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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fourth periodic reports submitted by States parties  
under articles 16 and 17 of the Covenant**

**Addendum**

**NORWAY\* \*\* \*\*\***

[26 February 2004]

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\* The third periodic report concerning rights covered by articles 6 to 9 (E/1994/104/Add.3) was considered by the Committee on Economic, Social and Cultural Rights in 1995 (see E/C.12/1995/SR.34 and 36-37; E/C.12/1995/13).

\*\* The information submitted by Norway in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.6).

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## **A. PART OF THE REPORT RELATING TO GENERAL PROVISIONS**

### **Introduction**

1. Norway has sought to prepare this report in conformity with the Revised General Guidelines regarding the form and contents of the reports of States Parties (E/C.12/1991/1).
2. In order to avoid duplication of information, references have been made in this report to Norway's third periodic report (E/1994/104/Add.3) and other reports submitted by Norway in compliance with UN human rights conventions.
3. As of 1 October 2003, NOK 100 was equivalent to approximately USD 14.

### **Article 1. The right to self-determination**

4. Reference is made to Norway's third periodic report, paragraphs 3-5.

### **Article 2. Implementation of the Covenant**

#### **The status of the covenant in Norwegian law**

5. The Constitution of Norway was amended on 15 July 1994. The new Article 110 c reads as follows: "*It is the responsibility of the authorities of the State to respect and secure human rights. Specific provisions concerning the implementation of treaties pertaining thereto shall be laid down by law.*"

6. With reference to the aforementioned provision, the Act relating to the strengthening of the status of human rights in Norwegian law (the Human Rights Act) was adopted and entered into force on 21 May 1999, see Appendix 1. Among other things, this Act establishes that the International Covenant on Economic, Social and Cultural Rights applies as Norwegian law insofar as it is binding on Norway. In the event of conflict, the provisions of the covenant shall prevail over provisions in other legislation. Information on the Act and the international legal instruments has been distributed to all courts of law, ministries, police districts, municipalities, etc.

#### **Paragraph 1 of the guidelines (non-nationals)**

7. Reference is made to Norway's third periodic report, paragraphs 6-9. Unless otherwise provided by legislation currently in force, during their lawful stay in Norway foreign nationals have the same rights and obligations as Norwegian nationals (section 3 of the Immigration Act).

#### **Paragraph 2 of the guidelines (non-discrimination)**

8. Reference is made to Norway's third periodic report, paragraphs 10 and 11. A number of matters related to discrimination are mentioned in various articles of the covenant. In this connection, Norway can provide the following information:

*New Act to combat ethnic discrimination*

9. At present Norway has no general statutory provision prohibiting ethnic discrimination, but a number of provisions in various statutes prohibit discrimination in specific fields. In 2000, the Government appointed a legislative committee to prepare a proposal for an Act to combat ethnic discrimination, as well as possible sanctions, ways of organizing the effective enforcement of legislation and a proposal as to how the UN Convention on the Elimination of All Forms of Racial Discrimination could be incorporated into Norwegian law. The committee's report of 14 June 2002 advocates a general prohibition against ethnic discrimination in all sectors of society except for family life and personal matters. The report has been widely circulated for consultative comment. The Government aims to present a proposal for an Act to combat ethnic discrimination in 2004.

*Plan of Action to Combat Racism and Discrimination (1998-2001)*

10. In 1998, the then Government presented a Plan of Action to combat racism and discrimination which covered the period 1998-2001. The Plan comprised measures targeting the judicial system, the labour market, the housing market, schools, key sectors of public administration, primary and secondary education for certain occupational groups and activities in local communities. It also contained measures to improve the possibilities of obtaining legal assistance in this field and to increase knowledge of the type and extent of racism and discrimination.

*The Centre for Combating Ethnic Discrimination*

11. The Centre for Combating Ethnic Discrimination was opened on 10 February 1999 as one of the measures in the Plan of Action. The Centre is an independent, central governmental administrative agency that provides legal aid in cases involving discrimination on grounds of creed, skin colour or national or ethnic origin. It documents and monitors the type and extent of discrimination. The Centre will continue to operate in its present form until the Government presents a proposal for an Act on ethnic discrimination, at which time a final decision will be made as to the responsibilities and functions of the Centre.

*Plan of Action to Combat Racism and Discrimination (2002-2006)*

12. On 1 July 2002 the Government presented a new Plan of Action to cover the period 2002-2006. The Plan builds on the previous Plan of Action and on the final document from the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Plan focuses particularly on working life, adaptation of public services, schools/education, the police/prosecuting authority/courts, documentation, the Internet, local communities and strengthening legal safeguards against ethnic discrimination and racist expressions. The Plan of Action also focuses on discrimination against indigenous peoples, national minorities and persons from immigrant backgrounds.

**Paragraph 3 of the guidelines (development cooperation)**

13. The Government presented its Action Plan for Human Rights in 1999. The Action Plan emphasizes the link between human rights, development and poverty reduction (reference is made to Appendix 2, particularly paragraph 5.6).

14. Norwegian development cooperation aims at promoting lasting improvements in the economic, social and political situation of the population of developing countries. The focus is on the poorest members of the population and on reducing poverty. Development cooperation is a means of promoting economic, social and cultural rights by contributing towards increasing incomes and welfare and raising the level of education. Norwegian-financed development cooperation is intended to support efforts to realize the UN Millennium Goals. Norway's efforts are focused on six main priority areas: 1) social development, 2) economic development, 3) peace, democracy and human rights, 4) the environment and sustainable management of natural resources, 5) humanitarian assistance in the event of conflicts and natural disasters, and 6) women and gender equality.

15. In 2002, the Government presented an Action Plan for Combating Poverty in the South towards 2015. This Action Plan places emphasis on ensuring that human rights are an integral part of Norwegian development policy and on promoting the rights of weak groups, both in bilateral assistance at country level and in international forums. Extreme poverty is a violation of human dignity and there are clear connections between the reduction of poverty and the strengthening of human rights. The realization of human rights and the development of democracy are important areas of focus. Civil, political, economic, social and cultural rights must be a central topic in dialogue with countries with which Norway is engaged in development cooperation. The Action Plan is attached hereto as Appendix 3.

16. In recognition of the link between the promotion of social development and human rights, the Norwegian Agency for Development Cooperation (NORAD) developed the attached handbook for the assessment of the effect of potential development programmes on human rights (Appendix 4).

17. Children, women, persons with disabilities, minorities and indigenous peoples are priority groups in Norwegian-funded development programmes and projects. Human rights obligations form the basis for discussions with Norway's partner countries, with a view to strengthening their ability to protect and promote human rights. The International Covenant on Economic, Social and Cultural Rights is thus part of the basic framework of reference for identifying special areas of focus for bilateral cooperation.

18. Norway aims at providing approximately equal amounts of multilateral and bilateral assistance. In 2002, multilateral assistance accounted for 45.8% of total development cooperation (31.5% in general multilateral assistance and 14.3% in multi-bilateral assistance - i.e. assistance earmarked for projects and programmes that are administered by multilateral organizations). Bilateral assistance accounted for 49.6%, while administrative costs accounted for 4.7% of the budget.

19. Within the framework of Norway's bilateral development cooperation, support for human rights, democracy and good governance increased from NOK 1,235 million in 2000 to NOK 1,643 million in 2002. It accounted for 16.1% of Norway's total bilateral assistance in 2000 and increased to 18.5% in 2002.

## **B. PART OF THE REPORT RELATING TO SPECIFIC RIGHTS**

### **Article 6. The right to work**

#### **Paragraph 2 of the guidelines (information on employment)**

##### *The employment situation, unemployment and under-employment, levels and trends*

20. Reference is made to the report submitted in September 2002, which covers the years 1995-2001, in accordance with ILO Convention No. 122 concerning Employment Policy (Appendix 5). Norway has received no comments from the ILO's Committee of Experts concerning its employment policy. The main points and supplementary information for 2002 are provided in this report (reference is also made to the attached table (Appendix 6), which has been updated as of 2002.

21. Norway has one of the highest employment rates and lowest unemployment rates in the OECD area. At the same time, however, an increase in the number of disabled persons, increased early retirement from working life and increased sickness absence have contributed to lower labour market participation, cf. point 1 of the above-mentioned report.

22. The labour market situation of various groups is described in points 2 and 3 of the report. Regional differences in employment are relatively minor and smaller than before. Appendix 7 provides a breakdown of unemployment by county.

23. Norway has a high rate of labour market participation, which is barely 9 percentage points higher for men than for women. The participation rate for elderly persons has declined moderately during the period, but is still high compared with other European countries. The number of occupationally handicapped workers has risen in recent years, and is partly related to the fact that the authorities have placed great emphasis on trying to rehabilitate workers before they are considered for a disability pension. The situation for immigrants, more of whom are jobless than ethnic Norwegians, is described in greater detail in a separate paragraph in the report.

24. After falling to 3.2% in 1998, the unemployment rate increased to 3.9% in 2002. Statistics Norway expects joblessness to continue to rise. This trend has been fuelled by domestic factors, strong growth in real wages and a high rate of exchange for the NOK which weaken Norwegian industries that are exposed to international competition, and the international economic slowdown.

25. The rise in unemployment is affecting workers with higher education to a greater degree than before. This, combined with growing unemployment in the building and construction sector, has led to a slightly higher increase in unemployment among men than among women. Unemployment has risen most in the 25-49 age group in the past two years.

26. The labour market has been affected by a decline in demand for manpower. This, coupled with a reduction in the level of labour market measures, has resulted in a growing proportion of long-term unemployed workers. Joblessness among immigrants has increased at the same rate as ordinary unemployment in the past few years. Today, one out of six unemployed persons is an immigrant. At the end of 2002, there were 76,200 occupationally handicapped job-seekers (3.1% of the labour force). The number of occupationally handicapped persons has increased significantly more among women than among men in the past few years.

*Main points of labour market policy and labour market programmes*

27. The goal of labour market policy is to promote a labour market that is as safe, inclusive and self-regulating as possible. It is intended to help ensure that all groups are given the opportunity to have a full and satisfactory working life.

28. The Government has given high priority to modernizing the public sector. Emphasis is on user orientation, rationalization and simplification, as well as greater freedom of action for local units. This process of modernization is seen in conjunction with the optimum utilization of manpower and is intended to promote such utilization. Ensuring that manpower is used correctly and that as many people as possible are able to participate in the labour market is crucial to value creation in both the public and private sectors.

29. An active labour market policy still plays a pivotal role and is an important tool in creating an inclusive working life with high employment and low joblessness. The strategy pursued by Aetat, the Norwegian public employment service, to follow up individual unemployed workers may be illustrated by a ladder, the first step of which is the worker's own efforts to find a job. Aetat's self-service systems are accessible on the Internet ([www.aetat.no](http://www.aetat.no)). The next step will include personal follow-up of each individual's job-seeking efforts. There is strong focus on ensuring that job-seekers are actively committed to finding a job. The third step comprises offers of labour market programmes, primarily for long-term unemployed workers, enabling them to obtain qualifications or work experience. The level of labour market programmes for both ordinary job-seekers and occupationally handicapped persons is shown in the tables under point 3 of the report submitted in accordance with ILO Convention No. 122. The structure of programmes has changed slightly since 2002, as may be seen below. Appendix 8 provides an overview of the level and types of programmes, in accordance with current statistical methods.

30. Young people, long-term unemployed persons and immigrants have priority with regard to measures for ordinary job-seekers. Collaboration with school authorities on helping young people who drop out of school has helped to keep unemployment among young people under 20 years old at a low level. There is a higher percentage of immigrants on labour market programmes than is warranted by their percentage of registered jobless. Surveys carried out by Statistics Norway indicate that 43% of those who completed labour market programmes (April 2001) were employed six months later.

31. Approximately two thirds of occupationally handicapped persons have participated in labour market programmes. Their rate of participation in such programmes was somewhat lower in 2002, partly due to a large number of new participants. After completing rehabilitation

programmes, close to half go back to work. A large group of occupationally handicapped job-seekers are entitled to benefits during the period of occupational rehabilitation while they are on labour market programmes, cf. Appendix 25, Chapter 7.

32. A new structure has been introduced for labour market programmes as from 2002, which comprises fewer types of measures. The service offered to each job-seeker is now based on individual assessment, a series of programmes and a holistic approach. Each programme targets a broad group comprising both occupationally handicapped persons and ordinary job-seekers. Occupationally handicapped individuals may be offered programmes for longer periods of time and larger grants. Certain types of programmes, including programmes in the sheltered sector, are still reserved for occupationally handicapped persons.

33. The new structure consists of five main categories of programmes:

Wage subsidies to employers, Job training programmes, Qualification programmes (labour market courses), Temporary employment and Work permanently adapted to special needs.

34. Aetat's primary function is to provide job-seekers with the necessary qualifications and help them to find jobs through personal follow-up and organised labour market programmes. It must ensure that unemployment benefit and rehabilitation benefits are paid out quickly and correctly. The Employment Act was amended with effect from 1 July 2002, thereby giving Aetat a freer rein to delegate and decentralise functions so as best to meet user and market needs.

35. Activity-based and result-based financing arrangements are being tested in pilot projects in some areas of labour market policy, to provide incentives for increased activity and more effective utilization of resources, and to improve the quality of services.

36. In Norway's report on its implementation of ILO Recommendation No. 169 on employment policy, submitted in autumn 2002, further information is provided on experiments with new forms of financing (reference is made to Appendix 9). The aim is also to introduce a bonus in the form of increased administrative resources for local Aetat offices for the rapid, accurate disbursement of unemployment benefit and more effective utilization of resources that exceeds current performance requirements.

37. In order to reduce sickness absence and premature retirement from the labour market, the Government in autumn 2001 signed a four-year tripartite agreement with the social partners on a more inclusive working life (reference is made to point 6 of Appendix 5).

#### *Freedom of choice of employment and conditions of employment*

38. Reference is made to the above description, where it is stated that the Government attaches great importance to creating an inclusive working life where all groups are given the opportunity to have a full and satisfactory working life.

#### *Labour market courses*

39. Reference is made to the above paragraphs, which state that labour market courses are one of several labour market programmes for unemployed and occupationally handicapped



persons. This type of course, which is the responsibility of the labour market authorities, is a supplement to the vocational training for which the educational authorities are responsible.

40. Labour market courses are of a short duration and are targeted towards industries/occupations where there is a need for manpower. This type of qualification programme is aimed at improving unemployed persons' possibilities of finding a job. The labour market authorities finance the training programme and decide who is eligible to take courses. However, they do not arrange courses themselves, but purchase them from public schools or from private course providers.

#### *Challenges in labour market policy*

41. The aim of the labour market policy is to promote a labour market that is as safe, inclusive and self-regulating as possible. Aetat services, in the form of information, follow-up and advisory services for job-seekers and labour market programmes, are focused on areas where there are special problems. Reference is made to Appendix 5 and to paragraph 20 et seq. above.

#### **Paragraph 3 of the guidelines (discrimination)**

42. A draft Bill on equal treatment in working life has been presented with a view to preventing discrimination in this field. The draft Bill proposes a general prohibition against differential treatment on grounds of gender, religion or belief, skin colour, national or ethnic origin, political view, membership of a workers' organisation, sexual orientation, disability or age. The prohibition is to apply to direct and indirect differential treatment, as well as harassment and instructions regarding differential treatment. It is also to apply to all aspects of the employment relationship, from the time the position is advertised to the termination of the relationship.

43. For a description of the labour market situation, reference is made to the report on Norway's implementation of ILO Convention No. 122 (Appendix 5), and Norway's 16th report on the implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination, particularly paragraph 133 et seq.

#### **Paragraph 4 of the guidelines (persons holding more than one full-time job)**

44. There are no grounds to conclude that persons who hold more than one full-time job do so in order to secure an adequate standard of living for themselves and their families.

#### **Paragraph 5 of the guidelines (changes since last report)**

45. Reference is made to the preceding paragraphs.

### **Article 7. Just and favourable conditions of work**

46. Reference is made to Norwegian reports on the implementation of the following relevant ILO conventions:

- Holidays with Pay Convention (Revised), 1970 (No. 132), report submitted in 2000 (Appendix 10).

- Labour Inspection Convention, 1947 (No. 81), report submitted in 2001 (Appendix 11).
- Labour Inspection (Agriculture) Convention, 1969 (No. 129), report submitted in 2002 (Appendix 12).
- Occupational Safety and Health Convention, 1981 (No. 155), report submitted in 1999 (Appendix 13).
- Equal Remuneration Convention, 1951 (No. 100), report submitted in 2002 (Appendix 14).

47. Reference is also made to paragraphs 85-96 of Norway's third periodic report on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

### **Paragraph 2 of the guidelines (wage-fixing)**

#### *Principal methods used for fixing wages, minimum wages and income distribution*

48. Reference is made to Norway's third periodic report, paragraphs 86, 87 and 89.

#### *Equal pay for work of equal value*

49. Reference is made to paragraphs 223 and 226 of the Committee's concluding observations after consideration of Norway's third periodic report (E/C.12/1995/18).

50. The issue of equal pay for work of equal value is a primary focus of efforts to promote gender equality. The difference in gross wages among employed men and women has remained relatively stable for a long period of time, but here was a marked improvement towards the end of the period. On average, women's gross hourly pay was around 80% of men's at the start of the 1990s, according to surveys of living conditions. According to internal computations carried out by the Ministry of Labour and Government Administration, the figure for full-time employees was 84.5% in 2000.

51. During the period 1990-2001, women's pay has improved compared with men's in the main industries. The gap between men's and women's pay varies from one industry to another. In the banking, commercial services and retail sectors, there are relatively large disparities in men's and women's pay. The difference is smallest in the school sector, the hotel and restaurant industry and among industrial workers. Employees' and employers' organizations have a key role to play in efforts to achieve equal remuneration. Promoting equal pay is also one of the main functions of the Gender Equality Ombud. The cases submitted to the Ombud are more complex today than before. Pay differences are now often concealed behind different job titles, or in bonuses and other advantages offered by the employer.

52. The provision relating to equal pay for work of equal value in the Gender Equality Act makes a vital contribution towards upgrading women's work. Pursuant to this provision, women and men in the same enterprise "shall have equal pay for the same work or work of equal value". This applies, firstly, to work in the same trade or profession or work with significant outward similarities. The Act also applies to equal work regardless of whether the pay is regulated by

different collective wage agreements or whether such work is connected with different trades or professions. The Gender Equality Appeals Board may give its opinion on whether a collective wage agreement is in contravention of the Gender Equality Act, regardless of whether the issue is related to a specific employment relationship.

53. The Government recommends the use of a work assessment as a means of achieving equal pay for work of equal value. By an amendment adopted on 14 June 2002 of the Gender Equality Act, key factors that must be included in the assessment of whether work is of equal value were incorporated into the text of the statute. The issue "... *shall be determined after an overall assessment in which importance is attached to the expertise that is necessary to perform the work and other relevant factors, such as effort, responsibility and working conditions*" (section 5, third paragraph). The goal is to achieve uniform practice. In 2002, the Government initiated a project in various companies to develop a gender-neutral system of assessing work. This system can also be used by the Gender Equality Ombud as a tool for enforcing the Act.

### **Paragraph 3 of the guidelines (working conditions)**

54. Occupational health and safety are governed by the Act of 4 February 1977 No. 4 on Worker Protection and the Working Environment. The overarching purpose of this Act is to ensure that working environments are fully satisfactory. The Act regulates conditions at the workplace such as technical appliances and equipment, toxins and other substances hazardous to health, and adaptation of work, particularly for occupationally handicapped workers. The employer is responsible for ensuring that the enterprise complies with the provisions of the Act. The most important instrument in efforts to promote health, safety and a good environment is the enterprise's internal control system. According to this system, the person responsible for the enterprise must establish a system of internal controls to ensure that work is organised and performed in accordance with the provisions of the Act (reference is made to paragraph 90 of Norway's third periodic report).

55. The Norwegian Labour Inspection Authority, which is a public institution, is responsible for monitoring compliance with the provisions of the Working Environment Act. It may carry out unannounced visits of inspection. Every person connected to an enterprise, as well as manufacturers, suppliers and importers of technical appliances and equipment and substances hazardous to health, has a duty to provide any information necessary to carry out controls.

#### *Categories of workers exempted from the Working Environment Act*

56. As a general rule, workers are covered by the health, environmental and safety provisions of the Working Environment Act. Industries such as shipping, fishing and military aviation are subject to special provisions. Reference is made to Norway's last report on the implementation of ILO Convention No. 155 (Appendix 13) on amendments in the Seamen's Act.

#### *Occupational accidents and diseases*

57. In the period 1978-98, there has been an average of 66 fatal accidents per year, and in the last five years an average of 56 fatal accidents per year. The Norwegian Labour Inspection Authority does not record accidents in the offshore and petroleum, shipping or fishing industries. These accidents are recorded by the respective authorities in these sectors. Approximately

35,000 occupational accidents are recorded each year by the Labour Inspection Authority based on copies of the accident reports submitted by employers to the National Insurance Administration. It is estimated that some 20-25% of all workplace accidents are reported.

58. The Labour Inspection Authority collects or is sent reports on approximately 3,800 cases of work-related diseases each year, such as poisoning, illnesses or symptoms of illness, of which occupational loss of hearing accounts for half. However, the recorded data are not complete due to underreporting.

#### **Paragraph 4 of the guidelines (equal opportunity for promotion)**

##### *Gender equality in working life*

59. Statistics show that the Norwegian labour market is very much divided by gender, and that women's labour market participation is among the highest in the western world. 78% of all women between the ages of 25 and 66 are in the labour force. However, this high rate of employment has done little to bring about a more even distribution in a gender-segregated labour market. There are few women in senior management positions, and the distribution of men and women in industries and occupations is skewed.

60. Recent studies show that there is a connection between high labour force participation, increased gender segregation in the labour market and stable differences between men's and women's pay. In general, when women and men participate more equally in the labour force, the position of women is strengthened and greater gender equality is achieved. At the same time, labour force participation is higher because women with lower education and less experience are joining the labour force, and more of these women work in the service sector. Thus, in the short term, there is a paradox in that increased labour force participation among women helps to increase the disparities between women and men on the labour market. In order to obtain a complete picture, therefore, unpaid work must be included.

61. Women predominate among students, both in upper secondary education and at university level. In 2002, women accounted for 59% of all university and college graduates, which is an increase of 2 percentage points since 2000. Women have also reached the same level of education as men. Among both women and men, 34% of the population in the 25-66 years age group have tertiary education.

62. Men and women still make very different educational choices. The two sexes are distributed more evenly in general subject areas of study than in vocational fields. Girls still choose health, social and aesthetic subjects, while boys dominate in technical and mechanical subjects. At universities, the percentage of women is high in all of the elite programmes of study, i.e. high-status, well-paid occupations, except for the engineering programme.

##### *Women in management*

63. Several programmes have been carried out, in both the public and private sector, to recruit women to management positions. The "Women, Quality and Qualifications" project was launched in 1997 to increase the number of women in management positions in the central government administration. The goal was to increase the percentage of women in public

administration to 30% in 2001. During the project period, the proportion of women has risen as a result of purposeful, targeted efforts, thereby also increasing the diversity and breadth of expertise. In 2002, 28% of senior positions in the central government sector were held by women. Efforts to reach a more even distribution of women and men in leadership positions in the state sector will continue to be given high priority. The Government therefore has set a new goal of minimum 40% representation of both sexes within 1 January 2006.

64. On 13 June 2003, the Government presented a draft Bill to the Storting introducing a requirement that the board membership of all state-owned enterprises and privately-owned public limited companies must consist of at least 40% of each sex. These rules will foster greater gender equality and democracy and strengthen private-sector management and companies' competitive strength. However, the rules for privately-owned public limited companies will not enter into force if the desired gender balance is reached voluntarily in the course of 2005. The rules applying to state-owned companies are to come into force on 1 January 2004. The Government has also entered into cooperation with employer and employee organizations, with a view to increasing the percentage of women on boards of directors. In April 2003, an average of 7.3% of the board members of Norwegian, privately-owned public limited companies were women. In the state-owned enterprises, 45.7 per cent of board members were women (March 2003).

65. "Kvinnebasen" is a professional and executive candidate database for women in which 3,400 qualified women are registered for recruitment to management and board positions. The Norwegian Industrial and Regional Development Fund (SND) has also established a database of women candidates who are qualified to sit on boards of directors. Through the ODA programme, the ICT industry has initiated a number of activities to recruit more women to the industry.

#### **Paragraph 5 of the guidelines (rest, leisure, etc.)**

66. Reference is made to reports on the implementation of ILO Convention No. 14 (Appendix 15) concerning weekly rest (industry) for the period up to 31 May 2000, and ILO Convention No. 132 concerning holidays with pay for the period up to 31 May 2002 (Appendix 10).

67. As a follow-up to the EEA Agreement, Norway implemented EU Directive 93/104/EC on working hours in April 1998. Among other things, this meant that the minimum daily period of rest was increased from 10 to 11 hours. Furthermore, workers who perform night work are now guaranteed medical attention free of charge.

#### **Paragraph 7 of the guidelines (changes since previous report)**

68. Such changes are described in the above text.

### **Article 8. Trade unions**

69. Reference is made to Norway's third periodic report, paragraphs 97-119. Reference is also made to reports on the implementation of ILO Convention No. 87 and ILO Convention No. 98. The latest report on the implementation of ILO Convention No. 87 covers

the period up to 31 May 2002 (Appendix 16), while the latest report on the implementation of ILO Convention No. 98 covers the period up to 31 May 2001 (Appendix 17).

**Paragraph 2 of the guidelines (conditions for joining and forming trade unions)**

70. With regard to paragraphs a-d of the guidelines, reference is made to paragraphs 97-101 of Norway's third periodic report.

*Number and structure of trade unions*

71. No conditions have been laid down by the authorities for joining and forming trade unions. Reference is made to Norway's third periodic report, paragraphs 102-106. Statistics prepared by Statistics Norway, which show the number of trade union members during the period 1999-2002, are attached hereto as Appendix 18.

72. 55-57% of the total Norwegian labour force are members of a trade union, but the pay and working conditions of an even larger number of workers are determined by collective agreements, because employers bound by a collective agreement apply the agreement to both organised and unorganised workers. In many cases, even in companies where neither the employer nor the employees are union members or bound by any collective agreement, it is quite common to apply the pay and working conditions from a collective agreement covering their line of business.

73. In the public sector, between 80 and 90% of the labour force are members of a trade union. However, 100% of the labour force are covered by a collective wage agreement, since the agreement is applicable to all public sector employees.

74. There are currently four large confederations of unions in Norway with members in both private and public sector. The Norwegian Federation of Trade Unions (LO) is still the largest confederation with 25 member unions, representing a broad selection of private sector industries and the public sector. As of 31 December 2001, LO had approximately 800,000 members.

75. The Confederation of Vocational Unions (YS) comprises 20 member unions and had approximately 190,000 members as of 31 December 2001. This confederation largely organises the same categories of workers as LO.

76. The Confederation of Higher Education Unions (UHO) organises categories of workers with a college education such as teachers, nurses and policemen, and had 5 member unions and 215,000 members as of 31 December 2001.

77. The Federation of Norwegian Professional Associations (Akademikerne) organises university-educated professionals such as doctors, lawyers, clergy, engineers and the like. The federation had 11 member organizations and approximately 122,000 members as of 31 December 2001. In addition to these confederations, there are some 25-30 independent trade unions, most of which are quite small.

78. The Federation of Norwegian Professional Associations (Akademikernes Fellesorganisasjon) was disbanded on 1 July 2001. Associations that were formerly members of the federation have largely joined either Akademikerne or UHO.

**Paragraph 3 of the guidelines (the right to strike)**

79. The right to strike is recognised under Norwegian law without being explicitly laid down by statute. Both the Act of 5 May 1927 No. 1 relating to labour disputes and the Act of 18 July 1958 No. 2 relating to public service disputes are based on the assumption that Norwegian workers have the right to strike. The statutes contain provisions that regulate the right to engage in industrial action in order to impose demands for the establishment or revision of a collective wage agreement.

*Compulsory arbitration*

80. Reference is made to Norway's third periodic report, paragraph 115, concerning Norway's reservation to Article 8 paragraph 1 d) of the International Covenant on Economic, Social and Cultural Rights.

81. In its consideration of Norway's third periodic report, the Committee expressed concern about Norway's use of compulsory arbitration (E/C.12/1995/18, paragraph 224). This conclusion may indicate that there is a misunderstanding. The Labour Disputes Act contains no provisions regarding compulsory arbitration. Nor does the Act of 19 December 1952 No. 7 relating to wage committees in labour disputes, which merely establishes the National Wages Board as a body at the disposal of the parties involved in voluntary arbitration. Compulsory arbitration may only be used if the Government finds that life and health or other key interests of society are jeopardised. In each case, the Government must present a draft Bill to the Parliament (Stortinget) proposing that the conflict shall be resolved by the National Wages Board. An Act must be adopted for each individual case. Incidentally, the Government's draft Bills have without exception been supported by a large majority of the Storting representatives. When the Storting is not in session, the Government may impose compulsory arbitration by means of a so-called provisional ordinance, cf. Article 17 of the Constitution of Norway. This has been done in a number of cases, but there have been no objections to the Government's decisions in connection with the Storting's subsequent approval of the ordinances.

82. It is Norway's view that the use of compulsory arbitration lies within the limits defined by practice in accordance with ILO Conventions No. 87 and No. 98 and Article 6, cf. Article 31 of the European Social Charter (Article G of the Revised Social Charter). Since the previous report submitted in 1994, compulsory arbitration has primarily been used in the health sector, when the Norwegian Board of Health has determined that life and health are endangered. Between 1994 and 2002, compulsory arbitration has been imposed on 16 occasions. There have been no interventions in 2003.

83. Previously there have been interventions in the public sector for which Norway has been criticised by the Committee of Experts under the European Social Charter among others, because the interventions also affected groups whose strike could not be said to constitute a risk to life and health. In central government sector it is the confederations and not the individual member association that are parties to the wage agreements. With one common collective wage agreement covering many different groups of workers, it has been impossible to stop the strike and resolve the dispute only for those groups whose strike poses a threat to life and health (typical of the health sector). In the municipal sector, on the other hand, it is possible to make such distinctions. In this sector it is the individual member association and not the entire

negotiating confederation which is a party to a wage agreement with the Norwegian Association of Local Authorities (which negotiates on behalf of the municipalities). Thus, the practice in this sector was changed in 1998 so that intervention by compulsory arbitration only applies to those groups whose strike poses a threat to life and health.

84. In addition, there have been interventions in the oil sector three times since the last report. On these occasions, Norway has been facing the possibility of a total halt in the production of oil and gas on the continental shelf with such serious consequences that the use of compulsory arbitration has been within the limits of ILO Convention No. 98 and the European Social Charter. This assessment has been based partly on the possibility of the State suffering very substantial revenue losses, but also on the risk of ruining Norway's credibility as a reliable supplier of gas and oil. A production stoppage in the North Sea will quickly render Norway incapable of fulfilling its obligations to supply gas to a number of European countries. Reference is made to the Supreme Court judgment of 10 April 1997 (Appendix 19) and the decision of the European Court of Human Rights of 26 June 2002 (Appendix 20).

#### *Compulsory mediation*

85. As regards compulsory mediation, reference is made to Norway's third periodic report, paragraph 108.

#### *Legislation governing the exercise of the right to strike by certain categories of workers*

86. Regarding the armed forces and senior civil servants, reference is made to Norway's third periodic report, paragraphs 110 and 116-118. The prohibition of the right of police officers to strike was abolished when a new Police Act was passed in 1995. Consequently, the police have a general right to strike on a par with other occupational groups.

#### **Paragraph 4 of the guidelines (restrictions concerning the exercise of the right to join and form trade unions and to strike)**

87. Reference is made to the information provided above under paragraph 2 of the guidelines.

#### **Paragraph 5 of the guidelines (changes since the previous report)**

##### *Legislation*

88. As mentioned above, the ban on the right of the police to strike has been abolished. Furthermore, as also mentioned earlier, the Human Rights Act was adopted in 1999.

##### *Judicial decisions*

89. On 10 April 1997 (Norwegian Supreme Court Reports 1997, p. 580) the Supreme Court pronounced judgment in a case between the Federation of Oil Workers' Trade Unions (OFS) and the state. In its judgment, the Supreme Court determined that the use of compulsory arbitration in the oil sector in 1994 was not a breach of Norway's international legal obligations. A copy of the judgment is attached hereto as Appendix 19.



90. The case was later brought before the European Court of Human Rights. The trade union claimed that the intervention in the right to strike was in breach with Article 11 of the European Convention on Human Rights (ECHR). In its decision of 26 June 2002, the Court dismissed the suit summarily as being manifestly ill-founded, as it found that Norway's use of compulsory arbitration in 1994 was not in contravention of Article 11 of the ECHR, see Appendix 20.

91. Two subsequent Supreme Court decisions establish the positive and the negative aspects of the right to join and form trade unions.

#### *Official committees and reports*

92. In spring 2001 the Committee appointed to review the collective bargaining system (the Stabel Committee) presented its report (Norwegian Official Report (NOU) 2001:14). All the largest organizations, both from the employee and the employers side were represented in the Committee. Its task was to analyse the current bargaining system and framework for collective wage negotiations and if necessary propose amendments to the system. The Committee also discussed Norway's international legal obligations.

93. The Committee was mainly satisfied with the present Norwegian system, but proposed some adjustments in the mediation system. Some minor amendments have been made, but the most controversial proposals were rejected due to heavy opposition.

94. The Labour Disputes Act was amended in 2003. The president and vice-president of the Industrial Disputes Court are no longer appointed for a fixed number of years, but for an unlimited period, on the level with the remainder of Norwegian judges.

95. Reference is made to Norway's third periodic report, paragraph 113. The Labour Law Council presented in 1996 NOU 1996:14 Principles for a new Labour Disputes Act. The Council suggested several amendments in the legislation, but their proposals met considerable opposition and were not followed up. The Stabel Committee, mentioned above, also considered these proposals, but decided for various reasons not to recommend them.

### **Article 9. Social security**

96. Reference is made to Norway's third periodic report, paragraphs 120-220. Reference is also made to reports submitted by Norway in compliance with ILO Conventions No. 102 on social security (minimum standards) (Appendix 21), No. 128 on invalidity, old-age and survivors' benefits (Appendix 22), No. 130 on medical care and sickness benefits (Appendix 23) and No. 168 on employment promotion and protection against unemployment (Appendix 24).

#### **Paragraph 2 of the guidelines (branches of social security)**

97. Reference is made to the brochure entitled "The Norwegian Social Insurance Scheme, A Survey, 2003" (Appendix 25). As stated in the brochure, the social insurance scheme encompasses all the branches of social security mentioned in paragraph 2 of the guidelines. Furthermore, the National Insurance scheme comprises occupational and medical rehabilitation benefits (see Appendix 25, Chapter 7), benefits for single parents (Chapter 12), funeral grants (Chapter 13) and advance payment of child maintenance (Chapter 14).

**Paragraph 3 of the guidelines (main features of the schemes in force)**

*General information*

98. Under the National Insurance Act of 1997, every person resident or working in Norway is covered by the National Insurance scheme. Furthermore, every person resident in the realm is in principle covered by the Child Benefit Act of 2002.

99. Many social insurance benefits are determined in relation to a basic amount (BA), which is defined in the National Insurance Act. For instance, the income from paid employment on which the calculation of sickness benefits is based is limited to six times the basic amount (6 BA). Pensions, too, are calculated on the basis of the basic amount.

100. The basic amount is adjusted by the Storting once or more times a year to take account of inflation and increases in the general level of income. Thus the purpose of the basic amount is to ensure that the income of pensioners and other benefit recipients increases at approximately the same rate as that of the working population.

101. The following table indicates the increases in the basic amount since 1994:

01.05.1994	NOK 38 080
01.05.1995	NOK 29 230
01.05.1996	NOK 41 000
01.05.1997	NOK 42 500
01.05.1998	NOK 45 370
01.05.1999	NOK 46 950
01.05.2000	NOK 49 090
01.05.2001	NOK 51 360
01.05.2002	NOK 54 170
01.05.2003	NOK 56 862

102. Administrative decisions concerning Norwegian social security benefits may be brought before the Insurance Court of Appeal, cf. the Act No. 9 of 16 December 1966 relating to appeals to this body. The Insurance Court of Appeal is an autonomous, administrative agency. Decisions made by the Court may in turn be brought before ordinary courts of law.

**Paragraph 4 of the guidelines (financing of the social security schemes and social security spending)**

103. The National Insurance Scheme is financed by national insurance contributions from employers, employees, self-employed persons and other members of the National Insurance Scheme, as well as by State grants. The contribution rates and the State grant are determined by the Storting. The figures below apply to 2002.

104. The national insurance contribution for employees and self-employed persons is computed on the basis of pensionable earnings. No contribution from pensionable earnings is payable for income of less than NOK 23,000. The contribution must not account for more than 25% of any income exceeding this amount. Sickness benefits, maternity benefits and unemployment benefits are pensionable earnings.

105. The national insurance contribution payable by employees is 7.8% of pensionable earnings (gross wage income). For self-employed persons, the contribution rate is 10.7% of pensionable earnings (net self-employment income) up to 12 BA, and 7.8% of earnings over 12 BA. As a general rule, no national insurance contribution is payable for pensionable earnings over a specified maximum (16 BA, 75 BA and/or 134 BA, respectively, for various categories of self-employed persons). For other personal income (pensions, etc.), the contribution rate is 3.0%.

106. The employer's national insurance contribution is determined as a percentage of the wage paid by the employer. The contribution varies from 14.1% to 0.0% depending on the part of the country in which the employee resides. Norway is divided into five regional zones based on geographical and economic criteria. Employers pay a lower national insurance contribution for employees who have attained the age of 62 years. These rates, too, are differentiated according to the region in which the employee resides. Enterprises in certain industries must pay the highest rate of employer's contributions (14.1%, or 10.1% for employees aged 62 and older), irrespective of where the employee resides. In addition, for wages over 16 BA, a special contribution of 12.5% must be paid on the excess amount.

107. Family allowances and cash benefits for families with small children are financed from the State budget.

108. In 2002, national insurance expenditure totalled approximately NOK 192,490 million. This amount was around 34.2% of combined State and national insurance budgets expenditure and around 12.6% of gross domestic product. The State grant to the National Insurance scheme in 2002 was approximately NOK 53,391 million, or around 27.7% of total national insurance expenditure.

109. In comparison, national insurance expenditure totalled NOK 99,362 million in 1988. This amount was approximately 36.1% of combined State and national insurance budgets and 16.4% of gross domestic product. In 1988, the State grant to the National Insurance scheme was NOK 20,514 million or 20.6% of total national insurance expenditure.

110. Both the number of benefit recipients and the payments to each recipient have increased during this period. The increase in pension payments is due partly to the maturation of the national insurance scheme (persons in younger cohorts have had the opportunity to accumulate more years of contributions and are thereby entitled to higher supplementary pensions) and partly to increased benefit rates, particularly rates for special supplement.

**Paragraph 5 of the guidelines (informal (private) arrangements)**

111. It is estimated that somewhat more than half of the employed population belong to one or more private or public (for public sector employees) pension schemes which supplement the National Insurance pensions described above.

**Paragraph 6 of the guidelines (disadvantaged groups)**

112. All persons resident or working in Norway are covered by the National Insurance Scheme. The National Insurance Act is gender neutral, with the obvious exception of benefits related to childbirth.

*Social security*

113. Persons who cannot support themselves by working or by asserting their economic rights, including social security rights, are entitled to financial social assistance. This right is established by the Act of 1991 relating to social services, etc. The social service administration at municipal level is responsible for providing financial social assistance. The Act contains no guidelines concerning the level of financial assistance provided, but is based on the premise that every person must be guaranteed an adequate living. Exactly what constitutes an adequate living is determined on the basis of an assessment of the needs of each individual applicant. Financial social assistance is a subsidiary benefit for individual recipients, and the lowest financial safety net in the social security schemes.

114. In 1998, the State, represented by the Ministry of Social Affairs, issued guidelines to the municipal authorities in the form of instructions defining the expenses covered by the term “a living” in the Social Services Act. In 2001 the Ministry issued guidelines in the form of recommended rates of financial assistance. The State guidelines encompass current, everyday living expenses. Housing expenses, electricity and heating costs, etc., and special expenses, are not included in the basis of calculation. The guidelines lay down the following recommended monthly rates with effect from 1 January 2002:

Single persons	NOK 4 000
Married couple	NOK 6 660
Cohabitants - per person	NOK 3 330
Children 0-5 years	NOK 1 530
Children 6-10 years	NOK 2 020
Children 11-17 years	NOK 2 550

**Paragraph 7 of the guidelines (changes since previous report)**

115. Several changes in the welfare system have been described above. As regards legislative amendments, please note that the National Insurance Act of 1966 was replaced by a new National Insurance Act in 1997. The purpose of the new Act was to simplify and modernise the language of the statute. The new Act does not entail any significant substantive changes in the Norwegian national insurance system.

116. On 1 January 2003 a new Family Allowance Act entered into force, providing a simpler, more comprehensible set of rules governing this type of benefit. Emphasis has been placed on making the Act as easy as possible for individuals to understand and for the National Insurance authorities to put into practice. The new statute contains no major substantive amendments, but in certain areas, there are simplifications that change the content of the provisions slightly compared with the former family allowance rules.

**Article 10. The family, mothers and children**

117. Reference is made to Norway's First (CRC/C/8/Add.7) and Second (CRC/C/70/Add.2) Periodic Report in compliance with the UN Convention on the Rights of the Child. Reference is further made to Norway's Fourth Periodic Report (Article 11.2 (a-b) and Article 16.(1-2)), Fifth Periodic Report (Article 11.2b, Article 16.1b and Article 16.1d) and Sixth Periodic Report (Article 5b, Article 11.2b and Article 16.1b-d) in compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women. Reference is also made to Norway's third periodic report in compliance with the International Covenant on Economic, Social and Cultural Rights, paragraphs 221-267.

**Paragraph 2 (the term "family") and paragraph 3 (the term "age of majority") of the guidelines**

118. As regards the term "family", reference is made to Norway's third periodic report, paragraphs 223-225. The term "age of majority" is defined in Norway's first periodic report in compliance with the UN Convention on the Rights of the Child, paragraphs 57-90. The general age of majority is 18. Certain age limits are indicated in the aforementioned report. Updated information regarding these age limits may be found in Norway's third periodic report in compliance with the UN Convention on the Rights of the Child (UN reference unavailable), Chapter II. It should be noted that the age limit for both voluntary and compulsory recruitment to the defence forces has been raised to 18 years.

**Paragraph 4 of the guidelines (assistance to and protection of the family)**

119. Two important amendments have been made to the Marriage Act of 4 July 1991 concerning contraction of marriage. The proposed amendments were described in Norway's third periodic report, paragraphs 227-231.

120. Every foreign national must now be lawfully resident in Norway at the time of marriage in order to be able to contract a marriage in Norway. Furthermore, there is now an explicit statutory provision to the effect that a spouse who is forced to marry may institute legal proceedings to have the marriage annulled.

121. Several amendments have been made to the Children Act since Norway's previous report:

122. The mother's husband at the time her child is born is no longer automatically regarded as the child's father. Moreover, the conditions and deadline for bringing legal action for a change of paternity have been removed. In addition, it will be possible to reopen a case that has been decided without carrying out a DNA analysis of the parties. It will also be possible to acknowledge paternity during a prenatal check-up by a midwife or doctor.

123. If the parents have joint parental responsibility and one of them dies, the surviving parent will have sole parental responsibility. If the child lives with both parents, but the mother has sole parental responsibility, parental responsibility will be transferred to the father if the mother dies. Other persons who wish to take over parental responsibility may institute legal proceedings within a period of six months. In deciding the matter, the court must attach importance to the biological aspects, but the decisive factor must be the best interests of the child. Previously, the father had to bring the case before a court in order to be awarded parental responsibility if he was not living with the child when the mother died, or if he lived with the mother and the child and did not have parental responsibility.

124. Parents who have not agreed otherwise must now share the cost of travel for the purpose of spending time with their children. The costs must be apportioned proportionately to the parents' income. This general rule may be deviated from in exceptional cases if there are special reasons that make it reasonable to apportion costs differently.

125. A new set of rules for determining child maintenance payments has been adopted by the Storting, but has not yet been put into effect. The new rules are based on the actual cost of giving the child a reasonably good standard of living. The costs are determined according to a scale adjusted to children's needs at various age levels. Child maintenance costs are divided between the parents proportionately according to their incomes. The child maintenance payment is adjusted according to the ability of the parent concerned to pay, after which any expenses the parent concerned has had in connection with time spent with the child are deducted.

126. As regards family-related assistance, reference is made to the information provided in the brochure "The Norwegian Social Insurance Scheme" (Appendix 25).

127. For information on parental guidance, reference is made to Norway's second periodic report in compliance with the UN Convention on the Rights of the Child (CRC/C/70/Add.2), paragraphs 150-152 and paragraph 210.

128. As part of the follow-up of the parental guidance programme launched in 1995, a range of information materials (pamphlets and video films on specific topics) has been prepared for parents and professionals on topics such as interaction between parents and schoolchildren, interaction between teachers and pupils, bullying, the media world of children and young people, fathers and children, etc. The goal is to establish good communication and constructive interaction between parents and children and between teachers and parents, thereby preventing social and psychological problems among children and young people. A pilot project targeting teachers has also been carried out which aimed at raising awareness of teacher-pupil interaction.

129. An evaluation report issued in 2001 on the first stage of the parental guidance programme, covering the period 1995-1998, shows that parent groups were the instrument most frequently used for local implementation of the programme. The level of activity was highest at public health clinics and day care centres. Schools and educational and psychological counselling services participated only to a small extent in the first stage of the programme. The programme has helped to ensure that information is broadly disseminated and tailored to specific target groups, partly through the preparation of handbooks, video films and pamphlets on special topics.

130. As regards family counselling and mediation, reference is made to Norway's third periodic report in compliance with the UN Convention on the Rights of the Child, chapter 5B. The number of family counselling offices in Norway is now 64, half of which are owned by the public authorities and half by church organizations. There are family counselling offices in every county in Norway.

131. The Act relating to family counselling offices entered into force on 1 January 1998 and applies to both public and church family counselling offices. Family counselling offices have two statutory functions. They must offer therapy and counselling to families who are experiencing difficulties, conflicts or crises. They must also mediate pursuant to the Marriage Act and the Children Act in the event of a divorce. The purpose of mediation, which is compulsory for all couples with common children under 16 years of age, is to help parents reach agreement on where the child is to live, visiting rights, etc. The family counselling offices also provide information to the general public on family-related topics.

132. In autumn 2002, the Government proposed amending the Act of 1992 on Child Welfare Services (Child Welfare Act) and the Act of 1997 on Family Counselling Offices (Family Counselling Offices Act) to the effect that the central government would take over county responsibilities in the fields of child welfare and family welfare from 1 January 2004. One of the aims of making these a central government responsibility is to ensure more equal, coherent services in all regions of Norway. In 2003, the Storting adopted the Government's proposal, and the reform was implemented on 1 January 2004.

133. Health services are described in greater detail under Article 12 of this report.

134. For information on the welfare of children, reference is made to Norway's third periodic report in compliance with the UN Convention on the Rights of the Child, Chapter VI, health and welfare.

135. In its concluding observations after consideration of Norway's third periodic report, the Committee expressed concern about the lack of statistics on domestic violence and child abuse, cf. E/C.12/1995/18, paragraphs 222 and 225.

136. Since 1993, annual statistics have been published on the various reasons for intervention by child welfare services, including physical, sexual and mental abuse. The statistics show the number of children subject to child welfare service measures, the reasons for intervention and the kind of assistance and support received by the children. At any given time, a total of around 20,600 children receive various types of assistance in their homes from the child welfare

service. The statistics also show that an additional 5,200 children are placed in care outside their homes on account of different forms of abuse and neglect. Around 80% of these children were placed in foster homes and around 20% in institutions.

137. The Ministry of Children and Family Affairs works continuously to improve and develop child welfare statistics. The Ministry collaborates with Statistics Norway on a national system of statistics for the public sector, KOSTRA, designed to provide a better basis for analysis, planning and management and thus for assessment of whether national goals are being achieved. KOSTRA is intended to simplify reporting from municipalities and counties to the central government, since data are reported only once even though they are to be used for different purposes. All reporting takes place through electronic data exchanges. Information on various municipal and county services is registered and collated in order to provide relevant information for decision-makers at both the national and local level. The system is subject to constant evaluation.

138. The extent of domestic violence against women and children is not known exactly. This applies to abuse of women, physical abuse of children, children as witnesses to violence and child sexual abuse. However, a number of studies clearly indicate that such violence is far more widespread than initially assumed. The Ministry of Justice is currently preparing statistics on domestic violence, based on data compiled by Statistics Norway (Standard of Living Survey) and the Directorate of Police (National Register of Convictions). However, the 1997 Standard of Living Survey showed that 6% of all adults have been the victims of violence or serious threats in the past 12 months. Of those who were subjected to violence or threats in the past year, 19% were victims of violence or threats in their own dwelling. One out of ten victims of violence was abused by a family member or a former family member. Women are at greater risk than men to domestic violence. 27% of women had been subjected to violence or threats at home and 15% to violence and threats from a family member or former family member. The number of children who seek shelter at a crisis centre with their mother offers an indication of the number of children who grow up in an environment of domestic violence. Out of a total of 4,163 persons who spent the night at a crisis centre in 2001, 1,814 were children.

139. With regard to social assistance, reference is made to Norway's third periodic report, paragraphs 240 and 241, and to paragraphs 112 and 113 above.

**Paragraph 5 of the guidelines (system of maternity protection)**

140. As regards the content of existing schemes, reference is made to Chapter 9 of Appendix 25, and to Norway's Fifth (Article 11.2c) and Sixth (Article 11.2b) Periodic Reports in compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women.

141. Concerning paternity leave, it may be added that studies show that almost eight men out of ten avail themselves of their right to the father's quota of the period of paid parental leave. Results also indicate that fathers are satisfied with this system and that they are increasingly choosing to take a larger portion of the parental leave period.



142. In addition to the father's quota of paid parental leave, fathers are also entitled to two weeks of unpaid leave in connection with the birth of the child, regardless of whether the mother has been in paid employment. This only applies if the father lives with the mother and makes use of the time to take care of the family and their home.

143. The time account scheme is described in Norway's third periodic report, paragraphs 244 and 245. In 1996, this scheme was expanded to include self-employed persons and freelancers, provided that they enter into an agreement with their social security office regarding payment of parental cash benefits.

144. An arrangement providing for reduced working hours without pay was described in Norway's third periodic report, paragraph 246. The reduction in working hours may be taken in the form of shorter working days or fewer working days per week. Since 1995, it has been possible to take the reduction in the form of work-free periods. The need for work-free periods may, for instance, arise in connection with longer school holidays.

145. Parents who wish to make use of this arrangement must apply to their employer in writing as soon as possible and at least four weeks prior to taking leave from work. Employees may apply for reduced working hours for a maximum of two years at a time. When the agreed period is over, the employee is entitled to resume his or her former working hours.

146. This arrangement is conditional on it being possible to implement the system of reduced working hours without causing particular inconvenience to the enterprise, but the inconvenience must be considerable for the employer to be able to deny the request for reduced working hours. Disputes between employees and employers are settled by a special Board of appeal.

147. With effect from 1 February 1995, the Working Environment Act was amended so that in addition to the period during which cash benefits in connection with maternity or adoption are paid, each parent is entitled to a maximum of one year of unpaid leave for each child. Parents may therefore choose to stay at home until the child is three years old. The right to leave ensures that parents of small children who wish to take care of their children on a full-time basis for a relatively long period of time can still stay in contact with their work and have the possibility of returning to the same job.

148. If an employee makes use of the time account scheme, he or she may not also take unpaid leave. This limitation applies to individual employees. If only one of the parents makes use of the time account scheme, the other parent may exercise his or her right to unpaid leave.

149. As regards women with a limited right to maternity benefits, reference is made to chapter 9.3 of Appendix 25 and paragraphs 112 and 113 above concerning social assistance.

**Paragraph 6 of the guidelines (special measures of protection and assistance on behalf of children and young persons)**

150. As regards the minimum age limits for employment, reference is made to reports submitted by Norway in compliance with ILO Convention No. 138 concerning Minimum Age for Admission to Employment, which cover the period up to 31 May 2002 (Appendix 26). Reference is also made to Norway's first periodic report in compliance with the UN Convention

on the Rights of the Child (CRC/C/70/Add.2) and to Norway's third periodic report in compliance with the UN Convention on the Rights of the Child, Chapter VIII C 1, Economic Exploitation of Children, including Child Labour. It should also be noted that Norway is a party to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

151. The Working Environment Act contains special provisions on employment which apply when young people under 18 years of age work in an enterprise. The provisions were amended in April 1998 as a result of the implementation of EU Directive 94/33/EC on the protection of young people at work.

152. The Act imposes a general prohibition against employment of children under the age of 15, i.e. of compulsory school age. However, the Act makes provision for the following exceptions:

153. Children aged 13 or older may perform light work that is not detrimental to their health and development and from which their education will not suffer.

154. Children aged 14 or older may be employed as a part of their education or practical vocational training when the work is not detrimental to their health and development, provided that the training programme has been approved by the education authorities.

155. Children below the age of 15 years may participate in cultural or similar activities, such as theatre performances.

156. Employers must ensure that young people under 18 years of age are not used for work that is detrimental to their health, safety or development. For example, children may not work with chemicals or perform work that is assumed to be hazardous. A definition of what is considered to be hazardous work is set out in regulations. However, exceptions may be made for work that is performed in connection with vocational training, provided that the work is supervised by skilled persons and necessary instructions are given.

157. In general, working hours for children and young people under 18 years of age must be scheduled in such a way as to ensure that work does not hamper their schooling or studies. For instance, children under 15 years of age, i.e. of compulsory school age, may not work more than 2 hours per day and 12 hours per week. This restriction may be increased to 7 hours per day during school holidays and 35 hours per week when schools are closed for more than one week. Children who take part in vocational training may work up to 8 hours per day and 40 hours per week (including time spent at school).

158. Pursuant to current legislation, young people may not work at night. Furthermore, legislation provides for a minimum period of rest of 14 hours for children under 15 years of age or children subject to compulsory school, and 12 hours for young people between 15 and 18 years of age. Young people under 18 years of age are entitled to a rest period of at least 48 hours per week.

159. An analysis carried out in 1997 shows that 60% of young people aged 13-17 have performed paid work either during their summer holidays or in addition to attending school. The percentage is significantly higher for 17-year olds than for 13-year olds.

160. The same analysis shows that if young people have jobs in addition to attending school, they work on average 1-3 hours per week.

161. Although the percentage of young people who work is high in Norway, child labour is not assumed to be a problem on account of restrictions imposed on working hours and on the type of work young people are allowed to perform. Very few young people under 15 years of age work full-time because Norway has ten years of compulsory schooling.

162. The table below provides an overview for 2000 of young people who have income from employment.

	Number of persons in the age group	Number of persons earning pensionable income
13 years old	56 157	7 021
14 years old	54 889	14 466
15 years old	53 536	21 960
16 years old	52 983	31 723
17 years old	53 027	39 125

*Source:* Norway Statistics' Tax Statistics for 2000.

163. New regulations concerning work in private homes were laid down in July 2002. The Regulations on housework, supervision and care in the home or household of a private employer contain special provisions governing working hours, etc. for persons under 18 years of age which correspond to the provisions of the Working Environment Act, cf. above. These include the requirement for an employment contract that regulates the principal areas of an employment relationship and stipulate that the working environment must be protected as best possible, taking into account the fact that the workplace is a private home.

164. For information on vulnerable groups, reference is made to Norway's third periodic report in compliance with the UN Convention on the Rights of the Child, Chapter III A on non-discrimination, Chapter V H on children deprived of their family environment, and Chapter VI A on physically or mentally handicapped children.

165. Reference is further made to Norway's first periodic report in compliance with the UN Convention on the Rights of the Child, CRC/C/8/Add.7, paragraph 70 on children without biological parents. Reference is also made to Norway's third periodic report on the present Covenant, paragraphs 257-259.

166. There has long been a debate on whether the State should require municipalities to make the child welfare service responsible for efforts targeting unaccompanied minors who are refugees or asylum-seekers. The Government will continue to give municipalities a free rein as regards which part of their organisation they wish to make responsible for work with unaccompanied minors as a group. Unaccompanied minors who are asylum-seekers and

refugees are nonetheless entitled to services and measures pursuant to the Child Welfare Services Act if they have a special need for assistance. Unaccompanied minors are also entitled to services and measures under legislation governing education and health.

167. The central government aims to increase the awareness among the general population of the rights established in the UN Convention on the Rights of the Child. Reference is made in this connection to Norway's third periodic report in compliance with the aforementioned convention, Chapter I B. In connection with the incorporation of the convention into Norwegian law, the Government carried out a review of the legislation that affects the rights of the child. In spring 2003, the Government proposed amendments to the Children Act, the Adoption Act and the Child Welfare Services Act which require children aged 7 and older, and younger children who are capable of forming their own views, to be informed and given an opportunity to state their opinion before decisions are made on matters that affect them. The age limit was previously 12 years. These legislative amendments entered into force 1 October 2003.

#### **Paragraph 7 of the guidelines (changes since previous report)**

168. In addition to the information provided in the preceding paragraphs, the following may be noted:

169. To prevent sexual abuse of children who receive assistance from the child welfare service, the Child Welfare Act was amended in 1999 to the effect that for a number of appointments and assignments within or for the child welfare service, applicants must or may be required to present a police certificate. The certificate shows whether the applicant for the position or assignment has committed certain acts of sexual abuse against children or young people. In such case, the person concerned will be ineligible for the position or assignment.

170. Since January 2002, it has been possible for one partner in a registered partnership to adopt the other partner's child. This is conditional on the partner having sole parental responsibility for the child and on the registered partners being the child's care-givers and social parents. The purpose of the new provision is to give these children the same possibility of legal security and protection as children who live with one of their parents and that person's spouse.

#### **Article 11. The right to an adequate standard of living**

171. Reference is made to Norway's third periodic report, paragraphs 268-390.

#### **Main trends in the standard of living in Norway**

172. The latest official report on the distribution of income and standard of living in Norway (White Paper No. 50 (1998-99) to the Storting, Equitable Redistribution) shows that the vast majority of the population have a good standard of living, and most people have experienced an improvement in their most important living conditions in the 1980s and 1990s. Personal wealth has increased and material standards of living have improved appreciably. A summary of the report is attached hereto as Appendix 27.

173. Income disparities have increased in Norway in this period, and the number of persons with low incomes has remained stable or increased slightly. There has been a trend towards marginalisation of certain population groups, where a weak financial situation largely coincides with a low level of education, weak ties to the labour market, poor health and poor housing conditions.

174. The most important reason for the increased disparities is that capital revenues have increased for the highest income groups. Furthermore, labour force participation has declined in certain groups, and more persons have become dependent on public assistance as their main source of income. Family structures and patterns of support have changed; in particular, there has been a sharp rise in the number of persons living alone and single parents.

**Paragraph 1 of the guidelines (information on the current standard of living)**

175. Norway ranks in first place in the UNDP's Human Development Index for 2002 and 2003. As regards information on the standard of living in Norway, reference is made to the statistical appendix to the UNDP's Human Development Report for 2003, which is attached hereto as Appendix 28.

*The poverty line*

176. In the Plan of Action to Combat Poverty (cf. next paragraph), low income is used as a main indicator of poverty. Income equivalent to 50% or less of the median income for a period of three years is regarded as low income. For single persons, 50% of the median income amounted to NOK 77,000 in 2000. Measured over the three-year period 1997-99, approximately 2.3% of the Norwegian population had an aggregate three-year income after tax that was less than half of the median income, according to figures from Norway Statistics. This is equivalent to around 90,000 persons. The estimated number of "poor" persons varies depending on the method of measurement used. The minimum pension for a single person in 2002 was NOK 97,140.

177. In 2002, the Government presented a Plan of Action for Combating Poverty (Report No. 6 (2002-2003) to the Storting. A summary of the report is attached hereto as Appendix 29. The plan contains targeted measures to prevent persons from ending up in, and assisting them to extricate themselves from, a situation of persistent low income and the consequent living standard problems. The goal is to enable as many persons as possible of working age to support themselves through their own work and to ensure those who cannot work a secure subsistence from social welfare benefits. Measures target the following priority groups: immigrants and refugees, long-term social welfare recipients, recipients of disability pensions, single parents and other disadvantaged families with small children, children and young people, substance abusers, persons with mental health problems and the homeless.

178. Several vulnerable groups have experienced an improvement in their social situation, standard of living and quality of life in the past few years. This applies to alcohol and drug abusers with complex problems, persons with disabilities and elderly persons requiring care. Norway has established plans of action for these groups and implemented measures with a view to achieving realisable targets for improvement within a specific period of time.

*The Government's Plan of Action to Combat Drug and Alcohol Abuse 2003-2005*

179. In 2002, the Norwegian Government presented a plan of action to combat drug and alcohol abuse. The plan entails increased focus on preventive measures, improved treatment and rehabilitation services and damage reduction. Drug and alcohol abuse policy is an important component of welfare policy. Important areas of focus such as the Plan of Action to Combat Poverty, a report assessing a possible common agency for work, social insurance and social services, the National Programme for Mental Health, and the child welfare service, etc. must also be seen in connection with drug and alcohol abuse policy.

180. Two advisory committees of experts on alcohol and drug policy have been appointed to focus on prevention and treatment, including damage control.

*Plan of Action for Persons with Disabilities*

181. Since 1990, Norway has had three plans of action for persons with disabilities. The goal of these plans has been full participation and equality for this group in line with the goals of the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities. The Plan of Action for 1998-2002 comprised 161 measures covering most areas of society.

182. The Plan of Action has contributed towards comprehensive studies and research, improvements in legislation and its practical application, and improvements in and the establishment of a number of new public services for persons with impairments. Several new facilities have been established including a special resource network for persons who have become deaf or whose hearing has become severely impaired, a special unit at the Norwegian Centre for Dementia Research with national responsibilities related to disabilities and ageing, post-graduate training for dental health professionals in the field of rare medical conditions, a national system of family counselling courses for parents of children with impairments, a special centre for IT-based aids, a national resource centre for ADHD, Tourette syndrome and narcolepsy, and a special resource centre to promote participation by and accessibility for persons with impairments. An evaluation shows that the Plan of Action has increased awareness and acceptance of the fact that account must be taken of the needs of persons with impairments in planning and decision-making processes at various levels of public administration.

183. In Report No. 40 (2002-2003) to the Storting on the dismantling of disabling barriers, the Government presents proposals for goals, strategies and measures in its policy for persons with impairments. The Government proposed a number of specific measures to improve conditions for persons with impairments, such as establishing a documentation centre responsible for reporting annually on societal development in relation to the goals set by the Government. It also announced that around NOK 80 million will be allocated in the next few years for increased research on persons with impairments and barriers created by society.

184. The Government has also appointed a special committee to study and report on measures to strengthen legal protection against discrimination against disabled persons. The committee is to submit its report by the end of 2004.

*The reform for persons with mental disabilities*

185. The reform for persons with mental disabilities was initiated in 1991. Under the reform, municipalities were given the primary responsibility for providing housing and services for all persons with developmental (mental) disabilities, and the central institutions were closed down. The reform entailed comprehensive efforts to improve and normalise the living conditions and life situation of handicapped persons.

186. The implementation of the reform has been the object of extensive research, which shows that life situations has been normalised and living conditions have improved. The results show that most persons with mental disabilities live in their own home and have a good standard of living, attend ordinary day care centres and schools in their local community, are provided with services by the municipal service system, have paid employment or take part in day-time activities and participate in various recreational activities. The evaluation shows that, retrospectively, around 75% of relatives thought that conditions had improved for handicapped persons after the reform.

187. There are still challenges to be met as regards the problems of persons with mental disabilities. There are still many adult disabled persons living at home with relatives who would like to have their own home. Although more disabled persons now have a larger social network, many of them still have a poor network of support. There has been a reduction in recreational activities, which has partly been compensated for by an increase in day-time activities. Persons with mental disabilities take little part in ordinary work and leisure activities.

*Elderly persons requiring care*

188. In the period 1998-2002, the primary goal of the Plan of Action for the Elderly has been to improve the ability of the municipal health and social services to meet the growing need for nursing and care services resulting from the increase in the number of elderly persons. The Plan of Action for the Elderly has produced good results and more people are now employed in this sector. More nursing homes are being built, keeping pace with the increase in the number of persons over 80 years old, a reform aimed at ensuring that residents of nursing and old-age homes have a private room has been carried out, and nursing homes have been renovated and modernised. A large number of homes for the elderly have been replaced by sheltered housing. Although the Plan of Action has had a positive impact in terms of meeting challenges in the short term, the number of elderly persons in Norway will increase, and elderly persons will reach a very old age due to higher life expectancy. This increase will pose a challenge to society, in terms of both pension costs and the services required. The health of elderly persons seems to be improving, with the result that they require less assistance than has traditionally been the case. New treatment methods will be able to postpone or prevent the onset of age-related ailments, such as diseases that lead to dementia.

189. More elderly people will also have a good standard of living: the age group between 50 and 60 years of age, tomorrow's 80 and 90 year-olds, will have high incomes, partly due to accrued supplementary pensions. They also have more financial assets and are better educated than earlier generations of elderly persons.

190. To ensure the quality of care services, a special Recruitment Plan for Health and Social Personnel 2003-2006 has been prepared. A report on the quality of health and social services has now been presented to the Storting, from which it is evident that the quality of life and standards of living for elderly persons who receive care have also improved.

**Paragraph 2 of the guidelines (the right to adequate food)**

191. The food supply in Norway is stable and good, and reaches the entire population. The rate of self-sufficiency has been around 50-55% in the past few years (52% in 2001). Statistics, collected through consumer surveys and national dietary surveys of individuals, are available on food supply at wholesale level and at household level. Dietary surveys have been carried out among children in various age groups and adults/elderly persons. Norwegian dietary habits have improved in the last twenty years, and the surveys show that a great many people have a good diet. However, there is potential for improvement, particularly as regards the current low consumption of fruit and vegetables and excessive fat consumption.

192. The general goals of Norway's food and nutrition policy remain unchanged. The composition of the population's diet must be such that it

- reduces diet-related diseases in the population
- is safe from a health point of view
- satisfies consumer demands
- is produced in a sustainable, environmentally sound manner.

193. The Norwegian diet has improved. Between the mid-1970s and the early 1990s, the fat content in the diet decreased from around 40 to 35 energy per cent and has since dropped to 34 energy per cent. The fatty acid composition of the diet has also changed for the better. Moreover, consumption of vegetables has increased significantly in the past 25 years. Along with these dietary improvements, mortality due to cardiac infarction has been more than halved among persons under 70 years of age.

194. From a health viewpoint, the Norwegian diet still contains too much fat, particularly saturated fat, too much sugar and salt, and too few foodstuffs that are rich in starch, fibre and anti-oxidants, such as whole grain bread and vegetables. These dietary deficiencies contribute to the development of cardiovascular diseases, cancer, overweight, constipation, gall tract diseases, dental decay, iron deficiency, osteoporosis and type II diabetes. If the dietary recommendations of the National Council on Nutrition and Physical Activity are followed, the incidence of these diseases can be reduced. The greatest nutrition policy challenges in future will be to double consumption of fruits and vegetables and reduce consumption of fat, particularly saturated fat. The lack of physical activity is another important shortcoming of today's lifestyle that contributes to the aforementioned health problems.



195. The information below was taken from a report on Norwegian dietary trends (Food Supply Statistics and Consumer Surveys) issued by the Directorate for Health and Social Welfare in January 2003 and Report No. 16 (2002-2003) to the Storting *Prescriptions for a Healthier Norway: A Broad Policy for Public Health*.

*Hunger and malnutrition*

196. Hunger and malnutrition occur only in very rare cases in Norwegian society, and are usually caused by problems other than the actual lack of food, such as disease or social problems. There are no aggregate statistics on such cases. Unbalanced dietary composition (such as excessive fat and/or sugar) and diet-related diseases such as cardiovascular diseases and diabetes are regarded as a major problem. The incidence of obesity is increasing.

197. Diet varies from one group to another, and some people's diet has clear deficiencies in terms of health. Among other things, surveys conducted among adults show that persons with many years of education and higher socio-economic status have a healthier diet than persons with little education and lower socio-economic status.

*Dietary differences between women and men*

198. According to national dietary surveys conducted in 1993-94 and 1997, Norwegian women have a significantly higher consumption of vegetables, fruits and berries, skim milk, tea and wine than men.

*Changes in the last 25 years*

199. In the past 25 years, diet has changed for the better as regards fat consumption, which has decreased from 40 to 34 energy per cent. Since 1990, this percentage has remained relatively stable. Another important indicator is fruit and vegetables, where there has been a gradual increase in consumption of vegetables, while consumption of fruit and berries has been stable for a long period of time. Consumption of fruit and vegetables must be doubled in order to reach the recommended level of consumption.

*Negative changes*

200. The Norwegian authorities are not aware of any legislation or other measures that have negatively affected the access to adequate food.

*Measures to ensure implementation of the right to adequate food*

201. Based on food consumption trends, the Norwegian authorities seek to promote:

- breastfeeding of infants
- increased consumption of vegetables, fruit, berries and potatoes
- increased consumption of grain products, particularly wholemeal products
- increased consumption of fish

- continued reduction in consumption of edible fats, particularly hard margarine and butter
- increased consumption of low-fat milk and meat products rather than alternatives with a higher fat content
- reduced consumption of sugar
- reduced consumption of salt.

202. In order to keep track of dietary trends and evaluate nutrition policy measures, the central health authorities will seek to monitor the nutritional situation and the population's activity pattern more closely.

203. In Report No. 16 (2002-2003) *Prescriptions for a Healthier Norway: A Broad Policy for Public Health*, reference is made to the World Health Organisation's report on world health published in 2002, which focuses on factors that increase the risk of poor health. Special emphasis is placed on the importance of life-style changes. The report states that ten risk factors are responsible for one third of all premature deaths in the world. In the most industrialised countries, at least one third of the sickness burden is a result of five of these risk factors: tobacco, alcohol, high blood pressure, high cholesterol and obesity. Obesity, high blood pressure and cholesterol are linked directly to physical inactivity and a diet containing too much fat, sugar and salt. Norway, too, faces major challenges as regards lifestyle and health.

204. The report to the Storting focuses particular attention on where there is a need for the improved diet of children and young people, and raises a number of issues that give cause for concern, such as infant and toddler nutrition, rickets and vitamin-D deficiency and school meals.

#### *Use of technical and scientific knowledge*

205. In all areas of Norwegian society, there is good access to and extensive use of modern technology and new knowledge, also in the food production sector. This makes it possible to manufacture new food products, but the nutritional quality of these products varies. There has long been a broad range of food products in Norway, and it would be difficult to ascribe any importance to technological advances in relation to realization of the right to adequate food. However, better knowledge of safe food and good nutrition increases the potential for improving the composition of the population's diet. Another goal is to increase the production and consumption of organic agricultural products in Norway.

#### *Dissemination of knowledge of the principles of nutrition*

206. Information on and dissemination of knowledge of the principles of nutrition have been a priority task for the Norwegian health authorities for many years. The measures carried out include the preparation of consumer information material, information for the media and training programmes for key personnel in the health, education and food production sectors. The target group for information varies depending on the topic, but general information is aimed at the population at large. School pupils are considered to be a particularly important target group.

*Agrarian reform*

207. Many of the rules currently governing food production are designed to ensure that food is safe for health and that production is environmentally sound. The use of plant protection products has a major impact on both food safety and sustainable production. Rules governing approval, quality, methods of use, etc. will be important elements of a food statute based on the fjord/field-to-table principle. For instance, an environmental tax has been imposed on the sale of plant protection products, and rules have been formulated for the use of such products to ensure that production is environmentally sound and that food products are safe in terms of residues of plant protection products.

208. The Act relating to measures to combat livestock diseases is intended to protect animal health, thereby ensuring the sound, viable production of food. Sound food production means ensuring that food of animal origin is safe for public health. Problems like mad cow disease and scrapie have shown that animal health has a greater impact on food safety than previously believed. Based on precautionary considerations, it might be said that what is animal health today may be public health tomorrow. The measures included in the Act are therefore very significant in terms of ensuring that food is safe for health and protecting consumer interests.

209. On 13 June 2003, the Government presented a proposition to the Storting concerning the Act on food production and food safety (the Food Act). The draft Bill is part of a more comprehensive reorganisation of public administration in the field of food. The new Food Act is one step in the Government's efforts to strengthen the focus on food. The Act is to lay the foundation for a uniform body of rules on food that will ensure that the population has access to safe food and promote other relevant considerations, such as consumer interests and environmentally sound production.

210. Besides the climate and water, land is the most important and most fundamental production factor in agriculture. Access to land that has good biological production capacity is crucial to meeting one of the most important human needs, the need for food. Productive land is protected under Norwegian law. The Constitution of Norway establishes that productive land must be preserved. Furthermore, Norway has a Land Act that also emphasizes that land resources must be managed in an environmentally sound manner, taking into account the protection of soil as a production factor. The Act regulates agricultural land, and is intended to promote the use of land resources in a way that is useful to society and beneficial to the agricultural industry. The Act requires that account be taken of the fact that agricultural land is fundamental to the life, health and well-being of human beings, animals and plants. The provisions of the Act mainly focus on ensuring that arable land can provide the basis for profitable operations, and that measures can be implemented to ensure that arable land is preserved. The Act also lays down provisions concerning the environmentally sound use of agricultural land.

### **Paragraph 3 of the guidelines (the right to adequate housing)**

#### *Statistical information*

211. The housing situation is good for most people in Norway. According to Statistics Norway, as of 3 November 2001 there were 1,961,548 occupied dwellings in Norway, compared with 1,523,508 in 1980. The number of occupied dwellings has increased by 12% since 1990.

212. 57% of dwellings are detached houses and 18% are apartments in blocks or apartment buildings. This percentage is more or less the same as in previous years. The majority of apartments are in Oslo, where almost 70% of dwellings are in blocks or apartment buildings.

213. 76.7% of dwellings are privately owned or owned through housing cooperatives, while 23% of households rent the dwelling they live in. This percentage has increased in most counties since 1990. In Oslo, almost 30% of households now rent the dwelling they live in. The corresponding figure in 1990 was 24%. The occupants of rented dwellings are mainly younger people (below the age of 45), single parents or single persons.

214. Dwellings have gradually become more spacious throughout the post-war period. In 1950 there were 3.4 persons per dwelling, compared with 2.4 in 1990 and 2.3 in 2001. The average number of rooms per dwelling has increased from 3.6 in 1980 to 4.1 in 2001. Thus, in 2001 there were fewer persons per dwelling than ever before and, on average, there were more rooms per dwelling. In 2001 there were an average of 0.6 persons per room, compared with 0.7 persons per room in 1980. 13% of the population still live in cramped conditions (single persons in one-room apartments or more persons than the number of rooms, excluding kitchen and bathroom), while 48% live in spacious conditions (single persons with three or more rooms, or two or more rooms per person, excluding kitchen and bathroom).

#### *Disadvantaged groups on the housing market*

215. Research and surveys of the Norwegian housing market show that persons from immigrant backgrounds have greater difficulty in finding a place to live than ethnic Norwegians. This is ascribable to several factors, including a weak private financial situation and discrimination on the housing market.

216. According to Statistics Norway's 1996 Survey of Living Conditions, one in five non-western immigrants have experienced being rejected as home purchasers or tenants due to their ethnic origin.

217. Information obtained by the *Centre for Combating Ethnic Discrimination* indicates that several of the players in this sector engage in discriminatory practices. Examples of discrimination include the adoption of statutes that limit foreigners' access to housing by general meetings and the refusal of executive boards to approve a purchase or rental due to the ethnic origin of the person concerned. Press reports indicate that discrimination also occurs on the private sale and rental markets.

218. The Directorate of Immigration survey *The Type and Extent of Racism and Discrimination in Norway 1999-2000* refers to the fact that 20 of 29 municipalities mention cases of discrimination in this sector. The report points out that immigrants may be consistently

ignored when they telephone in response to housing advertisements. The availability of rental accommodation is dependent on market forces, and immigrants are only able to rent a dwelling if there are no other applicants. The report also refers to insulting behaviour and harassment of persons from immigrant backgrounds if they have finally managed to rent a place to live. It maintains that discrimination on the housing market is primarily due to the fact that Norwegian home-owners are sceptical about the "domestic culture" of non-western immigrants. The Storting has now adopted provisions that prohibit this type of discrimination.

219. As mentioned above, the Government is preparing a proposal for a new Act to combat ethnic discrimination. The report from the legislative committee working on the new Act proposes a general prohibition against ethnic discrimination that will apply in all areas of society, including the housing market. According to the committee's proposal, the main legal sanction against contravention of this prohibition will be compensation for damage of a non-pecuniary nature (redress). Other possible sanctions will include an order to correct or put a halt to situations that are in contravention of the law. The committee proposes a general rule for a shared burden of proof in cases of ethnic discrimination. It also proposes the establishment of a special body to enforce the Act to combat ethnic discrimination, which will be authorised to make decisions and impose sanctions in ethnic discrimination cases. This will make it easier for persons who believe that they have been discriminated against to take legal action than if such cases had to be brought before the courts of law. The Committee also proposes that the UN Convention on the Elimination of All Forms of Racial Discrimination be incorporated into Norwegian law through the Human Rights Act. The Committee's report was widely circulated for consultation in autumn 2002 and the Government aims to present a proposal for a new Act to combat ethnic discrimination in 2004.

220. In principle, asylum-seekers in Norway are not entitled to their own home. However, the State offers lodging to all asylum-seekers. This follows from the Government's annual budget proposition, which is adopted each year. The asylum-seeker may choose whether or not to accept the offer.

221. Foreign nationals who have been granted permission to reside in Norway on the basis of an application for asylum and do not manage to find a place to live themselves are offered settlement in a municipality. Municipal authorities decide how many refugees they wish to settle, in cooperation with the State. Negotiating this type of settlement can be time-consuming and difficult. Consequently, many asylum-seekers in Norway live in reception centres for a certain period of time after their residence permit has been granted.

#### *Homeless individuals*

222. No regular statistics are kept concerning the number of homeless people. In 1988, it was estimated that there were between 1,600 and 3,000 homeless individuals (hostel dwellers and vagrants). The definition of homelessness varies and there is no agreed, international definition.

223. In a survey of homeless individuals who were in contact with the welfare services in 1996, it was estimated that there were 6,200 homeless persons in Norway, which is equivalent to 1.5 homeless individuals per thousand inhabitants. In this survey, homeless individuals are defined as individuals who do not have a home of their own and must resort to occasional or temporary housing alternatives, and individuals who have no place to spend the coming night.

Individuals who are living temporarily with family or friends and individuals living in institutions who have no permanent home to return to when they are discharged are also defined as homeless. One third of homeless individuals primarily have a housing problem and will be able to manage on their own as soon as they have their own home. The remaining two thirds need follow-up and, in some cases, also treatment for a substance abuse problem and/or a mental illness before they can manage to live in their own home. There are no recent surveys on this issue.

#### *Inadequate housing*

224. Some aspects of housing, such as occupation density, have been described above. According to information gathered in 2001, only 0.9% of households have neither a bathroom nor a toilet, 97% have both and 99% have their own kitchen/cooking facilities.

225. Most dwellings have adequate heating systems; 93% use electricity and the rest other sources of heating. Most have more than one source of heating. The 2001 Population and Housing Census also shows that all households have adequate access to clean water and are linked to waste disposal systems. All households are also covered by the postal system.

#### *Illegal settlements*

226. No statistics or information are available about people living in illegal settlements (illegal slum areas). There is no information that such settlements exist. If there should be any squatters, the number would be very small.

#### *Evictions*

227. Norwegian legislation protects people from arbitrary, unfounded eviction and defines the rights and duties of owners and tenants. Reference is made to the paragraph on housing legislation. The law, which applies to all persons who are legally residing in Norway, also lays down procedures for lawful evictions.

228. There is no regular collection of information about lawful evictions. A survey of courts of law in the 11 largest towns in Norway in 1999 showed that the annual number of lawful evictions from 1995 to 1999 totalled 1,200. The main ground for eviction was unpaid rent.

229. Several joint projects are in progress, involving several ministries and municipalities, to reduce the number of lawful evictions, provide suitable housing for persons with various problems and prevent homelessness. Reference is made to the paragraph on housing legislation below.

#### *Housing benefits*

230. Households that come within specified limits for low income and high housing costs qualify for state housing benefits. Such benefits may be granted to families with children, pensioners and disabled persons on the basis of a means test. Persons with an income below the lower income limit set by the Ministry of Social Affairs are also entitled to social welfare benefits. Both types of benefit vary according to the income and size of the household concerned.

231. Approximately 250,000 households received assistance to cover part of their living costs in 2002, either state housing benefits or social welfare benefits. Some municipalities also provide municipal housing allowances. There is no information available about how many people this applies to.

*Waiting lists*

232. The municipal authorities are responsible for providing housing for disadvantaged persons. Different municipalities apply different strategies to fulfil this responsibility. Some municipalities have waiting lists for housing allocations. There is no aggregate data on the number of persons on waiting lists.

233. The State helps to provide housing for disadvantaged persons through the Norwegian State Housing Bank, which provides loans and grants to individuals and to municipal authorities, organizations and institutions that provide housing for low-income groups. A combination of loan and grant facilities from the State Housing Bank and state housing benefits/social welfare benefits enables low-income groups to acquire and retain suitable dwellings.

*Home ownership, etc.*

234. One of the goals of Norwegian housing policy is to ensure that everyone is able to own his or her own home, either as an individual owner or as a member of a housing cooperative. Housing policy instruments are designed to make this possible. Consequently, only 23% of the population live in rented accommodation. 5% of housing consists of municipal rental accommodation, 2.5% is owned and rented out by housing companies, 13% is privately owned and 2.8% is rented out by other owners.

235. The majority of people living in rented accommodation are fairly young (under 45 years of age). This trend has intensified in the 1990s. Single parents and single persons are over-represented among those who rent accommodation. Most of them rent privately, while older people living in rented accommodation often rent municipal welfare dwellings.

*Laws affecting the realization of the right to housing*

236. Under current Norwegian law, there are no legal provisions laying down the right to housing, but, once again, reference is made to the fact that the International Covenant on Economic, Social and Cultural Rights applies as Norwegian law. In principle, all adult persons in the country are assumed to be capable of acquiring a suitable dwelling for themselves and their family. Parents have a duty to provide their children with a suitable dwelling for as long as they are minors. Apart from this, pursuant to the Social Services Act, it is the duty of the municipal authority to help those who are unable to acquire a dwelling for themselves.

*Other legislation*

237. In recent years, a great deal has been done to improve legislation relating to housing and real property. Firstly, a new House Rents Act was adopted in 1999 (Act of 26 March 1999 No. 17). This Act regulates property rental contracts, both for housing purposes and for other purposes. Under the new Act, the rights of the tenant have been strengthened, while the interests of both parties have been safeguarded in a satisfactory manner.

238. Secondly, a new Act relating to owner-tenant sections was adopted in 1997 (Act of 23 May 1997 No. 31). An owner-tenant section is a share in a jointly-owned property with an associated sole right to occupy a dwelling or other space in the property. Many of the provisions of the previous Act were upheld, but the regulations in the new Act are more detailed and, on certain points, provide better safeguards for individual owner-tenants.

239. Thirdly, the Storting has adopted two new Acts relating to cooperative housing associations (*boligbyggelag*) and housing cooperatives (*borettslag*) (Acts of 6 June 2003 Nos. 38 and 39), which are expected to enter into force in 2004. These are jointly known as the Housing Cooperative Acts (*Borettslover*). The current Acts are from 1960 (Acts of 4 February 1960 Nos. 1 and 2), and are based on a model for cooperative housing construction and home ownership that was developed according to the Swedish model in the mid-war period and proved to be extremely important for housing construction in Norway after World War II.

240. One of the unique characteristics of cooperative organizations is that their purpose is to promote the interests of their members through interaction between the cooperative and its members. The new Acts largely maintain the previous legal framework for cooperative housing associations and housing cooperatives, but a number of improvements and adjustments have been proposed on certain points, primarily due to changes in economic and social conditions. Among other things, it is proposed that all the shares in housing cooperatives be registered in the same place. At present, shares are not registered in a single, comprehensive register.

241. Fourthly, there are plans to present a proposal for a new Act relating to municipalities' right of pre-emption in the acquisition of apartment buildings. In 1977, municipalities were given the right of pre-emption in connection with the sale of large rental properties (Act of 29 April 1977 No. 34). This Act is based on an expressed political aim to ensure that people are able to own the home they live in. When the Act is amended, the main elements will be maintained, but the provisions will be improved in certain areas in order to make the Act more effective. This applies, among other things, to the provision that determines how large the property must be for the right of pre-emption to apply.

242. Fifthly, separate Acts have been adopted relating to the construction of dwellings (Act of 13 June 1997, No. 43) and the purchase and sale of dwellings (Act of 3 July 1992 No. 93). There are also new Acts relating to estate agencies, i.e. sale through middlemen, and the leasing of land. Leasing is the rental of land for a dwelling that is owned by the lessee. Leasing has been known for many years, but the first comprehensive regulation of this type of contract came with the 1975 Land Lease Act. A new Land Lease Act was adopted in 1996, which, among other things, lays down different methods for adjusting ground rent.

243. Municipal authorities are responsible for helping disadvantaged persons who are unable to acquire a dwelling themselves. One instrument is to provide rental accommodation. Municipalities used to own entire rental properties for this purpose. However, it has gradually become more common for municipalities to own housing sections in various complexes and shares in housing cooperatives, which they rent out to disadvantaged persons. There are special rules in the Acts relating to owner-tenant sections and housing cooperatives, which authorise municipal authorities to purchase up to 10% of the sections or shares. Enabling local authorities to acquire dwellings in this way has proved advantageous with respect to housing and social policy.



*Legislation relevant to land use, etc.*

244. There are comprehensive regulations concerning the purposes for which land shall and may be used in Norway. The purpose of the Act relating to concession and to the public authorities' right of pre-emption in the acquisition of real property (Act of 31 May 1974 No. 19) is to regulate and control the sale of real property in order to achieve effective protection of agricultural land, and such ownership and use as best serve the interests of society, among other things to safeguard agricultural interests and meet the need for land for development, and to ensure that price trends for real property are socially acceptable. With certain exceptions, real property cannot be acquired without a permit (concession).

245. The Act relating to the expropriation of real estate (Act of 23 October 1959 No. 3) regulates interventions in real property, buildings, or other installations that are permanently connected to such property when it is expropriated or when the right of use, easement or other right to or over real property is revoked, altered or annulled in such a way that it is prohibited to use such property in a certain manner. Provided that compensation is paid, property may be expropriated insofar as it is necessary for public buildings, municipal facilities, housing construction, etc.

246. The Planning and Building Act (Act of 14 June 1985 No. 77) also contains provisions that authorise expropriation. Pursuant to this Act, expropriation is permitted when it is necessary in order to implement an area development plan or a building development plan, if a landowner needs access, for sewage systems or common areas, for park belts on industrial sites or for site adjustment.

247. Pursuant to the Act relating to compensation for the expropriation of real estate (Act of 6 April 1984 No. 17), the owner of a property must be compensated for property that is expropriated and for damage and disadvantage to his remaining property. A valuation must be carried out on the basis of the sale value, the utility value or the cost of repurchase. The Norwegian Constitution lays down that any person whose property is expropriated must receive full compensation.

248. The main purpose of the Planning and Building Act is to ensure that planning facilitates the coordination of state, county and municipal activities, and to provide a basis for compensation for the use and protection of resources, for development, and for safeguarding aesthetic considerations. Through planning, and by imposing specific requirements for individual building projects, the Act is intended to ensure that land use and building development are of the greatest possible benefit to individuals and society. In the planning process, special measures must be implemented to ensure that children grow up in a good environment.

249. The municipal authorities are responsible for the management of municipal planning and for work on area development plans. Other relevant bodies must take part in the planning process and the plans must be presented for public scrutiny. The relevant bodies are those working on the exploitation of resources, conservation, building development or social and cultural development within the municipality.

250. The municipal authorities make the final decision on building applications. Through agreements with contractors and other developers, municipal authorities may also define in more detail how and for whom a building is to be constructed. In this way, through legislation and agreements, the municipal authorities have satisfactory control of new building in the municipality. By means of these instruments - or economic instruments - the municipal authorities are able to encourage a certain type of housing development, including housing for disadvantaged and homeless persons.

*Legislation concerning the rights of tenants to security of tenure*

251. The legal relationship between lessor and lessee is regulated in the House Rents Act of 1999. A tenancy contract may only be terminated on the basis of specific, reasonable grounds. Should the tenant protest against such termination, the lessor must have the termination of contract tried in a court of law. Even if the court finds the termination reasonable, it may nevertheless be set aside as being unreasonable after the interests of both parties have been considered. If the parties have signed a tenancy contract that is limited in time, it must, as a general rule, apply for a minimum period of three years. The tenant is therefore well protected from having his tenancy contract terminated by the lessor.

252. The rent agreed by the parties may be reduced by the court if the court finds it unreasonable. The lessor may increase the rent each year, but only in step with the consumer price index. Every third year, either party may demand that the rent be regulated to the "current rent". The current rent is a representative average of the rent level that has already been established in the location concerned through the rental of similar dwellings on similar terms. The current rent is, therefore, considerably less vulnerable to economic cycles than the market rent.

253. In addition to the protection of rent prices under the House Rents Act, there are just under 12,000 dwellings in Oslo and Trondheim with regulated rents. The rent for these dwellings was frozen in 1940 and may now be increased by 15% or 20% each year until regulation is discontinued ten years after the new House Rents Act entered into force on 1 January 2000.

*Legislation relating to discrimination in the housing sector*

254. In current law, there are no provisions that prohibit discrimination in the housing sector. However, in connection with the debate on the new Acts relating to cooperative housing associations and housing cooperatives (Acts of 6 June 2003 Nos. 38 and 39), special provisions were adopted that prohibit discrimination. Special provisions against discrimination will also be incorporated into the House Rents Act and the Act relating to owner-tenant sections. When these amendments enter into force, probably in 2004, special groups will be well protected from discrimination in housing legislation. For example, the new provision in the House Rents Act prohibits account being taken of religious faith, skin colour, language skills, national or ethnic origin or sexual preference, lifestyle or orientation when dwellings are rented out, and such characteristics may not be considered reasonable grounds for refusing to accept households or a change of tenant under a sub-let contract, nor may they be taken into account when a tenancy contract is terminated.

*Legislation relating to eviction*

255. There is no direct prohibition against eviction from a dwelling under Norwegian law. However, pursuant to the provisions concerning eviction, eviction may only take place on the basis of the procedures laid down in the provisions themselves.

256. The legal provisions relating to eviction may be found in the Enforcement Act (Act of 26 June 1992 No. 86). Eviction may only take place provided that certain material conditions are met; i.e. there must be grounds for enforcement. One example of grounds for eviction is a failure to pay rent. As a general rule, the lessor must obtain a legal ruling that the tenant has not paid his rent before eviction can be demanded, but if, when the contract was signed, the lessee agreed that he may be evicted without a court ruling if the rent is not paid, the lessor may apply directly to the enforcement authority to have the tenant evicted. The enforcement authority must follow a specific procedure if eviction is to be permitted. Among other things, the authorities must inform the person living in the dwelling in order to give him an opportunity to protest against the application for eviction, and to inform him of the effects of an eviction.

257. The central government has now initiated a project aimed at reducing the number of evictions under the current regulations. In cooperation with municipalities, efforts are being made to improve services for those who need them. This includes helping the person concerned to conform to statutes, rules, etc. and helping him to move in - and to pay the rent. There is emphasis on establishing good communication between the enforcement authority and the social services. Municipalities are requested to formulate social housing action plans, to provide a variety of good dwellings and to establish broad-based inter-agency cooperation.

*Legislation which detracts from the fulfilment of the right to housing*

258. The Norwegian authorities are not aware of any such effects of new legislation.

*Legislation concerning housing speculation, etc.*

259. Pursuant to the Act relating to public authorities' right of pre-emption in the acquisition of apartment buildings, a municipality is entitled to exercise this right if an apartment building in the municipality is transferred to persons other than the State or the county in which the property is located. In this context, an apartment building means a rental property in which more than half of the utility floor space is furnished as living accommodation and which contains at least five apartments. The right of pre-emption may be exercised on behalf of the tenants of the property, on behalf of the municipality itself, or on behalf of a company that is managed and controlled by the municipality or the State. The purpose of this Act is to ensure that as many people as possible are able to own their own homes and thereby also prevent speculation.

260. The fact that many people own their own homes, either directly or indirectly through shared ownership, also reduces the risk of housing speculation. Since the demand may be greater than the supply of used, inexpensive dwellings, price levels in densely populated areas will be higher. In this case, it is important for the municipality and the State to ensure that there is an adequate supply of housing by providing suitable sites and reasonable financing. An adequate supply of housing will also reduce the risk of unfortunate speculation on the housing market.

*Legislation relating to the “illegal” housing sector*

261. Very few people are involved in an “illegal” housing sector in Norway. Consequently there are no special regulations relating to this sector.

*Legislation concerning environmental planning and health*

262. In principle, building legislation concerns all types of buildings and installations and it has been an important instrument for achieving subsidiary goals, such as housing quality, accessibility, indoor climate and energy consumption, as well as achieving good housing coverage and a well-functioning housing and construction market. The law lays down requirements for technical standards, the aesthetic design of buildings and building environments.

263. The building section of the Planning and Building Act is closely linked to the planning section. The building section provides rules concerning how the building projects that have been planned must be implemented. The Act also provides authorisation for building regulations, which are in turn intended to ensure good technical building standards, including due consideration for health and the environment. The regulations primarily concern personal safety. Buildings and installations must be designed and built in such a way that they do not entail danger or significant disadvantage for persons, either during the construction process and when they are in use. In this connection, the technical specifications relating to light and fresh air that are intended to improve the indoor climate are particularly important. The regulations also include requirements for heat insulation, which will in turn affect energy consumption in the building sector. The same regulations set specific requirements concerning access to buildings for disabled persons.

264. While the building regulations lay down minimum requirements, other instruments may be used to promote higher standards. In Norway, financial instruments are traditionally conditional upon stricter requirements than the minimum standards laid down in the building regulations. The Norwegian State Housing Bank’s requirements for allocating housing grants and loans may therefore be stricter than the requirements in the building regulations. The same applies to overarching plans for sustainable development of towns and urban areas. The purpose of these plans is to improve social, economic and environmental conditions for all citizens, and particularly for vulnerable groups.

265. Norway has pursued an active environmental policy, which in recent decades has led to several specific improvements in the physical environment. Through official efforts and popular involvement, important areas of natural beauty, cultural landscapes and waterways have been conserved. Moreover, national parks and skerry parks have been established, as well as areas specially adapted for outdoor recreation in the vicinity of urban areas. Through an active anti-pollution policy, industrial emissions such as dust, odour, hydrochloric acid and sulphur dioxide have almost been eradicated. The construction of treatment plants has significantly reduced sewage emissions to oceans and waterways. Measures to promote environmentally sound waste management and sorting at source are well under way.

*Other measures to realize the right to adequate housing*

266. The private sector plays an active part in housing production, maintenance and administration, and in the production of infrastructure, etc. This applies particularly to cooperative housing associations and housing cooperatives. Private individuals, construction firms, foundations, etc. are also involved in housing construction. Their activities are regulated through legislation. No direct financial support is provided for the private sector.

267. The Norwegian Federation of Housing Co-operative Associations is in a unique position as a partner for municipal authorities. It is one of the biggest housing developers and totally dominates the organised administration of housing. It has 570,000 members.

268. In all, there are now approximately 100 cooperative housing associations, which operate in more than 200 municipalities. They are active in almost all major towns and urban areas.

269. Close cooperation between the housing cooperatives, the municipalities and the State has enabled most people to acquire a self-owned home at an acceptable price. Various financial support schemes have also enabled groups in a weak financial situation to acquire their own homes. Reference is made to paragraph 214 et seq. above, concerning disadvantaged groups.

270. The Norwegian model for housing construction and administration was established after World War II and is based on a division of roles and responsibilities between the State, the municipal authorities and the private sector (including housing cooperatives):

271. The State formulates the objectives and draws up the main guidelines for housing policy, lays down legislation and regulations, provides grants and loans on favourable terms and encourages research, the acquisition of knowledge and the dissemination of information.

272. Municipalities provide an adequate supply of building sites, are responsible for planning, facilitate housing construction by developing the necessary infrastructure, etc., ensure that housing (and other buildings) are built in accordance with current plans and regulations, and are responsible for providing low-income housing.

273. The private sector, including the housing cooperatives, assumes entrepreneurial responsibility and risk, is responsible for the design and construction of dwellings, manages, maintains and renovates most dwellings, selects financing mechanisms and contributes capital and labour.

274. This division of responsibility still provides the framework for Norwegian housing policy. Norway's high housing standards have been achieved with little financial support from the public authorities. The occupants are both financially and practically responsible for their homes and therefore have a personal, financial interest in keeping them in good order. This is one of the reasons why there are few slum problems in Norway.

*Official measures taken to promote housing construction*

275. The division of responsibility in housing policy is described above. Municipalities in Norway have a high degree of self-government and it is the responsibility of the municipal

authorities to evaluate local housing requirements and implement the necessary measures, among other things by providing rental accommodation for groups that need it.

276. The State provides grants for municipalities, organizations and foundations that build dwellings for rent to disadvantaged persons. Reference is made to the paragraph on disadvantaged groups.

*Land use*

277. Most land in Norway is privately owned, but some is owned by municipalities, foundations, the State and others. Municipalities are responsible for providing necessary sites for the construction of commercial buildings and housing. Municipalities are also responsible for land use planning and determine the use of available sites for housing construction. This is done through area development plans. Municipalities are also responsible for developing infrastructure.

278. Municipalities' practice as regards land use policy varies. Some municipalities buy land to develop and sell to housing developers. Others lease out sites for housing construction, etc. A lack of available land may be a problem in some municipalities, especially in densely populated areas.

279. The State's role is to pass the necessary land use legislation and, according to certain rules, provide loans to municipalities so that they can purchase and develop sites, etc. Such loans are provided through the Norwegian Local Government Funding Agency.

*Financial measures taken by the State*

280. The Norwegian State Housing Bank is the central body for implementing housing policy. It administers all direct financial instruments in the housing sector. The Storting allocates funds to the Norwegian State Housing Bank each year.

281. The Norwegian State Housing Bank provides loans and grants for the construction of new dwellings, improvement and urban renewal, home and first home purchases, and re-financing.

282. In 2003 the Norwegian State Housing Bank has a loan budget of NOK 14.5 billion. This budget has increased from NOK 8.5 billion in 1997. Loans are provided in the form of general housing loans, based on certain quality requirements for housing standards. Loans and grants are provided on an individual basis and are means tested.

283. In 2003, the Norwegian State Housing Bank has a grant budget of approximately NOK 6 billion. Grants are provided for urban renewal and housing quality, first homes, home improvements and rental housing, the living environment, the construction of sheltered housing and nursing home places, and for interest compensation.

284. Moreover, NOK 1.9 billion will be paid out in State housing benefits through the Norwegian State Housing Bank in 2003, compared with NOK 1.3 billion in 1997.

*Measures taken for rural areas*

285. Norway has an active regional policy aimed at maintaining settlement in peripheral areas. Many direct and indirect instruments are used to promote the development and maintenance of viable small and intermediate centres with a balanced distribution of population, equal opportunities for paid employment and other welfare benefits.

*Measures taken during urban renewal programmes, etc.*

286. Legislation defines what is unlawful eviction, when lawful eviction can take place, the associated procedures, and in which cases the authorities are obliged to provide replacement housing.

287. When the local authorities expropriate land or dwellings in connection with urban renewal, for road expansion or for other development purposes, the authorities are obliged to rehouse or otherwise compensate the affected parties.

*Changes since the last periodic report*

288. The changes that have taken place since the last periodic report are described above.

**Paragraph 4 of the guidelines (shortcomings encountered in fulfilling the right to adequate housing)**

289. Certain groups and persons still encounter problems in acquiring suitable housing. They include homeless people, who often have complex problems that must be solved by means of individual, holistic solutions. Housing prices in densely populated areas may make it difficult for low-income groups, especially households with a single income, to meet their living expenses. Refugees and other special groups may experience discrimination on the private housing market, etc.

290. A White Paper, which will review housing policy instruments in more detail and present proposals for improvements in order to promote the achievement of housing policy goals, is currently being prepared. No radical changes in the main principles of Norwegian housing policy or in the legal instruments will be proposed. The housing and credit markets have both been substantially deregulated on the basis of the view that the market provides the best solution for individuals and society at large at the lowest possible cost. Nevertheless, it may still be difficult to meet housing policy challenges without significant involvement on the part of the public authorities. This also applies to ensuring that everyone in Norway has adequate housing.

**Article 12. Highest attainable standard of health**

**Paragraph 1 of the guidelines (the health situation, etc.)**

291. The state of health of the Norwegian population is generally good and the trend is positive. However, the positive trend is now slower than in countries with which it is natural for Norway to compare itself. In 1970, as regards life expectancy, Norway was in third place among OECD countries for men, and in first place for women. In 1999, Norway was in eighth place for men and ninth place for women.

292. We have too little information about the incidence and distribution of certain diseases. This applies, among other things, to neurological disorders, such as Alzheimer's disease, Parkinson's disease and multiple sclerosis. For cancer diseases, a national monitoring and research system has been established under the Cancer Registry of Norway. Effective from 1 July 2003, new regulations have been introduced for the Reporting System for Communicable Diseases (MSIS) and the Tuberculosis Register. These registers contribute to the monitoring of communicable diseases, including tuberculosis, and engage in research on the incidence and causes of these diseases. As an element of the effort to strengthen the monitoring of communicable diseases, the new regulations include an extended duty to report such diseases. The Act on Personal health Data Filing Systems and the Processing of Personal Health Data and associated regulations may otherwise help to improve knowledge relating to many diseases.

### *Illness and injury*

293. The number of deaths from cardio-vascular diseases in Norway has declined over the past 30 years, but they are still the most frequent cause of death. The decline applies to both heart attacks and strokes. Admissions to hospitals of heart attack patients dropped 18% from 1991 to 2000. There is no national register for cardio-vascular diseases and it is therefore impossible to ascertain what the decline in mortality rates from these diseases can be ascribed to, i.e. how much is due to a real decline in the incidence of these diseases and how much is due to improved treatment and survival rates. In 2001, sales of medicines for cardio-vascular diseases amounted to NOK 2.5 billion. Mortality rates from cardio-vascular diseases vary strongly according to geographical and socio-economic factors. Mortality from heart attacks in Norway varies by region. Finnmark (north Norway) tops the list for men, while Akershus (south-eastern Norway) is lowest for both sexes. On the other hand, mortality rates for women in Finnmark are below the national average. The differences between districts in Oslo are also significant. The mortality rate from cardio-vascular diseases was 50 per cent higher in the inner east side of Oslo than in the outer west side in 1994-98.

294. More than 21,000 women and men contract cancer in Norway every year. In 1955, the figure was 7,500. Far more people survive cancer today than they did in 1955. Most of the increase in the number of cancer cases is due to the higher proportion of older people in the population. Some types of cancer are declining, while others are increasing. The most important preventive measures are to stop smoking, more physical activity and a healthier diet.

295. The number of new cancer cases is partly related to the size and age of the population. The incidence of cancer will increase in step with average life expectancy. Increased exposure to risk factors may also lead to an increased incidence of cancer. The most important risk factors are: tobacco, adult diet, little physical activity, infections, hormonal reproduction factors, ionising and ultra-violet radiation, alcohol, heredity, environmental pollution and occupational factors.

296. The higher incidence of cancer is also due to new methods for early diagnosis and screening programmes, such as mammography and cervical cancer screening.

297. Stomach cancer has declined significantly in recent decades. A similar decline has been noted throughout the western world. The incidence of lung cancer among men has stabilised, while there has been a strong rise among women in the same period. Colon cancer has been



among the five most frequent types of cancer for both sexes. The rise in recent years is inexplicably greater in Norway than in the rest of the Nordic region. There has also been a strong rise in melanoma in recent years. This disease is growing the most rapidly of all cancer diseases, at approximately the same rate for women and men and with the strongest rise in southern Norway. The incidence of prostate cancer is increasing. Breast cancer is also increasing, while the incidence of cervical cancer has declined.

298. In Norway, it is estimated that about 140,000 persons have diabetes, but this estimate is uncertain. There is a far higher incidence among several large immigrant groups than among persons born in Norway. For example, among persons born on the Indian subcontinent, 21% of men and 36% of women in the 40-59 age group had diabetes. Type 2 diabetes can be effectively prevented by reducing overweight and increasing physical activity.

299. Muscular and skeletal complaints are the reason for many medical consultations and account for a large proportion of sickness absence and disability pensions. In 1970, they accounted for 17% of all persons on disability benefits, while in 1997 this percentage had increased to 33%. According to an analysis of data from 200,000 adults under the auspices of Cohort of Norway, approximately 40% of men and 60% of women suffered from pain/stiffness in muscles and joints for at least three consecutive months.

300. In Norway, approximately 7,500 persons die each year of tobacco-related diseases, and it is estimated that a further 500 lives are lost due to passive smoking. One third of all cancer cases are due to smoking. Smoking is more dangerous for women than for men. In 2001, approximately 30% of the adult Norwegian population smoked every day, 30% of men and 29% of women. In addition to daily smokers, 11% are occasional smokers. The most smokers are in the 35-54 age group, while there are somewhat fewer in the younger and older age groups. The proportion of smokers is lowest among the oldest women; otherwise the gender differences are insignificant.

301. The percentage of men who smoke daily has declined significantly in the past 30 years, while the percentage of women who smoke daily has remained relatively constant.

302. In Report No. 16 (2002-2003) to the Storting, the Government states that it will implement a number of measures to create a smoke-free environment by preventing passive smoking, reducing the recruitment of new smokers, reducing the number of daily smokers and working through international agreements and strategies. As a result of amendments to the Act relating to the harmful effects of tobacco, restaurants, bars and cafés will be smoke-free from 1 June 2004. The main reason for the amendments is to improve the working environment for employees in the hotel and restaurant sector. The figures for 2002 show that 29% of the adult Norwegian population smokes every day.

### **Paragraph 2 of the guidelines (national health policy)**

303. The Government's value base and goals for a coherent health policy are based on respect for human life and human dignity, care for the weak, focus on prevention and personal responsibility for one's own health. The goal is to provide equal health services, regardless of the place of residence, financial situation and phase of life of the individual.

304. The Government's priorities:

- Give priority to those who need it most: the National Programme for Mental Health (see below) and cancer care will be implemented, and special priority will be given to children and young people. There will be focus on preventive health care and on strengthening municipal health services. Services for substance abusers will be strengthened. Disabled and chronically ill persons will be protected from expenditure that is not covered by the current free card system by the introduction of a second ceiling for own contributions. Life support for seriously ill and dying patients will be ensured. The health service for prison inmates will be strengthened through the National Programme for Mental Health.
- Precautionary approach to biotechnology and gene technology.
- Implement the hospital reform.
- Focus on prevention.

#### *The Regular GP Scheme*

305. Norway introduced an offer of a regular GP for the entire population on 1 June 2001. The purpose of the Regular GP Scheme is to improve the quality of general practitioner services by ensuring that everyone who so desires will have a permanent general practitioner to relate to.

306. One of the principles of the Regular GP scheme is that patients must be given an appointment with their doctor within a reasonable period of time, and must be able to reach the surgery by telephone for advice and inquiries. Patients are also entitled to change their regular GP twice a year, and to obtain a second opinion from another doctor linked to the Regular GP Scheme. In order to ensure that citizens' rights are fulfilled, municipalities must ensure that there is free space on the lists of other regular GPs in the municipality or in cooperating municipalities.

#### *Responsibility for specialised health services*

307. On 1 January 2002, responsibility for specialised health services was transferred from the county authorities to the State. All publicly-owned hospitals are now organised as health enterprises, owned by five regional health enterprises. The regional health enterprises are owned by the State.

#### *The National Programme for Mental Health 1999-2006*

308. A special plan to expand and restructure mental health services has been introduced on the basis of the following main principles:

- Prevention where possible, and in any case seek to influence the progress, degree of seriousness and consequences of mental illness.
- Responsibility for services must be in accordance with the division of responsibility elsewhere in the health and social services sector.

- The patient comes first - patients' needs and participation will determine which services are provided on the basis of a holistic view of humanity.
- As much voluntary treatment as possible - treatment must be provided in forms that are as open, normalised and voluntary as possible.
- As normal a life as possible - welfare, improved quality of life and participation in society through independence, self-reliance and the ability to cope with one's own life.

309. Improved access to services is a general goal. The prerequisites for achieving this are to provide services on the user's terms, with adequate capacity, short waiting times and good quality. The Ministry of Health will clarify the main principles and what is expected of the various parts of the health service and associated services so that they can contribute in their respective areas of responsibility. The main instruments used here will be monitoring the use of earmarked allocations, guidance, information and facilitating human resource development programmes.

310. The National Programme for Mental Health defines the following main groups of measures:

- Strengthen users' rights and information.
- Strengthen municipal services, with emphasis on prevention, help at an early stage and rehabilitation.
- Restructure and develop mental health services for adults - focus on district psychiatric centres which cooperate closely with municipal authorities.
- Develop mental health services for children and young people.
- Encourage education and research.
- Work and employment measures.

311. There has not been enough emphasis on measures for children and young people. A strategic mental health plan for children and young people has now been drawn up, with the aim of clarifying the need for holistic thinking and providing guidelines for strengthening the mental health of children and young people. The plan targets senior staff at all levels of the various services for children and young people.

312. The only official document available in English concerning this sector is the enclosed brochure Mental Health Services in Norway, Prevention, Treatment, Care (Appendix 34).

#### *Environmental health care*

313. Environmental health care is a task that has been allocated to municipalities through the Municipal Health Services Act. Environmental health care concerns environmental factors, including biological, chemical, physical and social environmental factors that may affect health.

314. The Regulations relating to environmental health care of 25 April 2003 entered into force on 1 July 2003. The new regulations replace eight different, older, national regulations and all local health regulations, with one exception. The purpose of the regulations is to promote public health and protect the population from environmental factors that may have a negative impact on health. The regulations state that enterprises and properties must be planned, built, furnished, run and closed down in a manner that is satisfactory with respect to health so that they do not lead to health hazards or health problems. The person responsible for an enterprise or a property must ensure that internal inspections are introduced and carried out in order to ensure compliance with the requirements laid down in the regulations.

315. Municipalities must work to promote health and help to protect the population from environmental factors that may have a negative impact on health, among other things by taking health and well-being into account in planning and decision-making processes. Municipalities must also carry out inspections to ensure compliance with the regulations.

#### *Drug and alcohol abuse*

316. The Government has submitted an Action Plan to combat substance abuse in the period 2003-2005. The plan includes strategies and measures in both alcohol and drugs policy. The plan's main target groups include the most serious drug and alcohol abusers. The Government wishes to ensure that the threshold for receiving help is low, while the threshold for losing help is very high. Among other things, this means that special efforts will be made to increase *low threshold health services* (care in the field, outreach health services, etc.) and further increase capacity in the field of *medicine-assisted rehabilitation*.

317. Otherwise care services for substance abusers are being comprehensively reorganised, and much of the responsibility is being transferred from county health authorities to the newly-established state health enterprises, i.e. hospitals and specialised institutions for substance abusers. One of the aims is to give this vulnerable group better access to high quality somatic and psychiatric health services.

#### *Legislation in the health sector*

318. Four new health acts were adopted on 2 July 1999: the Act relating to specialised health services, etc. (No. 61), the Act relating to the establishment and provision of mental health care (No. 62), the Act relating to patients' rights and duties (No. 63) and the Act relating to the rights and duties of health care personnel, etc. (No. 64). The purpose of the new legislation is to ensure that health services are organised in such a way that the use of resources will be better coordinated and there will be stronger focus on the patient.

319. The Act relating to specialised health services replaced the Act relating to hospitals and the organisational provisions in the previous Act relating to mental health care. Under the latter Act, responsibility for specialised health services was allocated to county authorities. On 15 June 2001, the Act relating to specialised health services was amended in connection with the adoption of the Act relating to health enterprises. The Health Enterprises Act assigns the responsibility for specialised health services to the State. The Health Enterprises Act and the amendments to the Specialised Health Services Act entered into force on 1 January 2002.

320. The Act relating to mental health care concerns matters that require special regulation in this sector. Among other things, the Act contains rules for procedures and conditions in connection with the establishment of compulsory mental health care. It also contains rules concerning inspection and reconsideration of administrative decisions made by mental health services. A revision of the Mental Health Care Act will commence in 2003. This process will take place in close cooperation with professional and user organizations on the basis of the experience gained from the Act so far.

321. The Act of 2 July 1996 No. 63 relating to patients' rights and duties is the first patients' rights act in Norway. The purpose of the Act is to help ensure that the population has equal access to high quality health services by giving rights to patients in relation to the health service. The provisions of the Act are intended to promote a trusting relationship between the patient and the health service and ensure respect for the life, integrity and human dignity of individual patients.

322. On 11 April 2003, the Government submitted a proposal to the Storting for amendments to the Patients' Rights Act. Among other things, it is proposed that the right to free choice of hospital be extended to cover private hospitals which have entered into an agreement with the regional health enterprises concerning free choice of hospital, and that patients who are entitled to necessary health care pursuant to the Patients' Rights Act will have the right to a specific, individually-determined maximum time-limit for when such right must be fulfilled. The proposal is also intended to ensure that the patient is informed about the time-limit that has been set. Should the patient's right not be fulfilled when the time-limit expires, it is proposed that the patient will have the right to necessary health care in a private or foreign hospital.

323. The Act of 2 July 1999 No. 64 relating to the rights and duties of health care personnel, etc. replaced nine previous health acts. In addition to the groups of health personnel who were formerly covered by separate statutes for their specific professions, the new Health Personnel Act regulates eleven new groups who have the right to conditional authorisation, and personnel in the health services or pharmacies and pupils/students who provide health services in connection with their medical training. The purpose of the new Act is to promote patients' safety and quality in the health service, and to promote confidence in medical personnel and the health service.

324. The Act relating to personal health data filing systems and the handling of personal health data entered into force on 1 January 2002. One of the purposes of this act is to ensure that medical information is handled in accordance with basic considerations relating to the protection of individuals, including the need for personal integrity, privacy and health data of satisfactory quality.

325. The Act of 21 February 2003 No. 12 relating to biobanks entered into force on 1 July 2003. The purpose of this Act is to ensure that the collection, storage, handling and destruction of materials contained in a biobank take place in an ethically justifiable manner and that biobanks are utilised to the benefit of the individual and of society.

326. The Act of 15 June 2001 No. 53 relating to compensation for injury to patients, etc. (the Patient Injury Act) entered into force on 1 January 2003 for the public health service. It is expected that the Act will enter into force in its entirety on 1 January 2004.

327. The Act relating to alternative treatment was adopted on 27 June 2003. The purpose of the Act is to promote safety for patients who seek or receive alternative treatment and to regulate the right to practise such treatment. The Act is expected to enter into force on 1 January 2004.

**Paragraph 3 of the guidelines (expenditure on health)**

Year	1990	1995	2000
Percentage GNP spent on public health	5.0%	5.0%	5.0%
Percentage spent on primary health care compared with specialised health care	41.7%	50%	49.2%

**Paragraph 4 of the guidelines (various statistics)**

328. There are no differences between urban and rural areas with respect to the following information.

*Infant mortality*

329. The risk of stillbirth and mortality in the first week of life in Norway is among the lowest in the world. In 2000, 3.9 per thousand infants died in Norway. The number of cases of cot death declined from 2.6 per thousand in 1988 to 0.5 per thousand in 2000 after parents stopped laying babies down on their stomachs. Children of mothers with a low level of education and mothers who smoke are at greater risk of dying at the embryo stage or in the first week after birth. Premature babies have significantly better chances of survival than they did before.

330. The infant mortality rate (0-5 years) is currently approximately 4 per thousand, which is among the lowest in the world. In the first years of childhood - up to the age of 15 - child mortality is also the lowest in the entire life cycle (25.2 per 100,000 in the 1-6 age group and 11.4 in the 7-14 age group).

*Drinking water*

331. Water quality in Norway is generally regarded as being good. In recent years there has been a special programme in progress to improve the quality of water supplied by Norwegian waterworks. In 2001 a new regulation on drinking water was implemented.

*Excreta disposal facilities*

332. According to 2001 statistics, only 0.9% of households have neither a bathroom nor a toilet. The health authorities estimate that 100% of the population have access to excreta disposal facilities.

*Immunisation*

333. The Regulations of 3 April 2003 No. 450 relating to municipal authorities' health-promoting and preventive activities in health clinics and school health services, which entered into force on 1 July 2003, contain provisions concerning the Child Vaccination Programme and the duty to report. Municipalities have a duty to offer vaccination according to the Child Vaccination Programme.

334. This programme must be offered to all pre-school children and children of primary and lower secondary school age. Health clinics and school health services must provide information about this and carry out vaccinations according to the programme. Health personnel who perform such vaccinations must report information about vaccinations to the System for Vaccination Control (SYSVAK). The way in which this is to take place is regulated in the Regulations of 20 June 2003 No. 739 relating to the collection and handling of personal health data under the System for Vaccination Control. The Child Vaccination Programme currently covers immunisation against diphtheria, pertussis, tetanus, hib infection, poliomyelitis, measles, mumps, rubella and tuberculosis.

335. As of 31 December 2002, the following percentages of two-year-olds (born in 2000) had been immunised against:

Pertussis: 92%

Diphtheria: 93%

Tetanus: 93%

Measles, mumps, rubella (MMR): 86%

Polio: 93%

Hib: 94%

336. At the same time, the following percentages of six-year-olds (born in 1996) had been immunised against:

Pertussis: 91%

Diphtheria: 93%

Tetanus: 93%

MMR: 93%

Polio: 91%

337. The coverage statistics as of 31 December 2002 for 16-year-olds (born in 1986) were:

Diphtheria: 91%

Tetanus: 91%

MMR: 90%

Polio: 88%

BCG: 91%

338. By comparing the statistics for 16-year-olds and 2 and 6-year-olds we can see that vaccination coverage in Norway has increased for all vaccines that are administered today apart from MMR. BCG is normally administered to teenagers.

339. Vaccination coverage in the major towns is generally good, while there are significant differences between municipalities as regards MMR vaccine coverage.

340. From 1992, all children were offered vaccination against the haemophilus influenzae type b bacterium, which can cause meningitis. Since then, this disease has been more or less eradicated among children and no cases were reported in 2001, compared with more than 100 cases per year in the 1980s.

341. Vaccination of all children against pertussis is intended to protect children under two years of age. Since 1997, this disease has become more prevalent despite high vaccination coverage, and now affects more than 50 infants each year.

#### *Life expectancy*

342. The population of Norway is 4,525,000, which is 27% higher than in 1960. The proportion of immigrants has increased from 2.3% to 6.3% in the past twenty years. 65% of the population are employed and the population is more highly educated than ever before. Out of approximately 2 million households, 40% consist of a single person. The population is older in 2002 than it was in 1960. During this period, the average age has increased by 3.1 years for men and 4.0 years for women.

343. Life expectancy is increasing among both women (81.4 years) and men (76 years). Life expectancy is not the same in all counties, towns or districts. Norwegian surveys have shown that the regional health differences between the poorest and richest areas of Oslo, measured in terms of mortality and life expectancy, were as great in the period 1971-1980 as in the period 1881-1890. While life expectancy in the richest district of Oslo is as much as five years higher than the national average for men and almost three years higher for women, life expectancy in the poorest parts of Oslo is 5-6 years lower for men and approximately 4 years lower for women. The geographical differences in mortality rates in Oslo are on a par with the differences between rich and poor areas in the UK and the USA. Cardio-vascular diseases are the most common cause of death for both women and men, but the risk of such diseases is constantly declining. Cancer is the second most common cause of death for both sexes. The risk of cancer is increasing, but very slowly. Reference is otherwise made to the information below concerning civil status and differences in health and mortality and concerning greater socio-economic differences in health.

#### *Access to medical personnel*

344. 100% of the population have access to medical personnel.

#### *The proportion of pregnant women having access to medical personnel, etc.*

345. 100% of pregnant women have access to medical personnel. According to statistics from 2001, the maternal mortality rate was 0.1 per 100,000 births. The number of cases of mortality during childbirth is normally between 0 and 2 for the country as a whole per year.



*The proportion of infants having access to medical personnel*

346. 100% of infants have access to medical personnel.

**Paragraph 5 of the guidelines (various population groups)**

*Health in various population groups*

347. Many studies have shown that there is a connection between education and mortality. The same applies to occupation and mortality and to income and mortality. In general, groups in a higher social position have lower mortality rates than groups in a lower social position. Well-educated women with a high social position and a good income have the best prospects of living longest. Single persons have poorer prospects of a long life than married persons and cohabitants. A certain amount of research is being done on this, among other things by the Norwegian Institute of Public Health.

348. A new Centre for Sami Health Research was established on 1 January 2001 at the Institute of Social Medicine, the University of Tromsø. The Centre was established to acquire scientific data about the health and living conditions of the Sami people in Norway. One important principle is that indigenous peoples must themselves produce data concerning their own health and social situation. So far, we have little specific knowledge about the health, quality of life and social conditions of the Sami population. The Ministry of Health is financing a Survey of Health and Living Conditions in the Sami settlement area in Norway, which is being carried out in 2003.

349. In general, studies of the health of immigrants show that there are greater differences between various immigrant groups than between individual immigrant groups and the ethnic Norwegian population. It is, therefore, misleading to talk about the extent to which the immigrant population as a whole is in better or worse health than the ethnic Norwegian population.

350. There are few studies of immigrants' health, but the newly published Health Profile for Oslo provides the first results of a health survey in Oslo's districts and regions. Data will also be available from the immigrant survey that is currently being carried out in Oslo. So far, we know that:

- There are greater health differences between different immigrant groups than between individual immigrant groups and the ethnic Norwegian population.
- Stillbirths and mortality in the first week of life are less common among the children of mothers from Vietnam (8.2 per 1000 births) and more frequent among the children of mothers from Pakistan (14.9 per 1000 births) than among the children of ethnic Norwegian mothers (9.5 per 1000 births) and the children of mothers from North Africa (9.6 per 1000 births). The proportion of people who consider their own health to be good or very good is significantly lower among immigrants from non-western countries than among ethnic Norwegians.

- Diabetes, heart attacks and muscular and skeletal pains are reported more frequently by 59-60 year-olds from non-western backgrounds.
- Only 7% of women aged 59-60 from non-western countries smoke daily, compared with 24 per cent of ethnic Norwegian women in the same age group.

351. A recently published article in the magazine of the Norwegian Medical Association concludes that overmortality among single persons appears to be a growing public health problem in the 45-59 age group. From the 1970s until the 1990s, the proportion of single persons in this age group has increased. These single persons are in a relatively weaker financial situation and overmortality rates have increased. This does not apply to the 60-69 age group. The social differences in mortality rates are far greater among single persons than among “non-single” persons.

#### *Greater socio-economic differences in health*

352. An analysis of how income, education and household size have affected mortality among the population in the periods 1970-77, 1980-87 and 1990-97 clearly indicates that differences in mortality have increased in relation to socio-economic factors such as income and education. The analysis shows that the health of Norwegians has improved over time, but that socio-economic differences have increased. The findings are:

- Mortality differences have increased more between income groups than between education groups.
- The largest rise in mortality differences between income groups took place from the 1980s to the 1990s, and mortality differences in the 1990s are greater between income groups than between education groups.
- Mortality rates have declined little during the period for the groups with the lowest income/education. On the other hand, mortality rates among the rest of the population have declined significantly from 1970 to the 1990s.
- Mortality among single persons is significantly higher than among the rest of the population. Mortality differences between income groups are far greater among single persons than among persons living in households with two or more people.

#### *Changes that have had a negative impact on the health situation*

353. Consequence analyses are compulsory in connection with work on official reports, regulations, propositions and reports to the Storting. In Report No. 16 (2002-2003) to the Storting: Prescription for a Healthier Norway, the Government has announced that measures will be introduced to ensure that consequence analyses relating to health are an important instrument at both local and central levels. Among other things, a group of experts will be established at the central level and guidelines to the Planning and Building Act and the Municipal Health Services Act will be published. The Norwegian authorities have no information about any changes that have had a negative impact on the health situation.

*Measures to treat and control epidemics, etc.*

354. Emergency preparedness in the health sector includes the primary health service, the specialised health service, communications, prevention of infection, food and drinking water, nuclear accidents, psychiatric assistance, supply services and personnel.

355. Plans to prevent the spread of communicable diseases that are prepared by municipal authorities and by the specialised health service provide the basis for dealing with infectious diseases.

356. At the national level, the Norwegian Institute of Public Health has established a national, mobile, field epidemiological team to provide professional advice and support for municipalities in dealing with outbreaks. A 24-hour emergency telephone service to prevent the spread of communicable diseases has also been established.

357. The time factor is extremely important in preventing the spread of communicable diseases. Consequently, equipment for analysing chemical, biological and virological agents has been acquired, and work is in progress on the development of an electronic reporting system for communicable diseases so that epidemics and outbreaks can be discovered far more rapidly than they are today. The regulations relating to protection against communicable diseases have also been strengthened by expanding the duty to report. Among other things, doctors who suspect or identify cases of infectious diseases that may be caused by intentional dissemination of infectious agents have a duty to report such cases.

358. In 2001 the Ministry of Health issued the first national preparedness plan for pandemic influenza and appointed a National Pandemic Committee. An updated preparedness plan was published in July 2003. The National Pandemic Committee was involved in work on the SARS epidemic and applied those parts of the Pandemic Plan that were appropriate in this connection. The experience gained from this work has given the central health authorities and the emergency services useful inputs for efforts to improve emergency preparedness to prevent the spread of communicable diseases. The National Pandemic Committee is headed by the Director General of the Directorate of Health and Social Affairs and its secretariat is located at the Norwegian Institute of Public Health, which is also linked to the WHO Influenza Centre in Norway.

359. A proposal for a national preparedness plan to prevent smallpox has been formulated and further work is being done on this.

360. Communicable diseases and biological events are a global challenge that must be met with national measures and good regional and global cooperation. Norway participates actively in international work on the prevention of infection with the other Nordic countries, the EU/EEA and the WHO.

361. Communicable diseases are less prevalent in Norway than in most other countries. However, this situation can change quickly as a result of the rise in international trade and travel, changes in the properties of infectious agents and the threat of intentional dissemination of dangerous infectious agents. Certain groups in Norway are particularly vulnerable to serious infectious diseases. They include injecting drug users, immigrants, elderly people and patients in health institutions:

- At any one time, 5-6% of the patients in Norwegian hospitals have an infection that they have contracted in the hospital. The most common infections are infections of the urinary tract and pneumonia. Elderly and weak patients are the most vulnerable. It is assumed that at least one third of these infections can be prevented by improving the implementation of measures to prevent infection in hospitals. The incidence is somewhat higher in municipal health institutions, such as nursing homes, etc. The implementation of prevalence surveys of hospital infections was improved in 2002 with the establishment of a national system with two elements, one for old-age homes and nursing homes and one for hospitals. In the course of 2003, the Norwegian Institute of Public Health will have developed and offered to hospitals a common system for measuring infections after certain types of surgical intervention. A newly-developed electronic reporting system for hospital infections will be used by the country's hospitals. The Ministry of Health appointed in 2003 a project team to be responsible for formulating measures to prevent hospital infections. The project has submitted a proposed plan of action to prevent hospital infections.
- Influenza is an extremely infectious disease which causes an epidemic each year. In 2001 Norway produced its first emergency plan for pandemic influenza, which is currently being revised.
- With 7 cases per 100,000 population, the incidence of tuberculosis in Norway is among the lowest in Europe. Three quarters of patients are immigrants, with an average age of 30. Norwegian patients are, on average, over the age of 70 and were infected in their youth when tuberculosis was a common disease in Norway. In 2001, 2% of patients, all of whom were immigrants, had tuberculosis caused by resistant bacteria.
- At the end of 2001, 2,351 persons in Norway were diagnosed as being infected with HIV. The largest group of newly-diagnosed cases in recent years has been among asylum-seekers who have recently arrived in the country and others with backgrounds from countries with a high incidence of HIV. In the other infected groups, the situation is stable or declining. Figures for 2002 show that the number of newly-diagnosed is 205, and the prognosis for 2003 indicates a higher number than for 2002.
- Approximately 15,000 persons with hepatitis B are living in Norway and most of them are immigrants. Among Norwegian nationals, hepatitis B mainly infects injecting drug users. In Norway, approximately three quarters of injecting drug users are infected with hepatitis C, while few people outside this group are infected. It is estimated that approximately 20,000 people are infected.
- Other sexually transmitted infections include chlamydia, syphilis and gonorrhoea. In 2001, 15,000 cases of chlamydia were diagnosed, most of which were among young people under the age of 25. 226 cases of gonorrhoea have been reported so far in 2002, significantly lower than in 2001. 60 cases of syphilis were reported in 2002, 58 men and 2 women.

362. In addition to the National Preparedness Plan for Pandemic Influenza, the Norwegian health authorities have a new Strategic Plan for the Prevention of HIV and Sexually Transmitted Diseases (2002) and an Action Plan to Combat Antibiotic Resistance (2000-2004).

**Paragraph 6 of the guidelines (the elderly)**

363. No comment.

**Paragraph 7 of the guidelines (community participation)**

364. The State assumed ownership of the specialised health service as from 1 January 2002. Five regional health enterprises were established, which are responsible for ensuring that the population in their region receive necessary health services. They also own and run the specialised health services in the region, which are designated local enterprises.

365. A Community Liaison Committee has been established at the Ministry of Health, constituted on the advice of the major user associations. The regional health enterprises have also established their own community liaison committees at the regional level. The main function of these committees is to provide information about specific cases. They must also be consulted on cases that are assumed to be of special interest to the group they represent. The aim is for all enterprises to have local community liaison committees by 2003.

366. There are many different interest groups and user organizations in the field of mental health. The largest of them are Mental Health Norway and the National Association of Relatives in Psychiatry (LPP). The health authorities are engaged in close dialogue with these organizations.

367. A statutory Ombudsman for Patients scheme, which was introduced when the Patients' Rights Act was adopted, entered into force on 1 January 2001. The Ombudsman for Patients' mandate is to safeguard the needs, interests and legal rights of patients vis-à-vis the health service and improve the quality of health services.

368. All new legislation, regulations, reforms, measures, propositions and reports to the Storting must be distributed for consultation to all relevant public and private institutions and organizations. The deadline for response is normally three months, and no less than six weeks.

**Paragraph 8 of the guidelines (education concerning prevailing health problems)**

369. Norway will strengthen its knowledge base through research and incorporate the public health perspective into education. The Government will request colleges to strengthen the public health perspective in their subject curricula, revise existing framework plans for public health education, including the framework plan for nursing education, prepare a common, interdisciplinary framework plan for further education in public health, with the main emphasis on child and youth health, and develop a master's degree programme in public health science which will qualify graduates for doctoral studies.

### **Article 13. The right to education**

370. A general description of Norwegian education policy in the 1990s is provided in the report "The Development of Education 1991-2000" (Appendix 30), which was prepared for the 46th session of the UNESCO International Conference on Education. The main focus of education policy in the period 2001-2003 includes greater emphasis on local freedom of action and on the quality of educational services. Reference is also made to the brochure Education in Norway (Appendix 31), which provides an overview of the Norwegian educational system.

371. The right to education is ensured through legislation and through state educational financing for pupils and students, which is intended to ensure that everyone has an equal right to education, regardless of their social and financial background, age, gender or place of residence. In principle, education in public educational institutions, i.e. primary, lower secondary, upper secondary and higher education, is free of charge.

372. Grants and loans for pupils and students are provided pursuant to a special Act relating to financial support for education. In the 2001-2002 academic year, 388,000 pupils and students were entitled to financial support. 223,000 of them received financial support from the State Educational Loan Fund, in the form of a combination of loans and grants. From 1 November 2002, the grant element was increased from 30% to 40%. The financial support scheme has also been improved and made more flexible in order to adapt it to different pupil and student groups and facilitate lifelong learning.

373. A new Education Act, which covers primary, lower secondary and upper secondary education, was adopted by the Storting on 17 July 1998 and entered into force on 1 August 1999. This Act combines and replaces three former Acts relating to primary and lower secondary education, upper secondary education and vocational education respectively. Certain parts of the Adult Education Act have also been incorporated into the new Act. The Act covers the entire range of education from the time a child starts school at the age of six until it has completed its upper secondary education.

#### **Paragraph 1 of the guidelines (measures to ensure the right to education - primary, lower secondary and upper secondary education)**

##### *Longer compulsory education and a new Education Act*

374. In the latter half of the 1990s a comprehensive reform of Norwegian primary and lower secondary education was introduced, entitled Reform 97. Under this reform, compulsory education was extended from 9 to 10 years, starting from the 1997-98 academic year. At the same time the age at which children start school was lowered from 7 to 6.

##### *Day-care facilities for schoolchildren*

375. From 1 January 1999, there is a statutory requirement that all municipalities provide day-care facilities before and after school hours for children from 1st to 4th grade. Almost all the municipalities in Norway now offer day-care facilities for schoolchildren. This scheme is

intended to provide opportunities for play and cultural and recreational activities appropriate to the child's age, functional ability and interests. Children with disabilities must also be provided with good opportunities for development under the day-care scheme.

*Pupils with special educational needs*

376. Most children with special educational needs are currently taught in ordinary classes, with various types of special education based on individual decisions and individual plans. In all, approximately 6% of pupils in primary and lower secondary schools and 4-5% of pupils in upper secondary schools receive special education on the basis of individual decisions. Pupils who need special education are entitled to 5 years of upper secondary education. In other words, they are entitled to up to two years of additional full-time upper secondary education.

377. In 1996, less than 0.5% of pupils in primary, lower secondary and upper secondary schools, in total around 3,100 pupils, were in special schools or specially organised programmes outside ordinary schools. These figures include all categories of disabled pupils (including pupils at schools in child welfare institutions, psychiatric institutions and drug rehabilitation centres). There were a further 600 pupils in prison education programmes.

378. The State funds a special support system for special education, the main aim of which is to provide guidance and support for municipalities and counties in order to safeguard the quality of educational services for children, young people and adults with special educational needs. This support system currently comprises 17 resource centres which cover special needs in the fields of sight, hearing, complex learning difficulties, behavioural problems and language and speaking difficulties. The support system also includes state educational services for the blind and partially sighted and for the deaf at county level and some smaller units which provide services for smaller groups of disabled persons.

*Language minorities/asylum-seekers*

379. Pursuant to the Education Act, the right to primary and secondary education enters into force when it is likely that a child will remain in Norway for more than three months. The obligation to attend school enters into force when the child has been in the country for three months. This is a new provision under the Education Act which also covers the children of asylum-seekers when it is likely that they will be granted a residence permit, or when it is likely that it will take longer than three months to process an application for asylum. Pursuant to the Act, the child's right and obligation to attend primary and lower secondary school are not dependent on whether the child is a legal resident.

380. Children from language minorities are generally offered education in their mother tongue as an instrument for learning the Norwegian language. Children may receive their early reading and writing tuition in their mother tongue and be taught other subjects in both Norwegian and their mother tongue. In 2002-2003, 3.1% of all children in primary and lower secondary schools were taught in a mother tongue other than Norwegian. Under the scheme for special Norwegian language education, pupils with a mother tongue other than Norwegian and Sami are entitled to special tuition in the Norwegian language until they have sufficient Norwegian language skills to be able to follow ordinary education in Norwegian. Pupils may either have Norwegian as a second language or receive other special tuition in Norwegian as needed.

381. In the 2002-2003 academic year, 5.5% of pupils in primary and lower secondary schools (33,999 pupils) received special Norwegian language tuition. 3.1% of pupils (18,727 pupils) received mother-tongue tuition and/or bilingual tuition. As of 1 October 2000 there were more than 10,400 immigrants in upper secondary schools, equivalent to 6.4% of all pupils.

*Education in the Sami language*

382. The 1999 Education Act strengthened pupils' right to study and be taught in the Sami language. All pupils in primary and lower secondary schools in areas defined in the Act as Sami districts are entitled to study and be taught in the Sami language. Sami pupils have an individual right to study the Sami language all over the country. Outside the Sami districts, any group of ten pupils, regardless of their background, who so demand, have the right to study and be taught in the Sami language. They retain this right for as long as at least six pupils remain in the group. Pursuant to the Education Act, Sami pupils in upper secondary schools have the right to study the Sami language.

383. In the 2001-2002 academic year, a total of 2,627 primary and lower secondary school pupils studied the Sami language at the three levels where such education is provided. At 15 schools, 1,024 Sami children were taught in the Sami language with Norwegian as their second language.

*Stronger focus on the quality of education*

384. One of the main goals of educational policy since 2000 has been to improve the quality of education.

385. In connection with the debate on the State Budget for 2000, the Storting adopted a resolution to provide NOK 900 million to support schools' efforts to improve the quality of education in the period 2000-2003. This investment was intended to promote innovation, development, diversity and flexibility, improve adaptation of the content of education and working and evaluation methods to developments in working and social life, shift more of the focus from central to local arenas, and strengthen cooperation between schools, working life and society at large.

386. These efforts have been concentrated on the use of ICT in education, human resource development, development programmes and trial projects, and have largely been focused on primary and lower secondary schools. Funding to improve the quality of primary and lower secondary education has largely been allocated to school owners, i.e. mainly the municipal authorities, to be spent in accordance with central government priorities and local needs.

387. In upper secondary education, resources for quality improvement have largely been spent on implementing a project to strengthen the differentiation and adaptation of education. All upper secondary schools have taken part in the project.

388. An evaluation of the efforts to improve quality in education is currently being carried out and the final report will be submitted in April 2004.



389. The goal of improved quality is also expressed through a comprehensive modernization project for fundamental education in Norway, i.e. primary, lower secondary and upper secondary education, initiated in 2002. Among other things, the project team produced a status report on the current situation in 2002 which indicates that there is significant potential for improvement in Norwegian schools as regards increasing the learning benefits to pupils in relation to the funds that are invested.

*Reform of upper secondary education*

390. Pursuant to a reform of upper secondary education, entitled Reform 94, which was implemented from 1994 onwards, all young people between the ages of 16 and 19 have a statutory right to three years of upper secondary education leading to qualification for higher education, vocational qualification or qualification at a lower level. Young people are entitled to a place on one of the three foundation courses they have applied for. It has become easier for pupils who choose a vocational education to qualify for universities and colleges.

391. The county authorities have a statutory duty to follow up young people between the ages of 16 and 19 who are not attending school or employed. Pupils who have a right to special education may receive up to two years of education in addition to the statutory three years.

392. Upper secondary education has been expanded all over the country to ensure that equal educational services are provided for all young people. In the first year of upper secondary school, there are 15 different foundation courses. Specialisation takes place in advanced courses I and II, and in apprenticeship training at a workplace. Vocational education is an integral part of upper secondary education and normally comprises two years at school and one year of apprenticeship training at a workplace. When apprenticeship training is combined with value creation in the workplace, it may stretch over two years.

393. In the 2001-2002 academic year, more than 95% of all 16 year-olds and 82% of all 18 year-olds were in upper secondary education. The corresponding figures for 1995 were 94.1% and 83.6%. The Follow-up Service (see below) is responsible for pupils who do not apply for upper secondary education after lower secondary school or who drop out before completing their education.

394. A relatively small proportion of minority language pupils complete their upper secondary education. Only 39% of first generation minority language students completed the course and passed their upper secondary examinations in 1999, while the corresponding figure for majority language pupils is 76%.

395. In 2001-2002, 29,680 pupils had apprenticeship contracts. 571 pupils received practical vocational training at school because there were not enough apprenticeship places.

396. In connection with Reform 94, a Follow-up Service was established as a statutory service run by county authorities for young people who are entitled to upper secondary education but have neither a place at school nor a permanent job. The Follow-up Service must ensure that all young people in the target group receive an offer of education, work or some other occupation. This offer is primarily intended to lead to qualification for higher education, a vocational qualification, or qualification at a lower level. An evaluation of Reform 94 showed that the

Follow-up Service generally functioned well. The service has helped to focus attention on the dropout problem and to ensure that schools make greater efforts to prevent pupils from dropping out. Through the Plan of Action to Combat Poverty, the Government has initiated a three-year project to further develop the work of the Follow-up Service to prevent young people from dropping out of upper secondary education.

### *Higher education*

397. Higher education comprises education at universities and colleges. It is normally based on an examination after three years of upper secondary education, but since autumn 2001 persons over 25 years of age may apply for higher education on the basis of total (formal and non-formal) qualifications, i.e. all the knowledge, skills and experience they have acquired through education, paid and voluntary work, etc. It is up to each institution to decide how total qualifications will be assessed and which qualifications are necessary for the study programme that is applied for. In autumn 2002, approximately 2,700 students were offered a place on the basis of total qualifications.

398. Most institutions of higher education are run by the State, but they enjoy a large degree of professional and administrative independence. The 38 state institutions of higher education cater for 88% of students. There are also 20 private colleges, which have been approved pursuant to the Private Higher Education Act.

### *The Quality Reform - reform of higher education in Norway*

399. In June 2001 the Storting adopted a resolution for a comprehensive reform of higher education in Norway (The Quality Reform). Educational institutions must have implemented this reform by the beginning of the 2003-2004 academic year at the latest. Reference is made to the brochure The Quality Reform (Appendix 32).

400. The goals of the Quality Reform are to improve the quality of education and research, increase the intensity of education and strengthen the degree of internationalisation.

401. Students will have the right to better utilization of the academic year, binding study plans and improved guidance. At the same time, the financing of higher education will be improved and progression will be rewarded. The institutions will have much greater freedom to organise their own activities, but will also have more responsibility for the results that are achieved.

402. The introduction of a new degree structure is an important part of the Quality Reform. The three-year bachelor's degree (lower grade) and the two-year master's degree will replace most of the former degrees and professional qualifications. Certain studies, such as medicine, psychology, veterinary science, theology and general teacher training (qualification to teach in primary and lower secondary schools) are exempt from the new degree structure.

403. Although private colleges are not required to introduce the reform in the same way as the state institutions, most of them have chosen to do so.

404. In order to facilitate mobility across national borders and make it education more equitable, all higher education in Europe is now being harmonised (the Bologna Process), and

work is in progress to increase the number of student exchanges and develop internationally recognised systems for quality assurance. Norway's Quality Reform makes it one of the leading countries in this process.

#### *Internationalisation*

405. By ensuring that students fully participate in the international exchange of knowledge, Norwegian universities and colleges are assuring and developing the quality of higher education in Norway. An international dimension in education increases and expands cultural, social and linguistic understanding and also provides a unique experience for individual students.

406. The Quality Reform is intended to help ensure that universities and colleges offer students a period of study abroad as part of their degree course, increase their participation in international programmes, increase their use of agreements such as Socrates/Erasmus, Nordplus and bilateral agreements between Norwegian and foreign educational institutions, promote more student exchanges with the third world countries, have more foreign students in Norway and more tuition in English to develop the international student environment at universities and colleges, and issue Diploma Supplements to ease the transition to foreign educational institutions.

#### *Quality assurance and recognition of foreign qualifications*

407. On 1 January 2003, an independent government agency was established, entitled the Norwegian Agency for Quality Assurance in Education (NOKUT), to ensure that study programmes at individual institutions are of high quality and that institutions have good internal systems to assure the quality of their programmes. NOKUT is also authorised to consider individual applications for general recognition of foreign qualifications. Recognition by NOKUT will provide guidelines for universities and colleges in connection with direct recognition of qualifications as being equivalent to their degrees, and in connection with the inclusion of foreign qualifications in their study programmes.

408. The National Database for Recognition of Foreign Higher Education (NAG) has been operational since spring 2002. NAG is a follow-up to the Convention on Recognition of Qualifications concerning Higher Education in the European Region, known as the Lisbon Convention, which Norway ratified in 1999. The purpose of the database is to rationalise administrative procedures for assessing foreign higher education (a greater degree of equal treatment, improved information for applicants and executive officers, etc.).

#### *The learning environment for students*

409. The new section 44 of the Act relating to universities and colleges has defined and introduced stricter rules relating to the responsibility of universities and colleges for their students' learning environment. The Act states that institutions are responsible for the physical and psychological working environment. The requirements for the physical environment are specified in the Act in terms of functional requirements. The Act emphasises the right of students with special needs to have an adapted study situation. One of the goals is for all students to be more closely followed up by the institution. All students now have a statutory right to an individual study plan. The study plan must contain rules concerning the

responsibilities and obligations of the institution in respect of the student and the obligations of the student in respect of the institution and fellow students. The Ministry of Education and Research stresses the importance of following up the work of the institutions to promote a good learning environment for students, especially disabled students.

410. In spring 2002, comprehensive amendments were made to the Act relating to universities and colleges and the Private Higher Education Act to facilitate the implementation of the Quality Reform in higher education.

411. Although the Act relating to universities and colleges and the Private Higher Education Act have many elements in common, the regulations are formulated very differently. A committee has been established to study the current situation and present proposals for common legislation for higher education. The committee will undertake a more principled review of how common legislation for institutions of higher education should be formulated. One important objective of common legislation for public and private higher education is to promote a greater degree of equality between public and private educational services. Moreover, common legislation will be more easily accessible to users and clarify which instruments the State will use to govern institutions of higher education.

#### *The number of students in higher education*

412. In the 1990s, the number of students in higher education increased steadily up to 1997, when there were approximately 180,000 registered students. In 1998 the number of students dropped to around 175,000 and in 1999 to around 174,000. In 2000 student numbers rose to about 177,000 and in 2001 they increased to approximately 180,000.

413. In 1998, there were 12,111 registered students at private colleges, equivalent to approximately 7% of the total number of students in higher education. In 2001 this figure had increased to 21,393 students, equivalent to 12% of all students.

414. In 2002 a special report was submitted to strengthen Sami higher education and research. Several institutions have been given responsibility for providing higher education and engaging in research relating to the Sami population. The most comprehensive activities in this field currently take place at the University of Tromsø, while the Sami College has been given national responsibility for training Sami teachers. The colleges in Bodø, Nord-Trøndelag and Finnmark also offer studies specially designed for Sami students.

415. The main goal of the University of Tromsø is to facilitate education and research for the Sami population. The subject Sami Language and Literature has been established from bottom to top, i.e. *grunnfag* (a 20-credit university or university college course of two semesters' duration contributing to a *Cand.mag* degree), *mellomfag* (a 30-credit university or university college course of three semesters' duration contributing to a *Cand.mag* degree), *hovedfag* (an examination taken after 1½-2 years of graduate studies in addition to the *Cand.mag.* degree. Successful candidates are awarded a master's degree) and *doktorgrad* (a degree at doctoral level). The Centre for Sami Studies was established in 1990 with the main goal of promoting education and research on Sami matters at the university. The Centre for Sami Health Research

was established in 2001 to engage in research on public health and living conditions in areas of Sami settlement. The university also has a national responsibility for research, education and information relating to indigenous peoples.

416. The Sami College was established in 1989. The target number of students is 165 and the college has approximately 60 staff. Since it was established, the college has had a special responsibility for meeting Sami educational needs. It is the only institution of higher education in Norway where the Sami language is used in day-to-day activities by the college administration, in teaching and in research. The College has mainly been responsible for training Sami teachers. However, the subject portfolio is gradually being expanded, among other things by offering education in journalism in the Sami language.

417. In a special Report to the Storting on Sami higher education and research, which was debated by the Storting in 2002, the Government proposed strengthening the college so that, in the longer term, it will be able to offer a master's degree in both Sami language and Duodji.

418. In the course of 2003 a special framework curriculum for Sami teacher training will be developed which facilitates greater flexibility in the organisation of education. The Sami Parliament has an important role to play in determining the framework curriculum. In local subject curricula, the Sami College must consider how relevant areas, such as Sami social studies and courses in Sami culture and Sami traditions, can be profiled in the curriculum.

*Education for persons who have not completed primary and lower secondary education*

419. The statutory right to primary and lower secondary education and to upper secondary education for adults entered into force on 1 August 2002 and 1 August 2000 respectively. As of 1 October 2002, 3,686 adults (1,592 men and 2,094 women) were attending primary and lower secondary education courses. Of these, 2,137 persons were from language minorities. A further 6,855 persons received special education in primary and lower secondary school premises.

420. In the 2001-2002 academic year, 1,500 adults were receiving primary and lower secondary education. A further 1,869 immigrants aged 16-20 received primary and lower secondary education with earmarked grants.

421. In 2001, 3,000 students applied to take their final examination in one or more subjects. Some adults do not participate in organised education but apply to take the exam as external candidates.

422. Until 1 August 2002, the State provided earmarked grants for primary and lower secondary education for immigrants between the ages of 16 and 20 who had not completed such education in their country of origin. The statutory right to primary and lower secondary education for adults also covers immigrants over the age of 16. However, this arrangement does not apply to asylum-seekers. Asylum-seekers who are minors (i.e. between the ages of 16 and 18) may receive primary and lower secondary education on the basis of State grants equivalent to those that are provided for the education of asylum-seekers who are of compulsory school age.

423. As of 1 October 2002, 30,431 immigrants (including refugees and asylum-seekers) attended courses in Norwegian and social studies. Of these, 14,571 were men and 15,860 were women. In all, 13,723 immigrants had less education from their country of origin than the equivalent of Norwegian primary and secondary education.

424. Immigrants, refugees and persons granted residence permits on humanitarian grounds receive free education in Norwegian and social studies. However, from 1 January 2003, earmarked grants are not provided for such education for asylum-seekers over the age of 18.

*Introductory programme for newly-arrived immigrants*

425. In December 2002, the Government submitted a proposal for legislation concerning an introductory programme for newly-arrived immigrants. Under this draft Bill, municipal subsistence allowances for newly-arrived immigrants would be legally tied to active participation in a qualification programme. The aim is to reorient allowances away from passive welfare benefits and towards active qualification measures that will facilitate an appropriate, effective transition to work and/or education.

426. The target group for the draft Bill comprises newly-arrived immigrants who need basic qualifications. The main group are newly-arrived refugees and persons who have been granted a residence permit on humanitarian grounds on the basis of an application for asylum, and their family members.

427. Pursuant to the draft Bill, individuals who need basic qualifications will have a statutory right and duty to participate in an individually-designed introductory programme. As a general rule, the introductory programme will last for up to two years. The purpose of the introductory programme will be to provide basic Norwegian language skills and basic insight into Norwegian social life, and prepare immigrants to participate in working life and/or education. Those who take part in the programme will be entitled to a specified subsistence allowance, known as the "introductory allowance". The proposed introductory allowance is 2G per year. As of 1 May 2002 this amounted to NOK 108,340 per year. Participants in the introductory programme will also be entitled to a housing allowance. In the case of illegitimate absence, the allowance will be reduced proportionately to the length of the absence. Pursuant to draft Bill, any candidate who refuses the offer of an introductory programme cannot expect to receive social welfare benefits pursuant to the Social Services Act.

*The Competence Reform*

428. In 1998 the Government launched a reform of in-service training and further education, known as the Competence Reform, the aim of which is to establish a coherent framework for lifelong learning and raise the general level of competence of the population. This reform is based on society's need for competence, as well as that of working life and individuals. It applies to all adults, is based on a broad interpretation of the concept of knowledge and has a long-term perspective. It is intended to give all adults better opportunities for development and lifelong learning and to give Norwegian business and industry the additional competence that is necessary to ensure their ability to create value and provide services in both the private and

public sectors. These measures are designed to be universal so that, to as great an extent as possible, they are appropriate for persons with different abilities and do not have to be specially adapted afterwards.

429. The main elements of the Competence Reform - in addition to the right of adults to primary, lower secondary and upper secondary education as described above - are as follows:

- The establishment of a system for documenting and assessing total (formal and non-formal) qualifications from 1 August 2002.
- The right to study leave for employed persons. The person must have been employed for at least three years and have worked for the same employer for the past two years.
- Improvement of study financing. Among other things, students may earn up to NOK 100,000 per year without a reduction in their financing package. The financing package (grant and loan) has been increased to NOK 80,000 per year.
- Tax exemption for studies financed by the employer.
- Introduction of a special human resource development programme.
- Various changes in the public education system to better adapt it to lifelong learning.

430. The Competence Reform is a process that requires interaction between many different agencies and interests. The main responsibility rests with the Ministry of Education and Research, but many other ministries are involved, as well as the social partners and institutions and organizations offering adult education.

431. In 2002, more than 15,000 people had had their total (formal and non-formal) qualifications assessed in relation to upper secondary education under a project carried out by the county authorities. An evaluation shows that there is a greater degree of acceptance on the part of the social partners, the educational sector and the voluntary sector with respect to the assessment of total qualifications. The colleges report that students who have been accepted on the basis of total qualifications are motivated and achieve good results.

432. Approximately 500 projects have received State support under the Competence Development Programme. Enterprises, municipalities, education providers, company networks, sector organizations and the social partners are among those who have initiated adult education projects. In 2002, priority was given to projects that facilitate active use of the workplace as a learning arena. An evaluation of the programme shows that these projects largely reflect the needs of working life. New and more specifically designed educational programmes have been established, while existing courses and educational programmes have been made more available at the local level and in the workplace.

*International cooperation on the right to education*

433. Under the Dakar Declaration on Education for All (EFA) of April 2000, the world community is committed to making efforts to ensure that everyone has access to basic education by 2015, and that girls and boys have equal opportunities for and genuinely equal participation in education by 2005. UNESCO has been given the main responsibility for following up and coordinating the Dakar Declaration, which, among other things, requires all member states to prepare national EFA action plans. In accordance with this, Norway's national EFA plan will be completed and submitted to UNESCO in spring 2003. Norway participates actively in cooperation within UNESCO and contributes substantial extra-budgetary funds for UNESCO-related projects and institutions in the educational sphere.

434. There is increasingly strong focus on education in development cooperation as a whole. Education is vitally important for democratic development, health, the environment, productivity, trade and economic development. The Government aims to increase the proportion of the development budget allocated for educational purposes from approximately 10% to 15% by 2005.

435. Norwegian universities and colleges have been cooperating on education and research with developing countries for many decades, among other things under a special programme for development-related research and education.

436. In 2000, the Ministry of Education and Research signed a framework agreement with the Norwegian Agency for Development Cooperation (NORAD). Under this agreement, the Ministry will act as a competence centre for NORAD, particularly with respect to the development of public educational systems and educational reform.

437. From 2001 to 2002, the budget for the agreement between the Ministry and NORAD increased from NOK 1.7 million to NOK 2 million. In addition to work being done under the NORAD agreement, the Ministry has established direct cooperation with the ministries of education in Nepal and Zambia. The budgets for development projects in Nepal and Zambia are NOK 3 million and NOK 2.6 million respectively.

**Paragraph 2 of the guidelines (difficulties encountered in the realization of the right to education)**

438. Reference is made to the report "The Development of Education 1990-2000", item 1.4.

**Paragraph 3 of the guidelines (literacy, etc.)**

439. In the period 2000-2002 pupils' reading skills have been the focus of a number of surveys, including within the framework of the PISA survey under the auspices of the OECD.

440. The results of these surveys show that the reading skills of Norwegian pupils are below the desired standard and that, in this area, Norway is on a par with the average of OECD countries. Norwegian pupils read less than pupils in the other Nordic countries. As regards reading fiction, Norwegian pupils are below the OECD average and are among those who



borrow books from libraries the least frequently. Boys' reading habits and reading interests give particular cause for concern. A strategy to encourage a love of reading and reading skills has been formulated for the period 2003-2007.

**Paragraph 4 of the guidelines (expenditure on education)**

441. In 1999, total expenditure per pupil in Norway was 43% above the OECD average (measured in terms of purchasing power) and 42% above the average in lower secondary schools.

442. A school year comprises 38 weeks for pupils and 39 weeks for teachers. In the 2000-2001 school year there were 3,260 primary and lower secondary schools with approximately 590,500 pupils, about 51,200 teacher man-years and 10.8 pupils per teaching-related man-year.

443. For information concerning the subjects and the number of lessons taught in primary and lower secondary schools, reference is made to the report "The Development of Education 1991-2000" page 38 et seq.

444. Municipal and county authorities are responsible for providing and maintaining school buildings at the primary and lower secondary and upper secondary levels respectively. Norway has good school coverage in all parts of the country. Approximately half of Norwegian primary and lower secondary schools have less than 100 pupils. In some municipalities, there are even schools with less than 10 pupils.

445. Because many schools are small, children of different ages must be taught in the same classroom. In the 1999-2000 academic year, 39% of primary and lower secondary schools in Norway had mixed-age classes. Many primary and lower secondary schools are combined schools, i.e. they cover both the primary and the lower secondary level.

446. According to the report mentioned in paragraph 442 above, there are a total of 3,260 primary and lower secondary schools in Norway's 435 municipalities.

447. Pursuant to the Education Act, pupils in 2nd to 10th grade who live more than four kilometres away from school are entitled to school transport. For pupils in 1st grade and pre-school children, the limit is two kilometres. Pupils whose road to school is particularly dangerous or difficult are entitled to free transport, regardless of distance.

**Paragraph 5 of the guidelines (equal access to education, etc.)**

448. Reference is made to the information provided above.

**Paragraph 6 of the guidelines (working conditions for teaching staff, etc.)**

*Salary levels for teachers*

449. In general, teachers' salary levels have been relatively moderate in Norway, measured in terms of purchasing power. In 2000, the starting salary for teachers in primary and lower secondary schools was somewhat higher than the average for countries in the OECD and more or

less the same as the starting salary in upper secondary schools. On the other hand, salaries for teachers with 15 years' experience and top salaries respectively were significantly (10-25%) below the OECD average.

450. In the period 2000-2002, however, salaries increased significantly as a result of special state pay packages and general increments. In 2001 the average salary was 14.4% above the 1999 level, and after the 2002 wage agreement, teacher salaries increased by a further 7.7%. An average teacher's salary is therefore now well above the average salary for an industrial worker.

#### **Paragraph 7 of the guidelines (private schools, etc.)**

##### *Private or independent schools*

451. There have traditionally been relatively few private schools in Norway. However, the number of private schools is expected to increase, partly as a result of a new proposal for an Act relating to independent schools that was debated in the Storting in spring 2003. The new Act replaces a previous Act relating to subsidies for private schools from 1985. Independent schools that wish to be approved pursuant to the new Act must meet certain content and quality requirements. The previous requirement concerning object has been expanded, and private schools are no longer required only to constitute a religious, ethical or pedagogic alternative to primary and lower secondary schools run by local authorities. The Government regards the services provided by independent schools as an important supplement and alternative to public schools and wishes to increase their number and thereby diversity in the educational sector, among other things by permitting approval of independent schools to be granted on qualitative grounds. Approval of international schools will also be permitted.

452. In the 2001-2002 academic year, there were 218 private primary and lower secondary schools operating in Norway, attended by approximately 22,000 pupils. There were also 23 private Norwegian primary, lower secondary and upper secondary schools abroad, attended by some 1,000 pupils. In the 2001-2002 academic year, 1.8% of primary and lower secondary school pupils attended private schools. There has been a steady rise in the number of pupils attending private schools. By comparison, in the 1990-1991 academic year this figure was 1.3%, which means that the number has risen by 0.5 percentage points in ten years.

453. In autumn 2001 there were 20 private colleges approved pursuant to the Private Higher Education Act. They had 21,393 registered students, equivalent to 12% of all students.

#### **Paragraph 8 of the guidelines (changes negatively affecting the right to education)**

454. No comment.

#### **Article 14. Free compulsory education**

455. Not applicable.

#### **Article 15. Culture and science**

456. Reference is made to Norway's third periodic report, paragraphs 463-517.

**Paragraph 1 of the guidelines (measures to realize the right of everyone to take part in cultural life)**

457. Democracy and decentralisation in cultural life are key elements of Norwegian cultural policy. This entails extensive involvement of local and regional authorities in decision-making processes. There is also emphasis on ensuring that the entire population has access to cultural activities.

458. Norwegian cultural policy has three main goals:

- to make high quality art and culture available to as many people as possible,
- to facilitate support schemes for artists in order to promote a creative cultural life,
- to collect, conserve and make available materials that make our cultural heritage relevant and visible.

459. Because Norway has a scattered population, there is strong emphasis on promoting participation in cultural life in all parts of the country. Consequently, financial support is provided for the touring activities of established cultural institutions in every region. Special institutions receive state grants to take theatre, music, opera, dance and pictorial art to places where established cultural services are limited. Furthermore, the goal of the Norwegian Council for Cultural Affairs, which was established in 1964, is to decentralise support for cultural measures by ensuring that there are better possibilities for supporting cultural life on the basis of local needs and priorities. The Norwegian Council for Cultural Affairs receives financial support from the State. New information and communication technology is being utilised. The cultural network Kulturnett Norge was established in 1997, with separate networks for libraries, museums, archives and art.

460. Twelve Acts play a central role in cultural policy administration. The purpose of the following two Acts is to ensure cultural participation for all:

- Act of 13 December 1949 No. 5 relating to the National Touring Theatre.
- Act of 20 December 1985 No. 108 relating to public libraries.

The following seven Acts contain rules relating to the protection of Norwegian culture:

- Act of 9 June 1978 No. 50 relating to the cultural heritage.
- Act of 18 June 1971 No. 79 relating to the Norwegian Language Council.
- Act of 11 April 1980 No. 5 relating to the use of language in public administration.
- Act of 18 May 1990 No. 11 relating to place names.
- Act of 4 December 1992 No. 126 relating to archives.

- Act of 9 June 1989 No. 32 relating to legal deposit of generally available documents.
- Act of 12 June 1987 No. 56 relating to the Sami Parliament and other Sami legal affairs. Chapter 3 contains rules relating to language rights.

461. The following three Acts were formulated on a cultural policy basis in order to provide for collective arrangements whereby remuneration is paid through the state budget to funds administered by various copyright organizations:

- Act of 29 May 1987 No. 23 relating to library fees.
- Act of 4 November 1948 No. 1 relating to tax on the sale of pictorial art.
- Act of 28 May 1993 No. 52 relating to remuneration for exhibition of pictorial and applied art, etc.

#### *Funds and support schemes*

462. In implementing its cultural policy goals, the Ministry of Culture and Church Affairs provides a substantial amount of support in the form of grants for the arts and other cultural activities at local and regional levels. Financial support is also provided for national institutions that arrange cultural activities in urban areas and local communities. There are also special state funds, earmarked for cultural activities, which are available to applicants from all over the country. The administrators of these funds give priority to promoting new, creative ideas and activities. There are also stipends and grants for artists, such as work stipends, travel stipends, establishment stipends, etc. Approximately 500 artists receive a guaranteed income from the State. Earmarked funds are also allocated for stipends for Sami artists.

463. Grants are allocated annually through the state budget. In 2002, the total budget for the Ministry of Culture and Church Affairs amounted to NOK 4.1 billion and the Ministry's cultural budget amounted to NOK 3.2 billion. In 2003, the allocation for stipends, guaranteed incomes and remuneration funds to be distributed to individual artists was divided as follows:

State stipends:	NOK 12 million
Stipends based on completed education:	NOK 11 million
Artists' stipends:	NOK 88 million
Guaranteed incomes	NOK 83 million
Remuneration schemes:	NOK 93 million

#### *Institutional infrastructure*

464. As described in Norway's third periodic report, paragraph 474, Norwegian cultural policy is implemented through a network of national, regional and local cultural institutions all over the

country. One innovation in 2002 was the establishment of a touring sign language theatre. Grants are also provided for sign language interpretation of selected performances at the permanent theatres.

*Promoting cultural identity*

465. One of the aims of Norwegian cultural policy is to promote cultural identity in a multi-cultural society. Norwegian culture, history and traditions are taught in Norwegian schools.

*Minorities and peoples*

466. There is special focus on Sami culture. Under the Sami Act, the Sami people have the right to use their mother tongue in communication with local and regional authorities.

467. Norway was the first state to ratify the European Charter for Regional or Minority Languages. Reference is made to Norway's second periodic report on the implementation of this Charter, submitted in March 2002 (Appendix 33).

468. In order to promote stronger Sami influence and greater decision-making authority in matters that particularly concern the Sami population, the Sami Parliament has been given responsibility for distributing grants to Sami organizations for cultural and linguistic purposes, and responsibility for many central government tasks that are particularly important for Sami culture. Nevertheless, the central government has the overall responsibility for Sami policy. Transfers to the Sami Parliament have increased from NOK 31,7 million in 1990, which was the first year in which the Sami Parliament was operational, to NOK 225 million in 2004.

469. The establishment of the Sami People's Fund is discussed in Norway's 16th periodic report to the UN Committee on the Elimination of Racial Discrimination (CERD/C/430/Add.2), paragraph 66. In May 2002 the Sami Parliament accepted the fund on the condition that the Government tried to resolve the claims for compensation from the Samis who lost schooling during the Second World War. Currently the Government is carrying out an overall evaluation of how to deal with these and other similar claims. A further consideration of how to deal with the claims from the Samis who lost schooling has to await the overall evaluation. For these reasons the Sami People's Fund has not been used so far.

470. The Government itself also administers grant schemes for the Sami people and national minorities. The grant scheme for Sami purposes is intended to conserve, develop and promote Sami identity, culture and social life. In the future years one of the principal priority areas of the Government is going to be the Sami language and information about Sami affairs. In 2004, NOK 3.7 million is allocated for this purpose.

471. To follow up the Council of Europe Framework Convention for the Protection of National Minorities, a special grant scheme was established for national minorities in Norway (Jews, the Kven, the Roma people/Gypsies, the Romani people/travellers and the Skogfinn). Support is provided for activities that promote active participation in society, measures to

combat discrimination, self-organisation and the preservation of identity and culture, and may be applied for by voluntary organizations or regional authorities. In 2004, NOK 2.9 million is allocated for this purpose.

472. One difficulty in connection with the establishment of cultural programmes for some minority groups has been that debates have often arisen about who is representative of the group and is thereby qualified to take part in consultative groups, etc.

#### *Mass media*

473. Newspaper coverage is exceptionally high in Norway. In addition to national newspapers, there are a large number of local and regional newspapers. Local newspapers and local radio stations promote participation in local cultural activities. In order to ensure national media diversity, many Norwegian newspapers receive official press subsidies. In 2002, press subsidies amounted to NOK 235 million.

#### *The cultural heritage*

474. The Cultural Heritage Act, which is discussed in Norway's third periodic report, paragraphs 481 and 482, provides the legal basis for conserving the cultural heritage. Conservation of the cultural heritage, which is a vital element of the work of the Ministry of Culture and Church Affairs, takes place, among other things, by providing grants for archives, libraries and museums. A special administrative body, the Norwegian Archive, Library and Museum Authority, has been established to be responsible for the overall administration of this sector.

475. Work is also in progress with a view to ratifying the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

#### *Artistic freedom*

476. As described in Norway's third periodic report, artistic freedom is protected under Article 100 of the Constitution. In cultural policy, the "arm's length" principle applies. This means that stipends and support for individual artists are administered by councils and committees which largely consist of representatives of the groups of artists concerned. Allocations take place in accordance with their professional judgement and cannot be appealed to the Ministry of Culture and Church Affairs. The arm's length principle is safeguarded through regulations and guidelines for the various stipend schemes for artists.

### **Paragraph 2 of the guidelines (the right to enjoy the benefits of scientific progress and its applications)**

#### *Application and promotion of the diffusion of information on scientific progress*

477. The diffusion of information on research and the application of the results of research is important. This was especially emphasised in 1990s research policy, cf. Report No. 36 (1992-93) to the Storting Research for the Community (English summary appended to the third periodic report) and Report No. 39 (1998-99) to the Storting: Research at the beginning of a new

era. The latter report emphasizes the fundamental role of research in the knowledge society, as a starting point for social debate and as a contributory factor in the development of our culture and in economic growth. It is important to establish good contact between research and the community by building good networks for liaison with public institutions and organizations, strengthening cooperation with business and industry and ensuring that the diffusion of information becomes an integral part of research activities. The Report also stresses the importance of research ethics.

478. The *Technology Council* was established in 1999 to promote transparency and public debate on research. The Council's mandate is to initiate technology assessments in all areas of society and disseminate information about the advantages and disadvantages of new technology.

479. Rational organisation of Norwegian research will help to ensure that research is well utilised. The merging of several research councils into the Research Council of Norway in 1992 has contributed to this. The 1993 Report set out the principles for an information strategy that particularly focuses on children and young people. The Research Council of Norway was given a key role in this connection and launched the annual *Research Days*. For one week each year, events are organised all over the country where research is presented to the general public through exhibitions, demonstrations of research projects, seminars, etc., and a special information prize is awarded.

480. The Government has also established a fund for a new international mathematics prize, the *Abel Prize*, which is on a par with the Nobel prizes in other areas and in memory of the Norwegian mathematician Niels Henrik Abel. This prize will help to raise the status of mathematics in society as a whole and stimulate the interest of young people in scientific studies.

481. The Research Council of Norway has been given a key role in developing measures to encourage interest in research among schools and pupils. As part of this effort, the Research Council is responsible for a programme entitled *Curious George*. When they become members, school classes receive a magazine in which various research topics are presented and problems described as a basis for work to find solutions. A Curious George Prize is awarded each year. The number of classes taking part is increasing steadily and Curious George is regarded as being a highly successful initiative for young people. A mathematics competition for school pupils has also been introduced, entitled *KappAbel*. In 2003, the Government also launched an *Action Plan for Science Subjects*, which includes measures to promote greater interest in mathematics and science subjects in education and research.

482. Other national competitions for young people include the *Young Researchers* competition, for which annual prizes are awarded at the national level. It is linked to the EU competition for young researchers, which awards prizes at the European level. The competition includes summer camps for young people and local research clubs.

483. Disseminating information through the media is another important means of encouraging interest in research. The Norwegian Broadcasting Corporation (NRK) has for some time broadcast a regular programme on research, entitled *Newton*, which targets young people.

484. One important goal of Government policy is to encourage greater cooperation between research and business and industry. The focus is on innovation, and work is in progress on a

national Plan of Action for Innovation. In 2002 a legislative amendment was adopted to enable universities and colleges to take over the right of scientific staff to patent and exploit inventions if they so wish. The goal is to increase the dissemination of information about research results to commercial companies and others.

#### *Environmental research*

485. Environmental research still has high priority in Norway. Research in the interface between energy and the environment, and marine research with emphasis on the environment, are priority areas for Norwegian research, as well as basic research in general. Polar research also plays a central role in environmental research.

#### *Research ethics*

486. In 1987, regional committees on medical research ethics were established in each health region in Norway. These committees assess all bio-medical research projects involving human beings and recommend or advise against the implementation of such projects. The National Committee for Medical Research Ethics (NEM) is the coordinating and advisory body for the regional committees. NEM also engages in information activities on ethical issues related to the results of new medical research.

487. National committees have also been established for research ethics in science and technology (NENT) and social sciences and humanities (NESH). In the same way as NEM, these committees provide information and advice on ethical issues related to research in their professional areas.

488. Biotechnology is largely regulated by two different Acts: the Act relating to gene technology, which was passed in 1993 and the Act relating to the medical application of biotechnology, which was passed in 1994. The latter Act is currently being revised. A Biotechnology Board has been appointed to provide advice and information on biotechnology to the public at large, the Government and the Storting.

#### **Paragraph 3 of the guidelines (copyright)**

489. The financial and moral rights of authors, scientists and artists and neighbouring rights-holders (performing artists, film and phonogram producers) are protected by the Act of 12 May 1961 No. 2 relating intellectual property (the Copyright Act). Computer programmes are protected in the same way as intellectual property. Databases are either protected as scientific, literary and artistic works or as special sui-generis databases. The Copyright Act was most recently amended in 2000 in connection with the right to remuneration of holders of neighbouring rights in the case of public performance of sound recordings. So far, there have been no major problems in implementing rights pursuant to the Copyright Act.

#### **Paragraph 4 of the guidelines (conservation, development and diffusion of science and culture)**

490. Reference is made to the above paragraphs. In 2001, Norway spent NOK 24.5 billion, equivalent to 1.65% of GNP, on research. Although this percentage has declined somewhat in relation to GNP in comparison with previous years, investment in research has increased



significantly since 1999. Among other things, a special Research Fund has been established that will help to ensure financing for long-term research. The proportion of research funding covered by business and industry has been increasing in recent years and accounted for 52% of total investment in research in 2001. The Government aims to reach the average invested in research in the OECD (2.2% of GNP) by 2005.

**Paragraph 5 of the guidelines (freedom for scientific research and creative activity)**

491. Reference is made to Norway's third periodic report, paragraphs 502-504.

**Paragraph 6 of the guidelines (international contacts and cooperation in the scientific and cultural fields)**

492. The Ministry of Culture and Church Affairs is responsible for Nordic and multilateral cultural cooperation. This includes cooperation within the Nordic Council of Ministers, UNESCO, the Council of Europe, the International Network on Cultural Policy and participation in EU culture and media programmes under the EEA Agreement.

493. Official cultural cooperation at the Nordic level is an element of Nordic inter-governmental cooperation. It takes place within the framework of the *Nordic Council of Ministers* and comprises general cultural activities in a broad sense. There is emphasis on artistic activity, child and youth culture, media issues, cooperation in relation to Nordic neighbours, joint Nordic cultural projects abroad, etc. This cooperation is financed from the Nordic Council of Ministers' budget. The Nordic Culture Fund provides support for joint Nordic cultural projects.

494. Through cooperation in UNESCO, Norway contributes towards implementing the goal of promoting cultural diversity, understanding of the role of culture in social development, and international cultural cooperation.

495. Norway is a member of the *International Network on Cultural Policy (INCP)*, which is an informal forum for culture ministers from 53 countries. The main aim of the network is to help ensure that cultural issues are on the international political agenda and promote international cooperation on cultural policy. Issues relating to cultural diversity and globalisation are a focal point of the INCP's activities.

496. Through the EEA Agreement, Norway participates in the EU programmes MEDIA II and Culture 2000 (2000-2004). Culture 2000 gives players in Norwegian cultural life the opportunity to apply for project funds in the same way as players from member states. The MEDIA programme aims to promote the development of the audio-visual industry in the EU and the EEA within the areas of education, development and distribution. The EEA Agreement is also important for work on new media technology.

497. In cooperation on culture and the media in the *Council of Europe*, new information technology and freedom of expression and information are priority areas. Other important areas of focus in cultural cooperation include education for democratic citizenship, conservation of the

cultural heritage and analyses for the development of cultural policy in member states. In the media sector, the priority areas are copyright, media diversity, digitalisation and international television broadcasting.

498. The diffusion of information about research is a central element of the work of various organizations of which Norway is a member. The main focus is on the work of the OECD Science Committee and the EU, which both have activities related to the Public Understanding of Science (PUS). Norway takes part in the EU Framework Programme for Research under the EEA Agreement. The diffusion of information about research and dialogue between science and society has a central place in the Sixth Framework Programme for Research and Technological Development (2002-2006) and is part of the action plan. This plan includes measures to promote interest in education among young people and measures to recruit women and promote research ethics. Norway participates actively in following up this plan.

499. Norway's policy includes ensuring broad participation in international research cooperation. In addition to cooperation at the individual level, which takes place through professional networks, meetings, publications and individual study visits, there has been a strong rise in Norway's official participation in organised international research cooperation in the past ten years. Investment in such cooperation almost doubled from 1992 to 2002 (from NOK 880 million to NOK 1,670 million). This increase is primarily due to Norway's participation in the EU Framework Programmes for Research and Technological Development. Norway is currently participating in the Sixth Framework Programme for Research and Technological Development (2002-2006). The Framework Programme allows for the participation of non-European countries, including developing countries, and has become the most important international arena for project cooperation for Norwegian researchers. This programme is also important because it increases the mobility of researchers. Norway also participates in the development of a European Research Area, which is more comprehensive than the Framework Programme and concerns measures to strengthen research in Europe in general, among other things through greater European coordination of work on infrastructure, innovation, quality development in research and a gradual opening up of national programmes.

500. Norway also participates in research cooperation through the Nordic Council of Ministers, the OECD and international basic research organizations, such as the European Organisation for Nuclear Research (CERN), the European Molecular Biology Laboratory (EMBL), the European Synchrotron Radiation Facility (ESRF) and the International Agency for Research and Cancer (IARC).

501. Nordic research cooperation under the auspices of Nordic Council of Ministers has a regional dimension which is very important for Norway. In the past ten years, the Baltic States have been included in cooperation in various ways. There is focus on efforts to increase mobility and the recruitment of researchers in academic and business life in the Nordic region, and emphasis on developing a Nordic Research Area parallel to the European Research Area (cf. EU).

502. In addition to multinational cooperation, there is emphasis on bilateral cooperation. The Government has developed general strategies for cooperation with certain major countries (including Russia, the USA, Germany and France) in which research is an important element. One important element of bilateral cooperation in this area is to encourage direct contacts and

agreements between research institutions. The number of institutional agreements doubled in the 1990s. They mainly concern cooperation with institutions in developing countries, Central and Eastern Europe, and the USA and Canada.

503. Norway allocates substantial development cooperation funds for development research and for cooperation on research with developing countries. Funding is provided for development research in Norway and for research cooperation between Norwegian institutions and institutions in developing countries. Funding is also provided for further education of students from developing countries, for human resource development and institution-building in the research and higher education sector, and for regional research networks in developing countries.

504. Norwegian research is intended to promote democratisation and social development in partner countries and at the same time strengthen countries' own research. Education and research are generally regarded as being key factors in a country's economic, social and cultural development.

505. Human rights, democratic development and good governance are priority areas in this type of development cooperation. Norway provides comprehensive development assistance for research and higher education. The budget item specifically earmarked for this purpose amounted to NOK 252.5 million in 2002. In addition to this, projects and programmes were financed under other budget items, including country programmes and assistance for research in international institutions, where research and higher education were one of the main elements. In 2002, Norwegian assistance for research and higher education amounted to more than NOK 400 million.

506. In 2002, the largest individual allocation under the budget item for support for research and higher education went to the Programme for Cooperation on Research between Universities in Norway and Research Institutions in the South (the NUFU Programme), which was established at the beginning of the 1990s. The NUFU Programme is regarded as being a highly successful instrument for the development of educational and research institutions. It is now in its third five-year period (2001-2006) and during this period will receive NOK 60 million a year from the Ministry of Foreign Affairs budget.

507. In the 1990s, Norway also had a special cooperation programme for Central and Eastern Europe. This has now been divided into separate programmes for project cooperation with Russia, candidate members to the EU, and South-Eastern Europe, respectively, which apply for the period 2000-2004. The main goal is to promote sustainable economic and social development in partner countries, with emphasis on institutional cooperation.

508. Apart from this, Norway contributes to research cooperation with developing countries, particularly in the fields of agriculture and health, through UN agencies such as the Consultative Group on International Agricultural Research (CGIAR) and the World Health Organisation (WHO).

509. In 2002, an agreement on research cooperation was signed with South Africa. Within the framework of this agreement, a special programme has been established, which will initially run until 2004, for project cooperation in selected areas between research institutions in the two countries. Work is in progress on an agreement on research and technology cooperation with Japan.

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