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SUMMARY RECORD OF THE 302nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 July 1981, at 3.15 p.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Norway (CCPR/C/1/Add.5) (continued)

1. Mr. DOLVA (Norway), continuing his replies, turned to the question of the conditions for reopening a penal case, a matter dealt with in the supplementary report under the heading of paragraph 7 of article 14 of the Covenant (CCPR/C.1/Add.52, pp. 11-12). Since the question was covered by a formal reservation by the Norwegian Government, there was of course no binding obligation on Norway in the matter. Nevertheless, his Government had explained the conditions for reopening a penal case set forth in Norwegian law on criminal procedure, which made that reopening subject to very stringent conditions: it was possible only on the basis of new evidence showing beyond doubt that the person concerned had committed an offence. To the Norwegian mind, it would seem somewhat shocking that a murderer should be allowed to write about his murder after having been acquitted; if evidence was forthcoming that he was indeed guilty, the case should be reopened.

2. Lastly on article 14, he explained that there were no military tribunals in Norway in time of peace; military tribunals functioned only in wartime and even then they were subject to strict rules regarding their independence and the guarantees of proper defence for the accused.

3. Sir Vincent EVANS said that he had some doubts regarding the Norwegian representative's reply with regard to the application of the non bis in idem rule. It had been explained that in Norway a case could be reopened if new evidence put it beyond doubt that the accused was guilty. That approach seemed to be prejudging the case and it could be argued that it was inconsistent with the presumption of innocence enshrined in the Covenant.

4. Mr. DOLVA (Norway) explained that to the Norwegian legal mind there were two separate questions: first, that of the conditions for reopening a case; secondly, that of the independence of the courts and the presumption of innocence, which were not prejudged in any way. In practice, since most serious criminal cases came before a court consisting of professional judges with a lay jury, the judges would rule on the question whether a case could legally be reopened but it would be still open to the jury to return a verdict of not guilty.

5. Sir Vincent EVANS asked whether there had been any cases in practice of reopening followed by a verdict of not guilty.

6. Mr. DOLVA (Norway) said that he could not bring to mind any specific examples but pointed out that in Norway juries were not overawed by judges; it was not unusual for them to take their own stand, setting aside the recommendations of the judges. On legal issues, it was of course possible for the judges to set aside the jury's verdict and to order a retrial; in such cases, however, very often the new jury returned the same verdict.

7. The CHAIRMAN invited comments and questions on article 18 of the Covenant.

8. Mr. ERMACORA, speaking on the question of objectors to military service on grounds of conscience, noted that Norwegian law made it possible to grant exemption from military service if there was reason to suppose that a recruit could not "do military service of any kind without coming into conflict with his deep personal convictions". He asked on what grounds recruits could be exempted from military service, the procedure followed, the organs dealing with the matter and the number of individuals annually admitted to perform a service of a civilian nature. The whole question of objection to military service on grounds of conscience was a very important one in western European countries and the United Nations Commission on Human Rights had had occasion to discuss it. The explanations given in the supplementary report (ibid., pp. 17 and 18) were very interesting but did not cover the whole ground and also called for some clarification. In particular, he wished to know what interpretation was given to the concept of "deep personal convictions": were the reasons admitted for objection only religious ones, or did other grounds qualify as well?

9. Mr. SADI noted from the supplementary report that the Evangelical-Lutheran Church was the State religion in Norway. Whatever one's views as to the compatibility of the institution of a State religion with the provisions of the Covenant, it was undoubtedly true that for historical reasons there existed many countries in which the Constitution proclaimed a certain religion or ideology as the official one. As far as Norway was concerned, he noted from the report (ibid., p.14) that "other religious communities" were allowed to register and could, once registered, get official financial support. On that point, he would be grateful for information as to which religious communities had registered in order to receive financial support, and also whether there were any communities which had not so registered. He also wished to know the objective of registration: what did a religious community lose by not registering?

10. He noted (ibid., p.14 in fine) that registered religious communities had certain functions pertaining to public law, such as the right to solemnize marriages. If therefore a Moslem religious community, for example, applied for registration, would it be allowed to perform all those functions? Was it a prerequisite that a community should have a minumum number of members before the powers in question were conferred upon it?

11. He noted from paragraph 3 of the section on article 18 (ibid., p. 15) that a child whose parents subscribed to the State Church belonged to that church from birth but that "anyone over 15 years of age may join or resign from the Church of Norway". The passage in question went on to say that, in respect of younger children, the parents or guardians took the decision "but due account shall be taken of the views of children over 12 years of age". What was the practical effect of the views of a child over 12 but below 15, since it was only at the age of 15 that freedom of choice existed?

12. He noted from paragraph 4 of the same section (ibid., pp. 15-16) that the original constitutional requirement that only persons of Lutheran faith could be appointed as senior State officials had been gradually done away with. Had a non-Lutheran a chance of becoming a senior official in Norway and how many such officials were there? In paragraph 5 (ibid., pp. 16-17), he noted that the relevant legislation in Norway required schools to give the pupils "a Christian and moral upbringing". Did the effect of that provision go beyond the question of religious

instruction in special courses? Was the whole school curriculum framed so as to give children a specifically Christian upbringing? If so, even those children who had been dispensed from religious instruction would be influenced by the general tone of the school.

13. Mr. MOVCHAN expressed his satifaction at that welcome opportunity of dialogue with the representative of Norway. He wished to reiterate his customary approach; in a discussion like the present, any Committee member could not only ask questions but also make comments. That being said, he had three questions to put to the Norwegian representative.

14. The first concerned the fact, which struck him very forcibly, that in Norway (as in many other States) article 18 of the Covenant was treated as though it was concerned only with the freedom to exercise a religion; in fact, of course, article 18 was much broader than that and dealt not only with freedom of religion but with freedom of thought and conscience as well. Clearly, article 18 covered not only the freedom to hold a religion, but also the freedom not to have a religion at all or indeed to hold anti-religious views. Perhaps his own family background had influenced him in that regard, because his mother was religious and his father anti-religious.

15. On the question of a State religion, he shared the misgivings expressed by Mr. Sadi, although of course he recognized that the question of institutionalizing a particular church was a domestic matter, and he personally respected any country's position in that respect. At the same time, the Committee was called upon to consider whether such institutionalization had any influence on the exercise of civil and political rights. In the case of Norway, it would appear that citizens could have different rights depending on their religion. Thus, he noted from paragraph 2 of the section on article 18 (ibid., p. 13) that, according to the Norwegian Constitution "over half of the members of the Government must profess the official religion of the State.". That provision could have the effect of debarring certain nationals from access to public service. That being so, his first question was whether that constitutional provision did not run counter to article 25 (c) of the Covenant, which stated that every citizen must have the right and the opportunity "to have access, on general terms of equality, to public service in his country", combined with article 2(1) whereunder each State party undertook to ensure to all persons on its territory the rights recognized in the Covenant "without distinction of any kind, such as race, colour, sex, language, religion ...".

16. His second question also related to a problem of conflict between national legislation and the Covenant. He noted that in fact 94 per cent of the inhabitants of Norway professed the State religion, so that in practice the constitutional provisions on the officially established Church did not lead to any major problems. He also noted, however, from paragraph 5 A of the section of the report on article 18 (ibid., pp. 16-17) that the education of children was conducted in terms of religion but that the parents of a child could request that their child be released from religious instruction "when they themselves do not belong to the Church of Norway". That did not appear at all compatible with the concept of freedom of conscience and religion. That freedom should be granted on equal terms

to all. To make it subject to certain specific conditions and to special procedures was contrary to that concept: the persons concerned were treated as though they were benefiting from an exception, and not - as they should - as enjoying a normal freedom. Did not the above provisions on religious education not run counter to the terms of article 18 of the Covenant?

17. His third and last question was connected with the statement in paragraph 1 of the section on article 18 (ibid., p.12) that, in Norway, the constitutional principle of freedom of religion "embraces all philosophies, including that of not having any religion whatever". He welcomed that recognition of the right to hold a philosophy not based on religion but was nevertheless concerned at a particular question. Recalling Norway's sufferings under enemy occupation during the Second World War, which had made that country familiar with the evils of nazism, fascism and racism, he asked whether those ideas could be held to constitute philosophies and claim protection under the above-mentioned constitutional principle. He himself did not believe that fascism, nazism or racism could be treated as philosophies, but he wished to know whether in Norway they could be held to be protected by the freedom of thought. Was there any legislation on the subject? Was Norway a party to the international conventions directed against those evils, such as the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid?

18. Mr. HANGA, speaking in connection with article 17, recalled that in Norway's initial report reference had been made to the fact that "on 17 December 1976 a provisional Act was adopted granting the authorities the right to monitor telephone conversations in the course of an investigation of violations of the legislation on narcotics" (CCPR/C/1/Add.5, p.7). When the Committee had discussed that report at its fourth session, the representative of Norway had explained that the temporary Act of 17 December 1976 "would be in force until the end of 1978, pending permanent legislation in the matter" (CCPR/C/SR.79, para. 23 in fine). Three years had elapsed since that statement and he wished to know whether the Act of 17 December 1976 was still in force and, if not, whether new legislation had been enacted.

19. With regard to article 18 of the Covenant, he asked whether a person who claimed that a particular public post had been refused to him on grounds of religion could seek redress from the courts and, if so, what form did the redress take.

20. Mr. DOLVA (Norway) agreed with those members of the Committee who had stated that the circumstances would be much clearer if a clear-cut distinction had been made between Church and State. However, that had not been done, and the resulting situation was not incompatible with freedom of religion. It should be borne in mind that 94 per cent of the population were members of the Evangelical Lutheran Church and it was felt that human rights were safeguarded provided other religions and philosophical associations were given adequate financial support to enable them to fulfil their functions.

21. The rule that over half of the members of the Government must be members of the State Church had originated in the requirement that only members of the State Church could participate in governmental consideration of matters relating to that Church. In his Government's view such a situation could not be deemed to be an unreasonable restraint on access to public service.

22. There had recently been a very thorough discussion of the future of the official Church. A Royal Commission had been working on the problem. The majority view had been in favour of retaining the present system. The Government had accordingly proposed to Parliament that the present constitutional rules should be retained but that there should be some reforms and that greater power should be given to the Church itself. Nevertheless, the final word had not yet been said.

23. The relationship between State and Church was reflected in the nation's schools and educational system. Under Act No. 26 of 13 June 1969 relating to the Basic School, mentioned in paragraph 5 of the commentary on article 18, such schools must give their pupils "a Christian and moral upbringing". Unfortunately the report had not included the full text of the Act, which also stated that an equal aim was to further the spiritual freedom and tolerance of pupils. Similar rules applied to secondary schools - to promote knowledge of basic Christian values, the common cultural heritage, equality of men, freedom, tolerance and international responsibility. In short, even though 94 per cent of the population professed the State religion, the general picture in Norway was that of a strongly pluralistic State where there was certainly no overwhelming pressure on other believers.

24. He fully agreed with Mr. Movchan that article 18 of the Covenant was not concerned only with religion. A well-known book on the Norwegian Constitution asked whether the Constitution also protected anti-religious tendencies and cited the USSR Constitution in that respect. Strong arguments had been put forward in favour of interpreting paragraph 2 of the Constitution as protecting views both in favour of and against religion.

25. The principle that financial support should be given to unregistered religious and non-religious communities had recently received statutory force, with the result that the advantages of registration had been diminished and the position of communities which objected to registration on principle had been improved.

26. Children belonged to the State Church if their parents were also members. Anyone over 15 years of age could join or resign from the Church of Norway. A concept of gradual responsibility, starting at seven and a half years, was currently being developed. Unfortunately no statistics were available on the religious beliefs of civil servants. However, it was most unlikely that membership or non-membership in the official church had any bearing on careers.

27. Conscientious objection to military service existed in Norway, subject to certain conditions. Applicants must have non-violent moral convictions preventing them from bearing arms or joining the armed forces. Of the 2,000 persons who had applied for registration as conscientious objectors in 1980, only 169 had not been accepted. The Ministry of Justice was responsible for deciding whether an application was valid or not. If an application was rejected and the applicant still declined to do his military service, the State took him to court to prove that he did not satisfy the conditions required for exemption. Exempted persons performed civilian service instead of military service. A Royal Commission had recently proposed that the legislation should be revised.

28. The Norwegian Penal Code contained far-reaching rules against the public expression of fascist and nazist sentiments. However, a line had to be drawn between the need to suppress such ideologies and the right to freedom of expression.

Article 19

29. Mr. TARNOPOLSKY drew attention to section 100 of the Norwegian Constitution, whereby no person could be punished for any writing, which he had caused to be printed or published, whatever its contents, unless he had wilfully and manifestly either himself shown, or incited others to, disobedience of the laws, contempt of religion or morality or the constitutional powers or resistance to their orders. He said that he was always suspicious when the State sought to protect itself from insult and inquired whether it would be considered contempt of religion to urge the separation of Church and State or contempt of the constitutional powers to advocate a republic. He also asked for some information regarding the tests of imminence applied in respect of the provisions of section 135 of the General Civil Penal Code whereby anyone who endangered the general peace by publicly insulting or provoking hatred of the Constitution or any public authority was punished. He pointed out that every society contained harmless fringe elements and that the question of whether the peace was being disturbed was often not so much a question of the intensity of the insult as of the extraordinary sensitivity of the listener.

30. Mr. MOVCHAN inquired whether a person making an anti-religious statement pursuant to his rights under article 19 (2) of the Covenant would be held to be displaying contempt of religion under section 100 of the Constitution.

31. His second point was also in connection with religion. To his knowledge, all religions prohibited war. How was it that Norway, a country having a State religion, had no law banning war propaganda? The Storting had rejected a bill prohibiting such propaganda because it allegedly ran counter to the provision of article 19 (1). In doing so, had it not acted counter to the Norwegian Constitution by acting against the State religion? Members of the Committee espousing communist thinking believed that it had. He wished the representatives of Norway to draw their Government's attention to that fact and to the fact that, with all due respect, the reservation to article 20 (1) on the basis of article 19 had no legal justification. That was because war, as history had taught, ran counter to the life of man, without which he had no rights, including civil and political rights. Article 20, therefore, was the logical outcome of article 19 and attested to the strong stance of the United Nations that there was no place in the world for war. In his opinion, no reservation concerning article 20 could be made on the basis of article 19.

32. Mr. SADI said that the reference to "disobedience to laws" in article 100 of the Norwegian Constitution seemed quite far-reaching, and wished to know whether it could include any law, such as a traffic law. Furthermore, if one attempted to change the laws of a nation, a logical method would be to engage in writing against those laws; that restriction seemed to him to constitute censorship.

33. His second question concerned the reference to "contempt of religion or morality" in the same article. Did "religion" refer to the State religion, and if so, what about the other ones, including the registered ones? Furthermore, if a person taught the doctrine of evolution or advocated abortion, would that constitute contempt of religion? Did being in favour of couples living together outside of marriage constitute contempt of morality?

34. Concerning the Norwegian Broadcasting Corporation, the only body controlling broadcasting in Norway, he wished to know whether it also had the objective of propagating the State religion.

35. Mr. HANGA had two questions concerning broadcasting. It was stated in the report (page 20) that the Norweigan Broadcasting Corporation was under the direction of a board "appointed by the Government". According to which criteria were the members appointed? Further on in the same paragraph, the report stated that the institution "shall be independent and politically neutral.". Were its members from the same party as the Government party, from all parties represented in the Government, or were they not members of any political party?

36. The CHAIRMAN invited the members to ask questions concerning article 19.

37. Mr. DOLVA said that he had one additional reply concerning article 17. The provisional legislation on wire-tapping, to which he had referred earlier, and which was to expire at the end of 1980, had been prolonged.

38. With respect to freedom of expression, he agreed with several members of the Committee who had found the formulation of paragraph 100 of the Constitution open to questions and criticism. The Norwegian Constitution dated from 1814, and there was extreme conservatism as to the question of modernizing it. The counterpart of that conservatism as to the Constitution's form was the need for a modern interpretation of its rules. He wished to assure the Committee that the way in which the rules were understood and interpreted by the Norweigian authorities gave a good margin for freedom of expression. Furthermore, the paragraph which had retained the Committee's attention did not say that freedom of expression had to be restricted on the grounds of religion and morality, but that there might be such restrictions. Other legislation must lay down the extent to which religion and morality or other values should be protected. The Penal Code contained more effective rules on that matter.

39. He wished to point out that the restrictions allowed in respect of contempt of religion were for the protection not only of the State religion but other religions as well. Moreover, the restrictions on freedom of expression allowed by the Constitution presented no hindrance to public discussion of reforms on any subject whatsoever, including separation of State and church. A person could take any view he wished on abortion, living together, etc. There was some restriction as to the form one could use to express those views, such as legislation on insults and limits concerning the use of violence. However, he believed that even someone advocating revolution on a theoretical basis could do so. If real danger were involved, it would be up to the authorities to act.

40. Concerning the questions that had been put with respect to paragraph 135 of the General Civil Penal Code, which "punishes anyone who endangers the general peace by publicly insulting or provoking hatred of the Constitution or any public authority...", he agreed that that formulation, dating from 1902, gave rise to questions. However, he knew of no case where that paragraph had been invoked in modern times. As for the question of which authorities judged those legal texts, it would be up to the courts to decide.

41. Mr. MOVCHAN had asked a question concerning consistency between Norway's reservation to article 20 concerning war propaganda and its State religion. If Norway could have banned war by enacting legislation, it would have long since done

so. Unfortunately, that was not a realistic approach. He assured the Committee that Norway had made and would continue to make every reasonable effort to further the cause of peace. With respect to the Norwegian Broadcasting Corporation, though it was a monopoly, there was awareness in Norway of the need for broadcasting to have neutral and pluralistic content. The possibilities of widening the co-operation of different interest groups in that media was the subject of much discussion. One of the functions of the members of the board was to guarantee that neutral and pluralistic approach. The appointments of the board members, who served in a personal capacity, were the subject of much debate in Parliament every year, which indicated that the matter had engaged public opinion.

42. The CHAIRMAN invited the members of the Committee to ask general questions on any of the articles of the Convention.

43. Sir Vincent EVANS had several questions relating to article 27 concerning treatment of minorities. The initial report (CCPR/C/1/Add.5) had stated that that provision would not cause any difficulties as far as Norway was concerned. Speaking of the Lapps or Sami people, he remarked that such minorities in other countries often felt that their land and way of life were being encroached upon. What had been done to protect the Lapps' rights to enjoy their own culture, religion and language, as required by article 27? He believed there were members of the same ethnic group in neighbouring countries, such as Sweden, Finland and northern Russia. Had there been consultations with those countries regarding the treatment or protection of the Lapps?

44. Mr. ERMACORA said there had been no reference to modern data-processing in either the initial report or the addendum. How did the Norwegian legal order deal with the right to privacy in regard to data-processing?

45. Mr. HANGA had two brief questions concerning articles 21 and 23. With respect to the right to negotiate, he wished to know whether labour contracts in Norway were concluded by trade unions, in both the public and private sectors. With respect to article 23, paragraph 4, which stated that in the case of dissolution of a marriage, provision would be made for the necessary protection of any children, he wished to know whether there were any laws in Norway which permitted the State to take over custody of children in extreme cases.

46. Mr. TOMUSCHAT raised a point in connection with the status of the Covenant in the Norwegian legal system. Mr. Dolva had said, in response to a question on the initial Norwegian report, that the Covenant could be taken into account by the national court when interpreting the relevant municipal law (CCPR/C/SR.79, paragraph 3). He wished to know whether there were any instances of the national courts having in fact done so. The initial report by Norway (CCPR/C/1/Add.5) had stated that a comprehensive system was in existence for the protection of persons whose rights had been infringed, enabling them to bring complaints before the competent administrative or judicial authorities. It would be interesting to know, for example, what concrete steps could be taken by persons who were denied a passport or by aliens who were denied a residence permit in spite of close family connections in the country. He was also not clear whether aliens enjoyed all the rights to which they were entitled under the Covenant, with the exception of those listed under article 25. Article 58 of the Norwegian Constitution laid down the number of deputies that any Norwegian region might elect to the Storting. He would like to know whether the distribution of elected representatives was periodically revised to take account of population movements so as to avoid the possibility of discrimination in favour of rural areas.

47. Mr. TARNOPOLSKY, referring to the setting up in Norway of an Ombud and a Board for implementation of the provisions of the Act of 1 January 1979 relating to equality between the sexes (CCPR/C/SR.79, paragraph 8), asked whether the rules relating to remuneration for employment were based on the ILO criterion of equal pay for work of equal value or on the commonly used, but in his view unjustifiable principle of equal pay for equal work.

48. Sir Vincent Evans had dealt with the question of the Sami and their needs as a minority group under article 27 of the Covenant. There was however the possibility of discrimination against individual members of minority groups outside their own minority areas. In his view a member of a minority group who moved to another part of the country was entitled to protection under article 26 of the Covenant not only against Governments but also against private individuals as well and he would like to know what redress was available for a Sami - or indeed a gipsy - who felt himself the object of discrimination. Referring to a question previously raised during discussion of the initial Norwegian report (CCPR/C/SR.77, paragraph 43), he said that he was still not entirely clear as to the exact meaning of the Norwegian reservation to the Optional Protocol as it affected the previous examination of communications from individuals. It was important to know, for example, whether an individual whose communication had been declared inadmissible by the European Commission could still apply to the Human Rights Committee.

49. Mr. LALLAH said that the Committee had been told during discussion of the initial Norwegian report (CCPR/C/SR.79, paragraph 23) that under a temporary Act in force until the end of 1978, court permission for telephone tapping could not be given for more than two weeks at a time, while permission from the prosecuting authority was only valid for 24 hours. He would like to know what was the present position in regard to legislation on telephone tapping.

50. Mr. DOLVA (Norway), replying to questions by members of the Committee on the protection of ethnic minorities under article 27 of the Covenant, said that both the Norwegian Government and the general public had become more conscious of their responsibilities vis-à-vis ethnic minorities since the compilation of the initial report. The Sami population of Norway amounted to between 20,000 and 30,000 people and similar ethnic groups were to be found in Sweden, Finland and even northern Russia. The existence of the Sami minority was brought to the notice of the general public in spectacular fashion at the time of a national project for a large hydro-electric plant in a predominantly Sami area, but even before that date various measures had been taken by the Government to protect the Sami minority and promote Sami culture. Ratification of ILO Convention No. 107 on indigenous peoples had not been favoured originally by representatives of the Sami people. In the light of changed circumstances, however, a Royal Commission had been appointed to consider the rights of minority populations to land and water and also their legal rights. The views of representatives of minority groups, local authorities and constitutional lawyers would be heard by the Commission, whose terms of reference were broadly based on Article 27 of the Constitution. The Commission had been instructed to prepare a separate report on the need for the constitutional protection of minority groups and to consider as a secondary priority the desirability of ratifying ILO Convention No. 107. Norway was collaborating with other countries in the Nordic Council on matters relating to common ethnic minorities. The protection of members of minority populations outside their own areas, raised by Mr. Tarnopolsky, was fully covered by article 135 (a) of the Norwegian Penal Code.

51. In regard to data processing and the infringement of privacy, an Act had been passed on 9 June 1978 relating to data banks containing personal particulars and a comprehensive system had been devised for the protection of sensitive information, including obligatory registration of data banks containing such information. Private individuals had been given the right to check the data recorded on them; in case of need they could of course apply to the administrative authorities and to the courts.

52. The right to negotiation and collective bargaining, which had been the subject of a question, was guaranteed both in the public and private sectors and trade unions were parties to such collective agreements. In regard to the protection of children, the social services were empowered to take children into care, in order to protect them against abusive treatment or violence on the part of their parents. Such a drastic solution of the problem was obviously only appropriate as a last resort and every effort was made to assist families in handling their own problems.

53. He confirmed that the Covenant and other international human rights instruments could be taken into account by the national courts and there were an increasing number of instances in which that had been done. A recent decision of the Norwegian Supreme Court, for example, had referred to the European Convention on Human Rights. The remedies available to individuals who considered themselves unjustly treated, for example by denial of a passport, were initially to the administrative authorities and as a last resort to the courts; there was also the possibility of an appeal to the Ombudsman. That applied also to the case of an alien, whose application for a residence permit had been refused, although any close family connections would in any case be taken into account by the competent authorities. Although the provisions of the Constitution relating to the status of aliens vis-à-vis Norwegian citizens were not very clear, aliens did in fact enjoy equal rights, subject to the exceptions contained in the Covenant. The authorities in Norway were in any case bound to observe the law in their dealings with private individuals, whether aliens or not.

54. It had been pointed out by Mr. Tomuschat that the Constitution laid down very precise rules in regard to the geographical distribution of seats in the Storting. The distribution had in fact been amended many times in the light of population movements. There was a definite bias in favour of rural populations, but that was not a matter of accidental discrimination but of deliberate government policy. In the northern area of Finmark, with its very low population density, the number of electors per deputy would be about one third of the corresponding figure for the capital. Problems of equal remuneration formed one of the principal categories of complaint referred to the Ombudsman. The Act of 1 January 1979 on equality between the sexes laid down that men and women in the same employment should receive equal remuneration for work of equal value, as recommended by the ILO.

55. An attempt had been made in paragraph III of the supplementary report (CCPR/C.1/Add.52) to explain in greater detail the Norwegian reservation to the Optional Protocol. His Government was aware that other matters might arise in connection with that reservation, but was not prepared to go further at the present time. In regard to the authority for telephone tapping, the original provisional legislation had been extended to 1980 and had now been further extended.

56. The CHAIRMAN paid tribute to the representative of Norway for his valuable contribution to the dialogue with the Committee. The trial procedure of examining the report section by section had been found to have advantages and it might perhaps be considered by the Group of Three which was shortly to consider Committee procedures.

The meeting rose at 6.04 p.m.