



**International covenant
on civil and
political rights**

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**Human Rights Committee
Eighty-sixth session
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Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations of the Human Rights Committee

Norway

1. The Committee considered the fifth periodic report of Norway (CCPR/C/NOR/2004/5) at its 2341st and 2342nd meetings (CCPR/C/SR.2342 and 2343), held on 14 March 2006, and adopted the following concluding observations at its 2358th meeting (CCPR/C/SR.2358), held on 24 March 2006.

A. Introduction

2. The Committee welcomes the timely submission of the report by the State party which was drafted in accordance with its guidelines. The Committee notes with appreciation that the report contains useful and detailed information on developments since the consideration of the fourth periodic report in light of certain previous concluding observations. In addition, the Committee appreciates the delegation's precise oral responses given to the questions raised and concerns expressed during the consideration of the report.

B. Positive aspects

3. The Committee commends the State party for its generally positive record in the implementation of the provisions of the Covenant. It welcomes the extensive legislative activity and other measures that have been taken to improve the protection and promotion of human rights recognized under the Covenant since the examination of the fourth periodic report, including:

(a) The amendments to the Criminal Procedure Act to reduce the overall time spent on the investigation and adjudication of criminal cases;

(b) The amendments to the Criminal and the Civil Procedure Act regarding the reopening of cases as a result of a decision by an international body, which allows, under certain circumstances, reconsideration of cases following a decision of the Human Rights Committee;

(c) The improvement of Gender Equality legislation through the amendment, on 14 June 2002 and 19 December 2003 concerning gender representation, of the Gender Equality Act of 1978 and also the entry into force, on 1 January 2006, of legislation on gender representation on boards of public limited companies, the Action Plan to Combat Violence against Women (2000-2002) and the Action Plan to Combat Domestic Violence (2004-2007) as well as the amendment to Section 219 of the Penal Code;

(d) The adoption of the Anti-Discrimination Act on 3 June 2005, and the establishment of the Equality and Anti-Discrimination Ombud and Anti-Discrimination Tribunal on 10 June 2005, which entered into force on 1 January 2006.

4. The Committee commends the prompt response and the measures taken by the State party to remedy the infringements on religious freedom identified in the Committee's views in Communication No. 1155/2003, including the adoption of amendments to the Education Act.

5. The Committee welcomes the Agreement entered into by the State party and the Sameting on 11 May 2005 setting out procedures for consultation between central government authorities and the Sameting, as well as the adoption of the Finnmark Act, which is in furtherance of articles 1 and 27 of the Covenant.

6. The Committee takes note of measures taken by the State Party to give effect to the commitment under the Covenant to respect the rights recognized in the Covenant for all individuals within its power or effective control in situations where its troops operate abroad, particularly in the context of peacekeeping and peace-restoration missions.

7. The Committee appreciates the involvement of Parliament and non-governmental organizations in the preparation of the report and the planned follow-up to the concluding observations.

C. Principal subjects of concern and recommendations

8. The Committee regrets that Norway maintains its reservations to article 10, paragraphs 2 (b) and 3, article 14 and to article 20, paragraph 1, of the Covenant.

The State party should continue to review the possibility of withdrawing its reservations.

9. The Committee is concerned about the potentially overbroad reach of the definition of terrorism in article 147b of the Penal Code.

The State party should ensure that its legislation adopted in the context of the fight against terrorism (pursuant to Security Council resolution 1373 (2001)) is limited to crimes that deserve to attract the grave consequences associated with terrorism.

10. The Committee notes with concern the persistence of domestic violence despite legislation adopted by the State party. It also notes with regret the lack of statistics with regard to this issue. (arts. 3, 7)

The State party should reinforce its policy against domestic violence and, in this regard, prepare adequate statistics and take more effective measures to prevent domestic violence and assist the victims.

11. The Committee notes with concern that asylum requests may be rejected on the basis of the assumption that the persons concerned can find protection in a different part of their country of origin even in cases, where information, including recommendations by UNHCR, is available indicating that such alternatives might not be available in the specific case or country of origin. (arts. 6, 7)

The State party should apply the so-called internal relocation alternative only in cases where such alternative provides full protection for the human rights of the individual.

12. While the Committee takes note of the positive measures adopted, it remains concerned that trafficking in human beings, especially women, is escalating within the territory of the State Party. The Committee is also concerned about incidents of female genital mutilation. (art. 7, 8)

The State party should further strengthen its measures to prevent and eradicate these practices, as well as to effectively protect victims and witnesses, inter alia, by granting residence permits where appropriate on the basis of humanitarian considerations.

13. The Committee is concerned about the provisions of solitary confinement and in particular the possibility of unlimited prolongation of such pre-trial confinement, which might be combined with far-reaching restrictions on the possibility to receive visits and other contacts with the outside world. (arts. 7, 9, 10)

The State party should review its legislation and practice to ensure their compatibility with the provisions of the Covenant.

14. While welcoming the amendments to the Criminal Procedure Act adopted in 2002, the Committee notes with concern the continued use of pre-trial detention for excessive periods of time and the lack of implementation of the aforementioned amendments. (art. 9)

The State party should implement the relevant provisions without delay.

15. The Committee takes note of proposals to repeal article 2, paragraph 2, second sentence, of the Constitution, which provides that individuals professing the Evangelical-Lutheran religion are bound to bring up their children in the same faith and reiterates its concern that this provision is incompatible with the Covenant. (art. 18)

The State party should repeal this section of the Constitution without delay.

16. The Committee is concerned about the practice of not allowing infants to remain with their mothers while in custody and in particular, the unequal treatment of mothers, on the basis of the nationality, regarding the possibility of leave from prison when breastfeeding their babies, which amounts to discrimination. (arts. 10, 17 and 26)

The State party should review its practice of separating infants from their mothers and of using nationality as a criterion to decide on requests for leave from prison when breastfeeding. It should further consider imposing appropriate non-custodial measures in such cases.

17. The Committee notes with concern reports of a high incidence of discriminatory police stops of persons based on their apparent ethnic origin. (art. 26)

The State party should seek to ensure that such police stops are not discriminatory or excessive and should put in place a system to monitor the incidence of such stops to assure there is no discrimination. The State party should also address this problem through specific training and education programmes to raise police awareness.

18. The State party should disseminate widely the text of its fifth periodic report and the present concluding observations. The Committee welcomes the State party's plans to expand its distribution beyond what it has done in the past.

19. The Committee requests the State party to provide in its next report, which it is scheduled to submit by October 2009, information on the recommendations made and on the Covenant as a whole.