



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

**List of issues to be considered during the examination of the
fifth periodic report of NORWAY (CCPR/C/NOR/2004/5)**

Right to self-determination (art. 1)

1. Please provide further information on the outcome of the working group established to prepare a proposal on how to increase parliamentary decision-making power of the Sameting in areas affecting the Sami population in Norway. (CCPR/C/NOR/2004/5, paras. 4 and 239 and previous concluding observations, CCPR/C/79/Add.112, para. 17.)

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

2. It is reported that on 15 June 2004 the Parliament removed the right to free legal aid for asylum-seekers before the Directorate of Immigration, which handles the cases in the first instance. Has the State party undertaken steps to ensure the access to effective legal remedies inter alia, by offering asylum-seekers free legal aid at all stages of their application?

3. Have new factors emerged since the submission of the fifth periodic report that would allow Norway to envisage a complete withdrawal of its reservations to article 14, article 10, paragraphs 2 (b) and 3, and to article 20, paragraph 1? (CCPR/C/79/Add.112, observations, para. 12 and fifth periodic report, para. 162.)

**Counter-terrorism measures and respect of guarantees
contained in the Covenant**

4. Please provide a detailed account of legislative measures adopted in relation to terrorism pursuant to Security Council resolution 1373 (2001), in particular those measures that may affect the rights guaranteed under the Covenant. Please give an account of cases in which those measures have been invoked. Please also provide information on the proposed amendments to the Alien Act on the basis of the Security Council resolution.

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

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

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

8. According to information before the Committee, due to insufficient resources and funding some psychiatric institutions have discharged patients who shortly after their release committed suicide or even murder. Has the State party taken any measures to remedy such situations? Please provide adequate statistics on these cases.
9. How often and under what circumstances is solitary confinement authorized? Please provide information about medical and psychological treatment for persons in solitary confinement and training of penitentiary personnel on proper procedures for safeguarding prisoners' welfare.
10. According to information before the Committee, some prisoners committed suicide while in security cells or solitary confinement, and the State party provided no statistics on these cases. Please produce adequate statistics concerning deaths in detention and the assumed causes, as well as information on measures taken to prevent such cases.
11. What steps has the State party taken to educate law enforcement officials about their human rights obligations, in light of the persistence of a high incidence of ill-treatment by police officers of detainees and suspects?
12. According to information before the Committee, female prisoners who are Norwegian citizens may have leave from prison when breastfeeding, whereas foreign prisoners in the same situation will generally not be given leave because of the risk of fleeing. Please comment on this in light of articles 10, 17 and 26 of the Covenant.
13. According to a study on domestic violence conducted in Oslo in 2004, one out of six women had been subject to domestic violence at least once after reaching the age of 16. What measures has the State party taken or plans to take to eliminate such practices and to provide

adequate protection to victims? Please also provide information on the number of prosecutions and convictions in cases of domestic violence. What measures is the State party taking to sensitize public officials to the issue of domestic violence? (Fifth periodic report, para. 35.)

14. According to information before the Committee, the State party denies social basic rights to refugees and asylum-seekers in order to force them to return to their countries of origin, even in cases where their physical integrity may be at risk. Please comment on this.

Prohibition of slavery (art. 8)

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

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

16. Has the State party taken measures other than those mentioned in paragraph 86 of the fifth periodic report, to review the enabling legislation regarding the excessive length of pretrial detention? Has the State party also addressed the concern of the Committee that the liberty of persons may be withdrawn by administrative detention? What action has the State party undertaken to guaranteeing full compliance with all provisions of article 9 of the Covenant? (Previous concluding observations, para. 11.)

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

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

Freedom of opinion and expression (art. 19)

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

Rights of minorities (art. 27)

19. The report contains information on the Sami people, but it makes no reference to the situation of the East Sami people. In light of information before the Committee, the East Sami people are not represented in the Sami Assembly and its special situation was not addressed in the Finnmark Act. Please provide further information in this regard.

20. Please provide comments on the following alleged deficiencies of the Finnmark Act:
- (a) Breach of the 1981 agreement between the Government and Sami organizations;
 - (b) Non-recognition of the Sami peoples' right to land and resources as compared to the non-Sami population in the region;
 - (c) Expansion of the rights of non-Sami people to use Sami territory;
 - (d) Persistence of the right to expropriate land on Sami territory for public purposes without compensation;
 - (e) Absence of identification of areas where Sami have the right to ownership and possession in accordance with international law.
