

NORWAY

CESCR E/1988/14

219. The Committee considered the second periodic report of Norway on articles 10 to 12 of the Covenant (E/1986/4/Add.21) at its 14th and 15th meetings, on 17 February 1988 (E/C.12/1988/SR.14 and 15).

220. In his statement introducing the report, the representative of the State party provided general information about his country, including geography, population, levels of administration, and breakdown of employment figures. In 1988, 37.2 per cent of the total State budget had been reserved for health and social affairs. This amounted to almost 20 per cent of Norway's GNP. The trend was to give as much power as possible to local communities and the central Government was increasingly transferring funds to them without earmarking so as to open the possibility of different priority setting in the various parts of the country.

221. The representative noted that increasing demands were being made on the welfare system and that the resources were still insufficient to meet all the requirements. Adverse economic conditions, rising expectations and demographic developments, such as the foreseen increase in old people, all contributed to an increasing strain on the system. Despite economic difficulties it had so far been possible to protect the main features of the welfare State by giving health and social services high priority in public budgets. In order to meet future challenges in this field, the Government had established a strategic policy which the representative described as follows:

The continued extension of health services, particularly care for the elderly, in order to secure social security and services and equal quality for all; aiming public support systems more towards those groups and individuals in greatest need of assistance; implementing organizational reforms to achieve more efficient use of resources; and mobilizing the individual, the neighbourhood, and voluntary and private resources to supplement the efforts of the public authorities.

The representative pointed out that this strategy had been put into a global context in the report published by the World Commission on Environment and Development under the leadership of the Norwegian Prime Minister.

222. The representative went on to explain that, although the Government had an overall responsibility for welfare policies, it recognized the importance of strengthening social communion and the feeling of responsibility for others through private activities. These were based on the family, the neighbourhood, voluntary organizations and the educational system.

223. Finally, the representative referred to rapid developments within the sectors described in the report and mentioned that he had for this reason submitted to the secretariat new materials intended for updating of the report.

General Observations

224. Members of the Committee expressed their appreciation and gratitude for an excellent report and for the comprehensive introduction by the State representative. They also stated their satisfaction with the achievements made by Norway in the field under consideration and with the progress made since the submission of the initial report (E/1980/6/Add.5). Concerning remarks to the effect that the report provided much detail on some subjects and not enough on others, the representative explained that the current report had been prepared by various Ministries and that it should also be read in conjunction with the initial report and comments thereon.

225. As to the question whether the rights laid down in articles 10 to 12 of the Covenant were justiciable in Norway, the representative stated that domestic law was more specific than the Covenant provisions which therefore had never been invoked before the courts.

226. There was appreciation expressed for the exhaustive listing in the report of measures taken to promote international co-operation. With regard to a question about the obligation of States to undertake such co-operation for the promotion of economic and social rights, the representative replied to the effect that, in addition to the stipulations of the Covenant, there were other good reasons for carrying out development assistance; he mentioned, in particular, international solidarity and mutual learning through the interchange of ideas and experience.

227. Members of the Committee welcomed the observations made in the introductory statement about difficulties experienced by Norway in the implementation of the Covenant (art. 17, para. 2). Elaborating further on this theme, the representative pointed out that offshore oil discoveries and exploitation had brought about major changes in Norwegian society. An attempt was being made not to become too dependent on these resources by promoting the development of other economic activities, but there were also signs of positive results such as the introduction of foreign cultures into an often isolated country.

228. Responding to questions about the equality of men and women with regard to the various Covenant provisions, the representative stated that the equal footing of both sexes was a basic principle applicable in all fields. Special legal and financial measures had been taken to enhance this equality and their implementation was subject to constant scrutiny by all Ministries. He also provided in this light statistics about the labour force in Norway which demonstrated strong growth in women's participation.

229. Several comments and observations were made by members of the Committee in connection with the rights of disadvantaged groups under articles 10 to 12 of the Covenant. Particular attention was focused in this respect on foreigners, including refugees, and the Sami population; and about the protection of their rights. In this context, the representative observed that the social security and health systems covered all individual residents living in any part of the country, irrespective of their nationality. There was a policy of integration rather than assimilation for immigrants and refugees and they were obliged to learn the Norwegian language, but they certainly enjoyed the rights under articles 10 to 12. The same was true for the Sami population. He explained that his country, in its economic and social planning, took into account the need for preservation of Sami culture which depended on their traditional economic activities, such as reindeer herding. Legislation was now

being prepared for the establishment of a Sami Assembly which would represent their interests; the representative promised the inclusion of additional information on these developments in the next report.

230. In response to inquiries about popular, non governmental participation in the preparation of the report, the representative explained that it was based on contributions made by the responsible Ministries to the Ministry of Foreign Affairs which was responsible for the text as a whole. Prior to submission of the report to the United Nations, it had been thoroughly discussed by a National Human Rights Committee, established by the Ministry of Foreign Affairs and composed of representatives from various Ministries, voluntary organizations and the Norwegian Institute for Human Rights.

Article 10: Protection of family, mothers and children

231. Several general comments and requests for clarification on specific issues were made during the debate. These related to, in particular, the definition of the family, marriage laws and other forms of living together. In responding to these remarks, the representative of the State party explained, *inter alia*, the family concept in Norway which nowadays referred most of the time to the nuclear family while the phenomenon of the extended family was being seen less and less frequently. He provided the Committee with statistics about marriages, divorces and separations, as well as cohabitation, and gave the results of a recent public opinion poll on Norwegian attitudes towards the various lifestyles. Also, upon request, he described the laws relating to the authority of officials of various churches and religions to conduct marriage ceremonies, with the main requirement being free consent and the presence of both partners.

232. Responding to requests for additional information about the ombudsman for children and about the powers of that office, the representative described in detail the competence and functions of this office which had dealt with complaints concerning, *inter alia*, child abuse, physical conditions of children, child care, schools and family circumstances. He stated that written materials on the ombudsman had been handed over to the secretariat for the use of Committee members.

Article 11: Right to an adequate standard of living

233. Members of the Committee asked a series of questions concerning the Norwegian labour market, including the levels of employment and unemployment, imbalances in the market and available benefits. By way of reply, the representative described in broad terms, with the appropriate statistics, the frequency, duration and distribution of unemployment in Norway and the benefits and training programmes available to those affected. He explained that there was no system of minimum wages; this was left for the parties in the labour market to negotiate, but the Government could step in and discuss certain principles of economic policy with the parties if such an intervention was deemed to be in the national interest - for example, in order to avoid labour unrest or overheating of the economy; it was in this context that the subsidies to the fisheries sector should be seen. The representative also elaborated on the issue of aging and retirement benefits which he said were of priority concern to his Government.

234. The remark was made that the section in the report on the right to food (E/16986/4/Add.21,

para. 15) was not entirely adequate inasmuch as it neither confirmed that there were no significant incidences of hunger or malnutrition in Norway nor indicated whether there was a regular monitoring system of the situation. In response, the representative related the history and current activities of his Government in this field, including health stations for mothers and for children and controls concerning unhealthy diets.

235. In response to questions about housing, in particular about any shortages in that area and about the rights of tenants, the representative described the general situation in his country and the Government's reaction to problems which had arisen, including those of protection afforded to tenants in the form of rent controls.

Article 12: Right to physical and mental health

236. The representative stated that, although the last few years had seen the establishment of private hospitals, this tendency should not be seen as a general trend. His Government's emphasis was on controlling the cost to patients and avoiding commercialization rather than privatization as such.

237. Concerning questions about AIDS and about governmental schemes to help the victims without stigmatizing them, the representative described the programmes undertaken in his country. These activities, he said, focused on information to the general public and to high-risk groups, on care for the sick and on preparation of the general health system. As high-risk groups, he identified men who have sex with other men (avoiding the terms homosexual or bisexual), drug users and recipients of blood transfusions. He emphasized the good co-operation between the authorities and these groups and underlined that respect for the human rights of the victims was being shown while they were also expected to respect their duties.

238. The representative of the State party thanked members of the Committee for their constructive comments and promised to relay all the points made to the respective Ministries in Oslo. His Government believed that open and frank reporting by States on the implementation of their international obligations was essential, but there was nevertheless always the danger that the international angle to those national issues could become too distant; the dialogue established between governments and the Committee therefore provided a useful occasion to maintain a functional and meaningful application of these instruments.

Concluding observations

239. In concluding the consideration of the report of Norway, members of the Committee thanked the representatives for their lively contributions which had supplemented the written report in a very useful manner.

CESCR E/1993/22

80. The Committee considered the second periodic report of Norway concerning articles 13 to 15 of the Covenant (E/1990/7/Add.7) at its 4th, 5th and 12th meetings, held on 25 November and 2 December 1992 (E/C.12/1992/SR.4, 5 and 12).

81. In introducing the report the representative of the State party said that in 1989 a committee of lawyers had been appointed to study the possibility of incorporating international human rights treaties to which Norway was a party into Norwegian legislation. A report had been prepared by the committee but had not yet been made available to the public.

Articles 13 and 14: Right to education

82. Members of the Committee requested information on the implementation of articles 13 and 14 of the Covenant, in particular: on the development and impact of vocational training and apprenticeship systems; on the level of the school drop-out and unemployment rates among young people; on the percentage of boys and girls attending vocational training institutions; and on the extent to which equality of access by girls to vocational training was guaranteed.

83. Members also wished to know: what steps had been taken to provide basic education to adult refugees and immigrants; how the children of migrants were integrated into the education system; whether the demands for native language education for minority groups were being fully met and what was being done to tackle the problem of the lack of qualified staff and whether equality of access to higher education, especially for those groups which had previously experienced limited access, had been achieved.

84. Additionally, members of the Committee wished to know: what special educational or vocational training and employment measures existed for the elderly and for unemployed adults; whether teachers had the right to strike; and how the salaries and conditions of work of teachers compared to those of staff in comparable posts in the public and private sectors. Further information was also requested regarding the collective bargaining system used for negotiating the terms and conditions of the employment of teachers and whether an arbitration procedure existed.

85. In her reply, the representative of the State party pointed out, *inter alia*, that during the 1980s the upper secondary education system had been considerably expanded, with 75 per cent of new places occurring in vocational training. There was a strong focus on developing apprenticeship training and on encouraging employers to recruit apprentices. Those measures had resulted in a considerable increase in the number of apprentices, in vocational training and in a growing percentage of young people in the 16 to 19 age group attending upper secondary school. The Government had taken new initiatives in 1992 to encourage employers to recruit additional apprentices. The State had also continued to give grants to the countries, which were responsible for upper secondary education, to provide for extra classes and the authorities organized vocational courses directed specifically at the labour market. In January 1991, 11,500 young people between the ages of 16 and 19 had registered for such courses compared to 3,900 in 1981.

86. Additionally, the representative drew attention to the reform of upper secondary education which was to be introduced in 1994 and which, *inter alia*, would provide for: the introduction of a legal right to three years' upper secondary education for everyone aged between 16 and 19, with a corresponding obligation on the part of local or regional authorities to provide an adequate number of places; the introduction of a legal obligation for the local authorities to establish follow-up services for young people not in employment or in vocational training so that all young people would have the opportunity to acquire an education leading to a recognized qualification; and the introduction of a new model, combining two years at school with subsequent training in the workplace, for trades recognized under the Vocational Training Act.

87. Responding to concerns that apprenticeship programmes should not be used as a means of exploitation, the representative pointed out that apprenticeship was governed by legislation and that committees composed of education administrators, employers, employees and apprentices had been set up to supervise the fulfilment of apprenticeship contracts. Apprentices were well paid, partly through employers and partly through State contributions.

88. Concerning school drop-out rates and unemployment levels among young people, the representative explained that all pupils were offered education adapted to their abilities up to the age of 16, when compulsory school ended. All pupils took final examinations. Most pupils transferred to upper secondary education. Unemployment in the 16 to 19 age group was relatively low since that age group was given high priority in the labour market. In September 1992 around 4,000 persons were registered as being unemployed, most of whom were 19-year-olds. The unemployment rate in the 16 to 19 age group was 2.3 per cent as compared with the national average unemployment rate of 6.3 per cent.

89. The representative explained that if vocational training was defined as education and training other than general studies, the proportion in 1991 of girls and boys attending vocational training institutions was 44.3 per cent and 55.7, respectively. The proportion of boys and girls within different subject areas had not changed much during the past 15 years. Although there were equal opportunities for boys and girls in vocational education and training, girls and boys tended to choose occupations along traditional gender lines and not according to remuneration. In view of this situation, the Standing Committee on Church and Education in the Storting had recommended that school counselling services should be strengthened to encourage girls to take up occupations traditionally seen as men's.

90. With regard to the education of adult refugees and immigrants, the representative explained that Norwegian policy was based on the principle that all persons who had not completed their basic education, whether or not they were Norwegian, received the same treatment. However, as the Ministry of Education, Research and Church Affairs was particularly concerned that refugees and immigrants be allowed access to basic education on a favourable basis, it had, in 1992, completed a curriculum for basic education adapted to their needs. This curriculum had been distributed to the municipalities for implementation in 1992.

91. The representative indicated that the National Curriculum Guidelines for Compulsory Education of 1987 laid down the principles by which the children of migrants were integrated into the education system. The Guidelines stated, for example, that children of migrants and refugees should

be prepared for life in Norwegian society and should receive instruction in Norwegian. However, these children also had the opportunity to maintain and develop their own cultural identity through mother tongue education and the Ministry provided direct grants to local authorities to ensure adequate facilities for such teaching.

92. In the case of minority groups, the representative stated that in 1991-1992, 75 to 80 per cent of children in compulsory education received teaching in their native language and that some 80 different tongues were taught in Norwegian schools. Although such teaching was not always requested and qualified teachers for some languages were difficult to find, high priority was being given to special teacher training.

93. With regard to the steps taken to ensure equal access to higher education for groups which had hitherto had limited access to such education, the representative stated that it had been the Government's policy in recent years to increase the number of students both men and women, of all ages and at all levels of higher education. The large number of institutions of higher education throughout the country and the extra resources channelled into such education had contributed positively to such development.

94. Concerning the provision of adult education courses, the representative explained that such education was available and accorded high priority. There was a vast range of courses suited to the needs of persons wishing to supplement their existing qualifications. In certain cases, the courses were organized in cooperation with universities or other institutions of higher education.

95. As regards the situation of the elderly, the representative indicated that this group, like the rest of the population, could enrol in courses of their choice and that numerous activities and benefits were available to them.

96. The representative informed the Committee that general matters such as the terms and conditions of employment of civil servants, including teachers, were negotiated between the unions and the Ministry of Labour and Government Administration. Teachers had the right to strike. Negotiations with regard to working conditions within the school system were conducted between individual teachers' unions and the Ministry of Education, Research and Church Affairs. Current issues under discussion were the number of working hours per school year of teachers and the requirement for teachers to spend non-teaching time at school. An arbitration system did exist and could be used when negotiations failed. The salaries and conditions of work of teachers in comparison with staff in comparable posts in the public and private sectors varied depending on the teacher's qualification and the sector concerned. From 1993, basic teacher training would be extended from three to four years and achievement of adjunkt status, which carried a higher salary, would be automatic. Although on average the salaries of the teaching profession had lagged behind other sectors in the early 1980s, they had increased between 1987 and 1990 at a rate 1.8 per cent higher than those of other groups.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

97. Members of the Committee wished to know: whether there were any serious regional disparities in regard to access to culture and cultural facilities; what specific measures had been taken to enable the Sami people to safeguard and develop their culture since the amendment of the Constitution in 1988; whether minority groups other than the Sami benefited from such special measures; and what weight was given to culture in development plans and what was the percentage of resources allocated to it. Members of the Committee also wished to know whether Norway maintained scientific and cultural cooperative relations with non-European countries and how it reconciled its position on the environment with its attitude towards whaling.

98. In response, the representative of the State party explained that there were no serious regional disparities with regard to culture and cultural facilities since the decentralization of cultural facilities which had been pursued by the Government for the last 20 years was largely completed.

99. Turning to specific initiatives on behalf of the Sami people since 1987, the representative stated that affirmative action for the benefit of the Sami people was part of official policy. In addition to legal provisions, financial and organizational measures had been taken to implement that policy. One initiative, introduced in December 1990, had given Sami speakers the right to use their language in dealings with local and regional authorities. Special arrangements had also been made to facilitate that practice and approximately Nkr 200 million were allocated each year in direct State support for various activities and institutions. Special treatment for foreigners comparable to that of the Sami did not exist.

100. With regard to the weight given to culture in development plans, the representative informed the Committee that in 1992, the Ministry of Cultural Affairs had undertaken a survey of the aims of government policy in the cultural field. The representative also made reference to the United Nations World Decade for Cultural Development, proclaimed by the General Assembly in its resolution 41/187 of 8 December 1986, a major objective of which was the acknowledgement of the cultural dimension of development, as well as to Norway's active participation in the Decade. She also noted that on the initiative of Norway and other Nordic countries a World Commission on Culture and Development was to be established by the end of 1992, under the joint auspices of UNESCO and the United Nations. She pointed out that it was difficult to specify the percentage of government resources devoted to cultural uses as such funds were administered by several different ministries.

101. Concerning Norway's scientific and cultural cooperative relations, the representative pointed out that, in the main, such involvement was conducted either through bilateral and multilateral agreements or through participation in, or membership of, international organizations and conferences and their various committees, subgroups and projects. Norway was actively involved in research related to the developing countries and in exchange programmes linked to schools and institutions of higher education. In the latter case, coordination was conducted through the Centre for International University Cooperation. The Centre, in cooperation with the Norwegian Ministry of Foreign Affairs, also helped administer a special programme of institutional cooperation with developing countries.

102. Concerning environmental and whaling issues, the representative said that States had the right to exploit their natural resources consistent with their policies on the environment but emphasized

the Government's view that the conservation of all species threatened with extinction or near extinction had to be ensured.

Concluding observations

103. The Committee welcomed the constructive dialogue between its members and Norway's government delegation.

104. While it observed that the report submitted by the Government was too brief, general and at variance with the guidelines, the Committee none the less noted with great satisfaction the detailed and comprehensive way in which the delegation had answered all the questions prepared by the pre-sessional working group.

105. In the Committee's view, written replies provided before the oral presentation were a useful procedure that could serve as an example for future reports by States parties.

106. Despite general satisfaction at the dialogue between the Norwegian delegation and the Committee, some members wanted further information on the system of apprenticeship training for young people and on the place of the Covenant in Norway's legislation and process of development.

107. The Committee also noted the considerable efforts made by the Government of Norway and expressed the hope that, as promised by the Norwegian delegation, the next periodic report would be prepared in accordance with the reporting guidelines and would point to the various obstacles encountered by Norway in the realization of the rights covered by the Covenant. The Committee requested that specific consideration be given in that report to the question of the comparability of pay in the public and private sectors.

CESCR E/1996/22

203. The Committee considered the third periodic report of Norway on articles 1 to 15 of the Covenant (E/1994/104/Add.3 and HRI/CORE/1/Add.6) at its 34th, 36th and 37th meetings on 22 and 23 November 1995 and, at its 55th meeting on 6 December 1995, adopted the following concluding observations.

A. Introduction

204. The Committee expresses its satisfaction with the very comprehensive and detailed report of the State party, which follows closely the Committee's guidelines regarding the form and content of reports, as well as with its written answers to the list of issues raised.

205. The Committee also wishes to express its appreciation for the frank and constructive dialogue which it has had with the delegation of Norway.

B. Factors and difficulties impeding the implementation of the Covenant

206. The Committee finds that there are no significant factors and difficulties which prevent the effective implementation of the Covenant in Norway.

C. Positive aspects

207. The Committee notes with appreciation the high level of achievement of Norway in the fulfilment of its obligations regarding the protection of the rights guaranteed in the Covenant.

208. The Committee takes note of the statement of the delegation to the effect that a bill will be presented by the Government to the Storting which, as a follow-up to the recently adopted article 110 (c) of the Constitution, will incorporate the International Covenant on Economic, Social and Cultural Rights into the Norwegian legal order, together with the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

209. The Committee commends Norway for its regular participation in multilateral development cooperation programmes, as well as for the setting up of a number of bilateral programmes, thus contributing to the realization of economic, social and cultural rights in other countries.

210. In relation to the emerging trend towards intolerance and violence against members of minority groups and foreigners, in particular asylum seekers and migrant workers, the Committee welcomes the adoption by the Ministry of Local Government and Labour of a plan of action which provides, inter alia, for the development of indicators for measuring racial discrimination and improving the collection of statistical data concerning racial violence and harassment.

211. The Committee commends the devolution of responsibility to the Sami Assembly with regard to matters relating to the preservation and development of the culture of the members of the Sami

community, and notes with appreciation that the Sami language may be used in contacts with public bodies and before the courts.

212. The Committee welcomes the adoption of the policy and the specific steps taken by the Government with a view to integrating persons with disabilities into the labour market by offering them active vocational rehabilitation measures rather than passive social security benefits.

213. The Committee welcomes the Government's policies to combat unemployment, particularly long-term unemployment and unemployment among young people, through job-creation and qualification schemes, and through close cooperation with employers' and employees' organizations.

214. The Committee expresses its satisfaction with the Norwegian social security system, which ensures that all persons resident or working in Norway are insured under the National Insurance Scheme and that all residents are covered by the Family Allowance Act.

215. The Committee commends the efforts undertaken by the authorities to tackle the problem of domestic violence and child abuse and, in this respect, welcomes the setting up of crisis centres, crisis-telephone lines and support centres to help victims.

216. The Committee notes that, as a measure to ensure the access of everyone to health services, the Government has made it an obligation for newly graduated doctors and dentists to serve one year in public health institutions in certain isolated parts of Norway.

217. With regard to the protection of the health of minors, the Committee takes notes with appreciation of the policies aimed at fighting alcoholism and smoking, particularly discouraging minors to have access to alcoholic beverages and tobacco products.

218. The Committee welcomes the National Geriatric Programme aimed at strengthening geriatric services throughout the country, through the recruitment of specialized personnel and improvement of the cooperation between hospitals and community geriatric-care services.

219. The Committee welcomes the policy of integration of children with disabilities within the regular educational system, as well as the results thus attained.

220. The Committee welcomes the introduction of courses relating to human rights, in particular on the Universal Declaration of Human Rights, in the curricula of civics and social studies.

221. With regard to the promotion of human rights, the Committee commends the activities of the Norwegian Institute for Human Rights, such as the organization of seminars, teaching in universities, the conducting of research, the publishing of books and periodicals, and the provision of advice and information material to the public at large, both nationally and internationally.

D. Principal subjects of concern

222. The Committee regrets the lack of statistical information gathered by the Norwegian Government with regard, in particular, to domestic violence and child abuse, a situation which may hinder the efforts of the Government to take the exact measure of these problems and thus combat them efficiently.

223. The Committee is concerned that, although it is effective in the law, equality between men and women, especially with regard to remuneration, is not yet fully achieved in practice, and that women still experience more obstacles than men in advancing to higher professional positions.

224. The Committee expresses its concern about the provisions in the Labour Disputes Act enabling the Government, with the agreement of the Storting, to end a strike by the enactment of a bill imposing compulsory arbitration, even though the Government has only very seldom made use of this power.

E. Suggestions and recommendations

225. The Committee encourages the Government to collect statistical data on domestic violence and child abuse to identify the magnitude of these negative phenomena, and thus to ensure that the rights of the affected persons are fully protected in accordance with the provisions of the Covenant.

226. The Committee recommends that the Government intensify its efforts to ensure that equality between men and women, in particular with regard to labour matters, is effective in practice.

227. The Committee recommends that, in the process of revising the Labour Disputes Act, the need to protect the right to strike be fully taken into account.