



Economic and Social Council

Distr.: General
27 November 2013

Original: English

Committee on Economic, Social and Cultural Rights Fifty-first session

Summary record of the 56th meeting

Held at the Palais Wilson, Geneva, on Thursday, 21 November 2013, at 3 p.m.

Chairperson: Mr. Ribeiro Leão

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fifth periodic report of Norway (continued) (E/C.12/NOR/5; E/C.12/WG/NOR/Q/5; E/C.12/NOR/Q/5/Add.1; HRI/CORE/NOR/2013)

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*
2. **Mr. Martynov** asked what new strategies the Government might adopt to help reduce child poverty given that the current measures had failed to achieve the desired effect even in times of growing prosperity. Since the periodic report (E/C.12/NOR/5) suggested that increased provision of free health care and education might be an effective remedy, he would appreciate clarification as to the level of services currently offered. More detailed information about the results of efforts to make free kindergarten places more widely available, especially in densely populated urban areas and for children aged under 3, would be particularly welcome.
3. In its replies to the list of issues (E/C.12/NOR/Q.5/Add.1), the State party indicated that for almost 60 per cent of recipients social assistance was a supplement to other income. Was he therefore correct in assuming that social assistance was the only means of subsistence for more than 40 per cent of recipients and, if so, what was the Government doing to ensure a decent standard of living above the poverty threshold for those persons? Expressing doubt as to whether collective wage agreements in Norway guaranteed adequate living conditions for low-paid workers, he asked how the average wage paid to the 10 per cent of employees with the lowest salary compared to subsistence levels. Lastly, he asked why the State party had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and whether it intended to do so.
4. **Mr. Mancisidor** asked for more details about the Norwegian Science Index mentioned in the report and what benefits its launch had brought. He urged the State party to consider adopting a human rights-based approach to scientific development and research. Noting that statistics provided by Eurostat and the Nordic Institute for Studies in Innovation, Research and Education indicated that less than 20 per cent of engineering professionals and academic staff in scientific and technical areas were women, he sought details of measures in place to attract more girls to traditionally male areas of study and increase women's participation in scientific and technical activities. He would also like to know whether the State party planned to participate in international cooperation programmes to foster women's involvement in technical and scientific research led by the Organization for Economic Cooperation and Development, the United Nations Educational, Scientific and Cultural Organization and the Council of Europe.
5. **Mr. Marchán Romero**, referring to paragraph 242 of the core document (HRI/CORE/NOR/2013), asked how equal treatment of the Sami was guaranteed in law and in practice, noting that, according to some sources, full and adequate protection for their cultural rights, including their linguistic rights and the right to carry on ancestral practices such as fishing and reindeer rearing, had not yet been achieved. In that connection, he would like to know whether the changes envisaged in the white paper on national language policy referred to in paragraph 482 of the report had been implemented and, if so, how they had improved the situation of the Sami in education and other areas. He would also appreciate examples of cases in which the State party had consulted indigenous

peoples prior to implementing plans and policies affecting them and what results had been achieved.

6. He invited the State party to adopt alternative policies that served to alleviate the situation of Roma people living in or in transit through Norway, as reports indicated that they had no access to decent housing, lived in substandard, peripheral areas and were too often treated in a punitive manner.

7. **Mr. Schrijver**, referring to paragraph 427 of the report, which stated that children had the right to access primary and lower secondary education only if they were likely to reside in Norway for more than three months, asked whether the children of asylum seekers and undocumented migrants enjoyed that right automatically or whether access was sometimes denied to those who had no possibility of remaining in Norway. With regard to the Sami, he would like to know about the impact of creeping assimilation on the future of their culture and language. Was the number of persons that could be said to belong to the Sami population stable, or was it declining?

8. **Mr. Sadi** invited the delegation to explain how the State party's rape and domestic violence prevention programmes functioned, noting that the current low conviction rates and relatively mild penalties were unlikely to provide much of a deterrent. He had been surprised to read that electroconvulsive therapy was sometimes applied without patients' consent and invited the State party to comment on its use of violent medical practices. Lastly, he asked whether promoting coexistence through schools, which could serve as incubators for the integration of children from immigrant and minority backgrounds, was a component of educational policy.

9. **Mr. Wille** (Norway) said that the Committee's general comments had been given considerable weight in Norway since the adoption of its first human rights action plan over 14 years previously. With regard to the issue of extraterritorial liability, the judiciary of Norway referred to the case law of the European Court of Human Rights and to the Guiding Principles on Business and Human Rights adopted by the United Nations Human Rights Council. The authorities were currently drafting a plan of action to implement those principles.

10. **Mr. Erlandsen** (Norway), referring to the table of expenditure provided in the core document, said that social expenditure had grown significantly in nominal terms but fallen as a percentage of gross domestic product (GDP) because of the rapid economic growth generated by oil revenues. Without oil revenues the pattern would be more stable. The changes in tax revenues as a percentage of GDP were attributable largely to the same phenomenon.

11. The Norwegian system of progressive taxation was considered an effective method of income redistribution. The pension system was a pay-as-you-go mechanism in which contributors' investments were used to support general public expenditure rather than being paid into a dedicated fund. Pension benefits were therefore protected against volatility. Recent reforms had included adjustments to life expectancy assumptions to bring those used for women into line with those used for men and the introduction of pension benefits for parents taking care of children. The system could not therefore be described as discriminating against women.

12. **Mr. Wille** (Norway) confirmed that, as a founding member of the Extractive Industries Transparency Initiative (EITI), Norway reported regularly to the EITI secretariat.

13. **Mr. Christiansen** (Norway) said that almost two thirds of immigrants in Norway were employed and that specific measures were in place to help them enter the labour market. In June 2013, persons from an immigrant background had accounted for 36 per cent of the registered unemployed and 43 per cent of participants in work integration

schemes. However, access to such schemes was not an automatic right and priority was given to persons who had been or intended to stay in Norway for more than a short-term period.

14. With a view to achieving a long-term reduction in involuntary part-time work and cementing a culture of full-time employment, the Government had approved new legislation, due to take effect in 2014, that would enhance the rights of part-time workers. For example, part-time employees who worked more hours than contractually agreed would henceforth have a statutory right to a proportionate increase in their contractual working hours.

15. Although there was no quota system, a range of initiatives were in place to bring persons with disabilities into work, including a dedicated trainee programme. Nonetheless, the jobless rate for persons with disabilities remained well above the national average and in 2011 78,000 persons with disabilities had been seeking work.

16. The fact that almost a fifth of the working population was on sick leave received disability-related benefits was not a reflection of a general deterioration in the nation's health. Negative trends in the demand for unskilled labour and generous social security benefits were the main causes. To address the situation, social security reforms due to be introduced in 2015 would provide incentives to combine work with benefits. The Government was also looking at work for welfare schemes as a means to bring marginalized young people into the labour market. Furthermore, since 2011 it had been cooperating with trade union and employer organizations to reduce illness-related absence and encourage long-term absentees to return to work.

17. There were no specific programmes to address long-term unemployment and most labour integration measures were based on individual needs, although certain guarantees were in place for those out of work for long periods. For example, young persons aged under 20 who had left school and failed to find work were given help to complete their studies. For young persons aged between 20 and 24 and young persons with a reduced work capacity who had been out of work for at least a month, individual needs-based activity plans were drawn up.

18. There had been little change in the number of health and safety violations. The statistical increase reflected a change in the registration system. The fact that inspections were conducted on the basis of risk analyses might also have an impact on detection rates.

19. The collective bargaining system was multi-tiered. Centralized consultations were fleshed out through local, company-specific negotiations, but local-level adjustments that ran counter to sector-level agreements were not permitted. Minimum wages were generally set in the nationwide agreements but subject to local adjustment. The Government believed that the current arrangements kept the minimum wage at an acceptable level.

20. **Ms. Skarstein** (Norway) said that gender budgeting was applied with growing frequency across Government ministries, thanks to the combined efforts of the Ministry of Children, Equality and Social Inclusion and the Equality and Anti-Discrimination Ombud, whose remit included monitoring compliance with the equal pay for work of equal value provisions of the Gender Equality Act. The gender pay gap had narrowed in recent years, although the average hourly wage of women in full-time employment was still less than 85 per cent of the average hourly wage of men.

21. The child allowance was a universal benefit that was not intended to be a main source of income for families. There were many more targeted benefits and measures available for families reliant on the social security system, including schemes to help single parents into work.

22. With regard to the interpretative declarations to the Convention on the Rights of Persons with Disabilities, the Government had been studying the scope of articles 12, 14 and 25 closely and had sought clarifications from the Committee monitoring implementation of the Convention. The new Act on Guardianship conformed to the provisions of article 12. When the current review was complete, the Government would reconsider the possibility of withdrawing the interpretative declarations.

23. **Ms. Krogenæs** (Norway) said that in 2013 the free core time in nurseries programme, which was key to improving living conditions in certain urban districts, would receive total funding of NOK 69.9 million. Future access to the scheme would be linked to parental participation in Norwegian language training programmes.

24. The Government action plan for combating forced marriage, female genital mutilation (FGM) and other severe restrictions on young people's freedom contained 22 measures centred around preventive campaigns in schools, coordination, cooperation and assistance. Under Norwegian law, any person convicted of performing FGM or of aiding and abetting the practice could receive a prison sentence of up to 3 years, including for offences committed outside Norway. The maximum prison term would rise to 6 years when the new Criminal Code entered into force in 2015, with the severest forms of FGM carrying terms of up to 15 years. FGM was covered in police training programmes. Unfortunately, however, no cases had been brought to court to date. Lack of proof was the usual obstacle.

25. **Mr. Wille** (Norway) said that the suicide rate was 11.9 per cent per 100,000 persons. It was higher among men and older people. There had been a significant decline in smoking among young people in the 16 to 24 age group, from 30 per cent in 1998 to 17 per cent in 2012. In order to encourage doctors to work in remote areas, they were given incentives such as tax reductions, assistance with paying back student loans and help with finding housing. There was a special recruitment scheme for doctors from the Sami people. Great priority was attached to combating drug abuse. National guidelines would be elaborated on the rehabilitation of drug addicts. Border controls would be stepped up in an effort to prevent smuggling. Children from poor families received free health care. In 2012, 84 per cent of patients in mental health units had freely consented to their admission, but 5,400 patients had been compulsorily committed. Electroconvulsive treatment was not permitted without the patient's consent, unless it was regarded as vital in order to save life.

26. The Norwegian Government's decision not to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families still stood. He drew attention to the information provided in paragraphs 77 and 78 of the report with regard to the health care of asylum seekers. The Government sought to ensure that health-care services were of the same high quality for everyone. It had a strategy to contend with the specific health problems of certain groups of immigrants and had published a guide to the health services available to asylum seekers, refugees and persons entitled to family reunification, which contained a chapter on the use of interpreters.

27. Referring to the information provided in paragraph 133 of the replies to the list of issues with regard to health care for prisoners, he explained that foreign prisoners had the right to receive medical care which could not be postponed until the end of their sentence. The local authorities in municipalities where prisons were located were allocated an annual budgetary appropriation to cover the expense of providing prisoners with primary health-care services. A study of mental health in prisons would be completed by 2014.

28. **Mr. Austad** (Norway) said the action taken to combat domestic violence, as outlined in paragraphs 95 to 99 of the replies to the list of issues, was in line with the Committee's concluding observations in 2005 (E/C.12/1/Add.109). His Government was not convinced that a comprehensive act would present any major advantages in comparison with the current situation where several different laws dealt with that issue. In 2012, the

police had recorded 2,557 complaints of domestic violence. The procedure for registering such cases was under review. Victims had reported an improvement in the way in which their complaints were handled by the police, although in some cases they possibly had unrealistic expectations about what action the police could take and how fast a case could be processed by the courts. The police encouraged victims to lodge complaints. It was difficult to compare national statistics on that subject because the definition of domestic violence differed. The whole procedure for handling domestic violence cases was being analysed. Sufficient evidence of domestic violence was found in only 40 per cent of reported cases. In 2010, provision had been made for the introduction of more severe penalties for domestic violence, as the latter was regarded as a very serious health issue. A new action plan was designed to fill the gaps in the assistance provided by the health system for victims of violence and to expand on existing measures for dealing with the perpetrators of such violence. Psychotherapy units already offered special programmes for them.

29. **Mr. Torp** (Norway) repeated the definition of homelessness to be found in paragraph 349 of the State party's report. A survey carried out in 2012 had reported a total of 6,200 homeless persons, 120 of whom had been sleeping rough. The majority were Norwegian males. Just over half of the homeless were drug addicts. In 2012, 680 children had been homeless. The causes of homelessness were being investigated.

30. There were approximately 102,000 social housing units, or about 20 units per 1,000 inhabitants. Part of the stock was in poor condition. A new national strategy therefore aimed to build more units for disadvantaged groups of the population and to improve the social housing service. Special attention would be paid to families with children, young refugees, drug addicts or persons with mental disorders. As explained in paragraph 377 of the State party's report, discrimination in the housing market was prohibited, but since the bulk of rented property was in the private sector it was hard to detect cases of discrimination. A study conducted in 2009 had revealed that various groups did experience discrimination which the authorities were seeking to prevent.

31. **Ms. Braathen** (Norway) said that immigrants could obtain free legal assistance even if they did not hold a residence permit. Free legal assistance was provided by legal advisers and lawyers. Legal aid could be granted in all urgent cases. Foreign nationals were entitled to free legal assistance without means testing in cases concerning the rejection of their asylum applications, expulsion or cancellation of their residence permit. An immigrant was not entitled to free legal assistance in cases regarding expulsion after conviction of a criminal offence.

32. **Ms. Ferguson** (Norway) said that a new legal aid service had been proposed with a view to enabling all citizens to obtain free legal assistance. Such assistance was already available in some areas, but it had had a substantial impact in terms of the user's welfare in relatively few cases. Before free legal assistance was introduced on a permanent basis, the Ministry of Justice would have to examine how that service could be improved to cover cases which would have a beneficial welfare impact.

33. **Mr. Løkken** (Norway) said that women filled 31.8 per cent of senior positions in academic institutions; 21.5 per cent of professors were women, but below that level women accounted for some 40 per cent of university teachers, although they made up only 7 per cent of the staff of science and technology faculties.

34. All children over the age of 1 had a statutory right to a place in a kindergarten. The Government intended to improve the quality of kindergartens and train more teachers. Only 3 per cent of children attended private schools. In some districts of large cities children from a migrant background outnumbered those without such a background. Schools had a good integrative effect as almost everybody was educated in the same school system.

35. **Mr. Austad** (Norway) said that the number of people begging in the street had increased in recent years. Many beggars were assumed to be adult Romanians of Roma origin. The banning or regulation of begging was under discussion. Legislation adopted in June 2013 allowed municipalities to regulate begging in public places. A ban on begging was not deemed to be a law discriminating against any particular ethnic group. In July 2013 a grant scheme had been established to provide humanitarian assistance to foreigners living on the street. The Norwegian Government gave substantial financial support to projects to improve the living conditions of Roma in Romania.

36. **Mr. Wille** (Norway) drew attention to the information contained in paragraph 262 of the State party's report and added that the obligation to attend compulsory education began as soon as residence had lasted for more than three months. That obligation applied to the children of asylum seekers and illegal migrants and to unaccompanied minors.

37. A priority area in the education sector was education in development cooperation and assistance. The Directorate for Education and Training had produced booklets supplying primary and secondary schoolteachers with background information about the Sami people, their languages and their traditions and had provided the appropriate teaching material. One aim was to offer Sami children the opportunity to become bilingual. The measures taken by the Government had led to an increase in the number of people speaking the Sami languages. He hoped that no creeping assimilation was occurring, but a minority culture was always vulnerable. There had been a slight increase in the number of persons registered on the electoral roll for the Sami parliament (the Sámediggi), which enabled the Sami people to exercise their right to self-determination and which had decision-making and consultative authority. The Sámediggi was consulted by the Government, its ministries and other subordinate authorities in matters that might directly affect Sami interests.

38. **Mr. Austad** (Norway) said that a survey had shown that 40 per cent of rape cases occurred in situations where young people had been drinking heavily. A campaign had been launched to alert young men to the dangers of putting themselves into situations where they could be accused of rape. Heavy criminal sentences were imposed for rape.

39. **Ms. Bras Gomes** said that the delegation had provided little data in addition to the information already supplied in the State party's report and replies to the list of issues. It had provided virtually no assessment of difficulties or of good practices. She asked the delegation to clarify whether one objective of offering a child a place in a kindergarten during core time free of charge was to increase the enrolment of children speaking a minority language in day-care centres. She wished to know whether every police district had a coordinator specialized in the issue of domestic violence. What was the reason for the lack of qualified translators able to translate information on legal advice for women from minority ethnic groups and migrant backgrounds? How could that scarcity of translators be remedied? She wondered if the approach to mental health with its focus on institutionalized care was due to the fact that the Mental Health Act was rather out of date. Did the Government regard education in development cooperation and assistance as one of its obligations under the Covenant?

40. **Mr. Abdel-Moneim** said that although the stabilization of social expenditure was a success from a financial standpoint, growing needs meant that spending should be increasing. While income tax was a good tool for income redistribution, even high levels of tax left the very rich with large amounts of money to spend, which led to inflation. Furthermore, all money raised through income tax must be spent on social services if wealth was to be equitably distributed. Additionally, indirect tax did not discriminate between the rich and the poor. Lastly, he hoped more would be done to make Norwegian literature known globally.

41. **Ms. Shin** said that the Committee had received information from persons with psychosocial disabilities claiming to have been victims of forced detention and treatment in Norway. The State party should listen to their stories and amend or repeal its Mental Health Care Act, which provided for forced hospitalization. She asked whether Norwegian citizens who purchased sex outside Norway were punished, whether parental leave was reduced if fathers did not use their quota and how many fathers took parental leave.

42. **Ms. Ravenberg** asked whether the institutionalization of domestic victims, if necessary, was always carried out with their full and free consent. The Committee had been informed of at least one case where a victim had been institutionalized against her will.

43. **Mr. Martynov** asked how “full coverage” was defined in terms of places in kindergartens and until what age children could attend them.

44. **Mr. Kedzia** (Country Rapporteur) asked the delegation to confirm whether the requirements for family reunification, which the Committee had previously suggested should be relaxed, had in fact been made stricter by the new Immigration Act.

45. **Mr. Wille** (Norway) said that it was too early to comment on the priority given to education by the new Government. The Mental Health Care Act provided for various circumstances in which forced medical treatment could be administered, including when voluntary treatment had been unsuccessful, when a lack of treatment would considerably reduce the prospect of a patient’s condition improving, when a patient’s condition would significantly deteriorate in the near future and when there was a risk to the life or health of the patient or others.

46. **Mr. Austad** (Norway) said that since 2008, all police districts had been required to employ a full-time coordinator working on domestic violence, whose responsibilities included training and sexual crimes against children. Larger districts also had special teams working on domestic violence. Of the 27 districts, 21 had full-time coordinators and the Police Directorate monitored each district’s work. Domestic violence victims were not institutionalized against their will as a matter of course; if victims were suffering mental problems, the police were obliged to place them in protection. Persuading victims to file complaints and receive assistance was a major task for the police and health authorities, and improvements were being made.

47. The purchasing of sex had been prohibited since 2009, a ban that also applied to citizens outside the country. That regulation had been intended to influence attitudes rather than lead to police investigations and in fact the police had never investigated such offences abroad.

48. **Ms. Krogenæs** (Norway) said that parents whose children benefited from free core time in kindergartens were not currently obliged to participate in activities or Norwegian language training. In future, however, such participation would be obligatory.

49. **Ms. Skarstein** (Norway) said that kindergartens mainly admitted new children once a year. However, many municipalities also made admissions throughout the year, and therefore places were available before the next main admission. Children could attend kindergarten until they started school at the age of 6.

50. **Mr. Christiansen** (Norway) said that financial social aid was allocated according to the needs of individuals and could be their main income or a supplement. Such aid aimed to provide a modest subsistence for a short period of time, and the Government worked to help long-term recipients either find work or qualify for other permanent benefits. It also endeavoured to ensure that two-income families earned a living wage; if not, they might be entitled to supplementary social assistance benefits. However, levels of working poor were low in Norway.

51. **Ms. Braathen** (Norway) said that the Immigration Act had come into force in January 2010 and had tightened the requirements regarding subsistence and housing. In October 2012, an increase to the subsistence requirement where foreign nationals wished to establish a family in Norway had been proposed, but no decision had yet been taken. The Government planned to consider how income requirements affected women and men differently, to introduce measures in that regard if necessary and to consider granting more power to immigration authorities to make exceptions to subsistence requirements. The Government was aware that applicants found family immigration legislation complex and was closely monitoring the situation.

52. **Mr. Erlandsen** (Norway) said that Norway recognized the importance of the welfare State. He noted Mr. Abdel-Moneim's position that Norway should be more ambitious in that regard, along with his remarks on tax and income distribution.

53. **Ms. Skarstein** (Norway) said that information on gender equality and family policy for women from ethnic minority backgrounds would be reinforced through different activities, including the inclusion of material on government websites, competence-building for Norwegian language teachers and dialogue with voluntary organizations. In the past, the Government had funded such measures.

54. **Ms. Krogenæs** (Norway) said that immigrants received education on the Norwegian language, society and law, and a website called "New in Norway" provided practical information from different public agencies. The Government endeavoured to improve the quality of public-sector interpreting through extensive measures. The Directorate of Integration and Diversity was the national professional authority for public-sector interpreting, and an interpretation commission had been appointed, whose mandate was to ensure better quality and organization for interpretation services. The number of qualified interpreters had increased significantly and an interpretation studies course had been introduced at Oslo and Akershus University College. The Norwegian National Register of Interpreters had been established and currently listed 1,347 interpreters in six different languages. Annual surveys on the use of interpreters in the public sector were carried out; one of their findings had been that children were occasionally used as interpreters, a practice that the Government planned to prohibit.

55. **Ms. Skarstein** (Norway) said that the total period of parental leave decreased if fathers did not use their quota; any surplus could not be transferred to mothers. Approximately 90 per cent of fathers used at least some of their quota. The Government had decided to reduce the quota to 10 weeks in seeking to give parents maximum flexibility in deciding how to divide parental leave. The total entitlement remained unchanged.

56. **Mr. Wille** (Norway) said that the dialogue with the Committee had been interesting, inspiring and thought-provoking. Norway had established comprehensive procedures for following up the concluding observations.

57. **Mr. Kedzia** said that Norway had achieved a great deal in the area of economic, social and cultural rights, particularly by increasing its official development assistance at a time when many countries were implementing austerity measures. Such achievements meant that expectations were high. The concluding observations were a continuation of the dialogue and aimed to contribute to the protection of economic, social and cultural rights in Norway.

The meeting rose at 5.50 p.m.