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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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25 April-13 May 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on Economic,
Social and Cultural Rights**

NORWAY

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Norway on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.14) at its 14th and 15th meetings, held on 3 and 4 May 2005 (see E/C.12/2005/SR.14 and 15) and adopted, at its 27th meeting, held on 13 May 2005, the following concluding observations (see E/C.12/2005/SR.27).

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of the State party and the comprehensive written replies to the list of issues. The Committee also welcomes the frank and constructive dialogue with the delegation of experts of the State party.

B. Positive aspects

3. The Committee appreciates the State party's commitment to international cooperation as reflected in the volume of official development assistance, standing at 0.92 per cent of the gross national income. The Committee also welcomes the importance attached to human rights in the State party's Action Plan for Combating Poverty in the South towards 2015.

4. The Committee welcomes the adoption of the Human Rights Act of 21 May 1999, which incorporated the Covenant into domestic law, stipulating in section 3 that the Covenant takes precedence over any other legislative provisions that conflict with it.

5. The Committee welcomes the adoption on 26 April 2005 of the Act prohibiting ethnic and religious discrimination.

6. The Committee welcomes policies and measures adopted to strengthen the protection of economic, social and cultural rights, including within the framework of the 2002 Plan of Action for Combating Poverty and the National Plan of Action to Combat Racial Discrimination (2002-2006).

7. The Committee notes with appreciation the submission to parliament, on 1 October 2004, of a new White Paper on Norway as a multicultural society that includes people of various backgrounds, ethnicities, religions, cultures, languages and ways of life.

8. The Committee welcomes the National Plan of Action against Trafficking (2003-2005) and the introduction of a specific penal provision on trafficking in human beings, which entered into force in July 2003, as well as the State party's ratification in September 2003 of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee notes the absence of significant factors or difficulties impeding the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

10. The Committee is concerned about cases of discrimination faced by persons of immigrant background, particularly in the areas of housing and work.

11. The Committee is concerned about problems faced by persons of immigrant background, in particular women, in accessing the labour market. The Committee notes in this regard the limited effect of the measures taken so far by the State party to increase the participation of immigrants in the labour market.

12. The Committee notes with concern the persistent salary differences between men and women, despite the substantial measures taken to end discrimination against women in the workplace.

13. The Committee is concerned at the high incidence of accidents in the fishing and offshore petroleum industries.

14. The Committee expresses concern at the high number of children who are removed from their families and placed in institutions or foster homes in the State party.

15. The Committee is concerned that domestic violence is still a widespread problem in the State party and notes the lack of specific legislation concerning domestic violence.
16. The Committee is concerned that the subsistence requirement imposes an undue constraint on the ability of some foreigners, including those who have been granted a residence permit on humanitarian grounds, to be reunited with their closest family members.
17. The Committee is concerned that Norway is a destination for women trafficked for the purpose of sexual exploitation.
18. The Committee notes with concern the increasing number of evictions carried out in the State party, especially in Oslo, mainly as a consequence of unpaid rent. The Committee is also concerned that the disadvantaged and marginalized groups in society are particularly affected by the privatization of municipal social housing and rising housing prices. Despite the assistance provided through the State Housing Bank, the Committee is particularly concerned that the number of social housing units for low-income individuals and families is far from adequate. It regrets in this regard the lack of information on the number of people living in illegal settlements and whether they are liable to forced eviction and the number of persons on waiting lists for municipal social housing.
19. The Committee notes with concern that an estimated 5,200 people are homeless in the State party. Furthermore, the Committee is concerned that rejected asylum-seekers who cannot be sent home to their countries of origin are not offered accommodation in reception centres after the deadline set for departure.
20. The Committee is concerned about information received that many asylum-seeking children who suffer from trauma and illness are not afforded adequate assistance.
21. The Committee is concerned about the high incidence of eating disorders among adolescents in the State party and about the high incidence of suicide among adolescent boys aged 15-19.
22. The Committee is concerned about the restrictions placed on the access to education of asylum-seekers, as asylum-seeking children only have access to free primary and lower secondary education and asylum-seekers over the age of 18 are not offered courses in Norwegian.

E. Suggestions and recommendations

23. In the light of the Supreme Court ruling in the “KLR case” (Supreme Court Reports 2001, p. 1006), which states that international treaties that have been incorporated into national legislation can only be directly applied when it is possible to derive concrete rights and duties from their provisions, the Committee reaffirms the principle of the interdependence and indivisibility of all human rights and that all economic, social and cultural rights are justiciable, and urges the State party to ensure that all the provisions of the Covenant are given effect by its domestic courts. In this regard, the Committee refers the State party to its general comment No. 9 (1998) on domestic application of the Covenant.

24. The Committee recommends that the State party pursue efforts to ensure the full independence of the Norwegian Centre for Human Rights as a national human rights institution in compliance with the Paris Principles.

25. The Committee requests the State party to provide in its next periodic report disaggregated information on its official development assistance, indicating funds allocated to different sectors in the areas of economic, social and cultural rights. Information is also sought on measures taken by the State party to ensure compliance with Covenant obligations in its international development cooperation.

26. The Committee urges the State party to ensure that the Finnmark Act, which is currently being considered by parliament, gives due regard to the rights of the Sami people to participate in the management and control of natural resources in the county of Finnmark. The Committee requests the State party to provide in its next periodic report updated information about the implementation of the Finnmark Act and the extent to which the opinions of representatives of the Sami people have been taken into consideration.

27. The Committee recommends that the State party strengthen measures to combat discrimination against persons of immigrant background and ensure the effective monitoring of anti-discrimination legislation.

28. The Committee encourages the State party to continue and strengthen its measures to overcome the obstacles faced by persons of immigrant background, in particular women, in accessing the labour market.

29. The Committee encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

30. The Committee encourages the State party to continue and strengthen its efforts to ensure that women and men have equal access to the labour market and receive equal pay for work of equal value. In particular, the State party should take measures to encourage women to choose occupations and professions that are traditionally exercised by men and which are better remunerated.

31. The Committee encourages the State party to strengthen its efforts to ensure safe working conditions for workers in the fishing and offshore petroleum industries.

32. The Committee requests the State party to address the situation of children who are removed from their families and placed in institutions or foster homes and to take measures to identify and address the underlying causes. In this regard, the Committee recommends that the State party undertake periodic comprehensive reviews of children placed in institutions or foster homes and strengthen its efforts to provide parents with the necessary assistance and support to enable them to exercise their parental role and responsibilities in the upbringing and education of their children. The Committee requests the State party to provide in its next periodic report disaggregated data on an annual basis on the number and ethnic origin of children placed in institutions or foster homes, the average period of placement, the reasons for such placement, and the measures taken to reunite children with their biological parents.

33. The Committee urges the State party to give priority to ensuring the availability of a sufficient number of places in kindergartens, particularly in densely populated urban areas.
34. The Committee urges the State party to continue and strengthen social, psychological and legal measures taken within the framework of the Action Plan to Combat Violence against Women (2004-2007) and to consider adopting specific legislation on domestic violence. The Committee requests the State party to provide information on progress made in its next periodic report.
35. The Committee encourages the State party to consider easing restrictions on family reunification in order to ensure the widest possible protection of, and assistance to, the family.
36. The Committee urges the State party to continue and strengthen its efforts to address the problems of trafficking in persons and commercial sexual exploitation, and requests the State party to provide in its next periodic report detailed information on progress achieved and difficulties encountered in the implementation of the second National Plan of Action to combat trafficking in women, which is due to be adopted in June 2005.
37. The Committee urges the State party to ensure that evictions of tenants who cannot pay their rents and of squatters comply with the guidelines established by the Committee in its general comment No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant). Furthermore, the State party should take effective measures, in line with the Committee's general comment No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the Covenant), to provide housing units in sufficient numbers to cater for the needs of low-income families and the disadvantaged and marginalized groups. The Committee requests the State party to provide in its next report disaggregated data on the number of persons on waiting lists for municipal social housing and information on progress made to improve the overall housing situation.
38. The Committee urges the State party to strengthen measures to deal with the problem of homelessness and to ensure that rejected asylum-seekers who cannot be sent home to their countries of origin are offered alternative accommodation.
39. The Committee encourages the State party to adopt effective measures to address the underlying causes of regional disparities in health indicators.
40. The Committee urges the State party to strengthen measures taken to ensure adequate health and psychiatric services for asylum-seeking children.
41. The Committee recommends that the State party continue and strengthen the measures taken to implement the coherent strategy developed in 2000 against eating disorders, and also ensure adequate follow-up to the Plan of Action against Suicide.
42. The Committee recommends that the State party ensure that every decision to detain a person with a mental disorder for compulsory psychiatric treatment be reviewed promptly by an independent judicial body.

43. The Committee encourages the State party to ensure that asylum-seekers are not restricted in their access to education while their claim for asylum is being processed.

44. The Committee requests the State party to disseminate its concluding observations widely among all levels of society, including State officials and the judiciary, and to inform the Committee about steps taken to implement them in its next periodic report. It also encourages the State party to continue to consult with non-governmental organizations and other members of civil society in the preparation of its fifth periodic report.

45. The Committee requests the State party to submit its fifth periodic report by 30 June 2010.
