



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

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COMMITTEE AGAINST TORTURE

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SUMMARY RECORD OF THE 794th MEETING

Held at the Palais Wilson, Geneva, on Tuesday, 13 November 2007, at 3 p.m.

Chairperson: Mr. MAVROMMATIS

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

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (agenda item 5) (*continued*)

Fifth periodic report of Norway (CAT/C/81/Add.4, CAT/C/NOR/Q/5 and Add.1;
HRI/CORE/1/Add.6) (*continued*)

1. *At the invitation of the Chairperson, the members of the Norwegian delegation resumed their places at the Committee table.*

2. Mr. WILLE (Norway) said that his delegation recognized the importance of statistics for the Committee's work, and was sorry not to be able to provide sufficient figures. It would be raising the question with the Norwegian authorities concerned in order to fill the gap in the future.

3. The Norwegian Government was firmly determined to improve the integration of foreigners and to encourage dialogue among cultural, religious and ethnic minorities in Norway. In the wake of the Mohammed cartoons affair, a working group on religion and integration policy for foreigners had been established, comprising eminent specialists and representatives of non-governmental organizations and of the Ministry of Foreign Affairs. The Government supported the activities of the Islamic Council and the Ecumenical Council of Churches of Norway to build bridges between the various religious communities coexisting in the country. Finally, he said his delegation had grouped the experts' questions according to the Convention articles to which they referred, and that it would begin with its response on the first article.

4. Mrs. VOLLAN (Norway) said, with respect to the Convention's place in domestic law, that Norway had a dualist legal system, i.e. if international instruments, including the Convention against Torture, were to be applicable they must be incorporated into domestic law. This did not mean, however, that their provisions were not fully observed in Norway. In the case of conflict, the international treaties to which Norway was party took precedence over domestic law.

5. The delegation did not see the use of incorporating the definition contained in the first article of the Convention into the Constitution, which already had sufficient guarantees against torture; he cited article 96, which contained an absolute ban on resort to torture during the interrogation of suspects, and article 10 (c), which obliged the State to respect and protect human rights. She recalled that Norwegian legislation already contained a provision relating specifically to torture, in section 117 (a) of the Penal Code. The delegation recognized that the wording of that article did not correspond fully to the first article of the Convention, but considered that it was not incompatible with the Convention. It was certainly very detailed, but this reflected a concern for precision and completeness on the part of its drafters.

6. With respect to incorporating the Convention's provisions into human rights legislation, Norway considered that only human rights instruments of a very general nature, such as the International Covenant on Civil and Political Rights and the European Convention on Human Rights, could be incorporated in this way. Because the Convention against Torture was a very specific instrument, and its purpose was covered in large part by the provisions of the instruments cited earlier, in particular article 3 of the European Convention on Human Rights, Norway did not intend to incorporate

its provisions into human rights law. However, the question was still being debated at the national level.

7. Norway had adopted provisions against domestic violence, as contained in section 219 of the Penal Code, and it had in place an action plan for preventing and combating that phenomenon. In recent years cases of family violence had been on the increase, affecting in particular women belonging to national or ethnic minorities, who constituted 50 per cent of persons accepted at shelters for victims of domestic violence. For the period 2003-2005, there had been 2,600 cases of rape reported, 420 suspects had been prosecuted, and 316 of them had been convicted.

8. Mrs. GUDBRANDSEN (Norway), responding to concerns expressed by some Committee members over discrimination in the civil service, said that the Government had commissioned a study on discrimination by officials against persons belonging to an ethnic minority. During the fall of 2007, all ministries had been required to report the measures they had taken to combat discrimination in their services. The results of that study had been compiled by the Mediator for equality of opportunities and combating discrimination, who would be using them to formulate recommendations.

9. As well, the Government would have to present a new plan of action against racism and discrimination, by the end of 2008. In preparation of that document, the Ministry of Labour and Social Integration would be hosting a conference on racism and discrimination in November 2007. Two new studies on cases of discrimination were being prepared and would be published in 2007 and 2008, respectively. Finally, the Government had appointed a commission to examine the results of the studies and to make recommendations on legal guarantees that would offer protection against all types of discrimination.

10. Mr. HUSTAD (Norway), responding to questions relating to article 2 of the Convention, said that the Ministry of Justice had asked for controls to ensure that police detention was effectively being kept to the limits set in the new section 183 of the Criminal Procedures Act. The results of that operation would be available towards the end of 2008. He noted, however, that for the most part suspects were released on the day of their arrest or within 24 hours thereafter.

11. Solitary confinement was limited to 12 weeks. It could be extended only in exceptional cases, for example one involving transnational organized crime. It should be noted, moreover, that the Convention had never been directly applied by the domestic courts. In any case, no complaint of torture had yet been brought in Norway.

12. Mrs. GUDBRANDSEN (Norway) said that, generally speaking, asylum-seekers were not deprived of their liberty but were placed in reception centres. Under the Immigration Act, an alien could be held in detention in two specific cases: in order to determine his identity or to enforce a removal order that he had failed to obey within the established deadline. For purposes of enforcing a removal order an alien could be detained no longer than two weeks, renewable three times at most, if he failed to leave the country of his own accord and if it was highly likely that he would attempt to evade enforcement of the decision. The cumulative length of provisional detention for identification purposes could not exceed 12 weeks, except in specific circumstances, such as when the person in question was obstructing the investigation. The case must be reviewed by a judge every four weeks to verify whether continued detention was justified or whether that measure was disproportionate.

13. Mr. WILLE (Norway) said that legislation had recently been adopted to protect the rights of persons held in the Trandum detention centre, and that regulations supplementing that legislation were being prepared and should be adopted by the end of 2007. Section 37 of the Immigration Act had been amended to guarantee the right of foreign detainees to receive visits, to practise their religion, to communicate with the outside world by telephone and by mail, to have access to medical services and to engage in physical activity, among others. In addition, journalists had free access to the Trandum centre and the courts kept a regular eye on the reasons for holding people there. There was thus no basis to allegations that some people had been detained in that centre for two years. As well, the practice of conducting frequent night inspections to prevent incidents among detainees had been dropped in the face of criticism.

14. Unaccompanied minors and families with children were not held at the Trandum centre, in principle, unless an arrest warrant had been issued against them, in which case the maximum detention was 24 hours, renewable once. In any case, the best interest of the child was taken into account and every effort was made to keep to a minimum the time spent by children in a detention centre.

15. Norway was planning to ratify the Optional Protocol to the Convention in 2008 and was currently examining ways of implementing the obligation on States parties to establish a national mechanism for preventing torture. The delegation was not yet in a position to indicate exactly how Norway would fulfil that obligation.

16. Responding to questions about article 3 of the Convention, he said that Afghan nationals arrested by Norwegian members of the International Security Assistance Force were delivered to the Afghan authorities under the provisions of a memorandum of understanding between Norway and Afghanistan, according to which the Afghan authorities were required to observe the rules of international law in their treatment of all persons handed over to them. Representatives of the Afghan human rights commission, the international force, and other entities had free access to the detention centres where such persons were held. Moreover, under the memorandum of understanding, persons handed over by the Norwegian forces could not be sentenced to death and representatives of the Norwegian Government could, upon request, meet with detainees in private. To date, no violation of the memorandum of understanding had been reported and, according to the information available to the delegation, only 10 persons have been turned over by the Norwegian forces to the Afghan authorities.

17. Norway was deeply concerned over the illegal transfer of detainees by aircraft using European airspace and airports. In domestic law, illegal deprivation of liberty was a criminal offence, whether the victim was a Norwegian national or not and whether the deeds took place in Norway or abroad. However, it was very difficult to fight the practice for, even if all foreign aircraft transiting Norwegian airspace were tracked by the air traffic control authorities, it was virtually impossible to know whether those aircraft were carrying persons illegally seized.

18. Mrs. GUDBRANDSEN (Norway), responding to questions about article 4 of the Convention, said that the checklist used by the Immigration Appeals Board did not pretend to be exhaustive and that it contained guidelines to help officials assess the risk of torture that an asylum-seeker would face if returned. The first part of the checklist consisted of questions to be asked to determine whether the person had already been tortured in his country, and why, and whether the allegations were

credible and, if so, supported by documentation. The second part of the checklist dealt with criteria for determining the risk of torture in case of return. Those criteria included the human rights situation and the existence of systematic, grave, flagrant or large-scale violations of human rights in the country in question.

19. Responding to questions raised by Mr. Mariño Menéndez and Mr. Wang Xuexian about the return of rejected asylum-seekers from Uzbekistan to their home country, Mrs. VOLLAN said there had been 21 such cases in 2006 and that none had been recorded in 2007. Noting that the Committee had asked whether the expulsion orders against Uzbek nationals had been issued in accordance with Government directives, she said that the Norwegian Government had given no instructions to the immigration authorities concerning the treatment of asylum requests. The only directives applied by Norway were those of the Council of Europe, which had asked member States to refuse entry or transit to or across their territory by individuals directly involved in the disproportionate and excessive use of force in the Andijan events of May 2005. Norway's application of those directives, however, in no way relieved the immigration authorities of their duty to examine closely any application and to observe the principle of non-refoulement. The office of the United Nations High Commissioner for Refugees had not issued any specific directives on the protection of asylum-seekers from Uzbekistan but had recently advised Norway to ensure that rejected asylum-seekers returned to that country could not be identified as such.

20. In reviewing asylum requests, the Norwegian immigration authorities did not in fact rely on a list of "safe" countries". Asylum applications were examined case-by-case, regardless of the country of origin, except in the case of unaccompanied minors, where it applied the "Dublin II" regulation adopted in February 2003. Generally speaking, asylum requests presented to the Norwegian authorities were examined under three distinct procedures, depending on the applicant's country of origin, but whatever the procedure applied the request was always considered in depth.

21. With respect to the return of asylum-seekers from Kyrgyzstan, Mrs. Vollan said that Norwegian immigration officials had visited that country to obtain information on the general situation of human rights and on the risk of persecution facing certain groups of its population. Asylum requests submitted by Kyrgyz nationals were reviewed case-by-case and were not fast-tracked. Norwegian officials examined each case very carefully before taking a decision to ensure that there was no risk inherent in return to the country of origin. Any rejection of an asylum application had to conform to section 15 of the Immigration Act, which recognized the principle of non-refoulement set forth in article 3 of the Convention. The competent authorities also respected that principle in the context of applying the Dublin II regulation.

22. With respect to the monitoring of persons expelled, this was not done systematically. However, if the authorities received information that should be taken into account, it would be transmitted to the Immigration Appeals Board, which could decide to begin monitoring. In response to a question by Mr. Grossman, Mrs. Vollan said that to date there had been no instance where a foreigner holding a work permit, a residency permit or a settlement permit had been expelled under sections 29 and 30 of the Immigration Act. With respect to the notion of a "manifestly unfounded" application, a request was considered as such when the reasons invoked by the applicant did not correspond to those of the 1951 Convention on the status of refugees. Any asylum-seeker whose application was rejected by the immigration

department and who filed an appeal against that decision had the right to remain in Norway until the Immigration Appeals Board had ruled on the case, unless the application were deemed “manifestly unfounded”. In this case, the applicant could be returned even if the Board had not yet rendered a decision. If however the Board subsequently concluded that the application was substantiated, the applicant had the right to come back to Norway.

23. Mrs. Vollan also explained that it was not the number of asylum-seekers granted residency permits that had declined by 50 per cent, but rather the number of asylum applications submitted to the Norwegian immigration authorities. Between 2003 and 2004 that number had dropped from 15,000 to fewer than 8,000. This trend could be explained by the introduction, on 1 January 2004, of the fast-track procedure for examining asylum requests submitted by nationals of certain countries. That same trend had in fact been observed in several other European countries.

24. Mr. HUSTAD (Norway) said, with respect to diplomatic assurances, that the Norwegian authorities requested such assurances only when there was a threat to public security. As to persons returned to their home country after Norway had obtained diplomatic assurances, they could be monitored by the Norwegian consular authorities in the country concerned. Responding to questions put by Mr. Mariño Menéndez, he said, first, that consistent with its obligations under Security Council resolution 1373 (2001), Norway had taken a series of steps against international terrorism. The definition of terrorism in the Norwegian law on the financing of terrorist activities was fully consistent with the European Council framework decision of 13 June 2002 on combating terrorism. An attempted act of torture was punished by section 49 of the Penal Code. With respect to the jurisdiction of Norwegian courts to consider acts of torture committed abroad by an alien, he invited Committee members to consult the information contained in the second periodic report of Norway (CAT/C/17/Add.1, para. 18), which was still pertinent.

25. Mr. SKULDBERG (Norway), responding to questions raised by Mr. Grossman and Mr. Wang Xuexian, said that Norway had taken steps to ensure that arrested persons were not held for more than 24 hours in police stations, and indicated that this goal had been achieved in 94.2 per cent of cases in 2007. Only 5 per cent of persons arrested by the police had had to wait longer before being transferred to a provisional detention centre, and no person had waited more than five days. According to a regulation recently adopted by the Norwegian police, any person obliged to spend the night in a police cell must be provided with a mattress in good condition, and with blankets. With respect to disciplinary measures against prisoners, solitary confinement had been abolished with entry into force of the new law on execution of sentences. The prison authorities could impose administrative sanctions, such as a warning or a prohibition from participating in recreational activities for a given period of time, against prisoners who breached regulations. Until recently it had been narcotics consumption that had given rise to the greatest number of sanctions, but that situation had changed when the prisons began to adopt a medical approach and to make prisoners aware of the evils of drug use. With respect to violence among prisoners, he noted that the last fatality dated back to 13 March 1982. Methods for collecting data on violence of this kind were not yet sufficiently refined, but Norway was attempting to remedy that situation. The delegation could however report that 48 cases had been recorded in 2006 and 45 in 2007. A report on violence by prisoners against prison staff was being prepared and would be published by the end of 2007. All prisoners were asked every year to evaluate the

quality of their relationship with prison staff, and the 2006 assessment showed that the majority considered that they were being treated with respect. Finally, a study was under way on detention conditions in the high security facilities.

26. Mrs. VOLLAN (Norway) said that the police security service was constantly assessing threats to the Jewish community in Norway, but that for obvious reasons that information was not made public. Police brutality was not a severe problem in Norway, but every measure was taken to prevent it, primarily through training. Thus, the national police school had included the issue of police ethics in its programme, and instruction in interrogation techniques and the use of force had been updated. Any allegation of brutality was investigated by a special unit of the police, and if it declined to pursue a case, that decision could be challenged by the Attorney General's office. Any case that the special unit decided to prosecute was turned over to the ordinary criminal courts, and the outcome could be appealed. The Supreme Court had recently upheld the acquittal of a police officer accused of violence.

27. Referring to the two cases of excessive use of force mentioned in the supplementary report of Norway, a question had been raised as to the objectivity of the special unit mentioned there. As proceedings were still under way in these two cases, the delegation could not comment. The Attorney General's office was currently examining the appeal filed against the special unit's decision not to pursue the first case, and the unit was investigating the second case and expected to question the medical personnel and police officers implicated. Generally speaking, whenever there was the slightest reason to believe that a police officer had violated his duties and whenever there were cases of death or trauma following police actions, an enquiry was systematically opened. The unit was independent of the police force and the Attorney General's office and its members were drawn from various professional backgrounds; its impartiality could hardly be doubted, and moreover it was to be the subject of an evaluation in 2008.

28. The law governing the compensation of victims of violence covered all the deeds mentioned in the Convention. The victim must file a complaint with the police without undue delay, unless there were reasonable grounds; that law was being re-examined and the provision on unjustified delay would be deleted.

29. Mrs. WINTER (Norway) said that her country's authorities were determined to improve care for persons suffering mental troubles and other persons needing psychiatric care. They were planning to reinforce care for patients who had suffered severe trauma and for victims of torture by creating specialized clinics in the country's four health regions. Research would be pursued and skills developed in all units responsible for victims of violence and trauma, including refugees and asylum-seekers, many of whom had psychiatric problems as a result of what had happened to them in their own country. The Norwegian centre for the study of violence and post-traumatic problems, created in January 2004, was specialized in problems related to violence, refugees and forced migrations, disasters and post-traumatic disorders. It was currently conducting a study on the treatment and re-adaptation of traumatized refugees.

30. The specialized clinics had teams trained to deal with refugees' health problems, and those teams were expected to help the care services to develop their skills in working with traumatized refugees, to update the care protocols, and to look after refugee children and youth. These programmes were financed through the mental health action plan.

31. In 2006-2007 a pilot project had been established to detect serious psychiatric disorders among recently arrived asylum-seekers. It was employing various tools, including questionnaires used internationally, which had unfortunately been found unsuitable for diagnosing cases of this type, primarily because of problems of illiteracy and language comprehension. If psychiatric problems were detected, follow-up was assured. Once the Department of Health and Social Affairs had the opportunity to review the report from the pilot project, appropriate measures would be taken.

32. The Department of Health and Social Affairs had issued a circular requesting the health services dealing with refugees and asylum-seekers to pay particular attention to mental health and to upgrade their capacities in this area. The Centre for the study of violence and posttraumatic disorders had published a complete guide to psychiatric and psychosocial services for refugees, which was available on the Internet. The problem of torture was discussed in the guide. Finally, the Norwegian College of Physicians had introduced a course for doctors working in prisons, entitled "Human rights and ethical dilemmas", and one of the issues addressed there concerned medical signs of torture and other degrading treatment. This course was free and available to all and was organized under the auspices of the Norwegian Ministry of Foreign Affairs.

33. On the question of restraint measures used in psychiatric care, a Committee member had raised two specific cases but, for want of further precision, the delegation had been unable to inform itself on them. Generally speaking, the authorities resorted as seldom as possible to restraint measures in the mental health services. The legal guarantees surrounding compulsory care were described in paragraphs 72 et seq. of the report (CAT/C/81/Add.4). When a person was placed under compulsory mental health care, a supervisory commission would review the case immediately to ensure that legal provisions were being respected. The commission performed checks at regular intervals to determine that care was still necessary, it investigated the restraint measures used and it made scheduled or unannounced visits to institutions. If necessary, the inspection commission could carry out various checks and could examine a case either at its own initiative or at the request of the patient, his family or staff. If the commission wished to call attention to a particular situation, it would speak to the manager of the service or with the local health advisory board. The proportion of patients subjected to restraint or mandatory hospitalization was in fact well below the international norm. Several provisions had been taken to restrict the use of restraint measures in mental health care: in 1998, Parliament had adopted the national mental health programme (1999-2008), one objective of which was to reduce the number of compulsory hospitalizations. The idea was to ensure that services were readily available at an early stage, before the situation required restraint measures. To this end, district psychiatric centres had been created with a view to decentralizing specialized services, training mobile teams, and reinforcing community services at the municipal level, all for the sake of promoting prevention and early intervention. In June 2006, an action plan had been introduced by the health and social affairs department to limit resort to compulsory hospitalization and treatment, in order to facilitate access to services and also to ensure systematic follow-up for persons with severe mental problems. In addition, the Health Ministry was financing a research and development network to come up with other solutions that would avoid restraint measures. The Health and Social Affairs Department was working to update knowledge on the effects of psychiatric treatment and of compulsory care in

particular. Finally, the Mental Health Care Act was being revised in order to ensure uniform interpretation.

34. Compulsory hospitalization and treatment were authorized only if the patient showed severe mental disorders and met at least one of the following two criteria: necessity of treatment (no chance of cure or significant improvement unless the patient were hospitalized) and risk of harm (the patient was very dangerous to himself or to others). In Norway, it was the necessity of treatment rule that applied in 95 per cent of cases, while the risk of harm applied in only 5 per cent of cases. The parliamentary health committee had asked that consideration be given to making the necessity of treatment criterion a condition for compulsory care; a committee had therefore been charged with examining this matter and proposing measures.

35. A member of the Committee had mentioned a case that the European Committee for the Prevention of Torture (CPT) had looked into during its visit to Norway in 2005. As the administration of the hospital in which the patient had been interned had advised the CPT of its intention to review his treatment, the CPT had asked to be kept informed of what happened in this case; the Norwegian authorities had sent this information to the CPT in September 2006, and it was available from the CPT. The patient, of Iranian nationality, was suffering post-traumatic stress and was inflicting severe injuries on himself, which hospital staff were not always able to prevent, even with restraint measures. The new treatment provided to the patient since January 2006 had produced good results, although the patient still experienced bouts of aggressiveness and some psychotic symptoms. Mechanical restraint means had been used for the last time in March 2006, following a violent assault on a staff member. The last episode of self-mutilation dated from January 2006. Consideration was being given to returning the patient to his home in Norway and also to repatriating him to the care of one of his brothers in Iran. Given the improvement in the patient's condition, the Health Ministry considered it unnecessary to monitor the case further.

36. Mr. WILLE (Norway), referring to the re-organization of child protection institutions, said that in 2004 the Government had taken over responsibility for them from the counties. Regulations had been issued governing the licensing and quality control of such institutions, and a new department of childhood and youth was supervising their observance of the regulations, with the counties retaining inspection rights. There had as yet been no overall assessment of the new regulations, but the re-organization seemed to be having the desired effect, i.e. to ensure the best interests of the child.

37. Several Committee members had asked about Norway's position on interim measures. The Norwegian authorities were currently examining the Committee's conclusions on the matter of Communication No. 249/2004, and the question would be examined by the Supreme Court in early 2008. The Immigration Appeals Board had received new information on the situation of the author of that communication, and the office had issued him a permit to reside in Norway, where he was currently living.

38. Mr. MARIÑO MENÉNDEZ (Rapporteur for Norway) commended the delegation for the quality of its responses, which confirmed his high opinion of the cooperation between the State party and the Committee. He wanted further information on a few points. If a rejected asylum-seeker was sent back and his appeal was subsequently upheld, or if a foreigner was expelled on grounds that the State subsequently recognized as unfounded, that person would no doubt be authorized to return to Norway; in such a case, would the State pay the expenses of his return? On another point, could a

victim seek compensation through the civil courts of Norway for acts of torture committed abroad by foreigners if he was unable to obtain satisfaction in that foreign country? Was it possible for an agent of a foreign State who was guilty of torture to be sued as an individual in a civil court in Norway?

39. The delegation had indicated that the authorities were currently considering the question of family reunification. Norway was not a member of the European Union but it was a party to the Schengen Accords and, while not obliged to follow community law in asylum matters, it nonetheless did so. Had Norway given thought to legislating with respect to establishing the identity of a person and of members of his family? One measure allowed in France and occasionally applied in Spain was to determine, with his consent, the DNA of a person seeking to find members of his family but whose identity was not clearly established.

40. New transit centres had been created in Norway to receive aliens who had been denied a residence permit or who were awaiting a decision. Was the system currently in force in those centres the same as that in the Trandum holding centre? Finally, had a protocol been published summarizing all the instructions governing police conduct in cases involving the use of force?

41. Mr. Wang XUEXIAN (Co-Rapporteur for Norway), speaking of the two cases previously mentioned where persons had died in police custody, asked if the investigation had determined whether the use of force by the police had been racially motivated. From the conclusions of a recent study, it appeared that many police officers viewed their relationships with certain ethnic minorities differently from those with the rest of the population. The question was of concern and should be closely investigated; it should also be considered in the context of the training provided to police officers.

42. Returning to the question of restraint measures, the Co-Rapporteur stressed the importance of limiting the time during which such measures were used, and he asked whether there was a time limit set by law. He also wanted to know if there was a specific procedure for identifying torture victims among asylum applicants or among foreigners claiming refugee status upon arrival on Norwegian soil. Information on any manuals or other publications dealing with this question would be welcome.

43. Mrs. BELMIR asked whether the Norwegian armed forces in Afghanistan, in handing over prisoners to the Afghan authorities, were acting under the guarantee of an international human rights instrument such as the Geneva Conventions, the Hague Conventions, or the European Convention on Human Rights.

44. The CHAIRPERSON reiterated his concern over Norway's failure to incorporate in its legislation the definition of torture contained in article 1 of the Convention, and urged that this gap be remedied, not because there were any serious problems of torture in Norway but because Norway, as a model in the realm of human rights and a benchmark for many countries around the world, should be setting an example.

45. Mrs. GAER noted that a case concerning interim protection measures was currently before the Supreme Court. If the Norwegian Government had adopted a position on the status of interim measures, she would like to know what it was.

46. Mr. WILLE (Norway), referring to the case of a Pakistani who had been sent back to his country, said that the Immigration Appeals Board had received new

information on the basis of which it had authorized his return to Norway, and that he had obtained a residence permit.

47. The tendency of certain police officers to draw distinctions between ethnic minorities and the rest of the population was in fact a serious question to which the Norwegian authorities would give due attention.

48. The position of the Norwegian Government with respect to whether Norwegian airports had been used by aircraft carrying persons destined for extraordinary rendition had already been explained. He wanted to add in support of that position the fact that, in its last report on illegal transfers, the Council of Europe had not mentioned Norway among those countries assumed to have participated in such activities.

49. The procedures by which prisoners were handed over to the Afghan authorities by the Norwegian security forces in Afghanistan were defined in a memorandum of understanding that Norway had concluded with Afghanistan. Under that agreement, the Norwegian authorities and the Afghan human rights commission could visit the persons concerned after the transfer had been completed, and it subjected the transfer to the guarantee that the persons transferred would not be executed once they were in the hands of the Afghan authorities. There were no grounds at the present time to think that the persons handed over by the Norwegian authorities under that memorandum of understanding had been subjected to treatment contrary to human rights standards.

50. The Government had not yet reached a final decision on the status of interim protection measures, but discussion was continuing.

51. Mrs. BELMIR explained that the question was not whether there was an agreement between the Norwegian and Afghan authorities, but whether such an agreement was based on an international human rights instrument the provisions of which could be invoked by persons surrendered to the Afghan authorities, in case their rights were violated.

52. Mrs. GUDBRANDSEN (Norway) said the new draft immigration act broadened the concept of refugee and would facilitate family reunification by removing the restriction under which a foreigner admitted as a refugee could not bring family members to Norway unless he could demonstrate his ability to support them. As of 1 July 2007, a DNA test could be required to establish a blood relationship when the available information was insufficient to do so with certainty.

53. Questions had been raised about transit centres. There were two institutions of this type in Norway. They had been created in March 2006 and in October 2007 to receive rejected asylum-seekers who could no longer be housed in the ordinary reception centres for asylum-seekers, at the decision of the previous Government. Those centres were located close to the capital city, and had the capacity to accommodate 200 people. Residents, of whom there were 93 as of 22 October 2007, were housed in modest but comfortable circumstances in which their basic needs were met. They did not receive any allowances, however. Only adults were accepted in the centres. Unaccompanied minors, families with children, sick people and those who were being willingly repatriated were housed in the ordinary reception centres for asylum-seekers. The transit centres were run by private professionals and had a large staff, including security officers responsible for controlling access to the centres and ensuring the protection of residents. Information meetings between the

immigration authorities, the centre managers and local associations were held to promote good understanding between residents of the centres and their neighbours.

54. The question had been raised as to whether there was a procedure for identifying possible victims of torture among asylum-seekers. All asylum applicants arriving in Norway were housed initially in the provisional reception centres where they underwent a medical examination. The only examination prescribed by law was a tuberculosis test. Other examinations could be conducted but they were optional. If the staff of the centre noticed psychological problems or behaviour suggesting traumatism, the person would be examined by a physician and the immigration services would be contacted to make the necessary arrangements for admitting the person to a reception centre equipped to serve people with special needs. A pilot project for identifying severe psychiatric disorders among asylum-seekers had been conducted in 2006 and 2007 with fairly conclusive results.

55. Mrs. VOLLAN (Norway), referring to the issue of incorporating the Convention's provisions into domestic law, said that the question was still being debated and that a move in the direction recommended by the Committee was therefore possible.

56. Mr. HUSTAD (Norway) said that, under section 186 of the Code of Criminal Procedure, the maximum time in isolated confinement must be set by the court, which was required to keep it as short as possible and in all cases to no more than two weeks. The period of isolation could not be extended beyond the legislated limit except for serious reasons.

57. Mr. WILLE (Norway), responding to Mrs. Belmir, said that the memorandum of understanding with the Afghan authorities referred explicitly to several resolutions of the Security Council.

58. The CHAIRPERSON thanked the delegation for the quality of its responses, both written and oral, to the Committee's questions. He hoped that, as a result of the constructive and highly interesting dialogue that had taken place, the State party would give the required attention to those few points where Committee members had indicated that further progress might be made. He recalled that the Committee's final observations would be communicated to the Permanent Mission of Norway before the end of the session.

59. Mr. WILLE (Norway) said he was pleased with the quality of the discussion with the Committee during its examination of the fifth periodic report of Norway, and gave assurance that the Committee's recommendations would be duly transmitted to the Norwegian Government. An Inter-Ministerial meeting would be held after the final observations were received in order to consider follow-up measures.

The meeting rose at 5 p.m.