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Summary record of the 3459th meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 March 2018, at 10 a.m.

Chair: Mr. Iwasawa

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

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Seventh periodic report of Norway (*continued*) (CCPR/C/NOR/7; CCPR/C/NOR/QPR/7)

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

2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.

3. **Mr. Rotevatn** (Norway) said that 1,904 reports of rape had been filed with the police in 2015. In the same year, some 1,392 cases of rape had been investigated, 333 charges had been brought and 180 convictions had been handed down.

4. Norway upheld its reservation to article 14 (5) of the Covenant. Pursuant to article 86 of the Constitution, Norway had a legal system made up of a court of impeachment, a special court for handling criminal cases against members of the Government, and the Supreme Court, with no right of appeal. In addition, the Criminal Procedure Act provided that errors in the assessment of evidence in relation to the question of guilt failed to constitute a ground for appeal. If a defendant had been acquitted in the first instance, but convicted by an appellate court, the defendant had no right to appeal the assessment of evidence in relation to the question of guilt. If the appellate court that convicted the defendant was the Supreme Court, there was also no right of review.

5. National legislation expressly prohibited discrimination in the housing market on the basis of skin colour, language proficiency, nationality, ethnicity or religious background. Recent surveys had, however, revealed the existence of discriminatory mechanisms that forced certain groups of persons to pay higher rents. To tackle those unfavourable conditions, the Government had launched a number of awareness-raising campaigns in several languages to inform persons from ethnic minority backgrounds of their housing and tenancy rights. Victims of discrimination also had the option of bringing their case before the Rent Disputes Tribunal and had the right to an interpreter for the duration of the proceedings.

6. The strategy to combat hate speech was in the process of being translated into Sami and would be available in that language soon. The results of the 2012 action plan to promote equality and prevent ethnic discrimination had recently been assessed and it had been found that the anti-bullying work by the Ministry of Education and the agreement between the authorities and relevant social partners to promote equality in the workplace had proven particularly effective in combating ethnic discrimination of all kinds. The Government therefore intended to continue its work in that regard over the coming years.

7. The Directorate for Children, Youth and Family Affairs was responsible for implementing the national ethnic equality policy and had recently organized a forum to tackle ethnic discrimination issues that had brought together a variety of relevant stakeholders.

8. Data regarding the number of discrimination cases referred to the courts by the Equality and Anti-discrimination Ombudsman would be provided in writing at a later date. In 2017, around 95,000 households had received government housing allowances, including some 25,000 persons from a migrant background.

9. **Ms. Kran** asked whether the State party intended to end the practice of placing persons with psychosocial and intellectual disabilities in conflict with the law in solitary confinement and ensure that they had access to the appropriate support and health-care services while serving their sentence. She also wished to know what efforts had been made to reduce the overall number of prisoners excluded from the general population and ensure the proportionality between the length of solitary confinement and the reason for exclusion. It would be particularly interesting to hear whether the Government intended to set a maximum number of days that prisoners could be held in solitary confinement.

10. As for access to legal assistance, she wondered whether action would be taken to guarantee access to a lawyer from the outset of detention for persons deprived of their liberty. Information on the steps taken to amend the Legal Aid Act so that it applied to a broader range of cases would also be welcome in that regard.

11. In regard to medical confidentiality, she requested further clarification of the measures taken in prisons, particularly the Trandum facility, to ensure that information regarding the health and medical needs of prisoners remained confidential and was not made available to prison employees without the express, prior consent of the prisoner concerned. She also wished to know what steps had been taken to improve prisoner hygiene at the existing Bergen police headquarters and ensure that the new police station being built to replace it included cells that had access to daylight.

12. She expressed concern at the plan to ease prison overcrowding by sending Norwegian prisoners to the Norgerhaven prison in the Netherlands and asked what measures had been taken to protect the rights of Norwegian citizens imprisoned abroad. In the light of the forthcoming closure of the Norgerhaven prison, it would be useful to know what action had been taken to create new prison places in Norway so as to prevent overcrowding and maintain adequate conditions of detention.

13. In respect to juveniles deprived of their liberty, she requested further information regarding the 34 cases of minors being held in police cells for more than 24 hours before their court hearings. She would particularly like to know what measures had been adopted to prevent the reoccurrence of such events and uphold the provisions of the Criminal Procedure Act relating to minors.

14. Lastly, she asked whether the convictions handed down in rape cases fell under section 291 of the Criminal Code governing more serious sexual offences or section 297 concerning lesser offences of sexual assault.

15. **Mr. Muhumuza** said that he would like to know what steps had been taken to ensure that the detention of asylum seekers was lawful, necessary and proportional and not imposed on the grounds of administrative expediency. Information on efforts made to eliminate the detention of child asylum seekers would also be welcome in that regard. It would be particularly interesting to know what action had been taken to review the practice of using cells in the Trandum facility to house asylum seekers pending review of their asylum applications.

16. Regarding the status of the Roma, he asked what measures had been taken to consider the findings of the government committee's report on the assimilation of the Roma and to establish special protection measures for the Roma community. He also wondered what efforts had been made to engage in closer dialogue with the Roma community and provide compensation for past violations of their rights under the national assimilation policy. Expressing concern at the comparatively high number of Roma children taken into foster care, he wished to know what steps had been taken to provide better support to Roma parents and ensure that child protection measures were used as a last resort.

17. **Mr. Heyns** said that, as he understood it, children aged between 15 and 18 with Norwegian citizenship were eligible for support under the Child Welfare Act, whereas asylum seekers in the same age bracket were not. He would like to know whether his understanding was correct and if so, why such a distinction had been drawn. The Norwegian Institute for Urban and Regional Research had recommended extending the application of the Child Welfare Act in order to reduce the number of disappearances of child asylum seekers.

18. The Minister of Immigration and Integration had stated in December 2015 that the Government's priority was to have the most restrictive asylum policy in Europe. The Committee was concerned by the implication that policies in that area were based on a comparison with neighbouring countries, rather than on international standards. It was also concerned that certain legal safeguards for asylum seekers had been abolished or diluted.

19. Noting that persons who were born in Norway but were not lawful residents were now able to acquire Norwegian nationality, thanks to an instruction issued in 2016, he asked whether the provisions of that instruction would be enshrined in an act of parliament.

20. Expressing concern at the recent proposal that only persons with a residence permit should be allowed to apply for citizenship, he asked what steps were being taken to establish a legal definition of statelessness and a statelessness determination procedure, in accordance with the Committee's general comment No. 17 on the rights of the child and the Handbook on Protection of Stateless Persons.

21. **Ms. Jelić** said that she would welcome more information on the composition of the Finnmark Commission, the number of Sami representatives in that Commission and the number of Sami judges in the Uncultivated Land Tribunal for Finnmark.

22. The Committee had been informed that a special commission on Sami rights had submitted recommendations to the Government in 2007 but that the response had been inadequate. It would be useful to know what stage had been reached in the follow-up to those recommendations.

23. Noting with concern that the Sami consultation agreement did not cover financial decision-making, she asked to what extent the Sami peoples were consulted on budgetary issues that affected them. In the Sami parliament's submission to the Committee, concerns had been raised about two recent Supreme Court judgments, which were considered to undermine the rights of the Sami peoples and to prevent them from protecting their culture. She would like to hear the State party's comments on those cases.

24. It would be useful to know what stage had been reached in the ongoing discussions between the Government and the Sami parliament on the amendment of the provisions on consultation in the Sami Act. She also wondered whether the need to obtain free, prior and informed consent from indigenous peoples on issues affecting them had been established by law; what stage had been reached in the drafting of the Nordic Sami convention; and whether the Government had monitored the consultations on that draft convention.

25. She would be interested to hear how the Government had responded to the proposals that the fishing rights of Sami along the coast of Finnmark should be recognized in statutory law and that reindeer herding legislation should be amended to ensure sustainable and equitable herding. Lastly, she would welcome more information on the mandate, mission and composition of the truth commission for the Sami peoples that was being set up.

26. **Mr. Shany**, referring to paragraph 208 of the State party's report, asked whether the Government was able to collect data on minority groups and if not, how it was able to design specific policies to support those groups.

The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.

27. **Ms. Hellevik** (Norway) said that the Government was committed to improving mental health services for prisoners. Primary care for prisoners was provided by municipal health services, while secondary health care was provided by specialists at the regional level. A study conducted in 2014 had shown that the incidence of mental disorders among convicted prisoners was significantly higher than among the general population. A working group appointed to follow up on that study had issued 16 recommendations, which were being considered by the relevant ministries. In addition, the Directorate of Health had commissioned a regional research centre to draft a report on the organization of mental health services for prisoners.

28. Steps were being taken to increase the number of mental health specialists in prisons. Units for the treatment of substance abuse had been set up in 13 prisons. Prisoners requiring hospitalization were transported to external hospitals. The Government was considering increasing the number of beds in hospitals, in order to address the concern that inmates who were hospitalized for psychiatric treatment were returned to prison too soon. Prison staff were responsible for deciding whether coercive measures, such as solitary confinement, were necessary. Guidelines issued by the Directorate of Health emphasized that mental health personnel should be consulted before any such measures were imposed, if there were doubts as to the prisoner's mental health.

29. In 2016, Ila prison had been allocated an additional NKr 10 million for the recruitment of specialized personnel because many of its inmates had mental health problems. Those prisoners also received treatment from an external mental health unit.

30. **Ms. Ferguson** (Norway) said that steps had been taken to reduce the use of exclusion in Ila prison. An interdisciplinary working group had been tasked with finding ways to mitigate the adverse impacts of exclusion. It was important to note that exclusion did not always constitute solitary confinement, as defined in international standards. Excluded prisoners were not deprived of human contact and could engage in meaningful activities. Revised guidelines on exclusion had entered into force in March 2017 and a new reporting mechanism, whereby prison authorities were obliged to report on their compliance with the guidelines, had been established.

31. One of the aims of the guidelines was to ensure that all exclusions were properly recorded. The total number of exclusions had risen from 3,697 in 2016 to 4,550 in 2017, partly because of an increase in the registration of exclusions and partly because of disturbances caused by challenging prisoners. The number of exclusions due to staff shortages and building conditions had decreased from 454 in 2016 to 377 in 2017.

32. The average length of exclusion had fallen from around 5 days in 2015 to 3.4 days in 2017. The length of exclusion was not limited by law, but it must be proportional and continuously reviewed. Exclusion could be imposed on minor detainees only as a last resort and when strictly necessary; excluded minors must be monitored continuously and the best interests of the child must be taken into account. In 2015, one minor had been excluded for a period of six days.

33. Prisoners subjected to exclusion could file a complaint with various bodies or apply for a judicial review of the exclusion decision. Exclusions exceeding 14 days must be reviewed by the regional authorities, while those exceeding 42 days must be reported to the Directorate for Correctional Services. The Government was committed to reducing the use of exclusion and to ensuring that decisions made by prison authorities were transparent and well-founded.

34. **Mr. Rotevatn** (Norway), summarizing the information provided in paragraphs 123 and 139 to 141 of his country's report, said that access to legal counsel for arrested persons was provided for in the Criminal Procedure Act. The Ministry of Justice and Public Security was examining the report of the committee that had been tasked with revising the Criminal Procedure Act. There was no means test for legal aid in criminal cases, while legal aid in civil cases was sometimes means tested and sometimes not. For example, there was no means test in child welfare cases or in cases handled by the Supervisory Commission for Mental Health Care, whereas legal aid in child custody disputes, divorce, probate, compensation for personal injury and evictions was means tested. Currently the annual income threshold for entitlement to free legal aid was NKr 246,000 for single persons and NKr 369,000 for married or cohabiting couples.

35. Free legal aid could also be provided in other exceptional circumstances, such as in cases considered to be especially pressing for the applicant or if the legal costs were considered to be substantial with respect to the applicant's financial situation. In addition, the Supreme Court had determined that legal aid could be granted in cases where the conditions laid down in the Legal Aid Act had not been fulfilled, when necessary for Norway to fulfil its international obligations under the European Convention on Human Rights. A review of the legal aid scheme was currently under way with a view to extending coverage and adjusting income thresholds.

36. **Mr. Austad** (Norway) said that the Parliamentary Ombudsman's National Preventive Mechanism, which had been established as envisaged under the Optional Protocol to the Convention against Torture, had conducted several visits to places of deprivation of liberty and had made a number of recommendations, particularly concerning the role of health-care personnel. A visit to the Trondheim facility had been made in May 2015 and a limited visit to its security wing in March 2017. Reports on the visits had been followed by an exchange of letters between the police and the Ombudsman. The increase in the number of persons placed in the Trondheim security wing in 2017 was due to a number of factors including drug-related problems among the prison population. The security wing,

which was specially equipped to help address the different conditions of inmates, was a place for easing tensions and monitoring problems more closely. Placement there did not amount to isolation and could not be considered as a punishment in itself.

37. The Ombudsman had raised the issue of confidentiality in health-related matters at the Trondheim facility. Two of the three doctors working there spoke Arabic and interpreters were available for other languages. Unfortunately, however, it was not always possible to find official interpreters with the necessary language skills and staff or families sometimes had to act as intermediaries. Although that only happened with the consent of the patient involved, it was recognized that it was not an ideal solution and efforts were made to avoid it whenever possible.

38. The Ombudsman had recognized that the Trondheim facility had implemented several of the recommendations arising from the 2017 visit. For example, clocks had been installed in cells and more books and magazines were available in different languages. Steps were being taken to find a solution for persons with psychiatric conditions who posed a risk to themselves or others, whom the Ombudsman had said should not be housed in the security wing at all. Fewer than 10 children a year were placed in the wing. All of them had issues with self-harm and had been considered ineligible for admittance to a psychiatric institution.

39. Regulations concerning the use of holding cells at Bergen police headquarters had been changed following a visit by the National Preventive Mechanism in January 2016. Checks on intoxicated persons were now more frequent and thorough search procedures had been altered so that people no longer had to undress entirely and child welfare authorities were immediately informed in cases of detention of minors. Unfortunately, some of the holding cells were very small and, although there were plans to build a new police station, the existing cells would continue to be used for some time. In the meantime they had been painted and measures had been taken to reduce the psychological and physical impact of being held there.

40. In 2017, a total of 366 children had been detained in police holding cells. Of them, 239 had been held for less than 12 hours, 100 between 12 and 23 hours, and only 26 for more than 24 hours. The holding regime for children was less strict than for adults and they were frequently not physically in the cell but in other rooms, conversing with police officers, visiting the doctor or outside in the fresh air.

41. **Mr. Rotevatn** (Norway) said that, in September 2015, Norway had begun renting 242 places at Norgerhaven Prison in the Netherlands with the aim of resolving two long-standing issues: reducing the number of convicted prisoners awaiting a prison place and ensuring that people could be transferred out of police custody and into prison within 48 hours. Since the agreement had been signed, domestic prison capacity had increased and he could report that the Government had decided not to extend the agreement with the Netherlands. In order to maintain that capacity, double bunking would occasionally have to be used, which the authorities believed was a preferable although not ideal solution.

42. The Government did not share the view expressed by the Ombudsman that prisoners at Norgerhaven Prison were not guaranteed adequate protection against torture and degrading treatment. The prison was administered by a Norwegian governor who interacted closely with the Netherlands authorities, and the agreement between the Netherlands and Norway included a clear division of responsibilities under which both States had a duty to protect the prisoners' human rights. With the exception of the Convention on the Rights of Persons with Disabilities, the Netherlands and Norway were signatories to the same human rights instruments. All acts of torture were an offence under Netherlands law and allegations of torture were duly investigated and punished.

43. **Ms. Bolstad** (Norway) said that asylum seekers generally lived in reception centres and had full freedom of movement. They were not detained as a matter of course; in fact, detention was normally used only for asylum seekers whose application had been rejected or who were to be expelled and were at risk of absconding. Courts regularly verified that the conditions for detention were being fulfilled. Police were required to assess cases individually and to decide whether less restrictive measures could be applied, such as the obligation to reside in a specific location.

44. Recent provisions did allow asylum seekers to be detained while their applications were being processed, but they were not applied to minors or their parents. Adult asylum seekers could be held for up to 72 hours if their application was manifestly unfounded, and detention of up to one week was possible in other cases. The principle enshrined in the Constitution that any deprivation of liberty had to be necessary and proportionate was reflected in the Immigration Act, and the authorities believed that they were acting in line with the country's commitments under article 9 of the Covenant. The purpose of the recent provisions was to accelerate and expedite asylum procedures while maintaining public order. As far as she was aware, no asylum seekers had yet been detained under the new provisions, showing that police did not use them arbitrarily. It was difficult to motivate families with children to accept assisted return, but they were only detained in the context of deportation. In practice, the police only requested detention when the deportation was imminent and there was significant risk of absconding. A bill containing amendments to provisions governing the application of coercive measures under the Immigration Act was currently before parliament. It proposed more specific regulations to govern the detention of families with children and of unaccompanied minors. The provisions had been formulated to ensure that deprivation of liberty was very carefully regulated, particularly in the case of children, and used only as a last resort.

45. **Ms. Haare** (Norway) said that the Government had made its first apology to the Romani people/Tater in 1998, and that apology had been endorsed by all subsequent governments. A 2015 report entitled "Assimilation and Resistance — Norwegian policies towards Romani people/Tater from 1850 to the present" had led to a public hearing in which over 200 submissions had been made. It was difficult for the authorities to find solutions acceptable to a large majority of Romani people/Tater because the group had few representative organizations and there were strong disagreements between those who were organized in associations and those who were not. Nonetheless, the authorities were about to meet with representatives of the group to discuss collective compensation. That compensation had been temporarily suspended due to problems with how it was being administered, although the funds were still being earmarked and set aside.

46. **Mr. Megard** (Norway) said that, since 1998, there had been several schemes to compensate the Romani people/Tater for historical injustices they had faced, such as inadequate schooling and the unwarranted removal of children from families. The schemes, which existed at both national and local level, had a number of special features. For example, there was no statute of limitations on the injustices that could be compensated, there was a lower burden of proof and claims made tended to be believed because the existence of generalized injustice in the past had been acknowledged. Problems in accessing compensation, which had been highlighted by the "Assimilation and Resistance" report, were currently being examined and addressed.

47. Norway was strongly committed to the principle of self-identification for members of minority groups, and no one could be identified as belonging to such a group without their consent. For that reason, the Government did not keep lists of members of ethnic groups. Instead, in actions taken to support such groups, the authorities made use of independent academic research conducted in accordance with the ethical guidelines of the Research Council of Norway. According to that research, there were an estimated 700 Norwegian Roma currently living in the Greater Oslo area.

48. **Ms. Geving** (Norway) said that all children in Norway had equal rights to care and protection, and the Child Welfare Act applied to them all irrespective of status, ethnic background or citizenship. Likewise, the Child Welfare Service was available to everyone in the country, including Romani people/Tater. Its purpose was to support families and to help them live and function together. Eighty-one per cent of its actions involved voluntary measures in areas such as guidance, counselling and the provision of economic aid.

49. Placing children in foster homes or institutions without the parents' consent was always a measure of last resort, and the Child Welfare Act had been amended in 2015 with the introduction of obligatory assistance measures as a way to avoid children being taken into care. When a care order did have to be issued, the criteria for doing so were defined by law. They had to be assessed individually in each case and had to reflect the child's best interests. An order could only be issued when a child was being neglected, abused or

subjected to violence, and when obligatory assistance measures had proved insufficient. Care orders could only be emitted by a county social welfare board or the courts.

50. Parents involved in care order cases were entitled to free legal aid. They could present their case, call witnesses and appeal any decisions made. In addition, each year they could file an appeal for the order to be revoked. Children also had the right to be heard, and their views were given due weight on the basis of their age and maturity. Once a care order had been issued, the Child Welfare Service continued to monitor the condition of both parents and children.

51. She was unable to provide statistics disaggregated by ethnicity, also for the reasons explained by Mr. Megard, but a 2015 report by the Parliamentary Assembly of the Council of Europe (PACE) had showed that Norway was among countries with the lowest numbers of children in alternative care. A study from 2017 had showed that there was little difference in regard to care orders between families from immigrant backgrounds and the rest of the population. However, the immigrant population, particularly refugees, were overrepresented among the groups who received voluntary assistance measures.

52. The authorities had an obligation to look for a suitable foster home for children in alternative care, preferably within the child's own family or network of acquaintances. In choosing a home, account was also taken of the child's individual characteristics such as culture, religion and language. At times it was difficult to find homes that met all those criteria. Currently one out of four children lived in foster homes within their own family or network. The Child Welfare Service was currently implementing a competency development strategy, which included training with a focus on indigenous peoples and national minorities. In addition, legislative amendments had recently been introduced to further strengthen legal safeguards for children and families.

53. **Mr. Rotevatn** (Norway) confirmed that the Child Welfare Act applied to all children in Norway. When concerns about a child's welfare were reported, the municipal child welfare services had to ensure that the necessary care was provided in a timely manner, irrespective of the child's ethnic background, nationality or residency status. The Norwegian Directorate for Children, Youth and Family Affairs was responsible for unaccompanied asylum seekers aged between 15 and 18 years old, and care appropriate to their specific needs was provided by reception centres on behalf of the Directorate.

54. The possibility to seek asylum was viewed as a basic human right. Norwegian immigration policy was restrictive, responsible, based on the rule of law and drafted in line with the country's international commitments. In general, immigration had a positive impact on Norwegian society; however, large-scale immigration posed challenges to integration and the continued sustainability of the welfare state. The Government therefore pursued a stringent immigration policy, while also upholding its international obligations and taking account of the specific needs of immigrants.

55. **Mr. Knudsen** (Norway) said that the Nationality Act was applied subject to any restrictions arising from international law and agreements with other States. Under proposed amendments to the Nationality Act, stateless persons born in Norway without a residence permit would apply for citizenship once they had reached the 18 to 21 year-old age bracket.

56. **Ms. Bolstad** (Norway) said that statelessness did not automatically qualify persons for residency unless they were in need of protection or satisfied the conditions for a permit on the grounds of strong humanitarian considerations. Asylum seekers could be granted residency after three years should practical impediments prevent their return; however, stateless persons often returned voluntarily even when compulsory return could not be implemented. In that light, specific procedures on statelessness had not been deemed necessary.

57. Following amendments to the Immigration Act in November 2015, asylum applications in third countries were not automatically considered. In all cases, however, immigration officials assessed whether the asylum seeker concerned was at real risk of being subjected to treatment contrary to article 3 of the European Convention on Human Rights. The Russian Federation was considered to be safe for most third-country nationals;

even so, each case was examined in line with international standards and on its individual merits, which included questions such as whether the foreign national had been resident in a third country.

58. **Ms. Haare** (Norway) said that the Government was not currently in a position to discuss the decisions issued by the Supreme Court in late 2017 regarding the rights of Sami reindeer herders, in particular since one of the party's involved had indicated an intention to seek recourse through the Committee's individual communication procedure. The judgments of the Supreme Court had been translated into English and copies would be provided to the Committee.

59. The Government was considering how to follow-up on the proposals made by the Sami Rights Committee regarding the identification of rights south of Finnmark. A proposal by the Sami Rights Committee for a bill on consultations was being discussed with the Sami parliament with a view to strengthening the right of the Sami to be consulted on issues that directly affected them.

60. The Government and the Sami parliament had agreed to establish a new budget scheme beginning in 2019. Under the scheme, transfers to the Sami parliament would be aggregated under a single budget heading. An annual white paper was also to be presented covering developments in areas such as Sami languages, culture and society; describing the services provided to the Sami; and outlining the Government's goals in respect of the Sami population. It was hoped that the new budget scheme and white papers would strengthen the autonomy of the Sami parliament as an elected representative body and contribute to greater dialogue and understanding.

61. **Mr. Megard** (Norway) said that the Finnmark Commission was composed of five members — three lawyers and two magistrates — two of whom had been nominated by the Sami parliament and were well versed in the issues affecting the Sami population. Negotiations on the Nordic Sami Convention had ended in January 2017. The Sami Parliamentary Council, which was composed of representatives of the Sami parliaments of Norway, Sweden and Finland, had reviewed the draft text and indicated that it wished to propose amendments. All three States parties had to agree before renegotiations could begin.

62. The Government had addressed the issue of self-determination through the United Nations Declaration on the Rights of Indigenous Peoples and the ongoing dialogue surrounding the Nordic Sami Convention. The right to self-determination was provided for within the current legislation, which was in line with international standards. Self-determination was primarily exercised through the elected body of the Sami parliament, while respecting the territorial integrity of the State. In that connection, the Government considered that the legislation regulating Sami fishing rights was in full compliance with international law, including the country's obligations towards the Sami as an indigenous people. In fact, the relevant legislation had been agreed in consultation with the Sami parliament. There were no plans at the present time to launch a comprehensive review of the Reindeer Husbandry Act.

63. **Ms. Haare** (Norway) said that the Norwegian parliament had decided, in June 2017, to establish a commission on the historical assimilation policy directed at the Sami and Kven peoples. The Sami parliament was set to propose the mandate, name and composition of that commission by mid-2018.

64. Regarding consultation with indigenous peoples and the concept of free, prior and informed consent, she summarized the provisions contained in, among other instruments, the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and said that article 27 of the Covenant and the Committee's interpretation of that article were critical to Sami policy in Norway. Measures that would amount to a denial of a community's right to enjoy its own culture would be incompatible with the Covenant. However, a general requirement to obtain agreement or the free, prior and informed consent of a particular community could neither be derived from article 27 of the Covenant nor from other existing international instruments. The Sami parliament, therefore, did not have the right to block projects, measures or legislation by withholding consent.

65. **Ms. Birabwa Haveland** (Norway) said that no ethnic data were gathered beyond country of birth and nationality, owing to concerns that such personal information could subsequently be used to stigmatize vulnerable groups. As a result, it was not possible to identify members of particular ethnic groups. Statistics relating to the Sami population had, however, been developed. Official statistics were published every two years in the Norwegian and North Sami languages and contained information including the size and composition of the Sami population and the use of Sami languages in kindergartens and schools. Under personal data laws, information on racial or ethnic background was considered to be sensitive data. Moreover, owing to past abuses, some minority groups opposed the collection of such data. Efforts were being made, however, to develop indicators on discrimination, including racially or ethnically motivated discrimination.

66. **Mr. Heyns** said that, based on the information provided by the delegation, he understood that, in principle at least, the Child Welfare Act was applicable to all children in Norway. Under that Act, however, the Child Welfare Service was not responsible for the care of unaccompanied asylum seekers aged between 15 and 18 years of age, who were instead cared for by another institution. He would encourage the State party to consider assigning responsibility for the welfare of all children to just one institution, in order to avoid concerns about differential treatment.

67. **Ms. Jelić** said research had shown that women with children in Norway earned less than women who did not have children, whereas for men the opposite was true. She wished to know what measures had been taken or were envisaged by the State party to ensure that having a family did not have an adverse effect on women's salaries and to foster the equal participation of parents in family life. She would also like to know what action had been taken to develop a comprehensive, fully budgeted plan to revitalize and promote the Kven language, including by promoting the language in schools, providing appropriate teacher training and fostering use of the language in the media.

68. **Ms. Kran** said that she was concerned at reports that, in some cases, the exclusion of prisoners from the rest of the prison community was dictated by building conditions or staff shortages. She wished to know whether there were any written criteria to guide decisions on prisoner exclusions and how full and partial exclusion were defined. In a similar vein, she wondered whether there was any mechanism to record cases of prisoners being locked in de facto isolation for long periods without any formal exclusion decision having been taken and what action was being taken to prevent the use of isolation in those situations. Lastly, she noted the proposed changes to the legal aid system and wondered whether there was a timeline for their adoption.

69. **Mr. Shany**, noting the information provided regarding the amendments to the Immigration Act, which allowed for the detention of asylum seekers through an accelerated procedure, said he was concerned that persons were being detained on the basis of their country of origin. He wished to know whether the State party had considered the Committee's general comment No. 35 on article 9 of the Covenant (liberty and security of person), which strongly advocated for an individualized approach to the deprivation of liberty. He also wondered whether the views of the Office of the United Nations High Commissioner for Refugees, which had been critical of certain aspects of the accelerated procedure, including the use of automatic detention, had been taken into account before the amendments to the Act were adopted.

70. **Mr. Rotevatn** (Norway) said that no definitive answer could yet be given regarding a time frame for the introduction of the changes in legal aid since the proposals were still under consideration. It was hoped, however, that they would be adopted in short course; in the meantime, the Government was of the view that current arrangements were in line with the Covenant.

71. In 2018, a specific plan had been created by the Ministry of Local Government and Modernization, with the participation of representatives of the Kven community, for the purpose of revitalizing the Kven language. Among other initiatives, the plan contained various measures to strengthen use of the language in kindergartens and schools, promote the language in higher education and support civil society in setting up language camps.

72. Lastly, Norway had a strong track record on human rights and the Government strived to ensure that it met its international obligations. It was aware, however, that in certain areas improvements could be made and it was committed to achieving those objectives.

The meeting rose at 1 p.m.