

Council of Europe contribution for the 19th UPR session regarding Norway

Prevention of torture

On 21 December 2011, the Council of Europe's Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) published the report on its fifth periodic visit to Norway from 18 to 27 May 2011. The Norwegian authorities' response of to the CPT report was made public on 25 July 2012 (both documents are attached below).

During the visit, the CPT followed up on a number of issues examined during previous visits, including the fundamental safeguards offered to persons deprived of their liberty by the police and the conditions of detention of immigration detainees. In this connection, the Committee carried out a follow-up visit to Trandum Aliens Holding Centre.

As regards prisons, particular attention was paid to the situation of persons subject to preventive detention (*forvaring*) and to juvenile prisoners. For the first time in Norway, the CPT visited a prison for women (Bredtveit Prison).

In addition, a visit was carried out to the Dikemark Regional Department of Forensic and High-Security Psychiatry.

A complete list of the CPT's recommendations, comments and requests for information is contained in Appendix I to the report.¹



2011-33-report-eng.pdf



2012-20-response-eng.pdf

Execution of judgments and decisions of the European Court of Human Rights

At 31 December 2012, there were two cases against Norway pending before the Council of Europe's Committee of Ministers for supervision of their execution. None of these cases were "leading cases", i.e. raising a new structural/general problem and requiring the adoption of general measures.

The document attached presents a brief description of statistical data regarding Norway.



Execution of Court judgments decisions.doc

Fight against racism and intolerance

On 24 February 2009, the European Commission against Racism and Intolerance (ECRI) released its fourth report on Norway.²

¹ pp. 41-48.

² A summary of the report can be found on pp. 7-10.

The ECRI report underlines that positive developments have occurred in the country, but also details issues of concern.

The situation of persons of immigrant background remains worrying in sectors such as employment and school education, as well as the situation of Roma and Romani/Taters. Political discourse sometimes takes on racist and xenophobic overtones, and the police still have important challenges to take up, including in the field of addressing racial profiling.

The report contains findings and recommendations regarding the following issues:

- Existence and implementation of legal provisions³
- Discrimination in various fields, including employment, education, housing, health, administration of justice and access to public places⁴
- Racist violence⁵
- Racism in public discourse⁶
- Vulnerable/target groups, including Muslim communities, Romani/Tater and Roma communities, Jewish communities and Sami communities⁷
- Reception and status of non-citizens⁸
- Asylum seekers⁹
- Monitoring of racism and racial discrimination¹⁰
- Conduct of law enforcement officials¹¹

The following three recommendations were selected for priority implementation to be revisited two years later:

- ECRI recommends that the Norwegian authorities ensure that the general duty on public authorities and private employers to promote equality and prevent discrimination in carrying out their functions includes specific duties.
- ECRI urges the Norwegian authorities to increase the availability and use of professional interpretation in the health sector. ECRI recommends that the Norwegian authorities increase the availability and use of professional interpretation in the legal system.
- ECRI strongly recommends that the Norwegian authorities take steps to address racial profiling, notably in stop and search operations carried out by police and customs and immigration officials.

On 21 February 2012, ECRI published conclusions on the implementation of these recommendations for which priority follow-up was requested.

ECRI's report on Norway and the conclusions on the recommendations selected for priority implementation are attached below.



NOR-CbC-IV-2009-0 NOR-IFU-IV-2012-00
04-ReportENG.pdf 9-FollowupENG.pdf

³ paras. 1-43.

⁴ paras. 44-78.

⁵ paras. 79-82.

⁶ paras. 83-90.

⁷ paras. 91-103.

⁸ paras. 104-119.

⁹ paras. 120-129.

¹⁰ paras. 130-136.

¹¹ paras. 137-147.

Protection of minorities

Framework Convention for the Protection of National Minorities

On 4 July 2012, the Council of Europe's Committee of Ministers adopted a resolution on the protection of national minorities in Norway (attached below). The resolution contains conclusions and recommendations, highlighting positive developments¹² but also mentioning issues of concern¹³. Moreover, it mentions a number of areas where further measures are needed to advance the implementation of the Framework Convention for the Protection of National Minorities.

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I¹⁴ and II¹⁵ of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention.

Issues for immediate action¹⁶

- take more resolute measures to promote tolerance, mutual respect and social cohesion in Norwegian society, and to ensure a regular inclusive review of such measures; encourage the media to comply fully with their rules of ethical conduct, with all due regard for media independence;
- take effective measures to enable persons belonging to the Roma and Romani/Taters minorities who were victims of the forced assimilation policy in the past to exercise their rights; take all possible measures without delay, including a more proactive attitude, such as using the public archives and other documentary evidence in order to enable all the persons concerned to be identified according to their own particular cultural origin; set up a national scheme for awarding appropriate financial compensation, in close consultation with the persons concerned;
- continue the efforts to revitalise the Kven language and to provide the additional resources which the Kven Institute needs in order to finalise the standardisation of the Kven language within a reasonable timeframe; provide additional measures to develop the teaching of the Kven language for children of pre-school age.

Further recommendations¹⁷

- ensure the effective implementation of the legislative framework for minority rights at all levels, in particular by regional and local authorities;
- carry out actions to increase public awareness about the work of the Equality and Anti-Discrimination Ombudsperson;
- provide the additional resources which the Ombudsperson's Office needs to carry on its mission effectively;
- take resolute measures to improve the situation of persons belonging to the Roma and Romani/Taters minorities during their seasonal travel;
- ensure that all forms of discrimination against persons belonging to the Roma and Romani/Taters minorities in the provision of services are firmly opposed and in particular that Roma and Romani/Taters are not denied access to commercial camping sites on arbitrary grounds. Discriminatory attitudes from the police must also be effectively and appropriately sanctioned;
- place emphasis, in police training, on the specificity of the traditional lifestyle of the Roma and Romani/Tater minorities as an essential component of their cultural identity and promote the recruitment of Roma into the police force;

¹² Part 1.a) of the resolution

¹³ Part 1.b) of the resolution.

¹⁴ paras. 6-27 of the third Opinion of the Advisory Committee on the Framework Convention on Norway.

¹⁵ paras. 28-129 *ibid*

¹⁶ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

¹⁷ *Idem*.

- ensure that the needs of persons belonging to the Kven minority are duly accommodated by increased public radio broadcasting, while respecting the independence of the media;
- seek appropriate solutions suited to the particular lifestyle of Roma and Romani/Taters children in order to grant them equality in access to quality education, while preserving their culture, by developing adapted educational programmes, including by distance learning.

The Committee of Ministers' resolution is largely based on the corresponding third Opinion of the Advisory Committee on the Framework Convention on Norway¹⁸. The concluding remarks, contained in Section III¹⁹, serve as the basis for the Committee of Ministers' Resolution. The Opinion of the Advisory Committee is also attached below.



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European Charter for Regional or Minority Languages

On 10 March 2010, the Council of Europe Committee of Ministers made public the fourth report on the application of the European Charter for Regional or Minority Languages by Norway. The report drawn up by a committee of independent experts, which monitors the application of the Charter, is contained in the attachment below. It includes the Committee of Ministers' Recommendation on the application of the European Charter for Regional or Minority Languages by Norway.

On the basis of the report, the Committee of Ministers calls on Norway to ensure that social and health care institutions within the Sámi Administrative District offer services in North Sámi. Furthermore, the Norwegian authorities are encouraged to continue their efforts to provide teaching in or of Lule and South Sámi, including the development of teaching materials and teacher training.

Norway should also continue their efforts to protect and promote the Kven language in particular in education and in the field of broadcast media.

Finally, the Committee of Ministers recommends that Norway take measures to develop language education in Romani and Romanes in co-operation with the speakers.



NorwayECRML4_en.pdf

Action against trafficking in human beings

On 7 May 2013, the Group of Experts on Action against Trafficking in Human Beings (GRETA) published its first evaluation report on Norway²⁰, together with the final comments of the Norwegian Government. Both documents are contained in the attachment below.

GRETA calls on the Norwegian authorities to set up a national system for identifying and assisting victims of trafficking. In its report GRETA acknowledges that Norway has taken significant steps to prevent and combat trafficking in human beings, and commends Norway's leading role in international efforts to fight human trafficking. That said, a number of important challenges remain, including the need to adopt clear procedures and criteria for identifying victims

¹⁸ A summary of the report can be found on pp. 1-2.

¹⁹ paras. 130-144.

²⁰ A summary of the report can be found on pp. 7-8.

of trafficking. The report underlines that identification procedures should be improved so that victims of trafficking are not prosecuted for immigration-related offences.

GRETA also calls on the Norwegian authorities to adopt a proactive approach to identifying child victims of trafficking, including Roma children, and to increase the involvement of NGOs in planning and monitoring anti-trafficking measures.

The report points to the need to bring the legal definition of human trafficking fully in line with the Convention and to increase penalties to help deter traffickers.

The report notes that there are around 150-200 possible victims of trafficking per year in Norway, mostly women from Nigeria, Romania and Lithuania who are trafficked for the purpose of sexual exploitation.

In its report GRETA provides concluding remarks²¹ as well as a complete list of proposals to the Norwegian authorities.²²



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Preventing and combating violence against women and domestic violence

Norway has signed but not yet ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. For this reason, it is not yet concerned by the monitoring procedure which is to be carried out once the Convention will enter into force.

European Commission for Democracy through Law (Venice Commission)

The Venice Commission has adopted an opinion on the electoral legislation of Norway. The opinion, with a hyperlink to the text, appears in the attachment below.



Venice
Commission.Norway.t

Fighting corruption

On 3 April 2013, the Council of Europe Group of States against Corruption (GRECO) published its second compliance report on Norway for its third evaluation round. The conclusions of the report²³ should be read in conjunction with the compliance report from 2011.²⁴ GRECO concludes that Norway has implemented satisfactorily all of the eight recommendations contained in the third round evaluation report.



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GrecoRC3(2011)2_N
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²¹ paras. 267-273.

²² Appendix I.

²³ Conclusions appear in section III of the report, paras. 32-35.

²⁴ Both documents are attached below .

Social and economic rights

Norway ratified the European Social Charter on 26/10/1962. It accepted 60 of the Charter's 72 paragraphs.

Norway ratified the Additional Protocol providing for a system of collective complaints on 20/03/1997. It has not yet made a declaration enabling national NGOs to submit complaints.

The country ratified the Revised Charter on 07/05/2001. It accepted 80 of the Revised Charter's 98 paragraphs.

Cases of non-compliance

Thematic Group 1 "Employment, training and equal opportunities"

▶ Article 10§4 – Right to vocational training - Long term unemployed persons

It has not been established that measures aimed at the retraining and re-integration of long-term unemployed persons are adequate.

(Conclusions 2008, p.12)

▶ Article 10§5 - Right to vocational training - Full use of facilities available

Equal treatment for non-EU nationals with respect to financial assistance for training is not guaranteed.

(Conclusions 2008, p. 13)

▶ Article 15§1 - Right of persons with disabilities to independence, social integration and

participation in the life of the community - Vocational training for persons with disabilities

The protection against discrimination on grounds of disability in the field of education is insufficient.

(Conclusions 2008, p.15)

▶ Article 15§3 – Right of persons with disabilities to independence, social integration and participation in the life of the community - Integration and participation of persons with disabilities in the life of the community

No legislation prohibiting discrimination on grounds of disability covering housing, transport, telecommunications, cultural and leisure activities.

(Conclusions 2008, p.18)

Thematic Group 2 "Health, social security and social protection"

▶ Article 12§4 – Right to social security - social security of persons moving between states

Accumulation of insurance periods acquired under the legislation of a State Party which is not covered by Community regulations or not bound by an agreement with Norway is not guaranteed.

(Conclusions 2009, p. 21)

▶ Article 13§1 – Right to social and medical assistance - adequate assistance for every person in need

The level of social assistance benefit that is paid to individuals in need who are not participants in the individual qualification programme is not adequate.

(Conclusions 2009, p. 23)

Thematic Group 3 "Labour rights"

▶ Article 2§1 – Right to just conditions of work - Right to reasonable working time

Legislation provides that total working hours in a twenty-four hour period may, in certain circumstances, be up to sixteen hours.
(Conclusions 2010, p. 6)

► Article 4§5 – Right to a fair remuneration - Limits to deduction from wages
Workers may waive their right to limitation of wage deductions.
(Conclusions 2010, p. 13)

► Article 6§4 – Right to bargain collectively - Collective action
During the reference period (2005-2006), legislation was enacted in order to terminate collective action in the state sector in circumstances which went beyond those permitted by Article G of the Revised Charter.²⁵
(Conclusions 2010, p.17)

Thematic Group 4 “Children, families, migrants”

► Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education
It is possible for children aged 15, still subject to compulsory education, to deliver newspapers before school, from 6 a.m. for up to 2 hours per day, 5 days per week.
(Conclusions 2011, p. 6)

► Article 7§5 – Right of children and young persons to protection – Fair pay
It has not been established that young workers receive a fair wage; and it has not been established that apprentices receive appropriate allowances.
(Conclusions 2011, p. 7)

► Article 7§6 - Right of children and young persons to protection - Inclusion of time spent on vocational training in the normal working time
Young workers are not entitled to have their training time paid as working hours.
(Conclusions 2011, p. 7)

► Article 7§8 - Right of children and young persons to protection - Prohibition of night work
It has not been established that the prohibition of night work covers the great majority of young workers.
(Conclusions 2011, p. 8)

► Article 17§1 - Right of children and young persons to social, legal and economic protection - Assistance, education and training
Prison sentences for minors may be up to 21 years.
(Conclusions 2011, p. 15)

► Article 19§4 - Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation
It has not been established that with respect to accommodation migrant workers enjoy treatment which is not less favourable than that of nationals.
(Conclusions 2011, p. 21)

► Article 19§10 - Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed
Same grounds for which it is not in conformity with paragraphs 4 and 11 of the same article.
(Conclusions 2011, p. 24)

²⁵ Previous such interventions to terminate collective action was the subject of RecChS(93)2 adopted on 7 September 1993 by the Committee of Ministers.

► Article 19§11 - Right of migrant workers and their families to protection and assistance – Teaching language of host State

It has not been established that migrant workers not citizens of EU/EEA are entitled to free language training when they are unable to pay the fees for compulsory language training. (Conclusions 2011, p. 25)

► Article 31§1 - Right to housing - Adequate housing

There is evidence of discrimination against migrant workers in the Norwegian housing market. (Conclusions 2011, p. 29)

Please find attached below the Conclusions regarding Norway from 2008, 2009, 2010, 2011 and 2012, as well as the country fact sheet.



Norway2008_en.pdf Norway2009_en.pdf Norway2010_en.pdf Norway2011_en.pdf Norway2012_en.pdf



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