



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE

Thirty-ninth session

5 – 23 November 2007

**List of issues to be considered during the examination of the
fifth periodic report of Norway (CAT/C/81/Add.4)**

Article 1

1. The Committee would like to receive precise information on the place of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment inside the Norwegian judicial system and on the question of whether Norwegian laws must be interpreted according to the Convention.

Article 3

2. The Committee takes note of the amendments made to the Immigration Act in implementation of Security Council resolution 1373 (2001), including amendments relating to the expulsion of foreign nationals on the basis of certain offences in connection with terrorist acts regardless of whether criminal liability according to the Penal Code can be established. In this regard, please provide information on relevant safeguards which will ensure that decisions on expulsions under the amended legislation will not result in a violation of the Convention.

3. Please inform the Committee on whether a foreign national who is to be expelled under any of the provisions adopted in implementation of Security Council resolution 1373 (2001) is entitled to receive advance notice regarding the pending decision on expulsion and to express himself in writing or orally before the expulsion can be ordered, in the same manner as persons who are to be expelled for other reasons. In this context, the Committee would also like to know whether a foreign national whose expulsion is ordered under the new provisions of the Immigration Act will be able to appeal the decision on expulsion before the Courts?

4. Can an individual from a third country that has been declared “safe” by Norway claim that, in his/her particular case, he/she risks being subjected to torture if returned, expelled or extradited?

Please also indicate the criteria Norway uses to draw up and update the list of third countries declared “safe”.

5. Please indicate in what cases Norway would seek diplomatic assurances from a third country to which an individual is to be extradited, returned or expelled. Please also provide examples of cases in which the authorities did not proceed with the extradition, refoulement or expulsion of an individual for fear that the person concerned would be tortured. On the basis of what information were any such decisions taken?

6. Please provide data disaggregated by age, sex and nationality for the past five years on:

- (a) The number of asylum applications registered;
- (b) The number of successful asylum applications;
- (c) The number of asylum-seekers whose application was accepted because they had been tortured or might be tortured if returned to their country of origin;
- (d) The number of deportations or forcible returns, with an indication of the number of deportations or returns relating to asylum-seekers whose asylum applications were rejected; and
- (e) The countries to which these people were expelled.

7. Please indicate the maximum period of time for which an alien in an irregular situation can be detained. Furthermore, please indicate which measures the Government has adopted to apply the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in asylum procedures and to provide training regarding this manual to relevant professionals.

Article 4

8. The Committee notes that Norway, on 2 July 2004, adopted a special penal provision against torture as section 117 (a) of its Penal Code. The Committee would be interested to know whether any person has since been tried under the newly adopted provision for the crime of torture.

Article 5

9. The Committee notes that that the White Paper on a new Penal Code, which was submitted to the Norwegian parliament on 2 July 2004, proposed a provision explicitly stating that Norway has universal jurisdiction where this follows from treaties with other States or from international law. Please inform the Committee whether the White Paper with the proposed provision on universal jurisdiction has been adopted.

Article 8

10. Has the State party rejected, for any reason, any requests for extradition by another State for an individual suspected of having committed a crime of torture, and thus engaging its own prosecution as a result?

Article 10

11. The Committee notes that training on international law and human rights norms, including those contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is provided during the first year at the Police Academy. Please provide information on whether any further training in this area is being provided for law enforcement officials during the course of their working lives and how any such training is monitored and evaluated.

12. The Committee notes that the Norwegian Correctional Service Staff Academy offers a two-year course for the professional training of staff in the Correctional Service, which covers issues related to human rights. Please inform the Committee whether this is a compulsory programme to be taken by all relevant staff or, should this not be the case, provide an estimate on the percentage of correctional service staff that have availed themselves of such training.

13. Please provide information on whether any other professional groups, including medical personnel, public officials in relevant positions or military personnel are being trained in the application of human rights norms set out in the Convention, and how such training is being monitored and evaluated.

Article 11

14. The Committee takes note of the amendment made to section 183 of the Criminal Procedure Act, which changes the time limit in which arrested persons are to be brought before a judge from “as soon as possible and as far as possible on the day after arrest” to “as soon as possible and at the latest the third day after the arrest”. The Committee would like to know whether there is any evidence suggesting that the reform has indeed reduced the total use of detention as intended. In due course, the Committee would also like to receive a copy of the relevant implementing regulations.

15. The Committee notes that the Norwegian Correctional Service has decided that, in order to reduce the length of pretrial detention in police cell, prison accommodation shall generally be made available within 24 hours after a remand order is issued. The Committee would like to know whether this rule has been successfully implemented.

16. The Committee welcomes the detailed information provided on the amendments made to the Criminal Procedure Act with the aim of restricting the use of pretrial solitary confinement, including through making such confinement dependent on an explicit authorization by a court. The Committee also notes that the use of solitary confinement as a sanction has been abolished. With regard to the latter, please confirm that the abolition has been achieved through inclusion of relevant express provisions in the new Execution of Sentences Act, which entered into force on 1 March 2002.

17. As regards inter-prisoner violence, including sexual violence and intimidation, please provide information on the scale and nature of this problem. What specific measures have been taken to monitor and address this issue, and to protect inmates, particularly female, juvenile and immigrant detainees, against this type of violence? Please provide information on voluntary isolation offered to prisoners who feel at risk of assault or intimidation.

18. The Committee notes that a separate centre has been established for the custody of persons detained pursuant to sections 37 and 41 of the Immigration Act, in order to keep those persons apart from criminals. Please provide up-to-date statistical data, disaggregated by age, sex and nationality, on the number of asylum-seekers detained and the maximum length of and the grounds for detention since the establishment of the centre. Please indicate whether detention measures are regularly reviewed by a competent, independent and impartial authority or judicial body.

19. In its response of 4 October 2006 to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Norwegian Government indicated that it had proposed new regulations for detention centres based on the “UNHCR revised Guidelines on applicable Criteria and Standards relating to the Detention of Asylum Seekers (February 1999)”, and that these regulations would be put before the Norwegian parliament in the 2006 autumn session. Please inform the Committee whether these regulations have been formally adopted in the meantime. Should this be the case, the Committee would like to receive an English version of these regulations in due course. The Committee would also like to receive information on the regulations applicable to the detention of persons held at the Trandum Aliens Holding Centre.

20. Please provide information on any emergency or anti-terrorist laws that might restrict a detainee’s rights, in particular the right to a prompt hearing by a judge, the right to contact family members, and the right to have access to a lawyer and a doctor of his/her choice from the moment of arrest.

Articles 12

21. The Committee notes that the new Execution of Sentences Act, which was adopted on 18 May 2001, provides for several measures aimed at ensuring investigations are carried out when there are reasonable grounds to believe that acts of torture or other cruel, inhuman or degrading treatment or punishment have been committed in prisons. The Committee also notes that the former special criminal investigation bodies (SIBs) have been replaced by a new central unit, which is empowered to decide on prosecutions. The Committee would like to know whether these measures have resulted in an increase in the number of cases related to the use of force by the police in which suspects and/or witnesses were questioned before a decision was made, and/or to an increase in the number of reported cases that resulted in prosecutions. The Committee would also like to receive information on measures adopted to prevent violence or brutality by the police, including violence or brutality with racist motives.

Article 13

22. Please provide information on the number and content of complaints from detainees received by the Parliamentary Ombudsman, and describe what follow-up measures have been taken in relation to such complaints. What is the current average length of complaint proceedings?

Article 14

23. Please provide information, including disaggregated statistical data by sex and type of crime, on the number of cases where redress and/or compensation measures have been ordered by the

courts, and on those actually provided to victims of torture or cruel inhuman or degrading treatment or punishment, or their families, during the past five years.

Article 16

24. The Committee takes note of the entry into force, in January 2001, of the New Mental Health Care Act, which, inter alia, contains provisions aimed at limiting restrictions and compulsive measures applied to patients under compulsory mental health care to what is strictly necessary. In order to remain informed of legislative developments in this area, the Committee would like to receive an English version of the amendments to the Mental Health Care Act adopted on 8 June 2006.

25. The Committee notes that the State party's Ministry of Health and Care is in the process of reviewing the need for new regulations relating to the restriction and control of the use of coercion towards senile dementia and other persons lacking capacity to consent. The Committee would like to know whether this review has resulted in the adoption of new regulations in this area.

Other

26. The Committee welcomes Norway's signing of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 24 September 2003. In this regard, please indicate the status with regard to the ratification process.

27. Please indicate whether there is any legislation aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about the content and implementation of such legislation. If not, please indicate whether the adoption of such legislation is being considered.
