



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/NOR/Q/5
17 November 2005

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

ADVANCED UNEDITED VERSION

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE FIFTH PERIODIC REPORT OF NORWAY

Right to self-determination (art.1)

1. Please provide further information on the outcome of the working group established to prepare a proposal on how to increase parliamentary decision-making power of the Sameting in areas affecting the Sami population in Norway. (Fifth periodic report, para. 4 and 239 and previous concluding observations, para. 17).

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

2. It is reported that on 15 June 2004 the Parliament removed the right to free legal aid for asylum seekers before the Directorate of Immigration which handles the cases in the first instance. Has the State party undertaken steps to ensure the access to effective legal remedies inter alia to offer asylum seekers free legal aid through all stages of their application?
3. Have new factors emerged since the submission of the fifth periodic report that would allow Norway to envisage a complete withdrawal of its reservation to article 14 as well to article 10 para. 2(b), para. 3 and to article 20 para. 1. (Previous concluding observations, para.12 and periodic report, para. 162)

Counter-terrorism measures and respect of Covenant guarantees

4. Please provide a detailed account of legislative measures adopted in relation to terrorism in pursuance of Security Council resolution 1373 (2001), in particular those measures that may affect the rights guaranteed under the Covenant. Please give an account of cases in which those measures have been invoked. Please also provide information on the proposed amendments to the Alien Act on the basis of Security Council resolution 1373 (2001) on international cooperation to combat threats to international peace and security caused by terrorist's acts.

Prohibition of discrimination, gender equality, equality in and before the law (arts. 2, 3 and 26)

5. Please provide further information regarding the Bill on the prohibition of ethnic discrimination in all areas of society. Has it entered into force? (periodic report, para 236). Furthermore, has the State party taken any steps to ensure that foreigners and persons of immigrant background enjoy genuinely equal opportunities in employment and housing as the rest of the population in Norway?
6. What measures has the State party undertaken to address the Committee's concern regarding "the alleged lack of proper reaction from law enforcement officials in cases of racial discrimination? Please provide examples on recent developments in this regard. (previous concluding observations, para 15)
7. Has the State party undertaken any measures to end discrimination against women in the labour market in particular disabled women and women with an ethnic background?(periodic report, para 36)

Right to life, prohibition of torture and cruel, inhuman or degrading treatment, and treatment of detainees (arts. 6, 7 and 10)

8. According to information before the Committee, due to insufficient resources and funding, some psychiatric institutions have discharged some patients, who after a short while have committed suicide or even murder. Has the State party taken any measures to remedy such situations? Please provide adequate statistics on these cases.
9. How often and under what circumstances is solitary confinement authorized? Please provide information about medical and psychological treatment for persons in solitary

confinement and training of penitentiary personnel on proper procedures for safeguarding prisoners' welfare.

10. According to information before the Committee, some prisoners committed suicide while staying in security cells or solitary confinement and the State party provided no statistics on these cases. Please produce adequate statistics concerning deaths in detention and the assumed reasons as well as information on measures taken to prevent such cases.
11. What steps has the State party taken to educate law enforcement officials about their human rights obligations, in light of the persistence of a high incidence of ill-treatment by police officers of detainees and suspects.
12. According to information before the Committee, prisoners who are Norwegian citizens and mothers may have leave from prison when breastfeeding whereas foreign prisoners in the same situation will generally not be given leave because of the risk of fleeing. Please comment in light of articles 10, 17 and 26 of the Covenant.
13. According to a study on domestic violence in Oslo in 2004 every sixth women had been subject to domestic violence at least once after reaching the age of 16. What measures has the State party taken or foreseen to eliminate such practices and to provide adequate protection to victims. Please also provide information on the number of prosecutions and convictions in cases of domestic violence. What measures is the State party taking to sensitize public officials to the issue of domestic violence? (periodic report para 35)
14. According to information before the Committee, the State party denies social basic rights to refugees and asylum seekers in order to force them to return to their countries of origin, even in cases where their physical integrity may be at risk. Please comment on this.

Prohibition of slavery (art. 8)

15. According to information before the Committee, Norway may have become a country of destination or transit for trafficking in women and children. Please provide any available information regarding the number of women and children that may have been so trafficked, as well as information on existing programmes to respond to this problem. In particular, please provide information on any cases in which individuals have been charged for such trafficking. Does the State party envisage granting residence permits to witnesses or victims of trafficking?

Right of liberty and security of persons (Art. 9)

16. Has the State party undertaken measures, other than those mentioned in para 86 of the report, to review the enabling legislation regarding the excessive periods of time for pre-trial detention. Has also the State party addressed the concern of the Committee that the liberty of persons may be withdrawn by administrative detention? What action has the State party undertaken to guaranteeing full compliance with all provisions of article 9 of the Covenant? (previous concluding observations, para.11)

**Freedom of thought, conscience, religion and belief
(art. 18)**

17. Since the submission of the fifth periodic report, have there been any developments that the State party will implement the Committee's recommendation to amend section 2 of the Norwegian Constitution which states that individuals professing the Evangelical Lutheran religion are bound to bring up their children in the same faith. (previous concluding observations, para. 13 and periodic report, para.175)

**Freedom of opinion and expression
(art.19)**

18. What steps has the State party undertaken to address the committee's concern to review and reform laws relating to criminal defamation. Please also provide further information regarding the new law to amend section 135 a) of the Penal Code with a view to provide individuals with adequate protection against racist expressions. (Previous concluding observations, para. 14 and periodic report, para. 178-188 and 194.)

Rights of minorities (art. 27)

19. The report contains information on the Sami people, but it makes no reference to the situation of the East Sami people. In light of information before the Committee, the East Sami people are not represented in the Sami Assembly and its special situation was not addressed in the Finnmark Act. Please provide further information in this regard.
20. Please provide comments on the following alleged deficiencies of the Finnmark Act:
 - (a) breach of the 1981 agreement between the Government and Sami organizations;
 - (b) Non- recognition of the Sami peoples right to land and resources as compared to the non-Sami population in the region;
 - (c) Expansion of the rights of non-Sami people to use the Sami territory;
 - (d) persistence of the right to expropriate land on Sami territory for public purposes without compensation;
 - (e) absence of identification of areas where Sami have the right to ownership and possession in accordance with international law.