



UN Committee ESCR
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Supplementary information from the Norwegian National Human Rights Institution to the UN Committee on Economic, Social and Cultural Rights at its 63rd session on the List of Issues Prior to Reporting to Norway

The Norwegian National Human Rights Institution hereby submits its inputs to the UN Committee on Economic, Social and Cultural rights, in its consideration of issues to raise with Norway prior to reporting in 2019.

The Norwegian National Human Rights Institution (hereinafter: NIM) was established 1 July 2015 as an independent institution under new legislation adopted by Parliament. NIM has a specific mandate to protect and promote international human rights in Norway, as well as to monitor how the authorities respect their international human rights obligations. Submitting supplementary reports to international human rights monitoring bodies is an essential tool for an NHRI to fulfil its mandate.

In March 2017, we were granted A-status by GANHRI, thus recognising that NIM is fully compliant with the UN Paris Principles.

We hereby take the opportunity to draw your attention to the following issues which we recommend be addressed in the LOIPR to Norway.

As agreed, we are submitting brief descriptions of the issues, and look forward to providing you with a more detailed submission prior to the hearing of Norway.

Please note that our submission does not reflect all relevant human rights challenges in Norway within the scope of the Covenant on Economic, Social and Cultural Rights.

Please feel free to contact us at info@nhri.no in case of questions.

Yours sincerely

On behalf of the Norwegian National Human Rights Institution

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Framework

1. Ratification - OP ICESCR

Reference is made to Concluding comments 2013:27

In 2017, the Parliament supported the Government's position to not ratify the OP CRC, the OP ICESCR and the OP CRPD.

- Could the State please clarify why it continues to refrain from ratifying the OP ESCR and other UN individual complaints mechanisms?

2. Follow-up of international recommendations

Norway's reporting to various monitoring bodies in the period 2017 – 2019 has identified a number of cross-cutting issues. To ensure effective implementation there is a need to improve coordinated follow-up among different ministries and relevant governmental agencies.

- What are the national mechanisms and procedures to follow-up on recommendations from treaty bodies?

3. Norway's Legislative Drafting Instruction

Norway has an Instructions for Official Studies and Reports (utredningsinstruksen) that was revised in February 2016. The revised Instruction has removed the explicit requirement of carrying out human rights assessment, and now only makes reference to the obligation to consider "principled questions". The consideration of human rights, as well as gender and equality, is now relegated to the accompanying guide ("veilederen") to the instructions, where they are included as two of many examples of principled issues.

- Could the State provide information regarding human rights mainstreaming in drafting processes in light of the changes in the Legislative Drafting Instruction?

4. Human rights education

There is an ongoing educational reform, including review of core elements of education and corresponding educational plans. Specific attention should be given to the integration of human rights education in the overall framework for primary and secondary education, as well as on professions such as police, health and social workers, teachers and others.

- Could the State provide information on existing and planned human rights education both in school programmes and in higher education, particularly police, health and social workers?

Groups

5. Women – pay gap

Reference is made to CO 2013:9

Statistics show that women's hourly pay on average is 88% that of men. Research indicates that one of the main reasons for this difference is a gender-segregated work market as well as the effect of family life on women.

- Could State provide reasons for the continued pay gap?

6. Children – LGBTI

New legislation has strengthened the rights of transgender children and studies show that negative attitudes are decreasing. However, young transgender people still experience discrimination, transphobia, suffer from poor mental health and the number of suicide attempts is high. There is a lack of knowledge in institutions such as schools and the public healthcare services

- Could the State provide information concerning the situation of transgender children in schools and the public health care services and specify which measures have been undertaken to increase knowledge concerning gender identity in schools and public health care services?

7. Mentally ill in prison

Reference is made to CO 2013:18

Although inmates in Norwegian prisons have a high rate of mental illness, reports show that access to adequate mental health care is inadequate. Measures such as placement in security cells is often used to resolve acute incidents. The handling of persons with symptoms of severe mental illness and aggressive behaviours in one specific prison, is of particular concern. Here inmates have often been isolated, some for years, instead of being given adequate mental health care.

- Could the State explain how it will ensure that prisoners with mental health problems receive adequate medical attention?

8. Disability - reduce use of coercion in mental health treatment

Reference is made to CO 2013:19

Reports indicate that the use of coercion in mental health care remains high. Reports on practice (including on coercive medication, coercive ECT (electroconvulsive treatment), shielding of patients from other patients and the use of mechanical instruments such as belts) emphasize the need to strengthen both procedural safeguards for the patients,

including more focus on considering less intrusive measures before using force. The use of non-consensual ECT is of particular concern since it is not sufficiently regulated, and the extent of use is not known.

- Which steps has the State taken to reduce the use of coercion in mental health care, to further strengthen legislation and refrain from any undue use of coercion?

9. Disability – intellectual impairment and coercion

The Health and Care Services Act allows for the use of coercion and force against persons with intellectual impairment to protect against serious harm to themselves or others. The rules apply only to persons with intellectual impairments. The use of coercion against these persons is high and has increased. The measures are often carried out by unskilled personnel and decisions on the use of coercion seems to lack sufficient justification.

- Which measures have been undertaken to reduce the use of coercion against persons with intellectual impairment?

10. Minorities - Discrimination in housing and employment

Reference is made to CO 2013:7 and 16

Numerous studies indicate that persons with immigrant backgrounds face multiple discrimination in various spheres of life, including housing and employment. An area of particular concern seems to be minority women. The Government has taken various initiatives to combat prejudices and provide direct support to overcome these difficulties.

- Which measures has the state put in place to ensure non-discrimination of persons with immigrant backgrounds, both in housing and employment sectors, with particular focus on women?

11. National minorities – language and culture

There are five officially recognized national minorities in Norway, other than Sami. These are Jews, Forest Finns, Kven, Roma and Romani/Tater. Consultations with national minorities indicate that there are particular challenges linked to maintaining language and culture. Studies also reveal that there is little knowledge of these groups among the general public.

- Which efforts are undertaken to further support the language and culture of national minorities and raise awareness as to their existence?

12. Indigenous / Sami rights to livelihood

Reference is made to CO 2013:26

Sami is recognized as an indigenous people in Norway, including legislation which aims to secure their rights as indigenous people. However, a number of challenges still remain, especially linked to fishing rights, land rights and reindeer herding.

- Which further steps have been taken to strengthen the protection of the indigenous Sami peoples' rights to a livelihood?

13. Unaccompanied asylum- seeking children

Reference is made to CO 2013:12

Reports show that there are significant differences in the accommodation and care given to unaccompanied asylum-seeking children under the age of 15 and those 16-18. Younger asylum seekers are under the care of the Child Welfare Services whereas the older children are the responsibility of the immigration authorities. The reception centres for those 16-18 years old are weaker in terms of staffing levels, staff competence requirements and physical conditions as well as regulatory framework. Furthermore, a large number of unaccompanied asylum-seeking children have disappeared from the reception centres and their whereabouts are unknown.

- Can the State provide information as to how it secures protection and care for unaccompanied asylum-seeking minors aged 15-17, equivalent to that offered to other children under the responsibility of the Child Welfare Services?