



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Summary record of the first part (public)* of the 1100th meeting

Held at the Palais Wilson, Geneva, on Thursday, 1 November 2012, at 10 a.m.

Chairperson: Mr. Grossman

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1100/Add.1.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Combined sixth and seventh periodic reports of Norway (CAT/C/NOR/6-7)

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*
2. **Ms. Meinich** (Norway) said that the interministerial group set up in June 2011 to consider the ramifications of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had submitted its report in April 2012 for consideration by the Government, the competent authorities and NGOs. In the report, it had been recommended that the Office of the Parliamentary Ombudsman should take on the role of national preventive mechanism if the Optional Protocol was ratified. The Norwegian Government had also submitted to the parliament a proposal to ratify the Convention on the Rights of Persons with Disabilities.
3. The national human rights institution was being reorganized. Set up in 2001 as the Norwegian Centre for Human Rights within the University of Oslo, it had initially been in compliance with the Paris Principles and accredited with “A” status by the International Coordination Committee of National Human Rights Institutions until the latter had decided to downgrade it to “B” status when the centre’s mandate came up for renewal. The University of Oslo, which had concluded that its mission of conducting research and pursuing intellectual freedom was incompatible with its obligations in running the centre, had made a request to be relieved of that task. The Norwegian Government had therefore established an interministerial working group to look at ways of altering the centre’s operating procedures or establishing a new national institution in compliance with the Paris Principles. The working group would submit its report on 14 December 2012.
4. In June 2009, the parliament had proposed revising the Constitution in order to give constitutional rank to the human rights norms already enshrined in the Human Rights Act of 1999, including the prohibition of torture and inhuman or degrading treatment or punishment. The proposed amendments could be adopted after the next general elections, which would be held in September 2013.
5. Proposed amendments to legislation regarding young people in conflict with the law mentioned in paragraphs 103 to 105 of the periodic report had been adopted by the parliament. The changes were designed to reduce the number of 15- to 18-year-olds held in detention by focusing on restorative justice and to ensure that they were held separately from adults, which would become possible when a new juvenile detention centre, with capacity for 15 persons, opened in the east of the country. Currently, one juvenile unit with room for four people operated in Bergen. In the meantime, other juvenile prisoners were held in a day unit in Oslo prison. The Directorate of Health had adopted a mental health strategy for 2012–2015 that recommended, in particular, limiting the use of restraints.
5. On 22 July 2011, Norway had been the subject of a double terrorist attack, which had claimed 69 lives in Utøya and 8 in Oslo, as well as leaving many wounded and causing significant damage to property. The trial of the perpetrator, Anders Breivik, had set the Norwegian justice system a hefty challenge, given the great number of people caught up in the tragedy. The trial had been shown by video link in courts around the country and the State had provided victims with counsel, in accordance with the rules of criminal procedure regarding violent acts. Mr. Breivik was held in maximum security detention, had no contact with other inmates and was subject to special security provisions with regard to the receipt of mail, visits and telephone calls. Those tragic events had raised questions regarding provisions of the Criminal Code on criminal liability and mental incapacity.

6. Lastly, she wished to correct an error in paragraph 66 of the periodic report: only foreign nationals who had received a deportation order due to a violation of the Immigration Act, and not those who had committed a criminal offence, were entitled to free legal aid.

7. **The Chairperson**, speaking as Country Rapporteur, said that the Committee wished to convey its condolences to the victims of the terrible terrorist attacks that had struck Norway on 22 July 2011. He would like to know whether the State party intended to incorporate the Convention into domestic law in order to make it directly applicable by the courts and whether the attempt to commit torture was an offence under the Criminal Code. He also wished to know whether the State party had acted or planned to act to reduce the high number of police checks to which members of ethnic minorities were subjected. He would appreciate more information on the conditions for the granting of free legal aid.

8. He asked the delegation to indicate which ministry was responsible for putting the recommendations of the Rape Committee into practice and to provide details on the electronic surveillance of persons who were the subject of a restraining order. Noting a discrepancy between the statistics provided by the State party and NGOs, he asked what the maximum period was during which foreign nationals could be kept in the Trandum Holding Centre, and whether women and children were also held there. He would also like to know whether medical and police records were kept separately. He enquired whether the Government had reversed its decision not to authorize the International Committee of the Red Cross to carry out visits in the State party. He also asked what “extreme” cases justified the placement of a suspect in solitary confinement and about specific cases in which the measure had been applied and for how long. Had persons held in pretrial detention also been placed in solitary confinement? Was it possible to appeal against a decision to place a person in solitary confinement?

9. He asked what had been the outcome of investigations by the Immigration Appeals Board in the wake of the return to Iran and imprisonment there of an asylum seeker. He would like to know whether mechanisms had been put into place to monitor the situation of Afghan nationals arrested by the International Security Assistance Force (ISAF) in Afghanistan and handed over to the Afghan authorities. Given that persons awaiting deportation were no longer entitled to free legal aid at the outset of the procedure, he asked whether they were at least made aware in a language they understood of the existence of associations that could offer them legal aid on a voluntary basis and of their right to refuse to be questioned without a lawyer.

10. **Mr. Wang Xuexian** (Country Rapporteur), noting that the proposed amendments to the Constitution mentioned by the delegation in its opening statement included a new provision prohibiting “unfair discrimination”, asked whether the State party found any form of discrimination fair or acceptable. He would also like to know what was holding up the establishment of the second detention centre for young people in conflict with the law in the east of the country, given that it would hold a mere 15 people. In that context, he asked whether the State party was considering withdrawing its reservations to article 10, paragraphs 2 (b) and 3, of the International Covenant on Civil and Political Rights.

11. He wondered why the State party considered the creation of mechanisms to assess the effectiveness of its human rights awareness-raising programmes to be such a complex task that it had no immediate plans to do so. Could the authorities not make an overall assessment of the impact of those programmes without necessarily having to develop a specific methodology? Given that the number of complaints against members of the police for discriminatory treatment was so low, it was difficult to understand why the Bureau for the Investigation of Police Affairs had no corresponding statistics. More detailed information on statistics contained in the periodic report regarding the unwarranted use of force, in particular the exact nature of the acts committed, would be welcome. Turning to

the case of Mr. Obiora, he asked why the ambulance had taken so long to arrive and whether the delay might have had anything to do with the fact that he was of foreign origin. He also asked whether the Government had responded to criticism by the Parliamentary Ombudsman on the matter and whether it had taken measures to improve police training in restraint and control techniques.

12. He invited the delegation to comment on figures provided in paragraphs 169 and 180 of the periodic report on the number of reported cases of rape and the fact that so few cases were brought before the courts or led to convictions. Perhaps the delegation could also indicate whether the authorities conducted sufficiently thorough investigations to trace young people who went missing from migrant holding centres and to ensure that they were safe. It would also be useful to know more about the personality of Arfan Bhatti, who in 2006 had fired shots at the Oslo synagogue and been sentenced to 8 years' imprisonment. That sentence stood in marked contrast to a decision handed down in the case of a lawyer of about 50 years of age who had fired shots at a reception centre for asylum seekers, injuring one person. It had been deemed that his mental state rendered him unfit to stand trial and he had not been convicted. Had the man had been working as a lawyer at the time of the incident and was he currently practising? According to information before the Committee, an inmate of Trondheim prison had spent 110 days in solitary confinement before being transferred to hospital. Under which legal provisions could a prisoner be kept in solitary confinement for such a prolonged period?

13. **Mr. Tugushi** asked whether, after the visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), measures had been taken to ensure that only medical professionals, and not the police, decided which inmates received medical care. He would like to know whether there were plans to enlarge Trandum Holding Centre, why unaccompanied minors must leave migrant reception centres upon reaching the age of 18 and what the authorities did when they disappeared from such centres. Did the Norwegian authorities plan to allocate more resources to the police thereby increasing their capacity to investigate and prevent trafficking in children?

14. **Ms. Belmir** noted that, according to the delegation's opening statement, the issue of mental incapacity and criminal liability was currently the subject of debate in the State party, and asked whether it had never been addressed prior to the case of Mr. Breivik.

15. **Mr. Bruni** requested the delegation to provide updated information on the new electronic system for registering foreign nationals held in Trandum Holding Centre. Given that, when prisons were full, persons with light sentences must wait for space to become available in order to serve their term, he would like to know where they spent the intervening period, how long they had to wait before entering prison and what kind of offences they had committed. He enquired whether an assessment of the system for reporting abuse between prisoners and assaults on prison warders had been conducted. In its report on its May 2011 visit to the State party, the CPT had noted with concern that crime suspects could be kept in custody for 9 days in windowless cells at Bergen police headquarters. The State party had explained that windows could not be installed because the facility in question was located in a basement. The situation could be remedied by limiting detention in custody to a strict maximum of 48 hours or by ceasing to use those premises. He asked whether the mental health survey mentioned in paragraph 207 of the periodic report had been carried out.

16. **Ms. Gaer** asked why the process of ratification of the Optional Protocol was so drawn-out and how much importance the State party attached to the reforms needed in order to bring the national human rights institution fully into line with the Paris Principles. She would like to know whether current Oslo police support procedures for rape victims had been reviewed, special police units had been set up to deal with victims of sexual

violence, and law enforcement officers received training on the Istanbul Protocol to enable them to detect signs of torture, in particular, sexual violence. She wanted to know whether the act of rape was treated as a form of torture under the Criminal Code and whether telephone hotlines and shelters for rape victims operated around the country. She also wished to know what the State party did to combat hate crimes, in particular offences committed against people because of their sexual orientation, and to combat bullying of Jewish pupils in schools, which, according to one study by the Jewish community in Norway, was widespread. In that connection, she enquired what progress had been made with a Ministry of Education plan to combat bullying in schools. Lastly, she requested the delegation to provide statistics on the use of restraint in psychiatric institutions.

17. **Mr. Mariño Menéndez** asked whether the State party had adopted affirmative action measures to prevent discrimination against the East Sami and Roma, and whether it intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He would like to know whether migrants who had entered Norway illegally in search of work were eligible for free legal aid if they became the subject of a deportation order. He requested the delegation to provide statistics on the number of migrants returned to European Union countries under the Dublin II Regulation and to indicate whether Norwegian law recognized the right to family reunification. He asked whether unaccompanied minors who had not obtained refugee status but who could not be returned to their countries remained under guardianship once they had reached majority.

18. **Mr. Domah** asked whether the State party had antiterrorism laws and, if so, what safeguards were in place for persons accused of acts of terrorism. He also wished to know how much time could legally elapse from the moment a person was arrested by the police until being brought before a court. Turning to mental health care, he asked for clarification on legislation governing admission to psychiatric hospitals and the relevant protocols, as well as on who was responsible for deciding in which institutions and how patients were treated. He requested information about legislation addressing violence against women and statistics on that type of violence for the previous three years.

19. **Mr. Gaye** noted that, according to the periodic report, around 9,000 deportation measures had been taken and more than 26,000 asylum requests had been turned down between 2007 and 2010, and invited the delegation to comment on what appeared to be high figures. Given that it was possible to appeal against such decisions, he asked whether appeals had a suspensive effect and whether the delegation could provide examples of courts having ruled in favour of persons who had filed such an appeal.

20. **Mr. Wang Xuexian** (Country Rapporteur) referred to a case reported by the press of a 15-year-old girl who had fled the home in which she had been placed and been arrested with force and handcuffed by two police officers. She had spat on one of the officers and insulted him. In turn, he had struck her in the face and kicked her. The girl had been convicted by the district court of Oslo, which had limited itself to criticizing the use of force by the police officers. Finding it difficult to understand the court's reasoning, he asked the delegation to comment on the case.

21. **The Chairperson**, speaking as Country Rapporteur, noted that, according to the periodic report, the Government had appointed a committee to review the Mental Health Act provisions on detention and restraint and that the committee would submit its report in May 2011. The Committee would find it useful to have a copy of the report.

The first part (public) of the meeting rose at noon.