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

Summary record of the 55th meeting

Held at the Palais Wilson, Geneva, on Thursday, 21 November 2013, at 10 a.m.

Chairperson: Mr. Dasgupta (Vice-Chairperson)

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The meeting was called to order at 10.10 a.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 (E/C.12/NOR/5; HRI/CORE/NOR/2013; E/C.12/NOR/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*

2. **Mr. Wille** (Norway) said that the International Covenant on Economic, Social and Cultural Rights was an integral part of the Norwegian national legal order, on the same footing as the International Covenant on Civil and Political Rights. The provisions of the Covenant could be directly invoked before the courts and had primacy over national laws. More than half the ministries had been involved in the preparation of the fifth periodic report, thereby demonstrating his Government's commitment to the international human rights system. Since submitting its replies to the list of issues, the Government had ratified the Convention on the Rights of Persons with Disabilities. In addition, the Child Welfare Act had recently been amended to strengthen the right of children to be heard in matters involving them, and children could now be accompanied by a person they trusted at meetings with the child welfare service. Amendments had also been made to enable children to take part in decision-making and be heard in any judicial proceedings regarding parental responsibility, their permanent home and their right of access to their parents. The protection of children at risk of violence or sexual abuse by one of their parents had also been strengthened. Lastly, the Government would shortly begin to draft a universal anti-discrimination law which would replace the current anti-discrimination legislation.

3. **Mr. Kedzia** (Country Rapporteur) noted with satisfaction that Norway was the developed country that allocated the biggest share of its GDP to official development assistance. Since the figures provided dated back to 2009, he asked whether the global economic and financial crisis had had an effect on the amount of that assistance. He also asked whether civil society, which had submitted alternative reports, had been involved in the preparation of the fifth periodic report and in what way.

4. Regarding the perception of economic, social and cultural rights, he asked how the Committee should interpret the Supreme Court's position that international instruments that had been incorporated into national law were directly applicable only if tangible obligations and rights could be derived from their provisions. Noting that the Covenant had been invoked by the Supreme Court on only three occasions, he asked whether that meant that the courts did not yet recognize the enforceability of the Covenant's provisions or that they considered them a duplication of national law. He wished to know whether the Government had taken steps to disseminate the case law of other countries in the field of economic, social and cultural rights among those responsible for the administration of justice.

5. He would like to know the findings of the commission appointed to examine the status of human rights in the Constitution and propose amendments to strengthen that status, in the light of information the Committee had received to the effect that the enforcement of economic, social and cultural rights was less stringent in national law than for civil and political rights. He would also like to know the findings of the commission appointed to consider the need to ratify the Optional Protocol, and to learn the State party's intentions in that regard. In addition, he wished to know what measures were planned regarding the establishment of a national human rights institution in conformity with the Paris Principles. He enquired about the current situation of the Norwegian Centre for

Human Rights; it had been designated as the national human rights institution and had received A status, but that had subsequently been revoked owing to lack of resources.

6. **Mr. Atangana** requested further information about the measures and penalties adopted to combat corruption.

7. **Mr. Kerdoun** asked whether the State party considered that its ODA achieved its objectives and whether its bilateral assistance was conditional.

8. **Mr. Mancisidor** asked what mechanisms the State party had set up to ensure that Norwegian cooperation for development contributed in a useful way to the realization of economic, social and cultural rights in beneficiary countries and to assess cooperation projects. He would like to know the Government's position regarding allegations that economic, social and cultural rights were being violated in a number of countries through projects financed by the Government Pension Fund Global. He also asked whether the Government had plans to involve the public in the management of the Fund as a means of ensuring that international standards were met.

9. **Mr. Ribeiro Leão** asked whether the provisions of conventions that had been incorporated in the national legal order and had primacy over ordinary laws also prevailed over the Constitution.

10. **Mr. Sadi** asked whether the mixed economic system chosen by Norway was conducive to the realization of the rights set forth in the Covenant. He wished to know whether the various ministries had an adequate grasp of the provisions of the Covenant and whether they took them into account in policymaking. He requested additional information about the successes and failures of the migrant integration policy.

11. **Ms. Shin** requested further information on the situation of persons with disabilities in the areas of employment, social assistance and health care. She asked why gender-budgeting was optional, how many ministries had chosen that method and what the results had been.

12. **Mr. Tirado Mejía**, referring to information that the Sami were discriminated against, asked for details on how that population group was treated.

13. **Ms. Bras Gomes** commended the State party for its plan to adopt a comprehensive anti-discrimination law shortly, and encouraged it to take account of the Committee's general comment No. 20 and to include in the law all the grounds of discrimination mentioned in the Covenant. She noted with concern that Norway appeared to want to limit opportunities for individual legal action on economic, social and cultural rights, which would explain its reluctance to ratify the Optional Protocol. Could the delegation clarify that point? She wished to know how the policy to combat discrimination against migrants was linked with the migrant integration policy and what the outcomes of those policies had been.

14. **Mr. Kedzia** said that the Government Pension Fund Global, given its major economic role in the world, could also promote greater observance of human rights in general and economic, social and cultural rights in particular. Accordingly, it would be interesting to know whether, before investing in a given project, the Fund requested an environmental impact assessment and required beneficiary firms to undertake to provide sufficient remedies to persons whose fundamental rights might be jeopardized by their activities.

Articles 6 to 9 of the Covenant

15. **Mr. Ribeiro Leão** asked whether the Roma, asylum seekers and refugees were included in the immigrant employment policy and whether foreigners could benefit from

the labour market classes, work placements and wage subsidies mentioned in paragraph 150 of the report. He also asked whether the white paper on corporate social responsibility in a global economy, which the Government had published in 2009, addressed the issue of the responsibility of businesses operating abroad.

16. **Ms. Shin** asked what the employment rate was for persons with disabilities and whether the State party had instituted quotas to encourage their recruitment. She wished to know the impact of the policy to reduce the gender pay gap and whether the State party planned to change the image of primarily female occupations and draw parallels between the various types of employment in order to achieve equal pay for equal work. Lastly, she requested further information about the legislation that the State party intended to adopt in order to give women access to full-time jobs.

17. **Ms. Bras Gomes** said that she did not understand how such a high percentage of the active population (20 per cent) could be receiving sickness benefits. She wished to know the nature and results of the programmes helping the long-term unemployed get back to work. She would appreciate additional information on the economic situation of large families, headed by a woman, as she was concerned that family allowances were sometimes insufficient to ensure a decent standard of living. She also wished to know more about the pension reform, which could, in the long run, be detrimental to women.

18. **Ms. Schrijver** asked whether the measures taken to promote the employment of women from minority ethnic groups and the recruitment of young people had been successful, and whether the State party believed that the minimum wage negotiated by management and employees was sufficient to ensure that workers and their families had a decent standard of living.

19. **Ms. Cong**, referring to paragraph 179 of the report about efforts to promote greater transparency regarding the flow of money between petroleum and mining companies and the Governments of the countries where they operated, asked whether the Norwegian Government could regulate the activities of multinationals established abroad in order to ensure that the human rights of local populations were protected.

The meeting was suspended at 11.30 a.m. and resumed at 11.40 a.m.

20. **Mr. Wille** (Norway) said that the Norwegian Centre for Human Rights, located within the University of Oslo, would wind up its activities on 1 July 2014. It would be replaced by a new national human rights institution which would be in conformity with the Paris Principles. The new Government formed following the general election of September 2013 had not yet made a decision on acceding to the Optional Protocol, but had initiated an independent study to assess the legal consequences of ratification. The ensuing report had been submitted for consideration by the competent public bodies and civil society organizations. Kvens had national minority status, whereas the Sami had indigenous people status. In 2009, the Government, which was obliged to protect Sami language and culture, had designed, in collaboration with the Sami parliament, a national action plan to increase the number of speakers of the three Sami languages by encouraging their use in preschool, primary and secondary education and vocational training, and also in government and health services. In some northern towns, Sami was an official language on a par with Norwegian.

21. **Mr. Lokken** (Norway) said that the global financial crisis had not adversely affected Norway's official development assistance. Norway had even been commended by the Organization for Economic Cooperation and Development for having allocated 1 per cent of its GDP to official development assistance in 2009. His Government stressed the need for a human rights-based approach to development and had requested the compilation of a set of best practices for development projects abroad based on the principles of transparency, accountability, the rule of law and non-discrimination. Over the past five

years, Norway had worked hard to promote debt relief, had forgiven the debt of some developing countries and had participated in the Heavily-Indebted Poor Countries Initiative.

22. **Ms. Rudde** (Norway) said that the Covenant could be directly applied by a court and had primacy in the event of conflict with a national law. The fact that it had never been explicitly cited in a court decision did not mean that economic, social and cultural rights were not protected in Norway; in some cases, judges had based their decisions on national laws and, in others, on the copious relevant case law of the European Court of Human Rights. The committee appointed by parliament to examine the possibility of adding a “human rights catalogue” to the Constitution had presented its report in 2012. It advocated including a number of economic, social and cultural rights, as well as civil and political rights, in the Constitution. Parliament would consider those recommendations at a session yet to be scheduled.

23. **Mr. Austad** (Norway) said that, although the number of corruption cases was relatively small in Norway, the Criminal Code had been amended to broaden the scope of what was considered to be corruption in law. Furthermore, to combat corruption, training courses had been organized for police officers, public prosecutors and members of the anti-economic crime unit.

24. **Mr. Erlandsen** (Norway) said that the Government Pension Fund Global was well aware of its responsibilities as an investor abroad. In fact, some ten years earlier, it had adopted guidelines that took account of environmental, human rights, transparency and governance issues. It had the authority to exclude businesses from its list of beneficiaries in certain cases. The Norwegian Investment Management Bank, which managed the Fund, had an array of tools to assess the human rights situation in a given country before investing in a project there. It was mindful of the fate of women and children in the target country, ensuring specifically that children were not subjected to forced labour. In those circumstances, his Government did not believe that the Fund’s investments rendered Norway liable within the meaning of article 2 of the Covenant.

25. **Ms. Skarstein** (Norway) said that, since 2005, all ministries had been required to evaluate the extent to which factoring in gender issues affected the impact of their policies on both genders. A 2009 appraisal of gender-budgeting had found that all ministries had made efforts in that area, albeit to varying degrees. In addition, pursuant to the 2009 anti-discrimination and accessibility law, employers must endeavour to foster equality regardless of disability and report annually on the measures they had taken in that regard. The hallmarks of the Action Plan to Promote Equality and Prevent Ethnic Discrimination (2009–2012) — which fell under the responsibility of the Ministry of Children, Equality and Social Inclusion and comprised 66 measures relating to a variety of areas, including housing and education — were real cooperation between management and employees and greater awareness of ethnic discrimination.

26. **Ms. Krogenaes** (Norway) said that the unemployment rate among immigrants was 6.9 per cent for men and 7.8 per cent for women, compared with 2 per cent for the rest of the population. A job prospects programme had been set up to increase the employment of immigrants who could not get a job because of lack of qualifications and were not covered by any special programme, especially stay-at-home women. Most of the measures taken as part of the Action Plan for the Integration and Social Inclusion of the Immigrant Population (2007–2010) had become standard components of national social policy. Parental guidance programmes had been put in place to teach Norwegian through specific activities.

27. **Mr. Christiansen** (Norway) said that, in 2012, the Government had adopted a strategy on the employment of persons with disabilities to increase the number of persons with disabilities who had a job by helping them enter the labour market and supporting employers who offered them jobs. In 2013, the Government had decided that its own

departments would become models for other public entities in terms of the training and recruitment of young persons with disabilities. In cooperation with the Norwegian Association of Local and Regional Authorities, the Ministry of Labour had invited four municipalities to act as models for the integration of young persons with disabilities in the labour market. Persons with disabilities were fully covered by the general social assistance scheme.

28. **Mr. Wille** (Norway) said that his country intended to maintain a mixed economy. Civil society had been consulted during the preparation of the report, which the Ministry of Foreign Affairs had coordinated.

29. **Mr. Kedzia** drew the delegation's attention to the fact that the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, in a report presented to the Human Rights Council in 2011 that set out guiding principles on business and human rights (A/HRC/17/31), had written: "At present States are not generally required under international human rights law to regulate the extraterritorial activities of businesses domiciled in their territory and/or jurisdiction. Nor are they generally prohibited from doing so, provided there is a recognized jurisdictional basis. Within these parameters some human rights treaty bodies recommend that home States take steps to prevent abuse abroad by business enterprises within their jurisdiction." The Committee, in particular, had issued a similar recommendation in paragraph 5 of its Statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights (E/C.12/2011/1). Setting aside the potential legal debate on the nature of extraterritorial obligations, he asked the State party to bear in mind, in its management of the Government Pension Fund Global, the current direction that thinking on the issue was taking at the international level.

30. **Ms. Shin** asked whether expenditure on promoting gender equality had risen over the past few years and whether the number of employed persons with disabilities had grown. She also wished to know whether the State party intended to withdraw its reservations to articles 12, 14 and 25 of the Convention on the Rights of Persons with Disabilities.

31. **Mr. Mancisidor** asked whether the most underprivileged had access to free legal aid.

Articles 10 to 12 of the Covenant

32. **Mr. Atangana** enquired about measures taken to end domestic violence and the nature of the penalties incurred by perpetrators.

33. **Mr. Pillay** asked whether the new social housing strategy would improve the quality of existing social housing, increase the number of units, and reduce the number of street children and homeless persons. He invited the delegation to describe measures taken to enforce anti-discrimination laws more effectively in the housing sector, especially in relation to underprivileged groups.

34. **Ms. Ravenberg** requested further information on the number of cases of domestic violence, and on proposed measures to alleviate the shortage of family doctors in isolated and rural areas and to ensure that detainees and children in residential centres received quality health care, especially psychiatric care.

35. **Mr. Ribeiro Leão** asked whether migrants, in a regular or irregular situation, had access to free legal services in order to claim their rights under the poverty reduction plan.

36. **Mr. Tirado Mejía**, referring to paragraph 100 of the State party's replies to the list of issues, asked why the Government was not contemplating the adoption of a comprehensive law on violence against women. He would like to have more details about

the number of convictions of perpetrators of female genital mutilation and about any awareness-raising campaigns to end the practice. He enquired about Government policies to reduce the high number of young smokers over the age of 15, keep drug consumption at its current low rate and reduce the suicide rate.

37. **Mr. Abdel-Moneim** asked whether taxation really enabled a degree of income redistribution and whether the State guaranteed all social security assets in the event of losses related to investments.

The meeting rose at 1.05 p.m.