



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues prior to submission of the sixth periodic report of Norway\*

#### A. Issues of particular relevance

1. Please provide information on the progress made to fully incorporate the rights enshrined in the Covenant in the Constitution, taking into consideration the Committee's general comment No. 9 (1998) on the domestic application of the Covenant. Please also provide information on the cases in which the rights enshrined in the Covenant have been invoked before domestic courts during the reporting period, including the number of cases and examples. Please further provide information on the extent to which the measures taken by the State party improve awareness and knowledge of the Covenant and its application among the judiciary and legal professionals (E/C.12/NOR/CO/5, para. 4).<sup>1</sup>

2. Please provide information on the measures taken to ensure that the human rights obligations set out in the Covenant and other human rights conventions are taken into account in the legislative and policymaking processes, especially since the revision of the instructions for official studies and reports in February 2016. Please indicate the mechanisms or procedures that have been established or are envisaged to follow up on the recommendations of the Committee and other international human rights mechanisms. Please also indicate whether the State party, through its educational reform process, has reviewed the existing human rights education provided at school and during professional training for public officials and professionals and, if so, provide information thereon; and provide information on the measures taken to strengthen human rights education.

3. Please provide information on the extent to which the measures taken by the State party prevent and combat the persistent occurrence of discrimination faced by persons with an immigrant background in accessing housing, employment, education and public health-care services, including the provision of professional interpretation services in all public services, including the health and legal sectors (paras. 7 and 17). Please also clarify whether the State party has taken measures to revise or envisages revising section 21 of the Immigration Act, which may subject those with an immigration background to ethnic profiling by the police.

4. Please provide an assessment of the pension reform carried out by the Research Council of Norway, as indicated by the State party (E/C.12/NOR/Q/5/Add.1, para. 86), and indicate the achievements and the challenges encountered throughout the reform process and the measures taken to address them. Please also provide information on the measures taken to address the reportedly adverse consequences of the pension reform for persons with disabilities whose old-age benefit is less than persons without disabilities, who

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\* Adopted by the pre-sessional working group at its sixty-third session (15-19 October 2018).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations.



continue to work until the age of 67. Please further provide statistical data on (a) the average age of retirement and (b) the number of persons who have retired between the ages of 62 and 75, disaggregated by age, sex and industry, since the pension reform. Furthermore, please provide information on the implementation of the Committee's previous recommendations relating to child allowances (para. 10).

## **B. Implementation of the Covenant**

5. Please clarify whether the Norwegian National Human Rights Institution is mandated to deal with violations of economic, social and cultural rights, upon receiving complaints or on its own initiative, and provide information on such cases, if any, including the number of cases brought before the Institution as well as their outcome and main areas of concern. In the light of the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, please also provide information on the steps taken to strengthen the legal framework of the Institution, particularly as regards its mandate, selection and dismissal processes and functional immunity. Please further provide information on the extent to which the measures taken by the State party strengthen the synergy of work between the Institution and the various ombudsman institutions, including the Parliamentary Ombudsman for Public Administration and the Health and Social Services Ombudsman in protecting and promoting the Covenant rights and indicate good examples, if any.

6. Please provide information on the extent to which the measures taken by the State party expand the scope of its legal aid scheme in order to better meet the actual legal needs of the population. Please also provide information on the steps taken to ensure that the actual financial resources of an applicant and the full legal expenses are taken into consideration in assessing the applicant's eligibility for legal aid and clarify whether the financial criteria are regularly adjusted. Please further provide information on the cases in which legal aid was granted, despite the unmet financial eligibility criteria, under sections 11 (3) and 16 (3) of the Legal Aid Act.

7. Please provide information on the implementation of the national action plan for the implementation of the Guiding Principles on Business and Human Rights adopted in 2015, including its achievements and the challenges faced so far. Please also provide information on the extent to which the measures taken by the State party ensure that investments by the Norges Bank Investment Management in foreign companies operating in third countries are subject to a comprehensive human rights impact assessment and prevent human rights violations abroad by corporations that have their main offices under the jurisdiction of the State party without infringing the sovereignty or diminishing the obligations of the host States under the Covenant (para. 6).

8. Please provide information on the progress achieved in meeting its national emissions reduction targets by at least 40 per cent from the 1990 level by 2030 under the Paris Agreement; and indicate the efforts made by the State party to reconcile its continuing and expanding extraction of oil and gas, including in the Arctic, and export of fossil fuels, and its obligations under the Covenant both in the State party and extraterritorially. Please also provide information on the contributions that the State party has committed to and made to the Green Climate Fund.

9. Please provide information on the steps taken to ensure that legislation, including the Finnmark Act, the Minerals Act and the Reindeer Husbandry Act, provides for the requirement to obtain the free, prior and informed consent of the affected Sami people on all concessions and projects, including development projects, and on the enforcement of such legislation. Please indicate whether the State party has assessed the effectiveness of the procedures for consultations between the State authorities and the Sami Parliament and, if so, provide information on the outcome of the assessment, including the challenges and shortcomings identified and the measures taken to address them. Please further provide information on the steps taken to establish legal frameworks or specialized mechanisms to identify Sami land and resource rights outside Finnmark County; and to provide for the

rights of Sami people to fisheries and other renewable marine resources in legislation, including the Marine Resources Act, the Participation Act and the Finnmark Act.

10. Please provide information on the evolution over the past 10 years of:

(a) The proportion of the population below the poverty line as defined at the national level and the levels of inequality, defined as the ratio of the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) Tax rates levied on corporate profits and on personal incomes, and value added tax (exclusive of value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and petrol and diesel); and the percentage of total revenue from personal income taxes that is collected from the richest decile of the population;

(d) Public expenses as a percentage of gross domestic product and, within total public expenses, the proportion of the public budget that is dedicated to social priorities (employment, education, food, health, water and sanitation, social security, housing and culture);

(e) Inflation-adjusted absolute levels of social spending.

11. Please provide information on the extent to which the measures taken by the State party increase the effectiveness of its official development assistance, including as regards the predictability of funding flows for partner countries, coordination and support with other donors, and harmonization of evaluation processes. Please provide information on the proportion of in-donor refugee-related costs in the State party's annual official development aid budget during the reporting period.

12. Please provide information on the measures taken or envisaged to ensure that the Equality and Anti-Discrimination Act prohibits discrimination on all grounds, including race, political and other opinions, property, birth and other status, as provided for in article 2 (2) of the Covenant.

13. Please provide information on the Equality and Anti-Discrimination Ombudsman and the Equality and Anti-Discrimination Tribunal, in particular:

(a) The measures taken or envisaged to expand the competence of the Ombudsman and the Tribunal, including as regards seeking a friendly settlement and granting legal aid for the cases they refer to court; the cases these institutions referred to courts and were granted legal aid under the Civil Procedure Act, if any; and relevant statistical data during the reporting period;

(b) The measures taken to ensure that the procedure before the Ombudsman is easily accessible, particularly by those whose mother tongue is not Norwegian;

(c) The cases of discrimination brought before the Ombudsman during the reporting period, including the number of cases reported annually and their outcome, the main grounds and the areas of discrimination identified;

(d) The annual budget of these institutions during the reporting period.

14. Please provide information on the progress made on follow-up to the report assessing Norwegian policies towards Tater/Romani people from 1850 to the present.<sup>2</sup> Please also clarify reports that an increased number of Roma families have lost custody of their children; in some of those cases, parents are granted limited or no visitation rights; and the children and their parents are not allowed to speak Romanés during visits when they are granted. Please provide information on the establishment of a truth and reconciliation commission to examine the former assimilation policy of Norway towards Sami and the Kvens and on the activities of the commission.

<sup>2</sup> Norway, Ministry of Local Government and Modernization, "Assimilation and resistance: Norwegian policies towards Tater/Romani people from 1850 to the present" (Oslo, 2015).

15. Please provide information on the situation of asylum seekers, in particular:
- (a) Statistical data during the reporting period, disaggregated by sex and country of origin, on the annual number of applicants for refugee and asylum status, the number granted such a status and the number of appeals against decisions;
  - (b) The steps taken or envisaged to ensure that the protection and care of all unaccompanied asylum-seeking children under the age of 18 are provided by the Child Welfare Services (para. 12);
  - (c) Cases of unaccompanied asylum-seeking children who are missing from reception centres, including the number of such cases reported and investigated and the outcome of the investigations, and the main causes for children going missing and the measures taken to address them;
  - (d) The measures taken to ensure that all asylum applications are considered on the basis of their merits and to provide for in-country appeal procedures for rejected applications;
  - (e) The extent to which the measures taken by the State party ensure that the principle of non-refoulement is strictly followed when returning unsuccessful asylum seekers to their home countries, particularly those from Afghanistan;
16. Please provide information on the measures taken to address the situation of transgender young persons who have reportedly been facing discrimination and transphobia at school and in accessing public health-care services. Please also provide information on the measures to assist persons who are seeking asylum on the grounds of their sexual orientation or gender identity in proving their sexual orientation or gender identity without obstacles.
17. Please provide information on the extent to which the measures taken by the State party improve women's representation in decision-making positions in the private sector, including in the 200 largest companies of the State party and private limited companies, and the relevant statistical data in this regard. Please also provide information on the measures taken to improve the representation of women with ethnic and minority backgrounds in the public sector and relevant statistical data in this regard. In the light of the adoption of the Equality and Anti-Discrimination Act, which has removed the duty of employers with less than 50 employees to report as regards gender equality, as previously provided for in the Act relating to Gender Equality, please indicate the measures taken to ensure gender equality in all public and private entities employing less than 50 persons.
18. Please provide information on the implementation of the Committee's previous recommendations concerning the high long-term unemployment rate and the significantly higher unemployment rate of persons with an immigrant background (para. 8). Please also provide information on the new inclusive working life agreement 2014–2018 and other measures taken to increase the employment of persons with disabilities, and indicate the progress made and the challenges faced.
19. Please provide information on employers' compliance with their duties under sections 23 and 24 of the Equality and Anti-Discrimination Act. Please also provide information on the measures taken to address the reportedly high incidence of discrimination based on pregnancy and parental leave and the impact of those measures, as well as information on the use of parental leave by both parents. Please further provide information on the impact of the change made in 2017 with regard to the reduction in the parental leave period from 14 to 10 weeks, which is earmarked for both parents separately, on women's participation in the labour market and the equal distribution of caring responsibilities between men and women.
20. Please provide information on the measures taken to implement the Committee's recommendation as regards a national minimum wage (para. 9). Please also provide information on the extent to which the measures taken by the State party have closed the gender pay gap, which varies by sector and industry, and, in particular, on the implementation of parliamentary decision No. 612 and of the Government's gender equality action plan to this end. Please further provide information on the enforcement of

section 34 of the Equality and Anti-Discrimination Act, including cases brought before the equality bodies or courts.

21. Please provide information on the extent to which the measures taken by the State party have prevented and reduced exposure to chemicals, including radon and asbestos, and addressed the reportedly increased risk of firefighters' developing specific cancers. Please also provide information on the measures taken to address the persisting underreporting of occupational diseases, despite the legal obligations set out in the Working Environment Act, and to strengthen data collection relating to occupational safety and health. Please further provide information on the impact of measures taken to prevent occupational accidents, particularly in the construction industry and among migrant workers. Please provide statistical data on occupational diseases and accidents, disaggregated by industry, cause, and national/non-national, during the reporting period.

22. Please clarify whether migrant workers, including those working in domestic settings, are covered by collective agreements regarding all aspects of the conditions of work; and provide information on legislation to protect their rights to just and favourable conditions of work and to social security, and on the enforcement of such legislation. Please indicate, in particular, whether migrant workers are treated in the same ways as nationals as regards occupational accident compensation. Please provide information on the measures taken to prevent occupational accidents. Please also provide statistical data for the reporting period, disaggregated by nationality and industry, on migrant workers registered in the State party, the number of migrant workers who have died or been injured at work and the number of migrant workers on employment injury benefits.

23. Please provide information on the research carried out, if any, to identify the underlying causes of the continuing high incidence of children who are removed from family care and placed in institutions or foster care, and the extent to which the measures taken by the State party tackle the underlying causes. Please also provide information on the steps taken to carry out a periodic comprehensive review of children placed in institutions or foster homes and on the measures taken to ensure that the special needs of children belonging to minority groups relating to their cultural, linguistic and religious identities are met. Please further provide information on the impact of the measures taken to provide families at risk with assistance and support to exercise their parental roles and responsibilities (para. 11).

24. Please provide information on:

- (a) The steps taken to revise the definition of rape in section 291 of the Penal Code;
- (b) The measures taken to provide an enabling environment for victims of rape and other sexual and gender-based violence to report their cases to the police and to strengthen investigation and prosecution of such cases, and the outcome of these measures;
- (c) The measures taken to follow up the police report on allegations of sexual assault and rape of children in the Arctic municipality of Tysfjord in 2017;
- (d) The measures taken to address the situation in which foreign women who are married to Norwegian nationals for less than three years and who are victims of domestic violence remain in an abusive relationship due to the fear of losing their residence permit;
- (e) The implementation of an action plan to combat negative social control, forced marriage and female genital mutilation (2017–2010), and on the prevalence of forced marriage and female genital mutilation.

25. Please provide information on the extent to which the measures taken by the State party to implement the Government's strategy on children living in poverty (2015–2017) have addressed the Committee's previous recommendation relating to child poverty (para. 14). Please also provide statistical data on the prevalence of child poverty during the reporting period.

26. Please indicate to which extent the measures taken by the State party, including the national strategy for housing support services (2014–2020), have addressed the social housing deficit and homelessness (para. 15). Please also provide information on the challenges faced so far. Moreover, please provide statistical data, on an annual basis during

the reporting period, on the demand for and supply of social housing, the average waiting time and the prevalence of homelessness. Please further provide information on the steps taken to combat discrimination faced by persons with an immigrant background in the housing market and on the enforcement of relevant legislation (para. 16).

27. Please provide information on:

(a) The impact of the steps taken to ensure effective access to all the necessary health-care services by all irregular migrants (para. 21);

(b) The measures taken to ensure that the postnatal guidelines are fully implemented for everyone in all the municipalities;

(c) The extent to which the measures taken by the State party improve the disproportionately poor health conditions of the Sami population, particularly those affected by radioactive fallout after the Chernobyl disaster in 1986 and Sami women living outside the defined Sami area;

(d) The impact of the measures taken by the State party, including the National Action Plan on Alcohol and Drugs (2016–2020) and the National Overdose Strategy (2014–2017), to prevent and reduce the use of drugs and other psychotropic substances, particularly by children and adolescents, and to address the high level of deaths from drug overdoses.

28. Please provide information on:

(a) The measures taken to ensure that all mental health services are provided on the basis of the free and informed consent of the person concerned or his or her legal representative, and to abolish all legal provisions that authorize any forced or non-consensual interventions or treatments in mental health settings;

(b) The steps taken to incorporate into the law the abolition of the use of restraints and the enforced administration of intrusive and irreversible treatments, such as neuroleptic drugs and electroconvulsive therapy;

(c) The measures taken to increase the availability of community-based services, including peer support and other alternatives to the medical model, for persons with psychosocial disabilities and allocate the necessary financial and human resources for the effective functioning of these services (para. 19);

(d) The measures taken to follow up on reports of the national preventive mechanism following its visit to psychiatric institutions;

(e) Statistical data on the administration of forced medication to both inpatients and outpatients, including the number of patients and the duration of medication, as well as the use of electroshock treatment, restraints and solitary confinement.

29. Please provide information on the extent to which the measures taken by the State party to ensure that prisoners with mental health problems receive adequate mental health-care services, including through transferal to an appropriate medical establishment; and on the steps taken to increase the number of beds in psychiatric inpatient wards to respond to the needs of prisoners with serious mental health problems (para. 18). Please also provide information on the steps taken to ensure that asylum-seeking children receive adequate psychiatric services when needed, and to improve the competence and preparedness of staff at reception centres in relation to the special vulnerability of asylum-seeking children (para. 20).

30. Please provide information on:

(a) The steps taken to address the significant disparities in the quality of education and student performance across municipalities, including as regards recruiting qualified school staff and providing adequate support for the development of quality education (para. 22);

(b) The impact of the measures taken to address the persistent gender segregation in the education sector;

(c) The impact of the measures taken to reduce the number of immigrant students dropping out of school;

(d) The educational situation of children with disabilities and their right to education, including inclusive education;

(e) Statistical data on bullying in schools, disaggregated by ethnic group, and the measures taken to combat bullying in schools and their impact (para. 23);

(f) The extent to which the measures taken by the State party have ensured that all Roma children attend compulsory education, including those who travel for part of the year, and the implementation of plans of action relating to Roma education (para. 24);

(g) The measures taken to guarantee that asylum-seeking minors who are over the compulsory school age have access to primary and secondary education on an equal footing with other children (para. 25);

(h) The measures taken to ensure that all children, particularly children living in reception centres and children speaking minority languages, have access to preschool education under the Kindergarten Act, and to address the regional disparities in preschool education.

31. Please provide information on the extent to which the measures taken by the State party promote and preserve Sami cultural identity, including their languages, particularly those at risk of extinction, such as Kven/Norwegian Finnish; and ensure that mother-tongue instruction is adequately provided to Sami children and children of national minorities.

### **C. Good practices**

32. Please provide information on good practices in policy formulation and implementation, developed by the State party during the last reporting period, that have effectively contributed to the realization of economic, social and cultural rights, in particular of marginalized and disadvantaged individuals and groups. Please indicate how the Committee's previous concluding observations have been taken into account in developing such practices.

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