have the capacity to visit the prisons frequently. The matter was discussed in a White

Paper on the Correctional Services published in September 2008 (St. meld. nr. 37 (2007-2008)), in which the Government acknowledges that the current system is not fully satisfactory. The issue is still under consideration.

Reference is made to paragraphs 18 - 21 of Norway's sixth periodic report regarding the functioning and work of the Norwegian Bureau for the Investigation of Police Affairs which investigates alleged crimes by members of the police. The main tasks of the Norwegian Bureau is to investigate and decide whether or not to prosecute cases concerning suspicion of criminal acts committed by employees in the police force and prosecuting authority. In 2009 the Norwegian Bureau for the Investigation of Police Affairs received 1095 reports and in 2010 1097 reports.

The breakdown of cases in the table below is based on the reporter's preconception of the type of criminal act that has taken place. When the cases are finally investigated, the code for the type of case may be amended, based on the prosecution decision.

| <b>Type of case</b>                           | <b>No.<br/>2010</b> | <b>No.<br/>2009</b> | <b>Notes</b>  |
|---|---------------------|---------------------|---|
| Unlawful use of force                         | 88                  | 75                  |   |
| Unlawful deprivation of liberty               | 22                  | 24                  |   |
| Unlawful search                               | 14                  | 19                  |   |
| Breach of confidentiality                     | 50                  | 57                  |   |
| Falsifying information                        | 24                  | 32                  | e.g. submitting a false report, false statement, false report of criminal act |
| Drug violations                               | 0                   | 6                   |   |
| Sexual offences                               | 14                  | 19                  |   |
| Theft etc.                                    | 25                  | 18                  |   |
| Gross lack of judgement in the course of duty | 329                 | 310                 | Several cases here will also apply to unlawful use of force                   |
| Improper conduct                              | 44                  | 10                  |   |
| Dereliction of duty                           | 71                  | 56                  |   |
| Traffic violations                            | 30                  | 25                  |   |

In 2010, 35% of the cases were dismissed without investigation because there were no reasonable grounds to warrant the initiation of an investigation. In 2009 this figure was 32%. However, the fact that a case has been dismissed on these grounds does not mean that the matter has not been thoroughly appraised. In the majority of cases, case documents from the reporter's criminal case in the police have been reviewed ("mirror case"). In many cases, in addition to conducting a review of the crime report, the person submitting the report has been



asked to provide a fuller account of the matter. Even in cases where investigation is not initiated, an underlying argument for the decision is given.

Of 1352 processed reports in 2010, 49 led to positive prosecution decisions in form of an optional penalty writ, indictment, charge or waiver of prosecution. In 2009, 71 led to positive prosecution. In 2010, 19 persons or corporate entities were fined, indicted or charged. In 2009 the figure was 27.

There are no statistical data for complaints in the non-criminal track.

A study regarding the frequency of use of measures of restraint prior to the suicides that have occurred in prisons between 2002 and 2010 has been initiated. A report summarising the findings will be presented before the end of the year.

Only one incident of ill-treatment by prison staff was reported in 2010. A prisoner in Oslo Prison accused a prison officer of ill-treatment and filed a complaint to the regional Supervisory Board. However, as the said prisoner concurrently advised the Supervisory Board that the matter is being handled by the courts, the complaint has not been further investigated.

Last summer (2010), there was an incident where prison staff reacted to a colleague's use of force in connection with the placement of a prisoner in a security cell in Bredtveit Prison. The incident resulted in a disciplinary case where the prison officer in question was demoted to a lower rank for two years, in accordance with section 14 of the Act relating to Civil Servants, etc. of 4 March 1983 No. 3 (Civil Service Act). The officer appealed the decision and the Board of Appeals decided that the officer should be demoted to a lower rank for six months.

No other complaints regarding abuse and/or ill-treatment were filed in 2010; nor have any been filed – so far – in 2011.

No special schemes have been established for victims of ill-treatment by law enforcement officials. Victims can apply for compensation from the general Criminal Injuries Compensation scheme (see question 5 above) or file claims for compensation before the courts.

### **Elimination of slavery and servitude (art. 8)**

10. By the end of 2009, 18 persons had been convicted of human trafficking in Norway since 2003. The National Coordinating Unit for victims of trafficking (KOM) has compiled statistics that show that a total of 319 persons identified in 2010 or previous years as victims of trafficking have accepted assistance and protection measures. 104 of them are Nigerian citizens. The actual number of victims is of course assumed to be higher.

Under the Act on Compensation for Victims of Violent Crime, victims of trafficking can seek compensation from the Norwegian Criminal Injuries Authority. One condition is that the

crime must have been reported to the police, but compensation can be awarded even if the criminal case is subsequently dropped. A further condition is that the criminal act must have taken place in Norway. This scheme is highly practical, also because a victim who is awarded compensation by the courts in a criminal case can receive funds from the Criminal Injuries Authority, which will then seek to recover the funds from the convicted trafficker. Several victims have received funds from the scheme, but there are no statistics on the numbers or the amount received.

Under the Crisis Centre Act of 2009, municipalities are obliged to provide human trafficking victims with accommodation in a crisis center. The Government continues to support the ROSA project, which offers safe housing and provides information and advice on following up trafficking victims. ROSA housed 51 women in 2009 and 42 women in 2010. The project was evaluated in 2008.

A new action plan against trafficking (“United against human trafficking”) was launched by the Government in December 2010. The plan contains 35 updated measures to combat trafficking.

One of the measures states that the National Coordinating Unit for victims of trafficking (KOM), established as a project in 2006, is to be continued as a permanent instrument for improving coordination between authorities and organisations. The decision was based on an evaluation of KOM in the spring of 2010. Clearer terms of reference have been drawn up for the unit on the basis of the evaluation. The unit will continue to be administered by the Police Directorate. KOM will submit an annual status report containing an overview of the issue of trafficking and suggest appropriate topics for research. KOM will also be tasked with developing proposals for information campaigns and competence-building measures that will raise awareness and prevent the establishment of new forms of trafficking.

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

11. As regards the use of pretrial detention and solitary pretrial confinement, reference is made to paragraphs 122-136 of Norway’s sixth periodic report and to the letter from the Norwegian Ministry of Foreign Affairs regarding the Committee against Torture (CAT)’s Concluding Observations to Norway dated 28 February 2011 (attached).

The intention behind the three-day absolute time limit laid down in section 183 of the Criminal Procedure Act for bringing an arrested person before the court was to reduce the need for pre-trial detention. It was thought that the new time-limit would give the police more time to investigate before having to decide on the need for pre-trial detention, enabling them to secure evidence and carry out interrogations and thus reduce the need for keeping the person detained. The Ministry of Justice and the Police is now evaluating whether the amendment has had the intended effect and will decide whether the amendment should be maintained or reversed during the second half of 2011.

12. Reference is made to paragraph 151-155 of Norway's sixth periodic report. For the reasons stated in the report, Norway will not withdraw the reservation in question.

Nevertheless, on 24 June, the Norwegian Government approved several proposals for legislative amendments regarding juveniles in conflict with the law. The aim is to improve the position of juveniles in conflict with the law by strengthening their rights and by using measures other than prison, also when a serious and/or repeated crime has been committed. The proposals also represent a step towards better fulfilment of the obligations incumbent on the State members under several of the international and regional conventions, as well as soft-law instruments.

In accordance with Article 37 of the Convention on the Rights of the Child, it is the Norwegian Government's opinion that prison should only be a measure of last resort and alternative sanctions should be used to the extent possible. As a means of pursuing this ambition, a new sanction called "Juvenile Sentence" has been introduced. This sanction is based on restorative justice principles and includes a conferencing meeting and a strict follow-up plan. The offender's private network, as well as various public institutions, such as schools, the child welfare authorities, health care services, etc. will be involved, and the follow-up plan will be tailored to the individual needs of each offender. The offender will be obliged to make active efforts to abstain from committing crime, as well as from using alcohol and drugs. It is hoped that this sanction will contribute towards reducing the number of minors in prison. The proposals will be handled by the Norwegian Parliament during its autumn session this year (2011).

The Government does, however, admit that even juveniles will – exceptionally – have to be placed in prison.

As explained in the report, Norway is currently in the process of establishing two separate prison units for young offenders to avoid minors being held in pre-trial detention or serving their sentences in prisons together with adults, or in total isolation. Only one of the juvenile units is operational so far (Bergen). The establishment of a juvenile unit in eastern Norway has proved to be challenging. Vigorous efforts are, however, being made to reach a solution in the very near future.

13. The shadow report from the Norwegian NGO-forum for Human Rights states, on page 45, that "there is no rule granting the defence access to all the documents in the Police's possession, for example all photographs. The police may choose the documents which they consider relevant for the Defence, and the Police are not obliged even to inform the Defence or the court about the existence of other documents." The Government does not share the view that this is an accurate description.

Pursuant to section 242 of the Norwegian Criminal Procedure Act, the suspect and his defence counsel shall on application be permitted to acquaint themselves with the documents in the

case pending the criminal investigation. The “documents in the case” mean all material documents and information from the investigation of the case, including photographs. During the criminal investigation, access can be denied, i.e. if access could be detrimental or pose a risk to the purpose of the investigation or to a third person.

When a prosecution is instituted in court, the prosecuting authority shall send a copy of the indictment and the summary of evidence to the defense counsel together with “the documents relating to the case”. Thus, the prosecuting authorities are obliged to disclose all material evidence in their possession for or against the accused. The defence counsel has the right to request that the prosecuting authority shall secure any new evidence he specifies.

The Norwegian Criminal Procedure Act reflects the principle that it is a fundamental aspect of the right to a fair trial to have the opportunity to have knowledge of and comment on the observations filed and the evidence adduced by the other party. However, in some cases it may be necessary to withhold certain evidence from the defence so as to protect the fundamental rights of another individual or to safeguard an important public interest. On application by the public prosecutor, the District Court may as a distinct judicial proceeding, by order decide that the prosecuting authority may deny the person charged and his defence counsel access to information that the prosecuting authority will not submit as evidence in the case. This can only be done in special circumstances, i.e. if the granting of such access may entail the risk of a serious crime being committed against any person’s life, health or liberty, or if police collaboration with the authorities of another country will be substantially impeded. A decision to exempt documents from access may only be made if it is strictly necessary and does not give rise to substantial doubts in regard to the defence or the persons charged. The decision is taken by a special judge, and not by the trial judge. If the case develops in such a way that the information to which access has been denied “may be favourable to the person charged in the process of deciding the issue of guilt or the sentence to be imposed”, the special judge shall in the order direct the prosecuting authority to transmit the order to the District Court, cf. section 272 a of the Criminal Procedure Act.

The relationship to Article 14 of the Covenant, along with other human rights obligations, was carefully considered in the preparatory works of the provision, and will always be taken into account when the special judge considers applying the provision in order to ensure that the accused receives a fair trial.

14. As mentioned in paragraph 8 of Norway’s sixth periodic report , a distinction is made in the Norwegian civil legal aid scheme between cases that are subject to means testing and cases that are not. Approximately 40 per cent of the public funding of civil legal aid is spent on cases where the applicant is not subject to means testing. These cases include appeals against asylum decisions, cases concerning child welfare, legal counselling for victims of violent crime and cases concerning compensation for prosecution. As stated in the report, an applicant for means-tested legal aid in civil cases cannot have a gross income that exceeds NOK 246 000 if he/she belongs to a household of one, or a total of NOK 369 000 if he/she belongs to a household of two or more adults. Approximately one quarter of Norway’s

households has a level of income to which this requirement applies. Furthermore, there is a limit of NOK 100 000 for personal wealth that the applicant cannot exceed in order to be eligible for means- tested legal aid in civil cases. When calculating the applicant's personal wealth, the standard procedure is not to include the value of property used for private housing.

In asylum cases, free legal aid is normally not granted in court proceedings. However, persons applying to the Norwegian Directorate of Immigration for asylum receive assistance from the Norwegian Organization for Asylum-Seekers (NOAS). This organisation is a recipient of financial aid from the Norwegian Ministry of Justice and the Police. When an appeal is filed against a decision by the directorate, free legal aid is provided without means testing.

**Freedom of religion and equal protection, freedom of expression, and incitement to violence (arts. 18, 19, 20, para. 2, 25 and 26)**

15. The Norwegian Parliament has adopted amendments to the Election Act, which give listed candidates the right to be exempted from the duty to stand in an election if they declare that they do not wish to stand on the list in question. No candidates need to declare that the political view of the list contradicts their political opinion in order to be exempted from the list. This amendment will come into force from 2012.

16. Norway has requested the Venice Commission's assessment of the provisions regarding the adjudication of complaints and appeals, and approval of elections, and how these relate to Norway's international obligations.

A Joint Opinion on the Electoral Legislation of Norway by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) was adopted by the Council for Democratic Elections at its 35th meeting (16 December 2010) and the Venice Commission at its 85th Plenary Session (17-18 December 2010). The report points to the need to include the judiciary in the process of resolving electoral disputes. The Ministry of Local Government and Regional Development will now further examine Norway's electoral regulations and practice relating to these issues, in order to make sure that they are compliant with Norway's international obligations.

*17. Article 20*

First we would like to emphasize that the comments under Article 20 must be read in conjunction with the comments under Article 19 of Norway's sixth periodic report.

As to Article 20, paragraph 1, there are no current plans to withdraw Norway's reservation. As pointed out in the periodic report, a prohibition against propaganda for war poses serious difficulties. In order to clarify this matter, and as mentioned in the comments under Article 19 in the report (paragraph 206), we would however like to point out that a new provision of the 1902 Penal Code prohibiting public incitement to commit a terrorist offence, recruitment, and training for terrorism entered into force in December 2008 (section 147 c). A person who violates this provision is liable to imprisonment for a term not exceeding 6 years. This

provision implements Articles 5-7 of the Council of Europe Convention on the Prevention of Terrorism. When preparing the new provision, the Norwegian Ministry of Justice took the view that the general criminalisation of indirect provocations would impinge on the freedom of expression. Thus section 147 c is worded in such a way that it only applies to incitements to the carrying out of acts of terror or acts related to terror (direct provocations). The extent to which indirect provocations constitute a breach of the provision must be decided on a case-to-case basis, emphasising not only Article 5 of the Convention, but also freedom of speech.

*Hate speech against the Sami people, anti-Semitic, Islamophobic and xenophobic statements*

There is no doubt that incidences of hate speech against the above-mentioned groups do occur. In the new Penal Code, which has not yet entered into force, a new section (77 first paragraph litra i) has been introduced stating that actions based on i.a. religion, skin color and ethnicity will be emphasised as an aggravating circumstance when sentencing all kinds of crimes. With regard to hate speech, the new section 185 of the Penal Code also criminalises statements uttered solely in the presence of a person who is being discriminated or exposed to hate speech. There is thus no requirement that the statement is made in public.

The latest Police Directorate analysis from December 2010 shows that the number of hate crimes (which covers more than the category of hate speech) reported to the police has been quite stable in 2007, 2008 and 2009. In 2009 a total of 240 cases of hate crime were reported in Norway, concerning 234 victims and 201 offenders. Hate crimes due to racism predominate, followed by hate crimes relating to sexual orientation. There are obviously limitations to the registration of such crimes, and the data registered can hardly provide us with a complete picture.

On a website called “Tips KRIPOS” (“Tip KRIPOS”), the public can tip the police regarding racism and racist expressions on the internet. KRIPOS is the national police unit for fighting organized and other serious crime. The website information is available in both Norwegian and English: <https://tips.kripos.no/cmssite.asp?c=1&s=199&menu=17> (English) and <https://tips.kripos.no/cmssite.asp?c=1&s=8&menu=5> (Norwegian).

In a White Paper on Sami Policy (No. 28 (2007-2008)), the Government states that information and focus on attitudes are seen as the most important factors for eliminating discrimination against Sami. The Government therefore attaches importance to strengthening efforts to prevent discrimination of Sami and discrimination in the Sami community. To ensure that the Equality and Anti-Discrimination Ombud has a permanent partner in the Sami community who focuses on equality and diversity issues, the Government, in consultation with Sámediggi (the Sami Parliament), has established a position at Gáldu (Resource Centre for the Rights of Indigenous People) to address such issues. This is a three-year trial project that started in 2010.

Another measure is the Pathfinder project. Evaluation of the project has shown that this is an effective method of combating prejudices and mistaken notions about the Sami and Sami

culture, in particular among students in upper secondary schools. See more about the project in paragraph 276 of Norway's 19th/20th report under CERD.

In March 2010, the Norwegian Broadcasting Corporation reported on smear campaigns against Jews at several schools in Oslo. The Minister of Education immediately convened a meeting with the Jewish Community of Oslo, and there was consensus that the Minister should establish a working group tasked with suggesting how schools can work more systematically to prevent anti-semitism and racism. The report of the working group, entitled "History can repeat itself", was submitted to the Ministry in January this year. In spring 2011, the Ministry has worked on establishing measures based on the recommendations of the working group.

Norwegian authorities run and finance several projects which focus on reducing anti-semitism. The Mosaic Religious Community has one project *Fortsatt aktivt jødisk liv i Norge?* (Still active Jewish life in Norway?), which is financed by the Ministry of Government Administration, Reform and Church Affairs. The purpose of the project is to find reasons for the declining number of members in Jewish congregations and the effects of Jewish youth's experiences of anti-semitism. The Ministry also finances further development of a programme under which Norwegian school classes visit the Jewish Museum in Oslo.

The Center for Studies of Holocaust and Religious Minorities started a research project on ethnic discrimination in August 2010. The goal is to increase knowledge about the nature, extent and causes of discrimination. The study will provide us with knowledge about attitudes towards Jews and Judaism in Norway. There is also a need to examine the attitudes towards other minority groups in Norway such as Roma and Muslims. The final report will be completed in spring 2012.

It is an objective for the Government to promote dialogue and cooperation between religious and life stance communities in Norway. Achieving mutual understanding, respect and appreciation for both differences and common values through openness and dialogue is important. The Norwegian experience with the cartoon controversy illustrates the benefits of long-term inter-religious dialogue. Due to an already established contact, prominent leaders of the Islamic Council of Norway, the Christian Council of Norway and the Church of Norway met shortly after the publication of the drawings in 2006. They issued a joint statement disapproving both the publication as well as the violent reactions, thus contributing to calming the situation in Norway.

For further information on measures to combat discrimination and hate speech, reference is made to Norway's 19th/20th report under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), under Article 7.

## **Protection of the family and minors (arts. 23 and 24)**

18. Norway has adopted several amendments to its legislation on family immigration. Reference is made to paragraphs 221 – 226 of Norway’s sixth periodic report. A main objective of these amendments is to combat forced marriages. A further aim is to reduce the number of unfounded asylum claims, and to encourage immigrants to work or to study.

When preparing the provisions, the Government carefully examined whether the new regulations are in accordance with our international obligations, including the right of persons to marry and found a family. The Government emphasises that the requirements can be met by most citizens and immigrants within a reasonable time limit and that most families can establish a family life outside of Norway. The regulations also allow for exceptions.

However, the Ministry of Justice and the Police will evaluate the effects of the new Immigration Act, to determine whether the requirements are appropriate and whether they are reasonable in regard to children’s right to family reunification with their parents.

19. The Norwegian Child Welfare Act applies to all children residing in Norway, regardless of the legality of their stay, the children’s asylum status or citizenship. The child welfare services therefore have a responsibility to all unaccompanied minor asylum seekers. By virtue of being children, all unaccompanied minors are offered suitable accommodation. The Norwegian Directorate of Immigration (UDI) has the overall responsibility for reception centres for unaccompanied minors aged between 15 and 18, while the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), has the overall responsibility for special care centres for unaccompanied minors up to the age of 15.

The Norwegian Immigration Act explicitly states that the best interest of the child shall be a primary consideration in all assessments under the Act. This is particularly expressed in the section regulating residence permits on humanitarian grounds, and in the section regulating expulsion of foreigners.

Although the best interest of the child must be a primary consideration, it is not necessarily the decisive consideration in assessments. For instance, this consideration must be weighed against immigration regulatory concerns in each individual case. The possibility for a child to have contact with a parent, and the best interest of the child, are assessed before making a decision to expel a parent. However, the fact that a foreigner has a child will – as a general rule – not prevent expulsion if the grounds for expulsion are serious crime or serious violation of the Immigration Act, but the re-entry ban will normally be limited to two or five years. If a foreigner who has children in Norway is expelled because of violation of the Immigration Act, the entry ban will as a main rule be limited to two years. In special circumstances, the expelled parent may apply for access to the territory for a short term visit, but as a main rule not until two years after he has left Norway. The entry ban may also be revoked if new circumstances arise.



## **Rights of persons belonging to minorities (arts. 26 and 27)**

*20. Measures taken to eliminate discrimination and the social exclusion of persons belonging to ethnic and national minorities.*

The Government has intensified efforts to combat ethnic discrimination and adopted a Plan of Action to Promote Equality and Prevent Ethnic Discrimination in April 2009. The Plan of Action is intended to combat and prevent both direct and indirect discrimination, and mainly comprises measures to combat discrimination of persons from minority backgrounds, including immigrants and their children, Sami and national minorities. The plan will incorporate a gender perspective on implementation of the measures. The plan includes 66 new measures, and nine ministries are responsible for their implementation. The Ministry of Children, Equality and Social Inclusion is collaborating on the Plan of Action with the social partners (the eight main employers' and employees' organisations). In spring 2009, a joint working group prepared new guidelines relating to the new duty of activity and reporting, which entered into force on 1 January 2009.

The Norwegian Government has launched several measures to prevent bullying and discrimination in schools, kindergartens and leisure facilities. This topic is also highlighted in the Government's political platform. The Anti-Bullying Manifesto 2011-2014 was signed on 27 January 2011 by the Government and important national partners.

The Ministry of Education and Research provides an earmarked grant to enhance language understanding among minority language children under school age. The grant may be used in kindergartens attended by Kven children.

### *Roma – eliminate discrimination in the fields of employment, education, and housing*

Regarding the situation for the Roma people, measures are set out in the Plan of Action for Roma; reference is made to paragraphs 305-307 of Norway's sixth periodic report. In the follow-up of the Plan of Action:

- The adult education project has been made a permanent activity – the Roma Adult Education Center, with government financial support and administered by the City of Oslo.
- The Roma Advisory Center is now run on a permanent basis, with government financial support, assisting Roma if necessary in their dealings with the welfare system.
- Extra financial support is provided for primary school measures for Roma children
- Information material on all the national minorities is being prepared for the educational system.
- A research project focusing on Norway's international human rights' obligations seen in the light of the Norwegian Education Act was presented by the Ministry of Education in spring 2011 and will be followed up.
- Recent meetings at the central and local political level regarding the Roma people in the field of education and housing will be followed up.

*The Romani /Tater people - eliminate discrimination in the fields of employment, education, and housing*

The Government has appointed a committee that will assess and document previous policies as regards the Romani/Tater people, to help facilitate a reconciliation process between the Romani /Tater people and the Norwegian authorities. The Romani/Tater people will be strongly involved in this work.

A project, “Romani – from child to adult” (*Taterfolket – fra barn til voksen*), which focuses on the Romani culture, has been carried out in kindergartens and schools for several years. The aim of the project has been to make majority children/pupils and parents aware of the Romani culture by telling about traditions, songs etc. The project appears to have been a success. The lessons learned from this project will be spread, through examples of how pupils can stay in contact with schools while travelling, by providing information about national minorities, with special focus on the education of Roma and Romani pupils, and by studying cooperation between kindergartens and schools.

*Practical measures taken to deal with the shortage of teachers and teaching resources in the Sami and Kven language*

The County Governors in Troms and Finnmark arrange seminars for teachers in Kven and Finish language to exchange experiences and information about teaching material and education.

With regard to the Sami language and teachers, a working group comprising representatives from Norway and Sweden is currently seeking ways of addressing the shortage of teachers and educational materials in both countries. The aim of the group is to find out how the two countries can collaborate, as quite a few students apply for Sami teacher training, and there is a shortage of books and other educational materials for Sami pupils. The report will be presented to the ministries in Sweden and Norway in September. In higher education, a recruitment strategy has been drawn up to make Sami higher education more attractive.

21. The Coastal Fishing Committee (NOU 2008:5) argues that people living along the fjords and coast have a right to fish in the sea outside Finnmark. This view is based on historical usage and international law concerning indigenous people. Furthermore, the committee proposes to establish this right by law; it should comprise the right to fish for personal consumption and the right to establish fishing as a trade.

After a public consultation process in 2008 and a series of consultations between the Ministry of Fisheries and Coastal Affairs and Sámediggi, the two parties agreed on a series of measures to strengthen the coastal and fjord fisheries and the local management in the northernmost areas of Norway in May 2011.

This agreement includes the establishment of a right to fish – on certain terms – in the waters off the coast of the county of Finnmark and several municipalities in the counties of Troms and Nordland with Sami areas. In addition, a quota of 3000 tonnes of cod will be allocated to

fishing vessels in open fisheries in these areas. It was also agreed to establish a local fishing board. The purpose of the board is to serve as a key advisor to the fishing authorities. The Ministry of Fisheries and Sámediggi concluded that a separate process should be initiated to discuss the mandate and assignments of the proposed board.

The Ministry and Sámediggi also agreed that they each have a different understanding of whether this proposed right should be legally inferred from historical usage and international law concerning indigenous people. The parties have, however, chosen to disregard their principal disagreement and concentrate their efforts on reaching agreement on a set of measures that can provide for, and result in, increased fishing possibilities for people in these areas.

The proposals were endorsed by a majority at Sámediggi during a plenary session in June 2011. The next step in this process is that the Government will present the proposals to the Norwegian Parliament for approval. However, the additional quota of 3000 tonnes of cod has already been implemented in the 2011 fisheries regulations.