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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS**

**Fifth periodic report submitted by States parties**

**under Articles 16 and 17 of the Covenant**

**NORWAY**

[30 June 2010]

<b>IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS .....</b>	<b>1</b>
<b>LIST OF APPENDICES .....</b>	<b>3</b>
<b>INTRODUCTION .....</b>	<b>4</b>
<b>A. GENERAL INFORMATION.....</b>	<b>4</b>
<b>B. REPORTING ON THE SUBSTANTIVE PROVISIONS.....</b>	<b>5</b>
RESPONSE TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS .....	5
ARTICLE 1 SELF-DETERMINATION .....	18
ARTICLE 2 REALIZATION OF THE RIGHTS CONTAINED IN THE COVENANT.....	21
ARTICLE 3 GENDER EQUALITY .....	24
ARTICLE 4 LIMITATIONS.....	26
ARTICLE 5 INTERPRETATION .....	26
<b>C. PART OF THE REPORT RELATING TO SPECIFIC RIGHTS .....</b>	<b>26</b>
ARTICLE 6 RIGHT TO WORK.....	26
ARTICLE 7 RIGHT TO FAIR CONDITIONS OF EMPLOYMENT.....	31
<i>Corporate Social Responsibility</i> .....	31
ARTICLE 8 RIGHT TO FORM AND JOIN TRADE UNIONS .....	36
ARTICLE 9 RIGHT TO SOCIAL SECURITY .....	37
ARTICLE 10 RIGHT TO PROTECTION OF THE FAMILY .....	41
ARTICLE 11 RIGHT TO AN ADEQUATE STANDARD OF LIVING .....	50
<i>The right to the continuous improvement of living conditions</i> .....	50
<i>The right to adequate food</i> .....	55
<i>The right to water</i> .....	57
<i>The right to adequate housing</i> .....	59
ARTICLE 12 RIGHT TO HEALTH.....	66
ARTICLE 13 RIGHT TO EDUCATION .....	73
ARTICLE 14 RIGHT TO EDUCATION .....	81
ARTICLE 15 RIGHT TO CULTURE.....	81

## LIST OF APPENDICES

Appendix 1: Common Core Document – Norway, November 2009

Appendix 2: Act of 20 June 2008 No 42 relating to a prohibition against discrimination on the basis of disability (Anti-discrimination and Accessibility Act)

Appendix 3: Draft Bill on the entry of foreign nationals into the Kingdom of Norway and their stay in the realm (Immigration Act, entered into force on 1 January 2010)

Appendix 4: Act of 17 June 2005 No 85 relating to legal relations and management of land and natural resources in the County of Finnmark (Finnmark Act)

Appendix 5: Act of 17 June 2005 No 62 relating to the working environment, working hours and employment protection, etc. (Working Environment Act) As subsequently amended last by Act of 23 February 2007 No. 10

Appendix 6: Norway's national report submitted on 8 September 2009 to the Human Rights Council for the Universal Periodic Review (the UPR report)

Appendix 7: Norway's 6<sup>th</sup> Periodic Report to the Human Rights Committee - CCPR/C/N/2009/6 (the CCPR report)

Appendix 8: Norway's 5<sup>th</sup> Periodic Report to the Human Rights Committee - CCPR/C/N/2004/5

Appendix 9: Norway's 19<sup>th</sup>/20<sup>th</sup> Periodic Report to the Committee on the Elimination of Racial Discrimination (the CERD report)

Appendix 10: Norway's 2008 Periodic Report on ILO Convention No. 169 concerning Indigenous and Tribal Peoples (the ILO report)

Appendix 11: Norway's 4<sup>th</sup> Periodic Report to the Committee on the Rights of the Child - CRC/C/NOR/4 (2008) (the CRC report)

Appendix 12: Norway's 7<sup>th</sup> Periodic Report to the Committee on the Elimination of Discrimination against Women - CEDAW/C/NOR/7 (2006) (the CEDAW report)

Appendix 13: Excerpts from white paper on Sami Policy (Report No. 28 (2007-2008) to the Storting) sections 1.3.6 and 1.3.7

Appendix 14: Procedures for Consultations between the State Authorities and Sámediggi of 11 May 2005

## INTRODUCTION

1. The fifth periodic report of Norway is submitted in accordance with Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The report covers the period 2004-2010, and was completed in June 2010. In the preparation of this report, due regard was paid to the guidelines regarding the form and content of periodic reports from States parties (E/C.12/2008/2) and the concluding observations of the CESCR on Norway's fourth periodic report (E/C.12/4/Add.14).

2. In order to avoid duplication of information, reference is made in this report to Norway's fourth periodic report (E/C.12/4/Add.14) and to other reports submitted by Norway in compliance with UN human rights conventions and conventions of the International Labour Organization.

3. As of 1 June 2010, NOK 100 was equivalent to approximately USD 15.

4. The Norwegian Ministry of Foreign Affairs coordinated the reporting process. A website was established on the Ministry's homepage where information on the reporting process was posted. A large number of ministries contributed to the report, and Norwegian civil society actors were included in the process. The Ministry of Foreign Affairs initiated the reporting process by holding a joint meeting to inform civil society about the process. A draft report was submitted for consultation and non-governmental actors were invited to submit contributions and suggestions before the report was finalised. The challenges and possible solutions pointed out by civil society actors were communicated to the relevant ministries and taken into account when the report was written.

## A. GENERAL INFORMATION

Norway is party to most of the major international human rights instruments regarding economic, social and cultural rights, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Convention to Eliminate All Forms of Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child (CRC). Reference is made to the attached Common Core Document paragraph 92.

A report on key human rights challenges and best practices in Norway was submitted to the Human Rights Council on 8 September 2009 for the Universal Periodic Review (UPR). In the Government's response of 8 March 2010 to the recommendation regarding the Optional Protocol to the ICESCR<sup>1</sup> of the working group on the universal periodic review, the Government stated that "Norway will consider the possibility of signing and ratifying the protocol after having completed a study of its legal implications. The study is expected to be completed within a year."

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<sup>1</sup> Response of the Government of Norway to recommendations in the report of 4 January 2010 of the working group on the universal periodic review (A/HRC/13/5). Recommendation 1.

Norway has acceded to the European Convention on Human Rights (ECHR) and its protocols. ECHR Protocol 1 includes the protection of property and the right to education. Norway is also party to the European Social Charter.

Norway is party to all core ILO Conventions and most other ILO standards on labour rights, and to ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries. Norway actively supported the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007. Reference is made to the Common Core Document paragraph 94.

To strengthen the status of human rights in Norwegian law, the Storting (the Norwegian Parliament) passed the Human Rights Act<sup>2</sup> in 1999, thereby incorporating the ECHR, the ICESCR and the ICCPR into Norwegian law. The Human Rights Act has subsequently been amended to include the CRC and CEDAW. In the event of conflict, the provisions of the conventions incorporated through the Human Rights Act prevail over other Norwegian legislation. Reference is made to the Common Core Document paragraph 106.

Certain economic, social and cultural rights are also protected under the Norwegian Constitution and other specific legislation. The Storting has appointed a commission to examine the position of human rights in the Constitution and propose revisions with a view to strengthening it.

## **B. REPORTING ON THE SUBSTANTIVE PROVISIONS**

### **Response to the concluding observations of the Committee on Economic, Social and Cultural Rights**

#### *Suggestions and recommendations*

*23. In the light of the Supreme Court ruling in the "KRL 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.*

Norway has incorporated both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights into Norwegian legislation by the Human Rights Act of 1999, thus reaffirming the principle of the interdependence and indivisibility of all human rights. This also reaffirms that Norway recognises that economic, social and cultural rights are justiciable. It is up to the national courts to apply the provisions of both covenants. The Norwegian authorities are of the view that there is no contradiction between the Supreme Court ruling in the "KRL case", which states that it must be possible to derive

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<sup>2</sup> The Human Rights Act (Act of 21 May 1999 No. 30)

concrete rights or duties from treaty provisions in order for them to be applicable, and the Committee's view that economic, social and cultural rights shall be given effect by national courts. Reference is made to the Government's response under Article 13 in the present report regarding the follow-up of the "KRL case".

*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.*

The Norwegian Centre for Human Rights is Norway's National Institution for Human Rights and was granted A status accreditation in accordance with the standards of the International Coordination Committee (ICC) of National Human Rights Institutions in April 2006. Reference is made to the Common Core Document paragraphs 130-134.

*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.*

In the government budget for 2009, Norway achieved its objective of allocating one per cent of its GNI for official development assistance. Two thirds of Norwegian development assistance goes to multilateral institutions, such as the UN. Norway is strongly committed to the UN Millennium Development Goals.

International human rights conventions form the normative basis for Norway's development policy. Norway seeks to promote human rights through development cooperation.<sup>3</sup> Peace-building, human rights and humanitarian assistance constitute one of the five main priorities of the Government's development policy. Human rights obligations also form the basis for dialogue with the governments of the various recipient countries, with a view to enhancing their ability to protect and promote human rights.

Potentially vulnerable and marginalised groups, such as children, women, persons with disabilities and indigenous peoples, are priority groups for Norwegian-funded development programmes and projects.

Concluding observations from UN treaty bodies are not directly referred to in development reports. The reason is that the partner government's poverty reduction plans usually form the basis for aid programming. Norway will further strengthen its compliance with Covenant obligations in its international development cooperation. Norway will also further strengthen the link to the UN monitoring system and to the recommendations from the Universal Periodic Review (UPR) in its development assistance, together with other donor countries.

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<sup>3</sup> Cf. e.g. Report No. 35 (2003-2004) to the Storting: *Fighting Poverty Together* and Report No. 13 (2008-2009) to the Storting: *Climate, Conflict and Capital. Norwegian development policy adapting to change.*

*Norwegian contributions to the realisation of ESC rights*

It is difficult to distinguish and quantify the levels of support to each of the ICESCR rights in Norway's international development cooperation. However, in 2010 approximately 110 countries will receive NOK 27 billion in development assistance from Norway, of which NOK 1 764 billion is earmarked for civil society and democracy-building measures, NOK 1 706 billion for peace and reconciliation, and NOK 300 million for women and equality. NOK 187 billion is earmarked for measures to promote human rights in 2010.

Norway uses a combination of bilateral, multilateral and civil society channels in its efforts to implement ESC rights.

Norway provides general budget support to a number of countries, thereby assisting governments in facilitating, promoting and providing ESC rights. For instance, through dialogue with the government of Uganda, the budget support has led to a significant shift in the government's budget allocations towards pro-poor expenditures, which are relevant for achieving the covenant rights. (Evaluation of General Budget Support – Uganda Country Report, May 2006).

*Health – some examples*

Norway has taken the lead in efforts to reach MDG 4 on reducing child mortality, MDG 5 on improving maternal health and MDG 6 on combating HIV/Aids, tuberculosis, malaria and other diseases. Norway's efforts to combat child mortality include support for vaccination through the GAVI Alliance and support for vaccine research.

In Pakistan, Norway channels bilateral funds through the Norway-Pakistani Partnership Initiative. The Initiative, which is part of the One UN programme, provides analytic and strategic support for health care for mothers and children in the southern Pakistani province of Sindh, using innovative and flexible result-based financing approaches. In Afghanistan, Norway supports the World Bank Trust Fund for Result Based Financing in health pilot activities for mothers and children, so far in 10 provinces. As for Iraq, Norway supports local NGOs as well as UNHCR and UNICEF.

Norway contributes to projects to combat sexual violence in conflict in accordance with UNSCR 1820/1888 and 1325, inter alia in DR Congo.

*Education*

Norway's main channel for supporting primary education is UNICEF. For example, Norwegian support through UNICEF has contributed to an increase in enrolment for girls at primary level of 330 000 (2007) in Afghanistan, and helped to upgrade 4 000 primary schools in Ethiopia in recent years. In addition, Norway has supported government programmes on primary education in Vietnam, Nepal and Madagascar.

Norway also channels 24% of its bilateral aid to education through civil society organisations.

### *Housing*

Norway supports rebuilding projects after humanitarian crises around the world. For example, the Norwegian Refugee Council (NRC) is prepared to go to Gaza to assess needs and begin reconstruction of homes, schools and hospitals. The NRC estimates that there is a need to rebuild more than 4 000 buildings. Both private homes and public buildings are expected to need adjustments because of the large number of disabled civilians, including children. In Aceh Norway supports the Community Based Settlement Rehabilitation and Reconstruction Project. In Timor Leste housing projects are funded through the Norwegian Refugee Council. Norway also contributes to the protection of vulnerable groups through “safe houses” run by various NGOs in places such as Afghanistan and Pakistan for journalists, in Nepal and Kenya for LHBT persons and in the Great Lakes Region for sexually exploited women and children.

### *Water*

Norway contributes financially and technically to various water projects, such as the Nile Basin Initiative, with a view to establishing an intergovernmental management structure to ensure the equitable distribution of water resources.

Similar initiatives supported by Norway include the hydropower development project in the Zambezi River in southern Africa, and the South Asia Water Initiative. Since 1994, Norway has been engaged in supporting the Palestinian Authority and strengthening its capacity for water resource management.

### *The financial crisis*

As early as 2009, Norway’s rapid response to the financial crisis included an additional allocation of NOK 200 million that was channelled via the development budget to the countries that were most poorly equipped to deal with the crisis. NOK 20 million of the allocation was channelled through the World Food Programme. According to the World Bank, Africa would be hardest hit by the financial crisis. Norway’s funding was also aimed at supporting particularly vulnerable groups such as refugees and internally displaced persons. In addition, the Government has increased its funding to UNICEF by NOK 50 million, to a total of NOK 450 million, because children are usually severely affected in periods of economic turmoil.

Decent work is increasingly recognised as key to any strategy for countering the financial crisis. Norway is a major contributor to ILO’s “decent work” agenda. Norway is among the five largest contributors in terms of voluntary contributions, allocating more than NOK 160 million in 2008-2009.

### *Humanitarian assistance*

In its revised budget for 2010, the Government has proposed increased funding to Haiti for the reconstruction process, with a view to strengthening and stabilising the country. Norway has contributed NOK 325 million for this purpose so far in 2010. Altogether, Norway has pledged NOK 800 million in aid to Haiti for the period up to 2014.

### *Climate change, sustainable development*

Norway has pledged to contribute up to NOK 3 billion for reforestation, inter alia through the International Climate and Forest Initiative. Norway encourages its project partners to consult with and involve indigenous peoples living in the forest in this work.



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.*

Reference is made to Norway's sixth periodic report to the Human Rights Committee (the CCPR report), Norway's Report on ILO Convention No 169 concerning indigenous and tribal peoples section 2.1 (the ILO report) and Norway's 19th/20th report under the International Convention on the Elimination of All Forms of Racial Discrimination (the CERD report) paragraphs 18 and 19.

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.*

Reference is made to the Common Core Document paragraphs 184-227 concerning protection against discrimination and paragraphs 247-251 concerning equal rights for ethnic minorities, and to Norway's 19th/20th report under the International Convention on the Elimination of All Forms of Racial Discrimination paragraphs 59-67 concerning efforts to combat ethnic discrimination.

The Government has recently strengthened its measures to combat discrimination against persons with an immigrant background through *the Action Plan to Promote Equality and Prevent Ethnic Discrimination* (2009-2012). The plan focuses on areas such as the housing market, as well as on cooperation with the social partners.

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.*

The unemployment rate in Norway is comparatively low. However, as unemployment is three times higher among immigrants than among the rest of the population, there is still a need for proactive measures in this area.

*The Action Plan for Integration and Social Inclusion of the Immigrant Population* has four priority areas: employment; childhood; education and language; and gender equality and participation. The Action Plan has been extended every year since 2006.

Reference is made to the Common Core Document paragraph 272 and to Norway's national report to the Human Rights Council for the Universal Periodic Review (the UPR report) section 3.10 concerning an introductory programme for newly arrived immigrants and tuition in the Norwegian language and social studies for adult immigrants (the Introduction Act). Reference is also made to Norway's report in 2008 to the ILO Discrimination (Employment and Occupation) Convention (No 111), section 6. The introductory programme has been initiated to improve immigrants' opportunities to participate in the labour market and social life.

The Second Chance programme, which started up in 2005, is a trial qualification programme for immigrants who, after several years in Norway, have not established a permanent foothold in the labour market and are long-term recipients of social security benefits. For more information about the Second Chance programme and other measures to increase immigrant employment rates, reference is made to the Common Core Document paragraph 267 and to Norway's 19th/20th report under the International Convention on the Elimination of All Forms of Racial Discrimination paragraphs 153-166.

There is a need to improve the access and participation of women with an immigrant background in the labour market. Enhanced economic equality for women with an immigrant background is a prioritised objective for the Government. The latest statistics show that progress is being made in this area, as the labour market participation rates among Norwegian-born women of immigrant parents are the same as those among other Norwegian women.

*Mentor programme for women with minority backgrounds*

The Government has initiated cooperation with the Federation of Norwegian Commercial and Service Enterprises (HSH) on a mentor programme known as "HSH Womentor". The aim of the programme is to help women with minority background to make their way into working life by giving them a sparring partner and a role model who can give them advice when making important choices in their professional careers. The Government further aims to encourage more women to become entrepreneurs. In 2008 an action plan with specific measures to reach this aim was launched.

*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.*

Norway decided not to ratify the UN Convention on Migrant Rights in 2002. The wording of the Convention was considered to be so vague and imprecise on a number of points that it would be difficult to clarify the consequences and obligations that ratification would entail. Norway gives high priority to efforts to improve labour standards, which are also crucial in the context of migrants' rights. Reference is made to the Common Core Document paragraph 92.

*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.*

There are definite gender differences in Norwegian working life, in both the public and the private sector. Women's educational and occupational choices are highly gender segregated. The reasons why men and women choose to work in different occupations and sectors are complex.

On average, women earn 85% of what men earn. The problem of unequal pay is not only a question of individual pay differences based on gender; it is also linked to the gender-segregated labour market and the price of labour in the occupations and sectors that are dominated by women. The pay level is generally lower in occupations where the proportion of women is high. In general, women receive less in relation to their education and experience than men. This is especially due to the fact that many women work in the public sector, which has lower wage

levels and a more compact pay structure than the private sector. The report “Gender and Pay” of 2008 shows that women on average earn 15% less than men per hour. The Government intends to follow up the proposals set out in the report to promote equal pay through tripartite cooperation between the employers’ organisations, trade unions and the State.

Norwegian women aged between 25-66 years today participate in the work force at almost the same level as men (78% women to 83% men). However, at present 60 000 employees are what are termed underemployed (involuntary part-time positions), and far more women than men work part time. The Government intends to intensify efforts to combat involuntary part-time employment and promote the right to full-time work, and will consider new legislation to achieve this. A recent amendment to the Working Environment Act gives an employee in a part-time job the right to an extended post instead of the employer creating a new appointment in the undertaking. However, the preferential right is subject to the employee being qualified for the post and that the exercise of the preferential right does not involve significant inconvenience for the undertaking.

Reference is made to the Government’s response under Articles 3, 7 and 13 in the present report regarding gender equality.

*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.*

In the fourth periodic CESCR report paragraph 57, Norway states that: “In the period 1978-98, there has been an average of 66 fatal accidents per year, and in the last five years an average of 56 fatal accidents per year. The Norwegian Labour Inspection Authority does not (our underlining) record accidents in the offshore, shipping or fishing industries. These accidents are recorded by the respective authorities in these sectors. Approximately 35 000 occupational accidents are recorded every year by the Labour Inspection Authority based on copies of the accident reports submitted by employers to the National insurance Administration.”

Norway would like to clarify that these statistics do not comprise the sectors that are referred to in concluding observation no. 31 of the Committee. The 35 000 accidents referred to comprise all recorded injuries (regardless of severity) in all land-based employment except for the petroleum industry. The number of occupational injuries recorded has fallen steadily from approximately 35 000 in 1999 to approximately 20 000 in 2008. In the last 10 years an average of 43 fatal accidents have been recorded in the land-based sector. This sector is monitored by the Labour Inspection Authority and supervised according to comprehensive legislation regarding health, working environment and safety.

In the period 1999-2008, an average of 547 occupational injuries have been recorded in the offshore petroleum sector per year. The average number of fatal accidents recorded in the same period is 0.5 per year. This sector is monitored and supervised by the Petroleum Safety Authority. The supervision covers a number of activities that collectively provide a basis for deciding whether companies are fulfilling their responsibility to operate responsibly in all aspects of the industry, and in accordance with comprehensive legislation regarding health, working environment and safety.

In the period 1999–2008, the Norwegian Maritime Directorate (NMD) registered an average of 22.6 fatal accidents per year and an average of 920 occupational accidents per year in the shipping and fishing industries. The NMD exercises supervision in this sector under the Ship Safety and Security Act. This statute applies to all vessels that have been registered in a Norwegian register of ships. The NMD carries out inspections and surveys to ensure that activities are planned, organised, performed and maintained in accordance with requirements applicable to areas regulated by the Ship Safety and Security Act and appurtenant regulations.

*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.*

Reference is made to Norway's 4th periodic report to the Committee on the Rights of the Child (CRC) paragraphs 222-239 concerning measures related to children deprived of their family environment. The Government has initiated two research projects (2010-2012) on why the number of child welfare cases has increased. One of the reasons may be improved procedures within the child welfare services for detecting children at risk and where there is reason for concern. In addition, the number of cases reported to the child welfare services has increased substantially.

The most recent statistics, which are from 2008, indicate the trend since 2005. The 2005 figures are in parentheses. A total of 33 917 (28 775) children and young people were subject to child welfare measures as of 31 December 2008; this corresponds to 28.4 (24.5) per 1 000 in the age group 0-17 years or 24.0 per 1 000 in the age group 0-22 years. By the end of 2008, 541 (569) children were in protective care in institutions and 5 666 (5 054) were in protective care in foster homes. The percentage of children under care orders/ protective care in institutions or foster homes (6 207) (5 623) of children subject to child welfare measures (33 917) (28 775) was 18 (19)%. At the same point in time, 861 (710) children and young people were placed in institutions and 2 292 (1 868) children in foster homes as voluntary assistance measures. If children and young people under voluntary placements are added (3 090) (2 578), the corresponding total percentage in institutions and foster homes was 27 (29)% as of 31 December 2008.

According to the Child Welfare Act, when a child is placed in a foster home due account shall be taken of the desirability of ensuring continuity in the child's upbringing, and of the child's ethnic, cultural and linguistic background. The Ministry of Children, Equality and Social Inclusion is working to strengthen the supervisory activities of the child welfare service as regards the Sami language and culture in relation to Sami children in institutions and foster homes. Reference is made to paragraphs 564-566 of the CRC report concerning child welfare services for Sami children.

Reference is made to the CRC report paragraphs 39-42 concerning child welfare statistics. Statistics on the number of children placed in child welfare institutions or foster homes are published annually by Statistics Norway. Statistics Norway also publishes annual statistics on the reason for intervention in the case of “new children”, i.e. children who were not subject to child welfare measures during the previous year. So far, priority has not been given to statistics on the average period of placement in foster homes and institutions. Efforts to register measures taken to reunite children with their biological parents raise problems with regard to methodological validity.

In June 2005 section 4-16 of the Child Welfare Act was amended and now specifies the duty of the child welfare service to follow up parents more clearly than before. In May 2009, the Government published a guide on how to follow up parents of children/young people who are placed in foster homes or child welfare institutions (published only in Norwegian). How to assist parents will be included in the curriculum of regional training courses for the child welfare services in 2010.

*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.*

As of 1 January 2009, all children in Norway have a statutory right to a place in a kindergarten from the age of one. The municipality now has a statutory obligation to provide the number of kindergarten places needed. In September 2009, the county authorities reported that the municipalities had offered a place in kindergarten to all children with a statutory right. At the end of 2009, 88.5% of all children between one and five years of age attended kindergarten. In 2009, the proportion of children aged one to two who attended kindergartens was 77%, an increase of 2.5 percentage points from 2008. For children aged three to five, 96% attended kindergartens.

In the government budget for 2010, the Government plans to use NOK 463.5 million to increase the number of kindergarten places. After a period with a considerable increase in the number of kindergarten places, the introduction of maximum parental fees and the establishment of a statutory right to a place in kindergarten, the Government's main goal is to ensure equity and high quality in all kindergartens, i.e. to strengthen the kindergarten as a learning arena and an inclusive community.

*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.*

Reference is made to the Government's response under Article 10 in the present 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.*

In the new Immigration Act, which entered into force on 1 January 2010, the right to family reunification has been strengthened for the following groups: cohabitants who have children together, foreign nationals who are the mother or father of a Norwegian child for whom the

applicant has parental responsibility and with whom he or she lives permanently (without the Norwegian parent), and foreign nationals who are the mother or father of a Norwegian child who lives permanently with the other parent in Norway.

As a consequence of the introduction of a broader refugee concept in the new Act, a larger group of sponsors are also exempted from the subsistence requirement regarding income. On the other hand, the new Act also introduces some restrictions on family immigration, namely a more stringent subsistence requirement to combat forced marriages and what is known as the four-year requirement.

According to the new rules, a sponsor must have a minimum annual income of NOK 217 600, both for the previous year and for the next 12 months. The sponsor must not have received any social assistance benefits in the year before the permit is granted. The subsistence requirement shall, as a general rule, apply to all sponsors, including Norwegian citizens. Certain exemptions from the requirement have been made, for instance to prevent young people from dropping out of higher education and beginning to work instead in order to fulfil the income requirement. Furthermore, exemptions from the requirement may be made under special circumstances, and in all cases if international human rights obligations so require.

Under the four-year requirement, in certain cases it is a condition for family immigration that the sponsor has had four years of education or work experience in Norway. The purpose of the requirement is to reduce the number of asylum seekers who do not meet the conditions for protection, and also to motivate immigrants to work and get an education. The requirement applies when the sponsor has asylum, residence on humanitarian grounds, or residence on grounds of family ties in Norway. The requirement does not prevent an established family from being reunited; it only applies in cases where the parties have not lived together previously as a family unit (so-called “family establishment”/“family formation”), as opposed to “family reunification”. A wide range of activities are regarded as “education or work” according to the four-year-requirement, e.g. the compulsory introductory programme for newly arrived immigrants (the Introduction Act, cf. Norway’s response to concluding observation no. 28 in the present report) and other qualification programmes with similar content. Furthermore, periods during which the sponsor receives sickness benefit, disability pension or retirement pension are deemed to be “work”. Thus, exemptions from the requirement to take work/education are made in cases where the sponsor is disabled. Further exemptions from the four-year-requirement may be made under special circumstances, and if international human rights obligations so require.

In 2009 the Government announced that a general four-year requirement for all sponsors, including Norwegian citizens, will be proposed in cases of family establishment/family formation (i.e. not in cases of family reunification). The purpose is to combat forced marriages. This legislative proposal has not yet been submitted for public consultation.

Whether the four-year-requirement is to apply in certain cases of family reunification, i.e. when the sponsor has residence on humanitarian grounds, is under consideration.

*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.*

An important aim of the action plan entitled *Stop Human Trafficking* is to ensure that more victims of human trafficking are granted temporary work and residence permits in Norway.

A presumed victim of human trafficking may be granted a temporary residence permit for six months, the so-called reflection period, provided that the victim is willing to receive assistance and to consider reporting human traffickers to the police. The threshold for granting such permits is low. The number of victims granted a reflection period has increased over the last few years. In 2009, 98 persons applied for a reflection period, which is 34 more than in 2008.

A victim may also be granted a temporary residence permit for up to one year at a time provided that the perpetrators are reported, the police have started an investigation and the victim has cooperated with the police. If a victim of trafficking is not granted asylum, he or she shall as a general rule be granted a residence permit if he or she has witnessed against the perpetrators in a court case. However, few victims of trafficking report the perpetrators to the police, and even fewer cases end with a conviction in court. In 2009, two persons were granted a residence permit after having given testimony in a court case regarding human trafficking. In addition, one negative decision was reversed.

According to the new Immigration Act, a former victim of trafficking may be considered as a member of a special social group in accordance with the Refugee Convention and thereby be entitled to refugee status. Furthermore, the fact that a person has been a victim of trafficking is to be considered as a weighty humanitarian consideration when assessing whether he or she is to be granted a residence permit.

*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.*

The legal relationship between landlord and tenant is governed by the Tenancy Act (Act of 26 March 1999 No 17). A tenancy agreement may only be terminated on the basis of objective, reasonable grounds. If the tenant objects to the termination of a tenancy agreement, the termination ceases to apply unless the landlord institutes legal action against the tenant within three months after expiry of the tenant's time limit. In such cases the court shall decide whether the termination is lawful. There is no specific prohibition against eviction from a dwelling under Norwegian law. The legal provisions relating to eviction are set out in the Enforcement Act (Act of 26 June 1992 No 86). Eviction may only take place provided that certain material conditions are met; i.e. there must be grounds for enforcement.

Even though there are no legal provisions laying down the right to housing, the principle that everyone has a right to housing has been a central part of Norwegian housing policy since the Second World War. The primary aim of Norwegian housing policy is adequate and secure housing for all.

The state assists in the provision of housing for disadvantaged and marginalised persons through the Norwegian State Housing Bank. The bank offers several types of loans and grants to individuals and municipal authorities, as well as to organisations and institutions providing housing for low-income groups.

Reference is also made to the Government's response under Article 11 in the present report.

*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.*

In Norway, illegal residents are permitted to stay in departure centres, where they are also offered health services. However, the fact that many asylum-seekers whose applications have been rejected choose to live in hiding poses a challenge.

*39. The Committee encourages the State party to adopt effective measures to address the underlying causes of regional disparities in health indicators.*

A broad, long-term strategy to reduce social inequalities in health has been launched since Norway's fourth CESCR report. The Storting adopted a white paper entitled *National Strategy to Reduce Social Inequalities in Health* (Report No. 20 (2006-2007) to the Storting) in 2007, which sets out four priorities for the next ten years: 1) reduce social inequalities that contribute to inequalities in health, 2) reduce social inequalities in health-related behaviour and use of the health services, 3) take targeted initiatives to promote social inclusion, 4) develop knowledge and cross-sectoral tools.

The strategy is followed up by yearly reports based on input from relevant stakeholders on their efforts to reduce social inequalities in health. The purpose of these reports is to monitor and implement the strategy. The first report was submitted in November 2009.

The Storting has adopted a new Act setting out the responsibilities of the county municipalities in the field of public health (Act of 19 June 2009 No 65). This includes support to municipalities within the county and the duty to cooperate with other counties in the region. The county has a legal obligation to contribute to a more equal social distribution of factors that directly or indirectly affect health. This may include the obligation to monitor the health services and relevant factors in the community, inter alia through conducting surveys. The new Act came into force on 1 January 2010.

A revised Planning and Building Act was put forward by the Ministry of the Environment and entered into force 1 July 2009. This Act is essential with regard both to social and land use planning and to more comprehensive long-term planning, including all aspects of local and regional planning. The Act is the main instrument for ensuring participation and democracy in local and regional planning processes. The new provisions of the Act provide that planning shall



promote public health and prevent social inequalities in health.

*40. The Committee urges the State party to strengthen measures taken to ensure adequate health and psychiatric services for asylum-seeking children.*

Upon arrival in Norway asylum-seeking children, like all asylum seekers, are offered a medical examination. Asylum seekers have the same right to primary and specialist health care services as the rest of the population. However persons whose applications have been finally rejected must leave the realm and are only entitled to emergency health services. Children have full rights to health services regardless of their residence status.

During the last few years, five regional resource centres for violence, traumatic stress and suicide prevention have been established. The centres have a specific responsibility regarding refugee health. Priority is given to the situation of unaccompanied minor asylum seekers. The centres' primary tasks include providing support and guidance to both the primary health care and the specialist health care services and supervising their activities. In addition they help to establish networks and cooperation in the various regions. The regional health authorities are responsible for establishing specialist health care services in the field of traumatic stress.

*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.*

During the last few years, the four regional health authorities in Norway have established regional units for specialist health care services for people with severe eating disorders. In addition, treatment for people with eating disorders is offered at most District Psychiatric Centres (DPCs) and specialised mental health services for children and adolescents. A clinical network for eating disorders has been established and assists the regional health authorities in establishing and operating the regional centres. The regional health authorities will further develop the competence-building programme "The body and self-respect" and have a continued focus on preventive measures, treatment and competence-building.

In 2010 the Norwegian Directorate of Health will start working on new guidelines concerning eating disorders and conduct a survey of treatment for people with eating disorders with regard to capacity, quality and accessibility.

The Norwegian Directorate of Health has developed a strategy for preventing suicide for the period 2009–2012. Key elements of the strategy are measures to prevent suicide in groups at risk, improve national statistics, evaluate remedial actions/measures of intervention in suicidal behaviour, and provide support to families and friends. National guidelines for preventing suicide in the specialised mental health-care services were launched in January 2008. Guidelines will be provided for the primary health care services in 2010.

*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.*

According to the Mental Health Care Act (Act of 2 July 1999 No. 62), a decision to detain a person with a mental disorder for compulsory psychiatric care may be appealed to the supervisory commission, which is to make the decisions that have been specially assigned to it and carry out such supervision as it deems necessary for the welfare of the patient.

The supervisory commission is an autonomous body, and is chaired by a lawyer.

Notification of the decision to detain shall promptly be sent to the supervisory commission, which shall as soon as possible ascertain that the correct procedure has been followed and that the administrative decision is based on an assessment of the fundamental criteria set out in the Mental Health Care Act. The patient has the right to appeal to the supervisory commission at any time, and is entitled to free legal aid in connection with his or her appeal. The commission shall as far as possible make a decision in the matter within two weeks from receiving the complaint. The patient may bring a negative decision by the commission before a court. The patient is entitled to free legal aid for this as well. Such matters are to be given high priority by the court.

Even if the patient does not appeal the decision, the commission is to review the matter after three months to ascertain whether compulsory treatment is still necessary.

*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.*

All children in Norway aged 6-16 years have the same legal right and duty to attend primary education regardless of their migrant background, residence status or the legality of their stay. However, the fact that some parents whose asylum application has been finally rejected still choose not to send their children to school, due to fear of the consequences, poses a challenge.

*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.*

The Committee's concluding observations after the examination of Norway's fourth periodic report were published on the Norwegian Government's website. The Ministry of Foreign Affairs arranged a meeting with relevant ministries and members of civil society on 20 October 2006 to discuss Norway's follow-up of the concluding observations. The ministries' replies to the concluding observations were then published on the Government's website. Norway has conducted two meetings in addition to various consultations with NGOs and other members of civil society in the preparation of the present report. Minutes of the meetings have been published on the web.

## **Article 1 Self-determination**

*7. In what manner has the right to self-determination been implemented?*

Reference is made to Norway's third periodic CESCR report paragraphs 3-5.

*Self-determination for the Sami people*

Reference is made to paragraphs 4 and 5 of the enclosed sixth periodic report of Norway to the Human Rights Committee (CCPR/C/NOR/2009/6). Norwegian Sami policy was also dealt with extensively in 2008 in Norway's Report on ILO Convention No 169 concerning indigenous and tribal peoples (the ILO report), and is also widely covered in Norway's 19th/20th report under the International Convention on the Elimination of All Forms of Racial Discrimination (the CERD report). The three reports are enclosed (Appendices 7, 9 and 10).

Reference is also made to the enclosed excerpts of the white paper on Sami policy (Report No. 28 (2007-2008) to the Storting). In the white paper the concept of self-determination for the Sami people is discussed with reference to the UN Declaration on the Rights of Indigenous Peoples and the ongoing work on a Nordic Sami Convention. An unofficial translation of the relevant excerpts of the white paper (sections 1.3.6 and 1.3.7) is enclosed (Appendix 13).

*8. Indicate the ways and means by which the State party recognizes and protects the rights of indigenous communities, if any, to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood.<sup>4</sup> Also indicate the extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought, in any decision-making processes affecting their rights and interests under the Covenant, and provide examples.*

*The Consultation Agreement between the State Authorities and Sámediggi (the Sami Parliament)*

The Government and Sámediggi (the Sami Parliament) have agreed on "Procedures for Consultations between the State Authorities and Sámediggi of 11 May 2005". The scope and content of the agreement is elaborated on in the ILO report, see particularly section 1.2. Reference is also made to the CCPR report paragraphs 263-272.

*Sami statistics*

Sámediggi and the Ministry of Government Administration, Reform and Church Affairs have established an analysis group for Sami statistics. The analysis group will submit an annual report to the Ministry and Sámediggi which will strengthen the factual basis for assessments and decisions in consultations. Reference is made to Norway's 19/20<sup>th</sup> CERD report paragraph 6.

*The Finnmark Act*

The Act relating to legal relations and the management of land and natural resources in the county of Finnmark was adopted in June 2005.<sup>5</sup> The purpose of the Act is to help ensure that the land and natural resources in Finnmark are managed in a balanced and ecologically sustainable manner, among other things as a basis for Sami culture, reindeer husbandry, use of non-cultivated areas, commercial activity and social life. The purpose of the Finnmark Act is to clarify the relationship between the state and the Sami people and the Sami people's right to use and exploit natural resources in accordance with their culture. An English translation of the Act is enclosed (Appendix 4).

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<sup>4</sup> General comment 12 paragraph 13; general comment 14 paragraph 27.

<sup>5</sup> The Finnmark Act (Act of 17 June 2005 No. 85)

The process prior to the adoption of the Act is described in Norway's fifth periodic report to the Human Rights Committee (CCPR/C/NOR/2004/5) paragraph 251 et seq. Some significant amendments have been made to the Finnmark Act since 2005. In addition to the regime of the Finnmark estate, described in the fifth periodic CCPR report, the Storting decided to establish a special Finnmark Commission and the Uncultivated Land Tribunal for Finnmark. The amendments are described in more detail in Norway's sixth periodic report to the Human Rights Committee paragraph 273, the ILO report section 2.1 and the CERD report paragraphs 18 and 19.

A new Reindeer Husbandry Act was adopted by the Storting on 15 June 2007. Reference is made to the ILO report section 2.3.

The revised Planning and Building Act was adopted by the Storting on 5 June 2008. In the part of the Act dealing with planning, Sámediggi is empowered to raise objections in planning matters of importance for Sami culture and economic life. Reference is made to the ILO report section 2.4.

A new Mining Act entered into force on 1 January 2010. The provisions of the previous Mining Act concerning procedures and measures to safeguard Sami interests are unchanged in the new Act. Reference is made to the sixth CCPR report paragraphs 264-271.

A new Nature Management Act was passed by the Storting on 16 June 2009 and entered into force in July 2009, except for Chapter IV on alien species. The Act has implications for Sami rights and interests in Norway. Reference is made to the sixth CCPR report paragraphs 264 and 272.

Sámediggi was consulted in the above-mentioned law-making processes.

#### *The Coastal Fisheries Committee*

The Finnmark Act contains no provisions concerning fisheries in the sea areas off Finnmark. An official report on the rights to these fisheries was completed in February 2008 (NOU 2008:5). The public consultation ended in December 2008, and the report is currently being considered by the Norwegian Ministry of Fisheries and Coastal Affairs. Consultations between the Ministry and Sámediggi will be an integral part of the legislative process. There has been an introductory meeting between the Minister of Fisheries and Coastal Affairs and the President of Sámediggi on the follow-up, and the consultation process between the Ministry and Sámediggi will be continued through administrative meetings. For further information, reference is made to the ILO report section 2.7, and the sixth CCPR report paragraph 274.

#### *The Sami Rights Committee II*

The Sami Rights Committee submitted its official report in December 2007 (NOU 2007:13 and NOU 2007:14) regarding Sami areas south of Finnmark and questions relating to the Sami population's right to use of land and water. The report is currently being considered by the Ministry of Justice and the Police. Reference is made to the ILO report section 2.2 and the sixth CCPR report paragraph 275.

#### *Conference with the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People*

The UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Professor James Anaya, visited the Nordic countries on 14-16 April 2010. The main event was a conference in Rovaniemi, Finland, hosted by the Sami Parliamentary Council, where the Sami parliaments, government representatives and representatives of civil society discussed key issues affecting Sami people. The Norwegian authorities look forward to receiving the report with the UN Special Rapporteur's observations and recommendations.

#### *Other Sami policy questions*

With regard to other Sami policy questions, reference is made to the sixth CCPR report paragraph 292, the Common Core Document (paragraphs 261-263), the ILO report and the CERD report.

Regarding equality in health services, reference is made to the ILO report section 5.1 and the CERD report paragraphs 171, 175 and 180.

Regarding education, reference is made to Norway's fifth CCPR report paragraphs 240 and 241, the ILO report section 6 and the CERD report paragraphs 183–185, 203, 208 and 213–216.

Regarding legal aid, reference is made to the CERD report paragraph 253.

## **Article 2 Realization of the rights contained in the Covenant**

Reference is made to chapter A, General Information, of the present report and the Common Core Document regarding the status of the Covenant in Norwegian law.

#### *Non-nationals*

Reference is made to Norway's fourth periodic CESCR report (E/C.12/4/Add.14) paragraph 7 concerning the rights and obligations of non-nationals. Section 4 of the new Immigration Act governs foreigners' rights and obligations in Norway.

*9. Indicate the impact of international economic and technical assistance and co-operation, whether received or provided by the State party, on the full realization of each of the Covenant rights in the State party or, as the case may be, in other countries, especially developing countries.*

Reference is made to the Government's response to concluding observation no. 25 in the present report.

*10. In addition to information provided in the common core document ( paras. 50 to 58 of the harmonized guidelines), provide disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal enjoyment of each of the Covenant rights by all, in particular the disadvantaged and marginalized individuals and groups.*

#### *Non-discrimination*

There are a number of statutes that provide protection against discrimination, such as the Gender Equality Act (Act of 9 June 1978 No 45), the Anti-Discrimination Act (Act of 3 June 2005 No 33) , the Anti-Discrimination and Accessibility Act (Act 20 of June 2008 No 42 , Appendix 2)

and Chapter 13 of the Working Environment Act (Appendix 5) on protection against discrimination.

Reference is made to the Common Core Document paragraphs 217-227 concerning the Equality and Anti-discrimination Ombud, which was established in 2006. The Ombud and the courts enforce legislation relating to equality and anti-discrimination in accordance with their mandates. Statements made by the Ombud may be appealed to the Equality and Anti-discrimination Tribunal.

A proposal to further strengthen the legal framework on discrimination was submitted to the Government in an official Norwegian report in 2009 (NOU 2009:14). The report was subject to public consultation in 2009. The proposals in the report include a bill with a broad perspective prohibiting discrimination in all areas of society, on all grounds such as gender, ethnicity, religion, disability, sexual orientation and age. A comprehensive approach may be a way of providing more effective protection from multiple discrimination.

The Government has launched several action plans containing anti-discrimination measures, e.g. the *Action Plan to Promote Equality and Prevent Ethnic Discrimination (2009-2012)*, the *Action Plan for Universal Design and Improved Accessibility (2009-2013)*, and the *Action Plan for a Better Quality of Life for Lesbians, Gays, Bisexuals and Transgendered Persons (2009-2012)*.

Norway acknowledges that there are challenges in a number of areas regarding our ability to combat discrimination and to safeguard the rights of disadvantaged and marginalised individuals and groups.

#### *Ethnic discrimination*

The Anti-discrimination Act prohibits direct and indirect discrimination on the basis of ethnicity, national origin and other factors. The CERD has been incorporated into Norwegian law through section 2 of the Anti-Discrimination Act.

Reference is made to Norway's 19th/20th periodic report to CERD regarding the Government's efforts to combat ethnic discrimination. Reference is made to paragraphs 5-7 of the report concerning statistical data on the ethnic composition of the Norwegian population, paragraph 62 concerning the reporting on specific goals for integration and social inclusion policy with associated indicators, paragraph 63 concerning a survey of discrimination in the state sector, paragraph 78 concerning hate crime, paragraph 149 concerning an ongoing project relating to statistics on immigration, integration and social inclusion and to Statistic Norway's survey on immigrants' living conditions in 2008, paragraph 218 concerning an evaluation of Norwegian language tuition for immigrants and paragraph 232 concerning a survey on discrimination against Sami people. Reference is also made to Norway's UPR report to the Human Rights Council section 3.2.2.

Persons of minority origin are at particular risk of discrimination in Norway. A survey on experienced discrimination conducted by Statistics Norway in 2009 reveals that more than half of the respondents with an immigrant background have experienced discrimination in one or more areas such as housing, education, health services and working life, as well as in bars and restaurants. Men have experienced a higher degree of discrimination than women. As many as 60-70% of the immigrants with a background from Somalia, Iraq and Iran said that they

experience comparatively more unequal treatment. As regards other groups in the survey, 25-30% responded that they have experienced unequal treatment. The survey is based on responses to questions on experienced discrimination in the survey conducted in 2005-2006 by Statistic Norway's on immigrants' living conditions. One of the selection criteria for the survey was that respondents had resided in Norway for at least two years. Those who took part had a background from Bosnia-Herzegovina, Serbia, Montenegro, Turkey, Iraq, Iran, Pakistan, Sri Lanka, Vietnam, Somalia and Chile.

The Government is planning to initiate a survey on a representative selection of enterprises in order to get an overview of attitudes to diversity and discrimination in working life. Various methods to determine the number of employee representatives who are immigrants or persons born in Norway of immigrant parents will also be assessed.

One of the measures in the Action Plan to Promote Equality and Prevent Ethnic Discrimination is to establish a forum for equality data. A crucial task for the forum is to determine what type of data can serve as indicators of equality and discrimination. The proposed mandate for the forum includes:

- clarification of existing statistical data on various grounds that might serve as indicators of equality and/or discrimination, and thus enable better use of existing data
- assessment of the possibilities of integrating questions on equality and discrimination on different grounds into existing statistics production
- assessment of how the various grounds for discrimination may be seen as interconnected.
- assessment of what additional data may be needed, also in relation to the data production taking place in the EU/Eurostat
- assessment of how enterprises can retrieve information on the proportion of immigrants employed by the enterprise

#### *The rights of gays and lesbians*

The Storting recently adopted a common Marriage Act for homosexual and heterosexual couples.

The purpose of the *Action Plan for a Better Quality of Life for Lesbians, Gays, Bisexuals and Transgendered Persons (2009-2012)* is to combat the discrimination many LGBT persons experience in different periods of their lives and in different social arenas. The integration of LGBT perspectives into all areas of society is the core strategy. The plan focuses specifically on groups at risk of discrimination on several grounds. The plan involves eight ministries and provides guidelines and timelines for how the LGBT population's interests are to be met in areas such as foreign policy, education, health care, family and children affairs, working life, immigration policy, the police sector and human resource policy.

#### *Rights of persons with disabilities*

In Norway many people with disabilities encounter barriers and are at risk of discrimination.

Reference is made to the Common Core Document paragraphs 207-214 and to Norway's sixth CCPR report to the Human Right Committee paragraphs 244-245.

The Anti-discrimination and Accessibility Act came into force on 1 January 2009. The Act prohibits discrimination on the basis of disability, and applies to all areas of society, e.g. the labour market, housing, and goods and services. Family life and personal relationships do not fall within the scope of the Act. Direct and indirect discrimination, harassment and incitement to discriminate against persons on the basis of disability are prohibited. The Act also protects persons who bring a lawsuit on the basis of discrimination from being subjected to unfavourable treatment on account of his or her action, i.e. retaliation. In addition, a prohibition against being an accessory to discrimination has been introduced. A number of measures have been implemented to raise awareness of and promote compliance with the new legislation.

The purpose of the *Action Plan for Universal Design and Improved Accessibility* (2009-2013) is to improve accessibility for the disabled by 2025, and will affect most areas of society. The Government gives priority to four areas in the action plan: outdoor areas, buildings, transport and Information and Communication Technology (ICT). Increasing the levels of employment among people with disabilities is a cross-cutting consideration in all the measures in the plan. The plan is to be reviewed every year, and a project has been launched to develop indicators to measure progress over time.

The work is being coordinated by a steering group comprising representatives of relevant ministries. The practical work is being coordinated by a network forum led by the Delta Centre (National Resource Centre for Participation and Accessibility for People with Disabilities), with the participation of directorates, government ministries, user organisations and professional institutions. The indicators are being developed by the ministries in the various sectors and apply to buildings and facilities, outdoor areas, transport and ICT.

Norway signed the UN Convention on the Rights of Persons with Disabilities in 2007.

*Discrimination on the basis socio-economic status*

Statistics Norway produces poverty estimates and evaluates its predictions and findings ([www.ssb.no](http://www.ssb.no)). Reference is made to the Government's response regarding specific measures to prevent discrimination on socio-economic grounds as regards access to the labour market (Article 6), access to health care (Article 12), housing (Article 11) and culture (Article 15) in the present report.

*11. If the State party is a developing country, provide information on any restrictions imposed under Article 2, paragraph 3, of the Covenant, on the enjoyment by non-nationals of the economic rights recognized in the Covenant.*

Not applicable to Norway.

### **Article 3 Gender equality**

*12. What steps have been taken to eliminate direct and indirect discrimination based on sex in relation to each of the rights recognized in the Covenant, and to ensure that men and women enjoy these rights on a basis of equality, in law and in fact?*



Since the late 1980s Norway has implemented action programmes to promote the incorporation of gender equality into all policy areas. Norway follows the recommendation of the Fourth World Conference on Women, held in Beijing in 1995, which states that the gender equality perspective should be mainstreamed in most areas and sectors, followed by targeted policies, including measures.

Each ministry is responsible for matters relating to gender equality in its own area of responsibility. In 2005, the Main Budget Circular from the Ministry of Finance introduced the option for ministries to carry out a gender equality assessment of their own budget areas. It is up to each ministry to decide which policy sectors should be subjected to a gender sensitive analysis, and to include such analysis in their budget propositions. The aim is to consider the effects that various political decisions have on women, men, girls and boys.

Norway has also implemented various policies and measures to enable people to combine family and working life, including affirmative action to increase women's participation in decision making.

*13. Indicate whether the State party has adopted gender equality legislation and the progress achieved in the implementation of such legislation. Also indicate whether any gender-based assessment of the impact of legislation and policies has been undertaken to overcome traditional cultural stereotypes that continue to negatively affect the equal enjoyment of economic, social and cultural rights by men and women.*

In 2009 the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was incorporated into the Human Rights Act (Act of 21 May 1999 No 30) and the convention has been given precedence, cf. the Common Core Document paragraph 106.

The Norwegian Gender Equality Act prohibits discrimination on grounds of gender in all areas of society. Under the Gender Equality Act, the Anti-discrimination Act and the Anti-discrimination and Accessibility Act, the authorities are obliged—in all areas of society—to take active steps to promote and advance equality on the grounds of gender, ethnicity and disability. These Acts also impose a duty on public and private employers to report annually on what kind of active steps they have taken to advance equality with regard to gender, ethnicity and disability. In addition enterprises are required to submit an annual report giving an account of the status of gender equality within their organisation.

Reference is made to Norway's UPR report to the Human Rights Council section 3.2.1 regarding gender equality. Reference is also made to the Common Core Document paragraphs 192-195 concerning the Gender Equality Act and paragraphs 234-237 concerning gender equality, and to Norway's 6<sup>th</sup> periodic CCPR report to the Human Right Committee paragraphs 23-32 regarding the current situation of women and paragraph 249 on the Gender Equality Act, and to Norway's 4th periodic report to CESCR paragraphs 59-65 and 141-149.

Promoting equality and ensuring that women and men enjoy equal opportunities remain political priorities.

There are now more women starting and completing higher education than men. This is in itself a historic shift. However, young women and men traditionally study different subjects, and Norway has one of the most gender segregated workforces in Europe. Regarding equality and education, reference is made to the Government's response under Article 13 in the present

report. Regarding participation in the labour market, reference is made to the Government's response to concluding observation no. 30 in the present report.

In order to achieve gender equality, it is important to improve the framework conditions for men's participation in family life. Parents are given 46 weeks paid leave in connection with childbirth (56 weeks with 80% pay). The parents themselves decide how they wish to share this period, apart from three weeks prior to delivery and six weeks afterwards, which are reserved for the mother. Ten weeks are now reserved for the father, after the "father's quota" was extended on 1 July 2009. These weeks are lost if the father does not make use of them.

In 2003 an Act<sup>6</sup> was adopted making Norway the first country in the world to set requirements regarding the gender balance on company boards. The boards of both public limited and certain privately owned companies must comprise at least 40% women and 40% men. As a result of the Act, the percentage of women representatives on company boards has increased from 7% in 2003 to 40% in 2009. The percentage of women who are chairpersons has increased from 2% in 2005 to 7% in 2009.

#### **Article 4 Limitations**

*14. See paragraph 40 (c) of the harmonized guidelines on a common core document.*

Reference is made to the Common Core Document.

#### **Article 5 Interpretation**

*14. See paragraph 40 (c) of the harmonized guidelines on a common core document.*

Reference is made to the Common Core Document.

### **C. PART OF THE REPORT RELATING TO SPECIFIC RIGHTS**

#### **Article 6 Right to work**

*15. Provide information on effective measures taken to reduce unemployment including on:*

*(a) The impact of targeted employment programmes in place to achieve full and productive employment among persons and groups considered particularly disadvantaged, in particular women, young persons, older persons, persons with disabilities and ethnic minorities, in rural and deprived urban areas; and*

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<sup>6</sup> Act amending the Act of 13 June 1997 No. 44 relating to Private Limited Companies, the Act of 13 June 1997 No. 45 relating to Public Limited Companies and certain other Acts.

According to the OECD Economic Survey of Norway 2010, the Norwegian economy has been particularly resilient during the financial crisis, with a relatively shallow recession and moderate increase in unemployment. The Government's rapid and appropriate response is highlighted, and Norway is moving into what is projected to be a strong recovery. Employment figures are found in the Common Core Document paragraph 20.

Reference is further made to the Government's response under Article 3 in the present report regarding gender equality and the labour market.

The administration of the municipalities' social services and the national employment service (Aetat) and the National Insurance Service (RTV) have been reorganised and, since 1 July 2006, form a new labour and welfare administration (NAV). The principles for the new administration were decided during the Storting's consideration of the white paper on a new employment and welfare administration (Report No. 46 (2004-2005) to the Storting). The main goals of the reform are having more people in employment and activity and fewer on benefits, a more user-friendly, user-oriented system, and a coordinated, efficient employment and welfare administration.

Immigrants, young people, long-term unemployed and disabled are central target groups for the labour market policy. These groups are also prioritised for participation in labour market measures. In May 2009 immigrants constituted 26% of the unemployed, but the share of immigrants participating in labour market measures was 36%. The Norwegian labour market policy also provides of specific guarantees for vulnerable groups. Young people aged 20-24 are guaranteed follow-up by the employment and welfare service and offers to participate in labour market measures. Long-term unemployed people are guaranteed an offer to participate in such measures.

Reference is made to the Government's response to concluding observation no. 28 in the present report regarding targeted employment programmes for ethnic minorities. Government agencies are also obliged to invite at least one qualified applicant with an immigrant background to an interview for vacant positions. According to information gathered by the Ministry of Government Administration, Reform and Church Affairs, 32% of the people with a non-western immigrant background who were interviewed for a vacant position, were actually hired during the last measuring period. The Ministry also initiated a project in 12 government agencies in 2008-2009 to try out the effect of a moderate deviation from the qualification principle. Under the anti-discrimination legislation, employers may, when choosing among applicants with similar qualifications, recruit an applicant with a non-western immigrant background even though the applicant would otherwise be ranked below the best qualified applicant. The project resulted in increased awareness of the importance of recruiting persons from the target group and of the complexity of the recruitment processes.

An action plan has been launched by the Ministry of Government Administration, Reform and Church Affairs with a view to recruiting more disabled people into the government sector. As part of this plan a trainee programme was set up in the government ministries (one trainee in each) for 16 persons with a higher education and a disability. The Health Directorate initiated a similar trainee programme for 19 trainees in other agencies under the same action plan. The trainee programmes resulted in increased competence and experience within the agencies in

recruiting disabled persons, and a stronger awareness in the agencies of disabled persons as a workforce resource.

According to the Working Environment Act, older persons are protected against age discrimination in working life. Both direct and indirect discrimination are prohibited, as well as harassment and incitement to discriminate. The prohibition applies to all aspects of the employment relationship, from the time the position is advertised to the termination of the relationship. The prohibition is enforced by the Equality and Discrimination Ombud and the courts.

A National Strategic Plan for Work and Mental Health (2007-2012) was presented in September 2007 and applies to people with all types of mental disorders and difficulties, and to people who also have substance abuse problems or other problems. A major part of the strategy is to ensure a cohesive public effort for people with mental disorders and to utilise the measures in the new employment and welfare administration (NAV). The strategy covers inter alia the following areas: user involvement and self-help; measures and services; competence and networks; and research and development.

*(b) The impact of measures to facilitate re-employment of workers, especially women and long-term unemployed workers, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises.*

Labour market courses, work practice and wage subsidies are measures that are used to facilitate the re-employment of workers. Long-term unemployed are guaranteed an offer of a place in such measures.

*16. Provide information on work in the informal economy in the State party, including its extent and the sectors with a large percentage of informal workers, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure access by informal workers, in particular older workers and women, to basic services and social protection.*

Increased labour immigration has led to problems of social dumping in some industries. Social dumping is characterised both by unacceptably low wages and breaches of legislation governing wages, health and safety. Norway attaches great importance to ensuring that migrant workers enjoy pay and working conditions that are similar to those of Norwegian workers. In 2006, the Government presented an *Action Plan against Social Dumping*. Although the Action Plan has worked well, the Labour Inspectorate continues to uncover instances of social dumping. The financial crisis has also made the fight for decent work extremely important, and efforts to combat social dumping must be intensified. The Government therefore presented a new *Action Plan against Social Dumping* in 2008.

The rules concerning health, safety and working environment apply to everyone who works in Norway. Important provisions with a bearing on the employment relationship also apply to foreign employees through the provisions of the Working Environment Act concerning posted employees. The Tariff Board has issued regulations on the general application of collective wage agreements that entitle foreign workers within the area of application of the regulations to wages and working conditions that follow from the regulations.

The Labour Inspection Authority and the Petroleum Safety Authority Norway are important actors in the efforts to combat social dumping. In addition to ensuring that the HSE requirements are complied with, the authorities see to it that the conditions for work permits pursuant to the Immigration Act are complied with and that employees receive the wages and have the working conditions they are entitled to pursuant to regulations concerning the general application of collective agreements.

*17. Describe the legal safeguards in place to protect workers from unfair dismissal.*

The regulations concerning termination of employment relationships are to be found in the Working Environment Act (WEA) 2005 chapter 15, and the provisions relating to proceedings concerning termination of employment, etc., are to be found in chapter 17. (Appendix 5)

According to the WEA section 15-4 a dismissal shall be given in writing and must fulfil certain statutory requirements. If the notice does not fulfil these requirements, the employee may institute legal proceedings against the employer to have the notice set aside.

The central provision concerning protection against unfair dismissal is section 15-7, which states that employees may not be dismissed unless this is objectively justified on the basis of circumstances relating to the undertaking, the employer or the employee. Protection against dismissal applies to all employees, at all levels, in full-time and part-time positions.

The threshold for dismissing employees is high, and the employer must show that there is good cause for dismissal. In practice, dismissals may be divided into two main categories: dismissals due to circumstances connected with the employee, and dismissals based on the needs of the undertaking.

The first category results from unacceptable behaviour on the part of the employee. Since this type of dismissal is defamatory, the requirements set by the courts are particularly stringent. The rules address termination of employment where the employee is in breach of his obligations under the contract of employment. A serious breach may warrant summary dismissal, while less serious breaches may warrant dismissal. However, it is absolutely clear that transgressions of a less serious nature do not provide a basis for dismissal. The threshold for dismissal is high, and a great deal is required for employment to be terminated on this basis. Subjective factors of reasonableness, for example that dismissal will have a severe effect on the employee, are given less weight in cases where dismissal is due to reasons connected with the employee than where dismissal is a result of curtailed operations, rationalisation measures, etc. Behaviour outside the workplace may also, depending on the circumstances, be relevant. The type of position held by the employee will be an issue here. In fact there are a number of reasons connected with the employee that may warrant dismissal, for instance lack of qualifications and professional capability, failure or refusal to obey orders, absenteeism and alcohol abuse, breach of loyalty, improper conduct or cooperation problems. However, a court will not allow the employer to bring irrelevant considerations into play when assessing an employee's circumstances. This means that it is prohibited to put emphasis on gender, race, religion, ethnic identity, political affiliation or other such factors, cf. the WEA sections 13-1 and 13-2.

The second category of dismissals affects employees of undertakings that have a need for reorganisation. Where the need for reorganisation is genuine and well-documented and provided

the employer has otherwise proceeded correctly, a court will normally accept dismissal based on the needs of the undertaking.

Curtailed operations, rationalisation measures or other forms of reorganisation are the most common reasons for dismissal based on the undertaking's circumstances. Such measures normally provide an objectively justified reason for dismissal provided that the employer does not have other suitable work in the undertaking to offer the employee. What may be regarded as "suitable work" in this context depends on an overall assessment, cf. the WEA section 15-7 subsection 2.

Where the dismissal is due to curtailed operations, rationalisation measures or other circumstances connected with the undertaking, the needs of the undertaking must be weighed against the disadvantage caused by the dismissal for the individual employee. The selection of personnel for dismissal must also be objectively justified. Unfair differential treatment must not take place, and consideration must be had for particularly long service. The most common selection criteria are based on a combination of seniority and qualifications.

Workers who are wholly or partly absent from work owing to accident, illness, pregnancy, maternity or paternity leave or military service enjoy stronger protection against dismissal, cf. the WEA sections 15-8, 15-9 and 15-10.

If the employee is of the opinion that the dismissal is unfair, he or she may request negotiations with the employer within two weeks after having received written notice. The employee may institute legal proceedings against the employer within certain time limits. In such proceedings, the court is to decide whether the dismissal is objectively justified. If the employee should lose the case, he or she may appeal the case to the court of appeal. This also applies if the employer should lose.

If the employee has instituted legal proceedings against the employer, the employee is normally entitled to continue working in his or her post until the matter has been legally decided, cf. the WEA section 15-11.

If the employee's action is successful, he or she is entitled to continue in his/her post, or, if he or she has temporarily vacated the post, to resume his or her post, cf. the WEA section 15-12. If the action is unsuccessful, he or she must leave the position from the time stipulated by the court.

*18. Indicate what technical and vocational training programmes are in place in the State party and their impact on empowering the workforce, especially disadvantaged and marginalized individuals, to enter or re-enter the labour market.*

Norwegian labour market policy consists of specific guarantees targeting vulnerable groups.

The Programme for Basic Skills in Working Life was established in 2006. The objective of the programme is to prevent employees and job-seekers from being excluded from an increasingly knowledge-based labour market. Businesses and public enterprises may apply for grants for motivation programmes and training in reading, writing, arithmetic and ICT. During the period from 2006 to 2009, 5 700 people received training through 337 projects. The programme will be further developed and its budget was doubled from 2008 till 2010.

As a part of the Government's *Action Plan Against Poverty*, a qualification programme and a qualification benefit, legally based in the Social Service Act, was introduced as from 1 November 2007. The target group is individuals who have substantial and complex problems, considerably reduced working and earning capacity, dependence on social assistance benefits, and who are trapped, or in danger of becoming trapped, in a passive situation characterised by income poverty. The programme is offered to those who are considered able to gain a foothold in the labour market after closer and more binding follow-up. The aim of the programme is to enable more individuals in this group to enter employment through an individual one- or two-year scheme.

According to the law, those who fulfil the conditions are entitled to participate in the programme, and it is voluntary. The programme is to be tailored to each individual according to the person's needs and abilities. The participants receive a standardised qualification benefit, paid on a monthly base. Supplementary social assistance benefit may be granted on the basis of a means test.

From 1 January 2008 to 28 February 2010, approximately 12 400 people participated in the programme. We do not yet know enough about how many of the participants succeed in getting ordinary work after the programme. An evaluation of the programme is being carried out, and will continue through 2012.

As mentioned in Norway's response to concluding observation no. 28 in the present report, an introductory programme has been initiated for newly arrived immigrants (the Introduction Act) to improve their opportunities to participate in the labour market and social life. The Act ensures the provision of an introductory programme for refugees and tuition in the Norwegian language and social studies for adult immigrants. So far the introduction programme shows good results.

The Second Chance programme, which was started in 2005, is a trial qualification programme for immigrants who, after several years in Norway, have not gained a permanent foothold in the labour market and are long-time recipients of social security benefits.

### **Article 7 Right to fair conditions of employment**

#### *Corporate Social Responsibility*

The Government presented a white paper on corporate social responsibility in a global economy in January 2009.<sup>28</sup> The purpose of the white paper is to increase engagement in and knowledge of corporate social responsibility in both the private and the public sector. The purpose is also to formulate and clarify the Government's expectations of Norwegian companies and to clarify the roles and responsibilities of the Government, the private sector and other actors. The measures set out in the white paper will be further operationalised. In connection with this the Norwegian national contact point for the OECD Guidelines for Multinational Enterprises will be restructured and strengthened, and the Accounting Act will be revised.

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<sup>28</sup> Report No. 10 to the Storting (2008-2009).

The Government Pension Fund Global (GPF) is an instrument for ensuring that a reasonable portion of Norway's petroleum wealth benefits future generations and finances national pensions. The financial wealth must be managed so as to generate the highest possible return. A good return in the long term is contingent on sustainable development in the economic, environmental and social sense. Ethical guidelines for the management of the fund were adopted in 2004 and revised in 2009. The goals for the responsible management of the fund include promoting good corporate governance and greater awareness of social and environmental issues among companies in which the fund has holdings, and helping companies in the portfolio to adhere to fundamental ethical norms. The fund is to avoid investments in companies that engage in grossly unethical activities, such as serious or systematic human rights violations, such as murder, torture, deprivation of liberty, forced labour, the worst forms of child labour and other forms of child exploitation. The ethical basis of the management of the fund is promoted through several means, such as the exercise of ownership rights and the exclusion of companies from the fund's investment universe. Active ownership is exercised, with an emphasis on corporate governance, children's rights, climate change and water management. In some cases, the fund's Council on Ethics recommends the exclusion of certain companies if investment in the said companies is inconsistent with the ethical guidelines. As of June 2009, 48 companies had been excluded from the fund's investment universe.

Norway heads the UN negotiations in the Human Rights Council on the mandate of the UN Secretary-General's Special Representative on Business and Human Rights, by Professor John Ruggie, who is tasked with clarifying the human rights responsibilities of governments and companies. Norway is a strong supporter of the UN framework developed by SGSR Ruggie, which rests on three pillars: protect, respect and remedy, as well as the development of guiding principles. Norway also supports various projects under his mandate.

Norway provides financial support to the UN Global Compact initiative and is working actively to strengthen and develop the initiative. UN Global Compact invites companies to endorse ten fundamental principles that are based on internationally recognised conventions and declarations, including the ESCR. Companies are inter alia to support and enact a set of core values in the areas of human rights, labour standards, the environment and anti-corruption. The investment strategy of the GPF is based, among other things, on the principles laid down in the UN Global Compact and focuses particularly on exerting influence on companies in the fund's portfolio with a view to preventing and combating child labour in these companies.

Norway is a strong supporter of the ILO's Decent Work Agenda with its four pillars of employment creation, workers' rights, social dialogue and social protection, including efforts to promote better coherence in global economic governance.

Norway is also actively involved in a number of other multinational and/or multi-stakeholder initiatives.

Norway hosts the secretariat of the Extractive Industries Transparency Initiative (EITI), a public-private initiative that strives to strengthen governance by improving transparency regarding the flow of money between petroleum and mining companies and the host governments where they operate. Norway is also a strong supporter of the Voluntary Principles on Security and Human Rights, another multi-stakeholder initiative for the extractive industries, the Kimberley process, the OECD guidelines for Multinational Enterprises, the Global Reporting Initiative, International Finance Corporation, ISO 26000 and other initiatives to provide guidance to states and business.



19. Indicate whether a national minimum wage has been legally established, and specify the categories of workers to which it applies, as well as the number of persons covered by each category. If any category of workers is not covered by the national minimum wage, explain the reasons why. In addition, indicate:

(a) Whether a system of indexation and regular adjustment is in place to ensure that the minimum wage is periodically reviewed and determined at a level sufficient to provide all workers, including those who are not covered by a collective agreement, and their families, with an adequate standard of living; and

(b) Any alternative mechanisms in place, in the absence of a national minimum wage, to ensure that all workers receive wages sufficient to provide an adequate standard of living for themselves and their families.

In Norway, there is extensive tripartite cooperation on issues relating to working life. “The Norwegian Model” is characterised by strong trade unions, strong employers’ organisations, tripartite cooperation between the authorities and the social partners, and close cooperation between workers and management.

There is no general minimum wage in Norway. One of the reasons is that the social partners’ negotiation right is deemed to be a fundamental principle in the Norwegian legal system and that this is a matter best dealt with by the parties. The method for fixing a minimum wage standard by law is by making collective agreements generally applicable. The collective agreements are negotiated by the Norwegian social partners. The legal framework is the Act of 4 June 1993 No 58 relating to General Application of Wage Agreements etc. (the General Application Act).

In areas where collective agreements are not made generally applicable, it is up to the contractual partners (i.e. the actual worker and employer) to agree on the wage level for the position, either through collective agreements or individual agreements. The average salary level in Norway is comparatively high. According to Statistics Norway, the average monthly wage for all occupations in 2008 was NOK 34 200. The average monthly wage for all salaried employees was NOK 32 300 in 2007. The 10 per cent of employees with the lowest salary were paid NOK 19 300 per month in 2008, and NOK 18 600 in 2007. Wage growth from 2006 to 2007 was 5.6% on average, compared with 4.8 per cent the previous year. Monthly earnings include agreed salaries paid, irregular increases in salary, bonuses and commissions. Supplements for overtime work are not included.

20. Provide information on working conditions for all workers, including overtime and paid and unpaid leave and on the measures taken to reconcile professional, family and personal life.

The purpose of the Norwegian Working Environment Act is, according to section 1-1:

“a) to secure a working environment that provides a basis for a healthy and meaningful working situation, that affords full safety from harmful physical and mental influences and that has a standard of welfare at all times consistent with the level of technological and social development of society,

b) to ensure sound conditions of employment and equality of treatment at work,

*c) to facilitate adaptations of the individual employee's working situation in relation to his or her capabilities and circumstances of life,*

*d) to provide a basis whereby the employer and the employees of undertakings may themselves safeguard and develop their working environment in cooperation with the employers' and employees' organisations and with the requisite guidance and supervision of the public authorities,*

*e) to foster inclusive working conditions.”*

The Act contains detailed provisions concerning working environment measures, information and consultation, working hours and overtime, employment of children and young people, the right to leave of absence, protection against discrimination, termination, etc.

According to the Working Environment Act section 10-6 subsection 11, an overtime supplement of at least 40% shall be paid in addition to the pay received by the employee for corresponding work during normal working hours. The provisions concerning overtime pay do not apply to employees in senior posts or employees in particularly independent posts as the provisions governing working hours do not apply to such employees. Many collective agreements also have provisions concerning overtime pay, often exceeding the minimum 40% supplement.

The Working Environment Act chapter 12 governs entitlement to leave of absence. According to section 12-1, a pregnant employee is entitled to leave of absence with pay in connection with prenatal examinations if such examinations cannot reasonably take place outside working hours.

Section 12-2 states that a pregnant employee is entitled to leave of absence for up to 12 weeks during pregnancy, and section 12-3 states that the father is entitled to two weeks' leave in order to assist the mother in connection with childbirth. After the birth, the parents are entitled to leave of absence for a total of 12 months. In addition, each of the parents is entitled to leave for up to 12 months for each child. The provisions are also applicable to adoptive parents and foster parents. Reference is made to the Government's response under Article 10 in the present report regarding parental benefit during parental leave.

Section 12-9 states that employees who have children in their care are entitled to leave of absence when necessary to attend to a sick child.

Workers with family responsibilities may be exempted from night work and are entitled to flexible working hours and to have his or her normal working hours reduced, cf. section 10-2.

The right to a holiday is regulated in Act of 29 April 1988 No 21 relating to holidays. The purpose of the Act is to ensure that employees have annual holidays and holiday pay. According to section 5 employers shall ensure that employees have 25 working days' leave in connection with holidays each year. The employee does not receive ordinary salary during his or her time off, but is entitled to holiday pay, which replaces the ordinary salary during the holiday. Holiday pay from an employer is calculated on the basis of wages paid in a qualifying year, normally the previous year. An employee is entitled to holiday pay from his employer amounting to 10.2% of the basis on which holiday pay is calculated.

*21. Indicate the impact of the measures taken to ensure that women with the same qualifications do not work in lower-paid positions than men, in accordance with the principle of equal pay for work of equal value.*

Reference is made to the Government's response to general comment no. 30 in the present report regarding gender differences in Norwegian working life.

Equal pay for work of equal value is a priority in the Government's policy platform.

In the collective wage settlement in 2010 in the public and private sector, a pay increase designed to benefit low-paid workers and a pay increase to equalise pay was granted which in itself entailed a larger increase for women than for men. In competitive industries and other areas in the private sector, a general low- and equal-pay increase was granted that is to be used to reduce pay differences between men and women in individual companies. Agreement was also reached on a joint statement on gender equality. In the case of state employees, priority was given to positions where the proportion of women is more than 60%. In the municipal sector and the health enterprises, which employ a great many women, special priority was given to female-dominated occupations for which a higher education was required.

*22. Indicate whether the State party has adopted and effectively implemented legislation that specifically criminalizes sexual harassment in the workplace, and describe the mechanisms to monitor such implementation. Also indicate the number of registered cases, the sanctions imposed on perpetrators and the measures taken to compensate and assist victims of sexual harassment.*

Any person who by word or deed behaves in a sexually offensive or otherwise indecent manner in a public place or in the presence of or towards any person who has not consented thereto shall be liable to fines or to imprisonment for a term not exceeding one year, cf. section 201 of the General Civil Penal Code.

According to the Gender Equality Act, the employer is responsible for preventing sexual harassment and for seeking to preclude the occurrence of harassment in the workplace. Any employee who has been subject to sexual harassment may demand compensation and redress regardless of whether or not the employer is responsible for the sexual harassment. The prohibition against sexual harassment is enforced by the courts. So far there have been very few court cases where sexual harassment is alleged by the victims.

In addition to the Gender Equality Act, the Working Environment Act (WEA) 2005 chapter 4 sets out requirements regarding the working environment. Pursuant to the WEA section 4-3 employees shall not be subjected to harassment or other improper conduct at the workplace. The specific provisions in section 4-3 regarding the psychosocial working environment come in addition to the general requirements in the WEA section 4-1. The provisions cover harassment and bullying of various kinds, including sexual harassment or unwanted sexual attention at the workplace.

The Labour Inspection Authority's main task is to assist enterprises and ensure that they comply with the requirements of the WEA. If the Labour Inspection Authority finds that the Act has been contravened, it may give the enterprise an order to correct the situation within a specified period of time. If the order is not complied with, coercive fines may be imposed. An enterprise

may be shut down immediately if the life and health of its employees are in imminent danger. The Authority may also in grave cases report the enterprise to the police for serious breaches of the Act.

Cases regarding harassment are difficult, and the Labour Inspection Authority has developed certain tools to help the enterprises to resolve conflicts in the enterprise. There is some case law regarding compensation for harassment. A survey by Statistics Norway in 2006 indicated that 4% of the respondents had been subjected to unwanted sexual attention, comments, etc., a couple of times a month, or more.

*23. Indicate what legal, administrative or other provisions have been taken to ensure safety and healthy conditions at the workplace and their enforcement in practice*

In principle, it is the employer's responsibility to ensure that working conditions are in accordance with the WEA. According to the WEA section 3-1 the employer shall ensure that systematic health, environment and safety work is performed at all levels of the undertaking. This is to be carried out in cooperation with the employees and their elected representatives.

Health, safety and environment representatives (HSE representatives) shall be elected (WEA section 6-1). These representatives are to safeguard the interests of employees in matters relating to the working environment and ensure that the undertaking is arranged and maintained and that the work is performed in such a manner that the safety, health and welfare of the employees are safeguarded in accordance with the provisions of the WEA.

Undertakings that regularly employ at least 50 employees shall have a working environment committee on which the employer, the employees and HSE representatives are represented (WEA section 7-1). One of the duties of the working environment committee is to make efforts to establish a fully satisfactory working environment in the undertaking.

The Labour Inspection Authority is responsible for supervising compliance with the provisions of and pursuant to the WEA. The supervision is mainly based on an assessment of risk, i.e. on a thorough evaluation of which enterprises have the greatest risk of injury to health and accidents. The supervision is also aimed at enterprises with the poorest working conditions, where there is little willingness to correct problems and where the agency's efforts will have the greatest effect. The supervision methods are based on internal control audits, verifications / inspections, investigating accidents and guidance and information. More information on the Labour Inspection Authority may be found in the Norwegian Government's last report to the ILO on Convention no. 81 concerning labour inspections.

### **Article 8 Right to form and join trade unions**

*24. Indicate:*

*(a) What substantive or formal conditions, if any, must be fulfilled to form or join the trade union of one's choice. Also indicate whether there are any restrictions on the exercise of the right to form or join trade unions by workers, and how they have been applied in practice; and (b) How trade unions are guaranteed independence to organize their activities without*

*interference, as well as to federate and join international trade union organizations, and the legal and de facto restrictions, if any, on the exercise of this right.*

*25. Provide information on collective bargaining mechanisms in the State party and their impact on labour rights.*

*26. Indicate:*

*(a) Whether the right to strike is constitutionally or legally guaranteed and to what extent such guarantees are observed in practice;*

*(b) Any restrictions on the right to strike in the public and private sectors and their application in practice; and*

*(c) The definition of essential services for which strikes may be prohibited.*

The Norwegian Government reports to the ILO on the implementation of ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise and ILO Convention No. 98 concerning the Right to Organize and Collective Bargaining, and reference is made to these reports.

#### **Article 9 Right to social security**

*27. Indicate whether there is universal social security coverage in the State party. Also indicate which of the following branches of social security are covered: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, and survivors and orphans.<sup>7</sup>*

Reference is made to the Common Core Document chapter 4 concerning the National Insurance Scheme. Reference is also made to Norway's latest report on the implementation of ILO Convention No. 102.

The legal framework for public health services in Norway is designed to ensure that everyone in Norway has equal and professionally adequate health services, regardless of gender, age, type of illness, place of residence or income. Norwegian residents have free access to public health services, including primary and specialist health care services.

Reference is made to Norway's fourth periodic report to the CRC paragraphs 214-221 regarding child maintenance payments. Reference is also made to the CRC report paragraphs 333-339 regarding social security and child care services.

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<sup>7</sup> General comment 19, paragraph 12 (a) to (i).

Reference is further made to the Common Core Document paragraph 48 and the survey entitled “The Norwegian Social Insurance Scheme 2010” section 9.3 regarding cash benefits in the case of maternity and adoption.<sup>8</sup>

*28. Indicate whether there are legally established and periodically reviewed minimum amounts of benefits, including pensions, and whether they are sufficient to ensure an adequate standard of living for recipients and their families.<sup>9</sup>*

Reference is made to the Common Core Document paragraphs 50- 59 regarding pensions. The current minimum pension is NOK 279 864 a year for a household with two pensioners who each have resided in Norway for at least 40 years between the ages of 16 and 66.

Most benefits from the National Insurance Scheme are determined in relation to a basic amount. This amount is adjusted by the Storting at the latest by 1 May each year in accordance with changes in the general income level. The basic amount as of 1 May 2010 is NOK 75 641. These annual adjustments result in increases in the pension amounts received by the pensioners, including those who receive the minimum pension.

The OECD draws the poverty line at households with a disposable income of less than 50% of the median disposable income per household. Within the EU, people who fall below 60% of the median income are said to be at risk of poverty.

In 2008, the median income in Norway was NOK 392 100 per household, after tax. 50% of this is NOK 196 050, and 60% is NOK 235 260. As mentioned above, a household with two pensioners will receive a minimum pension of NOK 279 864 per year, from which no deductions for tax or social security contributions will be made. The Government thus concludes that the Norwegian minimum pensions are sufficient to ensure an adequate standard of living for the recipients and their families.

Women who do not qualify for parental benefits are entitled to a lump sum maternity grant, which is NOK 35 263 (2010). The size of the lump sum grant is fixed by the Storting. The grant is not subject to tax. In the case of multiple births or adoptions, the grant is payable for each child. Women who are entitled to a maternity grant from the State Educational Loan Fund will receive this in addition to the lump sum grant.

Child benefit is paid for all children under the age of 18 years who live in Norway. Child benefit is granted as a fixed sum (NOK 970) per child per month (or a total of NOK 11 640 per year). Extended child benefit and supplements may be paid to single parents and people who live, for instance, in Svalbard or the county of Finnmark.

The other benefits from the Norwegian National Insurance Scheme, e.g. unemployment benefits and sickness benefit, are based on previous earnings.

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<sup>8</sup> The survey can be found here:

[http://www.regjeringen.no/upload/AD/publikasjoner/veiledninger\\_brosjyrer/2010/DNT\\_2010\\_eng.pdf](http://www.regjeringen.no/upload/AD/publikasjoner/veiledninger_brosjyrer/2010/DNT_2010_eng.pdf)

<sup>9</sup>Ibid., paragraphs 22 and 59 (a).

29. *Indicate whether the social security system also guarantees non-contributory social assistance allowances for disadvantaged and marginalized individuals and families who are not covered by the contributory schemes.*<sup>10</sup>

Persons who are not able to support themselves by working or by asserting their economic rights are entitled to financial social assistance. This right is governed by the Act related to the social services in the labour and welfare administration of 2009, which entered into force in January 2010. The social service administration at municipal level is responsible for providing financial social assistance to anybody present in the municipality. The Act contains no guidelines concerning the level of financial assistance provided, but is based on the premise that every person must be guaranteed an adequate living. Exactly what constitutes an adequate living is determined on the basis of an assessment of the needs of each individual applicant. Financial social assistance is a subsidiary benefit for individual recipients, and is the lowest financial safety net in the social security schemes.

The State has issued guidelines to the municipal authorities in the form of instructions defining the expenses covered by the term “a living” in the Social Services Act.

Since 2001 the Ministry has issued guidelines in the form of recommended rates of economic assistance. The State guidelines encompass current, everyday living expenses. Housing expenses, electricity and heating costs and other special expenses are not included in the basis of calculation, but are covered separately.

The rates are adjusted every year according to the price rise. In order to improve the economic situation and living conditions for those receiving social assistance benefits, the Government has increased the level for economic assistance to livelihood in the government guidelines by 5% above the average price rise in 2007 and in 2009.

Even if the municipalities are free to choose whether or not to follow the government guidelines, there are only small differences between municipalities in average economic assistance disbursements. Most municipalities have rates similar to those recommended in the government guidelines. In 2007, 73% of municipalities followed the rates recommended in the government guidelines for single persons, while 13% had higher rates and 15% had lower rates.

The municipalities with low rates deviated little from the recommended rates. However, there is a tendency for municipalities to include a larger number of items in their social assistance rates than the government rates are intended to cover.

The Government will consider to what extent adjustments should be made in the existing rules to reduce arbitrary differences within and between municipalities.

30. *Indicate whether the public social security schemes described above are supplemented by any private schemes or informal arrangements.<sup>11</sup> If so, describe these schemes and arrangements and their inter-relationship with the public schemes.*

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<sup>10</sup> Ibid., paragraphs 4 (b) and 50.

Voluntary organisations, groups and associations are important arenas for participation, influence and social cohesion. Such organisations offer their assistance to people who are not able to get their income to cover all expenses.

The Government intends to strengthen and further develop the dialogue with voluntary organisations and representatives of socially and financially disadvantaged groups. In 2008, a liaison committee between the Government and several organisations for socially and financially disadvantaged groups, and a cooperation forum consisting of these organisations, was established. Funds have been allocated for the operation of this cooperation forum, for the establishment and operation of new self-help service offices in other parts of Norway, and for grants to organisations that work to reduce poverty and social exclusion.

*31. Indicate if there is equal enjoyment by men and women of pension rights as regards the age of access,<sup>12</sup> qualifying periods and amounts.*

The provisions of the National Insurance Act (Act of 28 February 1997 No. 12) are gender neutral, and only make reference to “members” of the scheme. Thus, the pensionable age and the requirements for qualifying periods, etc., are the same for men and women. The pension amounts are identical for persons with identical pension earning profiles, irrespective of gender.

*32. Provide information on social security programmes, including informal schemes, to protect workers in the informal economy, in particular in relation to health care, maternity and old age.<sup>13</sup>*

Reference is made to the Common Core Document paragraphs 271-277.

*33. Indicate to what extent non-nationals benefit from non-contributory schemes for income support, access to health care and family support.<sup>14</sup>*

The provisions concerning services and measures in the 2009 Act related to the social services in the labour and welfare administration apply to everyone staying in the Realm. Under the Act, the local authorities are responsible for offering social protection to any person present in the municipality. Non-nationals have the same rights as nationals (cf. our response to no. 29 of the guidelines), with some exceptions. According to the Regulations of 4 December, issued pursuant to section 2 of the Act, a distinction is made between non-nationals who are merely present in the country, and persons staying on the territory unlawfully. Non-nationals who are visiting the country for a limited period are eligible for emergency social assistance until they are able to leave the country. Persons staying unlawfully are not entitled to economic social assistance to continue their stay, but are eligible for emergency social assistance until they leave the country,

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<sup>11</sup>Ibid., para. 5.

<sup>12</sup> General comment 16, paragraph 26 and general comment 19, paragraph 32.

<sup>13</sup> General comment 19, paragraphs 16 and 34.

<sup>14</sup>Ibid., para. 37.



unless they have a right to stay in a reception centre, as described under Article 11 in the present report. Any person present in the territory (lawfully or unlawfully) is to be provided with information, advice and guidance that can help to resolve or prevent social problems.

Persons staying in Norway who are not covered by the National Insurance Scheme or corresponding reciprocal agreement with another state, must pay for the medical treatment they receive. This also includes undocumented migrants. It is, however, not permitted to refuse to give emergency health care to a person on grounds that he or she is unable to pay.

### **Article 10 Right to protection of the family**

*34. Indicate how the State party guarantees the right of men and, particularly, women to enter into marriage with their full and free consent and to establish a family.*

A new Marriage Act, which entered into force on 1 January 2009, accords homosexual and heterosexual couples the same legal right to enter into marriage. Couples in civil partnerships may by means of a simple procedure apply for a change in status for their partnership into a legally recognised marriage. Gay and lesbian couples have the same right to adoption as heterosexual couples. Lesbian couples also have the right to assisted fertilisation.

According to the Marriage Act section 1 litra a, no person under 18 years of age may contract a marriage without the consent of the persons or person having parental responsibility, and the permission of the county governor. The county governor may not grant permission if the applicant is under 16 years of age. In 2007 the rules allowing the county governor to grant exemptions from the age limit were amended and made more stringent in order to prevent child marriages and forced marriages. In the period from 2007- 2009, approximately 25 000 marriages were contracted in Norway each year, and an average of five exemptions from the age limit were granted each year.

Forcing a person to marry constitutes a violation of fundamental human rights and Norwegian law. Forced marriages continue to pose a challenge, and the Government high priority to combating this practice. Reference is made to Norway's 4th report to CESCR paragraph 120, Norway's UPR report to the Human Rights Council section 3.7, Norway's sixth periodic report to the Human Rights Committee paragraphs 227-233 and Norway's 19th/20th periodic report to CERD paragraph 144 regarding efforts to combat forced marriage.

A new *Action Plan to Combat Forced Marriage* covers the period 2008-2012. The primary target group is young people who are threatened with, or subjected to forced marriage. The action plan comprises 40 measures and focuses particularly on increased interaction and expertise on the part of public authorities, the need for safe housing and the role of foreign missions and schools. The Government has initiated an annual evaluation of the measures in the action plan, and so far the evaluation shows that most of them are effective.

A new Act relating to crisis centre services entered into force on 1 January 2010. Under the Act, the local authorities have a statutory duty provide shelter services and coordinated assistance to

victims of violence. The shelters are open to all persons subject to violence in close relationships and to young people subject to forced marriage or human trafficking. This entails a duty for the local authorities to ensure that women, men and children are given comprehensive assistance and follow-up in the form of coordinated crisis centre services.

The Act takes two different gender perspectives into account: one is to promote special equality for women by ensuring particular protection to the group that is most subject to violence in close relationships. The other is to promote general equality between the sexes because men and women who are subject to violence in close relationships should be offered protection in accordance with the actual need for emergency assistance. According to the Act, physically separate accommodations are to be provided for women and men.

The Government allocated NOK 64 million in 2010 to cover the additional expenses incurred by the municipalities in connection with the statutory duty to provide gender neutral shelter services. NOK 19 million of this is a nonrecurring expense related to administrative costs in 2010.

*35. Provide information on the availability, coverage and funding of social services to support families, as well as on legal provisions in place to ensure equal opportunities for all families, in particular poor families, families from ethnic minorities, and single parent families, in relation to:*

*(a) Child care;<sup>15</sup> and*

*(b) Social services that enable older persons and persons with disabilities to remain in their normal living environment for as long as possible<sup>16</sup> and to receive adequate health and social care when they are dependent.*

Reference is made to the Government's response under Articles 9 and 11 in the present report.

*36. Provide information on the system of maternity protection in the State party, including working conditions and prohibition of dismissal during pregnancy. In particular, indicate:*

*(a) Whether it also applies to women involved in atypical work<sup>17</sup> and women who are not covered by work-related maternity benefits;*

*(b) The duration of paid maternity leave before and after confinement and the cash, medical and other support measures provided during pregnancy, confinement and after childbirth;<sup>18</sup> and*

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<sup>15</sup>Ibid., paragraphs 18 and 28; general comment 5, paragraph 30; general comment 6, paragraph 31.

<sup>16</sup> General comment 19, paragraphs 15, 18 and 20; general comment 5, paragraphs 30; general comment 6, paragraph 31.

<sup>17</sup> General comment 19, paragraph 19.

*(c) Whether paternity leave is granted to men, and parental leave to men and women.<sup>19</sup>*

Reference is made to Norway's 7<sup>th</sup> periodic report to CEDAW section 1.3.2 concerning protection of the reproductive role of women and sections 2.5.6 and 2.5.7 concerning discrimination on the basis of maternal status and pregnancy, and leave of absence in connection with pregnancy and child birth, respectively.

As described under Article 7 in the present report, parents are entitled to leave of absence for 46 or 56 weeks after childbirth or adoption. The parents themselves decide how they wish to share this period, apart from three weeks prior to delivery and six weeks afterwards, which are reserved for the mother. Ten weeks are now reserved for the father, the "father's quota" having been extended as of 1 July 2009.

Parental benefit ensures the mother and father the right to receive income during their leave of absence. Parental benefit is intended for those who have been occupationally active and have had a pensionable income for at least six of the last ten months before the benefit period commences. In 2009 the Government extended paid parental leave from 44 to 46 weeks with 100% pay, and from 54 to 56 weeks with 80% pay.

Workers who are wholly or partly absent from work owing to accident or illness, pregnant workers and workers who are on parental leave enjoy stronger protection against dismissal, cf. the Working Environment Act (WEA) sections 15-8, 15-9 and 15-10.

On 23 March 2010 the Storting passed a bill adopting amendments to the Working Environment Act and the Gender Equality Act prohibiting employers from inquiring about pregnancy, adoption or family planning at job interviews.

In 2008 the Work Research Institute published a report (No. 2, 2008) on the consequences of pregnancy and use of parental leave in the Norwegian labour market. The report examines the reasons why Norwegian mothers withdraw from high commitment careers.

*37. Indicate the measures of protection and assistance taken on behalf of children and young persons, including:*

*(a) Age limits below which the paid employment of children in different occupations is prohibited under the law of the State party and the application of criminal law provisions in place punishing the employment of under-aged children and the use of forced labour of children;<sup>20</sup>*

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<sup>18</sup>Idem.

<sup>19</sup> General comment 16, paragraph 26; see also draft general comment 20, paragraphs 10 (b) (vii) and 16.

<sup>20</sup> General comment 18, paragraph 24.

*(b) Whether any national survey has been undertaken in the State party on the nature and extent of child labour and whether there is a national action plan to combat child labour; and*

*(c) The impact of measures taken to protect children against work in hazardous conditions harmful to their health and against exposure to various forms of violence and exploitation.<sup>21</sup>*

Reference is made to the fourth periodic CESCR report paragraphs 150-162 and to Norway's fourth periodic report to the CRC.

*38. Provide information on the legislation and mechanisms in place to protect the economic, social and cultural rights of older persons in the State party, in particular on the implementation of laws and programmes against abuse, abandonment, negligence and ill-treatment of older persons.*

The *Action Plan to Combat Domestic Violence* (2008-2011) includes violence against older persons. Violence against older persons is most often committed by children or grandchildren, but can also be committed by a partner. Smaller, locally based surveys indicate that between 3 and 5% of the population over 60 years of age is subject to violence, and in most cases the assailant is known to the victim.

In 2007 the Government launched a third action plan to combat violence in intimate relationships for the period 2008-2011 ("The Turning Point"). A special penal sanction for domestic violence in intimate relationships entered into force on 1 January 2006. Reference is made to Norway's sixth report to the Human Rights Committee paragraphs 91-96.

A programme aimed at teaching violent persons alternative ways of handling their aggression has been developed. An investigation will be carried out examine the actual occurrence of domestic violence.

*39. Provide information on the economic and social rights of asylum seekers and their families and on legislation and mechanisms in place for family reunification of migrants.*

#### *Accommodation for asylum seekers*

With regard to accommodation, reference is made to paragraph 220 of Norway's fourth CESCR report. All asylum seekers have a statutory right to accommodation while their application is being processed, i.e. for the entire period from when the application for asylum is submitted to when the final decision on the asylum application is made. The State offers asylum seekers accommodation in reception centres located throughout Norway. The reception facilities are differentiated according to the stage in the process (just arrived in Norway, awaiting decision or rejected) and to the applicants' needs. There are 100 places for applicants with special needs, e.g. persons with psychiatric problems and disabled persons live in specialised departments which are better staffed than ordinary reception centres. However, there are still delays in diagnosing and treating asylum seekers with psychiatric needs.

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<sup>21</sup>Ibid., paragraph 15.

Although it is voluntarily to stay in all reception centres, to be eligible for benefits, asylum seekers are required stay in reception centres.

The Norwegian Government has appointed a committee whose mandate is to assess reception arrangements for asylum seekers. The assessment includes the main aims and considerations behind the current arrangements, including welfare benefits provided for this group, and the division of responsibility between various governmental and non-governmental bodies. As part of its mandate, the committee will consider reception arrangements in other Nordic and EU countries. The deadline for the committee's report is 1 June 2011.

#### *Legal assistance*

The Norwegian Organization for Asylum Seekers (NOAS) is an independent organisation that provides information and guidance to adult asylum seekers. Decisions on asylum applications are made in the first instance by the Directorate of Immigration. Asylum seekers are not entitled to a lawyer until the directorate has made a decision.

Adult asylum seekers are granted free legal advice without means testing only after a negative decision has been made and been appealed. However, in cases concerning applications from unaccompanied minor asylum seekers or from asylum seekers who might be considered for exclusion from the right to recognition as a refugee, and in cases involving foreign policy considerations or fundamental national interests, a lawyer will be appointed before the first instance decision is made. The asylum seeker has the right to a lawyer without any means testing under the complaints procedures of the Immigration Appeals Board (UNE). This does not apply, however, if the applicant has been granted a residence permit on humanitarian grounds, and has appealed the rejection of the asylum claim.

#### *Unaccompanied minor asylum seekers*

All unaccompanied children under the age of 18, are entitled to the same protection under the Children Welfare Act as any other child on Norwegian soil. Providing de facto protection for these vulnerable children continues to pose a challenge.

With regard to accommodation, reference is made to paragraph 242 of Norway's sixth periodic report to the Human Rights Committee. As of December 2007, the responsibility for the care of unaccompanied children under the age of 15 was transferred to the child welfare service. This implies that this group is accommodated in child welfare centres. Unaccompanied children over the age of 15 are accommodated in reception centres administered by the immigration authorities. According to the Government's policy platform of October 2009, the responsibility for providing accommodation for unaccompanied children over the age of 15 will continue to lie with the immigration authorities in the next term of government (2009-2013).

The conditions in reception centres for unaccompanied children over the age of 15 years are tailored to the needs of this group. The conditions were improved in both 2008 and 2009. Thus, the centres have more personnel to ensure an adequate level of care, and offer leisure and other meaningful activities.

A legal guardian is appointed for all unaccompanied asylum-seeking children. The guardian is inter alia to ensure that care and legal protection is handled in a responsible manner.

A proposition on a new Act on guardianship was submitted to the Storting in 2009. Reference is made to Norway's sixth periodic report to the Human Rights Committee, paragraphs 186-188.

In the last two years, Norway has received an increasing number of asylum seekers claiming to be unaccompanied children. In 2007, Norway received 403 such asylum seekers, while the figure for 2009 was 2 500. Norway is thus concerned about what seems to be an increasing number of children migrating alone and the risks they face in course of their journey. When assessing applications from these children, Norway is obliged to consider the best interest of the child in accordance with the UN Convention on the Rights of the Child.

At present, most of these children are granted a residence permit because they claim to be without care givers in their home country. Both the experience of practitioners in the asylum field and research indicate, however, that most of these children have been sent out by their families to provide an income for them. If Norway continues to grant these children a residence permit, this will serve as an incentive to parents who are considering sending their child unaccompanied to seek asylum in another country. It is therefore Norway's view that there is a need for measures to promote the return of unaccompanied minors to their home country, and thereby stem the influx of migrants in this particular category.

Norway's primary aim is to reunite these children with their care givers in their home country. It is difficult, however, to family members because many of these children withhold information about their families' whereabouts in order to obtain a residence permit.

As an alternative to return, the Norwegian Government plans to set up centres for care and education in countries of origin where no such facilities exist, or the standard is inadequate. These centres will provide adequate care for unaccompanied minors returning with a competent escort from Norway. They will also offer an education or vocational training so that the children who return are given an opportunity to support themselves. The centres will also have places available for local children.

#### *Education*

Although asylum seeking children do not have a legal right to a place in a kindergarten, all children between the ages of two and six are offered access to children's playrooms at the immigration reception centres, and all four and five-year-olds a place in a kindergarten. According to figures from the Directorate of Immigration, it seems as if most four and five-year-olds living in a reception centre attend kindergarten. In addition some two and three-year-olds attend kindergarten as some reception centres choose this option instead of offering access to children's playrooms.

The Education Act applies to all children who stay in Norway, regardless of their residence status. Children of school age who longer than three months in the country have both a right and an obligation to attend primary school. This means that all asylum seeking children of primary and lower secondary school age are enrolled in schools as soon as it is evident that they will stay more than three months, regardless of where in the country they stay. According to regulations laid pursuant to Section 6-9 of the Education Act, applicants to upper secondary school above

the age of 16 for whom no decision has been made concerning their residence status are not entitled to attend upper secondary school. According to a report drawn up by NTNU Samfunnsforskning in 2009, approximately 20% of asylum seekers between the ages of 16 and 18 attended upper secondary school.

Asylum seekers under the age of 18 may still be admitted into upper secondary schools while awaiting a decision on their application for a residence permit, but they do not have a legal right to complete the school year if the application is rejected. Even though there is no formal right to education, a grant scheme has been established in order to make available funding to the local authorities so that they can provide primary education for asylum seekers aged between 16 and 18 years who are living in reception centres and care centres.

Some pupils in higher education may need more language training. Therefore, some higher education institutions have established a two-year foundation course where pupils receive more instruction in English and Norwegian. Asylum seekers living in reception centres are offered Norwegian language courses, unless their application is processed according to the Dublin regulations.

#### *Livelihood*

Asylum seekers living in reception centres are given clothing and other necessary equipment upon arrival, and they receive monthly cash benefits. With the exception of asylum seekers permitted by the Directorate of Immigration to live with a spouse who is a resident of Norway or unaccompanied minor asylum seekers living with a relative or other caregiver, asylum seekers who choose not to stay in a reception centre are eligible for emergency social assistance, but are not entitled to social assistance benefit pursuant to the Act related to Social Services.

#### *Work permit*

Adult asylum seekers may be granted a temporary work permit while their application for asylum is being considered, provided they can prove their identity. Applicants from countries that do not issue identity documents may be granted a temporary work permit provided they can substantiate their identity. The purpose of this policy is to motivate asylum seekers to document their identity.

#### *Health care*

The health authorities are responsible for offering the same health services to asylum seekers as to the rest of the population. This applies to both primary care and specialist health services, including mental health care. Asylum seekers are members of the National Insurance Scheme with a few exceptions (e.g. they do not have a right to a pension or to the lump sum maternity grant when giving birth). Persons who have received a final rejection of his/her application must leave the realm and is only entitled to emergency health services.

#### *Family reunification/ family establishment*

Reference is made to Norway's sixth periodic report to the Human Rights Committee, paragraphs 221-226 regarding the right to family reunification and family establishment. A new maintenance requirement entered into force on 1 January 2010.

To protect female immigrants against men who are known to be violent and who have a history of bringing women to Norway through marriage, a new condition for family immigration was introduced in 2006. If there is just cause to fear that the applicant will be subject violence or abuse, a visitor's visa or residence permit may be refused.

Reference is made to the Government's response to concluding observation no. 35 in the present report regarding family immigration, the subsistence requirement and the four-year requirement.

A provision to prevent forced marriages was implemented in 2009. A condition for family reunification between spouses who have married abroad is that the spouse residing in Norway has returned to Norway and has been interviewed by the immigration authorities (the so-called interview requirement). If the spouse residing in Norway does not agree that the application for a residence permit should be granted, or if it is substantiated that the marriage was against the will of one of the parties, the application for family reunification will be rejected. However, there are several exemptions to the interview requirement, e.g. if the sponsor is a labour migrant or had reached the age of 25 when the marriage was contracted.

40. *Indicate:*

*(a) Whether there is legislation in the State party that specifically criminalizes acts of domestic violence, in particular violence against women and children,<sup>22</sup> including marital rape and sexual abuse of women and children and the number of registered cases, as well as the sanctions imposed on perpetrators;*

Reference is made to Norway's sixth periodic report to the Human Rights Committee paragraphs 92-93 and the Norway's UPR report to the Human Rights Council section 3.4 and section 3.5 regarding domestic violence and violence against children.

Marital rape is classified as rape under Norwegian criminal law.

For more information, reference is made to Norway's sixth periodic report to the Human Rights Committee paragraphs 83, 88-90 (number of cases), 86 and 93 (sanctions), and 84 (measures to improve the situation of rape victims). In 2006 the Government established a committee to examine the situation of rape victims (the Rape Committee) and suggest measures to combat sexual violence. The committee's report was published in January 2008 (NOU 2008:4) In addition to preventive measures and measures to help to ensure that victims are treated better and in a more coordinated manner by public agencies, the report also suggests several measures to improve the way the courts handle rape cases, e.g. measures to improve investigative procedures, increase the competence of the courts and do research on the dismissal of rape cases. In March 2010, the Ministry of Justice and the Police requested the Police Directorate to establish a special police group to investigate and prosecute rape cases, which is under the National Bureau of Crime Investigation.

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<sup>22</sup> General comment 16, paragraph 27; general comment 14, paragraphs 21 and 51.



*(b) Whether there is a national action plan to combat domestic violence, and the measures in place to support and rehabilitate victims;<sup>23</sup> and*

*(c) Public awareness-raising measures and training for law enforcement officials and other involved professionals on the criminal nature of acts of domestic violence.*

The Government gives high priority to combating violence in intimate relationships. Reference is made to Norway's sixth periodic report to the Human Rights Committee paragraph 91 regarding the action plan to combat violence in intimate relationships ("The Turning Point") and Norway's UPR report to the Human Rights Council section 3.4. Reference is also made to Norway's sixth periodic report to the Human Rights Committee paragraphs 94-100 regarding public awareness-raising measures and training for law enforcement officials and other involved professionals.

*41. Indicate:*

*(a) Whether there is legislation in the State party that specifically criminalizes trafficking in persons and the mechanisms in place to monitor its strict enforcement. Also indicate the number of reported trafficking cases from, to and through the State party, as well as the sentences imposed on perpetrators; and*

Reference is made to Norway's UPR report to the Human Rights Council section 3.8.

Human trafficking is a criminal offence in Norway. In 2009, a total of 38 cases of trafficking were reported to the police. In order to help the authorities and organisations in their efforts to identify victims, guidelines for this purpose were developed and published in 2008. This work was carried out by the Coordinating Unit for Victims of Trafficking, which is a project for the nationwide coordination of assistance and protection of victims. This project, which was established in 2006, has considerably improved the quality of interdisciplinary cooperation in this area.

Specialised police units in Oslo and Bergen have been established to improve police performance in the field of trafficking. This is particularly important with regard to procuring victims' statements, which can lay the foundation for investigation and prosecution.

The anti-trafficking police unit in Oslo is, in cooperation with special law enforcement units, responsible for combating economic crime, and has obtained five sentences for money laundering against persons in the Nigerian community in Oslo suspected of human trafficking.

A special project for victim assistance, the ROSA project, provided assistance in the form of safe accommodation and other measures to 51 women in 2009.

An Act prohibiting the purchase of sexual services in Norway, which entered into force on 1 January 2009, was in part designed to prevent human trafficking.

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<sup>23</sup> General comment 16, para. 27.

The Storting has established a fund of NOK 10 million which is earmarked for measures/projects to improve the situation of prostitutes, help women and men out of prostitution, and reduce the demand for commercial sexual services.

The project funds are disbursed annually by the Ministry of Justice and the Police on the basis of applications from the authorities and NGOs. For 2009 and 2010 funds have been allocated for a number of labour market measures designed for people who wish to get out of prostitution.

The statutory provision against purchasing sexual services will be evaluated with a view to developing appropriate, targeted measures to help people out of prostitution.

*(b) Whether there is a national plan of action to combat trafficking and the measures taken to support victims, including medical, social and legal assistance.*

In 2006 the Government presented an action plan entitled *Stop Human Trafficking*, which ended in 2009. This action plan is now under revision

Reference is made to Norway's sixth periodic report to the Human Rights Committee paragraphs 117-121, regarding the action plan o combat trafficking and measures to support the victims, and to Norway's UPR report to the Human Rights Council section 3.8.

Aggrieved parties who consider reporting offences such as trafficking in human beings are offered free legal assistance in order to help them consider the implications of reporting the crime to the police. If an aggrieved party decides to report the offence, he or she is entitled to free legal assistance from an independent lawyer during the police investigation and during any subsequent criminal court proceedings.

Many victims may decline to cooperate with the police for a number of reasons, such as fear of reprisals from traffickers. Priority has been given to providing victims with correct information about the consequences of filing a complaint or cooperating with the police in other ways, and to fostering trust between NGOs and potential victims.

Reference is further made to the Government's response to concluding observation no. 36 in the present report.

## **Article 11 Right to an adequate standard of living**

### **The right to the continuous improvement of living conditions**

*42. Indicate whether the State party has defined a national poverty line and on what basis it is calculated. In the absence of a poverty line, what mechanisms are used for measuring and monitoring the incidence and depth of poverty?*

There is no official poverty line in Norway. The Government's policy has a human rights approach, and is based on an understanding of poverty as a complex problem with a number of different dimensions at both individual and society level. The situation in this area is monitored by means of a broad range of indicators that include: income inequalities, persistently low income, number of children living in low-income households, labour force participation,

unemployment, number of recipients of social assistance and social security benefits, living conditions related to housing, health, debt burden and other economic problems, etc.

The indicators are monitored on a yearly basis and the results are published in annual reports by Statistics Norway on the economic and living conditions of various vulnerable groups. Special surveys are conducted to supplement statistics, for example surveys on the number of homeless and the number of housing evictions. Statistics and research studies are carried out with the aim of providing a broader picture of the situation and trends in the various aspects of poverty and social exclusion.<sup>24</sup>

People experiencing poverty in Norway do not constitute specific, easily identifiable social groups. In some groups however, there is an overrepresentation of people with a very low income in relation to the proportion of very-low-income individuals in the population as a whole. Examples are young single people, single parents, couples with small children, families with three or more children, immigrants, long-term unemployed and people on long-term sick leave. Some of these people have complex, long-term problems related to their living conditions, such as the homeless, heavy drug users, prison inmates and prostitutes.

In the three-year period 2006-2008, 3.2% of the population (almost 141 000 persons) had a persistently low income, defined by an average income over a three-year period that was below 50% of the median income according to the OECD equivalence scale. According to the EU equivalence scale, 8.2% of the population (approx. 360 000 persons) had an average income lower than 60% of the median income in the same period. The share of the population with a persistently low income has increased somewhat since the three-year period 2004-2008. The incidence of low income has increased among the immigration population<sup>25</sup>, families with many children and single parents. The incidence of low income among pensioners has decreased.

During 2008, 2.3% of the population (109 300 persons) received social assistance benefit. The number of recipients declined by 10% from 2006 to 2007, but was relatively stable in the preceding years. Approximately 40% of the recipients receive benefit for six months or more during a year.

During the three-year period 2005-2007, 4.7% of all children under 18, (approximately 45 000 children), lived in households with a persistently low income measured on the OECD equivalence scale. The corresponding proportion as measured on the EU equivalence scale was 7.3%, (approximately 70 000 children). Children whose parents have a low level of education or weak labour market attachment, children with immigrant backgrounds, children living with single parents and children with many siblings are particularly liable to experience poverty.

#### *43. Indicate:*

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<sup>24</sup> These statistics can be found at [http://www.ssb.no/emner/05/01/rapp\\_okonomi\\_levelkaar/rapp\\_200901/rapp\\_200901.pdf](http://www.ssb.no/emner/05/01/rapp_okonomi_levelkaar/rapp_200901/rapp_200901.pdf) and here <http://www.ssb.no/english/subjects/05/01/>.

<sup>25</sup> See statistics at: [http://www.ssb.no/english/subjects/05/01/inntind\\_en/](http://www.ssb.no/english/subjects/05/01/inntind_en/)

*(a) Whether the State party has adopted a national action plan or strategy to combat poverty that fully integrates economic, social and cultural rights<sup>26</sup> and whether specific mechanisms and procedures are in place to monitor the implementation of the plan or strategy and evaluate the progress achieved in effectively combating poverty; and*

The Government is combining a broad preventive approach involving efforts to reduce poverty and improve the lives of people experiencing poverty. The main strategies to prevent and combat poverty in Norway are through universal designed labour market policies, family policies, education policies, housing policies, social protection and insurance policies and health and social service policies. The Government presented an *Action Plan against Poverty* along with the government budget for 2007. This Action Plan has been followed up in the government budget for 2008, 2009 and 2010 with increased allocations to targeted measures against poverty.

The publication “Action Plan against Poverty – status 2008 and intensified efforts 2009” (Appendix to Report No. 1 (2008–2009) to the Storting on the government budget) provides an overview of the targeted measures against poverty. The publication has been translated into English.<sup>27</sup>

*The Action Plan against Poverty* is part of an overall policy to promote social cohesion and inclusion, and to reduce social disparities and poverty. The plan includes among other things, special measures for young people, immigrants, prison inmates and other vulnerable groups. The *Action Plan against Poverty* must be seen in connection with other documents such as the white papers *Work, Welfare and Social Inclusion* (Report No. 9 (2006- 2007) to the Storting) and *A National Strategy to Reduce Social Disparities with regard to Health* (Report No. 20 (2006-2007) to the Storting), the *Action Plan for Integration and Social Inclusion of the Immigrant Population and Goals for Social Inclusion*, and the *National Action Plan on Alcohol and Drugs*. Allocations to the *National Action Plan on Alcohol and Drugs* have been increased to improve access to health services and promote social inclusion among heavy drug users.

Various means are employed to monitor the implementation of the *Action Plan against Poverty* and evaluate the progress achieved. For example, the social indicators are used to monitor trends in the various aspects of poverty and social exclusion and to show whether progress is being made towards desired goals. The responsible ministries report to the Ministry of Labour, which is responsible for coordinating the implementation of the *Action Plan against Poverty*, on the implementation of the targeted measures, including number of participating persons/beneficiaries, etc. Measures are also evaluated by research institutes. The reporting of results and research evaluations are important means of improving and developing new policy tools.

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<sup>26</sup> See Committee’s Statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001).

<sup>27</sup> The publication *Action Plan against Poverty – status 2008 and intensified efforts 2009* can be found at: [http://www.regjeringen.no/en/dep/aid/doc/rapporter\\_planer/planer/2008/action-plan-against-poverty-2008.html?id=531068](http://www.regjeringen.no/en/dep/aid/doc/rapporter_planer/planer/2008/action-plan-against-poverty-2008.html?id=531068)

*(b) Targeted policies and programmes to combat poverty, including among women and children, and the economic and social exclusion of individuals and families belonging to the disadvantaged and marginalized groups, in particular ethnic minorities, indigenous peoples and those living in rural and deprived urban areas.*

#### *The Action Plan against Poverty*

In its policy platform adopted in 2005 and renewed in 2009, the Government has expressed its intention to combat and reduce poverty in society. The Government's *Action Plan against Poverty* sets out three objectives on which the priority areas and measures for 2009 are based: opportunities for all to participate in the labour market, opportunities for participation and development for all children and young people and improved living conditions for the most disadvantaged groups.

Special measures are being implemented to prevent and reduce poverty among children. The Labour and Welfare Administration and the Directorate of Children, Youth and Family Affairs have jointly developed a plan for improving competence among the social welfare and child welfare services. The aim is to enable children and young people in disadvantaged families and in areas with poor living conditions to participate in society on the same footing as others, to prevent and reduce poverty among children and young people, and to combat marginalisation, social isolation and the reproduction of poverty. This is to be achieved through local measures and by using local models for identifying and coordinating appropriate services for children and families who live in poverty.

Reference is made to the CRC report paragraphs 345-346 and 440-441.

Furthermore, the universal welfare programmes for children, such as free schooling, subsidised kindergartens and family allowances, should be adjusted in accordance with the consumer price index in order to improve the national standard of living. A research project on child poverty is scheduled to be finalised in 2010. The Government intends to use the findings from this project in considering further measures for reaching children and young people from the poorest families.

The Labour and welfare Administration provides grants for municipalities to be used to cover the cost of membership fees, equipment, trips, etc., in connection with leisure activities, and to cover costs of school events, help with homework and after-school activities.

Grants are also given to youth groups, city districts, NGOs, and public and private-sector agencies and institutions for holiday and leisure activities, measures that promote labour market attachment for young people with little or incomplete education and coordinated, long-term measures to combat the marginalisation of children and youth who live in poverty.

The Government has implemented a number of measures to improve the living conditions of the most disadvantaged and the opportunities available to them. For example, a new and improved housing support scheme has been implemented as from 1 July 2009. Efforts to reduce homelessness are being intensified. Reference is made to paragraph 51 of the present report.

#### *Education*

Education plays an important role in combating poverty and reducing social inequalities. In 2006 the Government submitted the white paper *Early Intervention for Lifelong Learning* (Report No.

16 (2006-2007) to the Storting). In this white paper the Government presents its policy for how the education system can make a greater contribution to diminishing class distinctions, reducing economic inequalities and combating poverty and other forms of marginalisation. It is acknowledged that there are still disparities in the knowledge and skills that children, pupils, students and adults acquire through the education system, and thus also in the opportunities that are open to them later in society and the labour market. It seems clear that the differences are closely linked with family background, that is to say with parents' level of education and income, and whether the pupil or student comes from a majority or minority background. The white paper discusses ways and means to meet these challenges, and presents two objectives: to increase the number of people who achieve their goals, and to ensure that the education system does not reproduce or reinforce social differences. One of the key principles in this work is early intervention is identified, both in terms of action at an early stage of a child's life and in terms of intervention when problems arise or are detected at pre-school age, during compulsory education or in adulthood.

The strategy for early intervention was further developed in the white paper *Quality in Schools* (Report No. 31 (2007-2008) to the Storting). In the white paper *Education strategy* (Report No. 44 (2008-2009) to the Storting) the emphasis is placed on creating equal opportunities for people to complete education. More people must complete their education so that they can join the labour market and gain a secure footing in working life. This is a prerequisite to sustain and further develop the welfare state on the basis of the Norwegian model, which is characterised by minor social differences between people.

#### *Right to a place in a kindergarten*

One of the highest profile political goals in recent years has been to achieve full kindergarten coverage of high quality and at a low price for parents. During the last four-year period there has been a substantial increase in the number of kindergarten places, and the coverage for children in the age group one to five reached nearly 90% in 2008. Since 1 January 2009, children in Norway have a statutory right to a place in a kindergarten. Reference is made to the Government's response to concluding observation no. 33 in the present report.

The provision of good day-care facilities is particularly advantageous for children from low-income families or who are likely to find it difficult to master school subjects. This includes children from families with little support at home and children who do not speak the majority language at home. As part of the *Action Plan for the Integration and Social Inclusion of the Immigrant Population*, some urban areas with a high percentage of migrants are offering a core time free of charge in kindergartens (up to 20 hours a week) for four to five-year old children. In 2010 this trial scheme is being expanded to include three-year-olds in some areas in Oslo and Drammen. In total NOK 60 million has been allocated for this scheme.

Reference is further made to Norway's UPR report paragraph 96, and the CERD report paragraphs 186-187.

### **The right to adequate food**

*44. Provide information on the measures taken to ensure the availability of affordable food in quantity and quality sufficient to satisfy the dietary needs of everyone, free from adverse substances, and culturally acceptable.*<sup>28</sup>

The food supply in Norway is good and stable, and reaches the entire population. The rate of self-sufficiency in agricultural products has been around 50–55% in the past few years. Norway has well developed processing and marketing systems that make it possible transport food from the site of production to where it is needed in accordance with demand.

The aims of Norway's food and nutrition policy remain unchanged, and reference is made to the fourth CESCR report paragraphs 191-202.

The right to food also encompasses food safety. Dietary surveys have been carried out among children in various age groups and adults/elderly persons. These surveys are used both for calculation of nutrient content and for assessment of the exposure to contaminants, additives, etc., through diet. The assessments show that in general the food available in the Norwegian market is safe. As a part of Norway's national strategy on the right to adequate food, in the area of food safety and consumer protection, a new Food Safety Act was passed, which came into force on 1st January 2004. The Norwegian Food Safety Authority was established on the same date.

The Food Safety Act and the Food Safety Authority constitute a comprehensive food control system that is to ensure consumer protection and food safety in the entire food chain. This system is also to encourage environmentally friendly production and ethical farming practices, and to promote human, plant, fish and animal health.

Food chain conditions and structures have been the focus of considerable attention in both Norwegian agricultural and competition policy. The market regulation in agriculture contributes to enforcing a stronger position for farmers in food markets. Supply-side market regulation through target prices contributes to more stable farm gate prices.

The oceans make an essential contribution to global food security. Norway produces more than 3 million tonnes of seafood annually. The sustainable harvesting and production of seafood is a prerequisite for fully utilising the potential of the oceans and coastal areas. The improved utilisation of seafood resources also entails reducing waste, better utilisation of by-products and minimising unsustainable practices, such as unwanted by-catches and discards. Combating IUU fishing is yet another aspect of this, as is also reflected in the new port-state control agreement negotiated under the auspices of the FAO.

Aquaculture production, both on land and in water, has the potential to contribute to food security and is to an increasing extent a source of protein and food. It is widely recognised that improved management of the sector with focus on sustainability is of utmost importance.

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<sup>28</sup> General comment 12, paragraph 8.

Prices are monitored on a regular basis in order to get an overview of the price formation in food markets and promote effective competition. Under Norwegian competition law, the Norwegian Competition Authority has the competence to monitor the market, inter alia in order to prevent the abuse of market power. Competition-related matters are frequently subject to judicial proceedings.

Norwegian dietary habits have improved in the last twenty years, and surveys show that a great many people have a high-quality diet. However, there is potential for improvement. The present consumption of fruit and vegetables is at a low level, and there is a disproportionately large fat consumption.

As a part of the *Action Plan on Nutrition (2001-2011)*, *Recipe for a Healthier Diet*, measures are being taken to improve people's diet. This is being done by considering economic incentives, e.g. introducing a tax on unhealthy foods. In 2007 a tax on non-alcoholic beverage was restructured to include only sweetened drinks, and not bottled water. This tax has subsequently been increased to the same level as the tax on beer with low alcohol content.

*45. Indicate the measures taken to disseminate knowledge of the principles of nutrition, including of healthy diets.*

In 2007, the *Action Plan on Nutrition (2007-2011)* launches cooperation between 12 ministries. The main goals of the action plan are: to adjust the diet in line with the recommendations of the health authorities and to reduce social inequalities in eating habits. Every year, the Government allocates NOK 36 million to implement the plan.

Important strategies in the action plan are to enhance consumers' knowledge of nutrition and to strengthen the qualifications of key personnel.

The measures carried out include the preparation of information material targeting the consumer, information for the media, training programmes for key personnel in the health, education and food production sectors. The target groups for information vary depending on the topic, but the general information is aimed at the population at large. School pupils are considered to be a particularly important target group.

One main activity during the last two years has been to introduce symbol labelling as a tool for choosing healthy foods. The official identification label is a green keyhole, and is now being introduced in the Norwegian market.

*46. Indicate the measures taken to promote equality of access by the disadvantaged and marginalized individuals and groups, including landless peasants and persons belonging to minorities, to food, land, credit, natural resources and technology for food production.*<sup>29</sup>

Norwegian agriculture enjoys a stable ownership structure, and agricultural land is principally privately owned. The insecurity and conflict surrounding ownership and utilisation of land are minimal. The total number of agricultural production units has been reduced over time due to

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<sup>29</sup> General comment 15, paragraph 7.



efficiency improvements, but the total agricultural area has been stable or has increased marginally as the land from retired farms is leased or sold.

Norway has for several decades pursued an agricultural policy aimed at ensuring agricultural production throughout the entire country and maintaining agricultural land for food production. The agricultural policy shall at the same time allow for differentiation, enabling small-scale farming. This is regulated by an extensive set of regulations.

In a global comparative perspective, Norwegian agriculture is characterised by a small-scale structure, with demanding climatic, topographic and operational conditions. Through its agricultural policy, the Government has utilised various forms of production support in order to achieve its agricultural policy objectives. Support has to a considerable degree been differentiated depending on the structure and geographical location of producers. This has enabled the continuation of agriculture in outlying regions and farms with operational and climatic disadvantages. Special support is provided for agriculture in the northernmost part of the country.

Norway has had a differentiated agricultural policy aimed at ensuring the continuing operation of the economically least sustainable farms for several decades. This policy has been maintained during the turbulent situation in global food markets in the last few years, and employs tariff protection measures aimed at shielding Norway's most important agricultural sectors.

*47. Indicate whether the State party has adopted or envisages the adoption, within a specified time frame, of the 'Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security'.<sup>30</sup> If not, explain the reasons why.*

The 'Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security' have to a large extent been de facto adopted through the Food Safety Act and national agricultural and competition policies.

### **The right to water**

*48. Indicate:*

*(a) The measures taken to ensure adequate and affordable access to water that is sufficient and safe for personal and domestic uses for everyone;<sup>31</sup>*

*(b) The percentage of households without access to sufficient and safe water in the dwelling or within its immediate vicinity, disaggregated by region and urban/rural population<sup>32</sup> and the measures taken to improve the situation;*

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<sup>30</sup> Adopted by the 127th session of the Council of the Food and Agriculture Organization of the United Nations, November 2004.

<sup>31</sup> General comment 15, paragraphs 12 (a) and 37 (a); general comment 14, paragraph 43 (c).

*(c) The measures taken to ensure that water services, whether privately or publicly provided, are affordable for everyone,<sup>33</sup> and*

*(d) The system in place to monitor the quality of water.<sup>34</sup>*

In Norway, drinking water is available through the public water supply services. Most Norwegian households (90%) are connected to water supply services owned by the municipality or owned as a cooperative organisation by the users. The Act related to river systems and ground water<sup>35</sup> ensures the landowner access to sufficient water for domestic use from a surface water source or ground water on his own property. For properties without direct access to surface water or ground water this right may be expropriated.

90% of the Norwegian population is served by registered water works. 0.03 % of the population served by registered water works occasionally receives water that not in compliance with Norwegian standards for microbiologically safe water. This applies mainly to cooperatives, and the Food Control Authority has campaigns to get them to treat their water (i.e. by disinfection). There is no central surveillance of the small-scale water supplies for the 10% of the population not served by registered water works, but both the municipality (Medical Officer) and the local Food Control Authority have the means to intervene if they consider a small-scale water supply to be unhealthy. Single households, single farms and very small-scale water supplies may also experience stoppages in the water supply in cold winters with little snow, due to ground frost and frozen pipelines.

According to a report published on 6 May 2010 by the Norwegian Institute of Public Health<sup>36</sup>, Norway also is also facing a growing problem regarding safe and sufficient water supply due to the poor condition of post-war water mains.

The municipalities have by law no right to make a profit on water services, and the cooperatives act in accordance with the interest of their owners, which are the users. This ensures low costs, and services that are affordable for the users. Very low income households may apply for social assistance benefit to cover these costs.

The Regulations on the use of water and water safety<sup>37</sup> set out minimum requirements for monitoring drinking water quality for all water works serving more than 50 people, but all water

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<sup>32</sup> General comment 15, paragraphs 12 (c) (i) and 37 (c).

<sup>33</sup> Ibid., paragraphs 24 and 27.

<sup>34</sup> Ibid., paragraph 12 (b).

<sup>35</sup> 24 November 2000 No. 82

<sup>36</sup> *The State of Public Health in Norway - Public Health Report 2010*  
[http://www.fhi.no/eway/default.aspx?pid=233&trg=Area\\_5774&MainLeft\\_5669=5774:0:&Area\\_5774=5544:84298::0:5776:1:::0:0](http://www.fhi.no/eway/default.aspx?pid=233&trg=Area_5774&MainLeft_5669=5774:0:&Area_5774=5544:84298::0:5776:1:::0:0)

suppliers have to fulfil the parametric values specified in the regulations. The only exception is for single-household water supplies, where the regulations are only recommendations.

49. *Provide information on education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.*<sup>38</sup>

Information on the use of water and water safety is a part of the general curriculum in schools. There is little need for water saving measures in Norway, since there are ample water resources throughout the country, with the exception of a few island communities.

### **The right to adequate housing**

Norway ranks first in the UNDP's *Human Development Index for 2009*. As regards information on the standard of living in Norway, reference is made to the statistical appendix to the UNDP's *Human Development Report 2009*.<sup>39</sup> However, even though the general standard of living in Norway is high, there are still challenges with regard to certain vulnerable groups.

#### *Homelessness*

Efforts to prevent and combat homelessness sort under a number of ministries and other public agencies, and a number of tools and measures have been developed to deal with the problem. The municipalities play a major role in this work. In accordance with legislation on social services, the local authority is responsible for assisting less advantaged people into housing, and for providing social services for the municipality's population. The homeless and people at risk of becoming homeless often have underlying problems, such as drug abuse, debt and poor health. It is important to provide debt counselling, practical help, medical care and other follow-up services in housing to enable all people to continue to live in their own homes.

#### *Accommodation for rejected asylum seekers pending return*

In 2005, the CESCR expressed concern 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. Reference is made to the Government's reply to concluding observation no. 38 in the present report. The CESCR also urged Norway inter alia to strengthen measures to deal with the problem of homelessness.

Norway changed the practice of not offering rejected asylum seekers accommodation in 2005. Norway shared the concerns of the ESC and UNHCR and reintroduced offers of accommodation for rejected asylum-seekers until they are removed from Norway. In March 2006, the first return centre for rejected asylum seekers was established. In 2007, another return centre was opened,

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<sup>37</sup> FOR-2001-12-04-1372

<sup>38</sup> Ibid. paragraph 25.

<sup>39</sup> The Human Development Index can be found here:  
[http://hdrstats.undp.org/en/countries/country\\_fact\\_sheets/cty\\_fs\\_NOR.html](http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_NOR.html)

and to date these two centres have room for 200 persons. Children, families with children below 18 years of age and vulnerable persons are offered continued accommodation in regular reception centres until the final decision to reject them can be effectuated.

The standard in return centres is low, but they provide food, shelter and other basic needs. Primary health care is also provided for in the centre's compound. In addition the residents receive a monetary allowance (currently NOK 400 per month).

Norwegian policy continues to be that persons whose application for a resident in Norway is refused are obliged to comply with the decision and leave the country. The fact is, however, that many refuse to do so, even if they are able to return to their home countries. Those who refuse to leave despite a negative decision are offered accommodation either in an ordinary reception centre or in a return centre for rejected asylum seekers. Families with children, unaccompanied minors, persons with health problems and persons who cooperate with the authorities with regard to return may remain in an ordinary reception centre. Other persons whose applications are rejected are offered accommodation in a return centre. The offer is open until the persons concerned actually leave Norway.

#### *Foreigners in Norway without a residence permit*

In an open society such as the Norwegian one, there will always be people who stay in the country illegally. The Government is aware of the difficult situation of persons living illegally in Norway, and is working to gather information about this group.

Statistics Norway has estimated that there were approximately 18 000 persons staying illegally in Norway as of 1 January 2006. This includes persons without a residence permit and who are not registered with the authorities, persons with a false visa/residence permit, and persons with a visa or residence permit that has expired. Of the 18 000 persons staying illegally in Norway, approximately 12 000 are believed to be former asylum seekers.

There is however a statutory provision under which a foreign national is entitled to a residence permit provided that he or she has stayed in the country for at least three years, and at least one year after receiving a final rejection, provided that the foreigner cannot return, even though he or she should consent to do so. So far this provision has not been applied.

The government intends to intensify efforts to develop more effective measures to prevent illegal immigration, inter alia by means of the following:

- o Combating undeclared work.
- o Returning asylum seekers whose applications have been finally rejected.
- o Implementing targeted control measures by the police, other authorities and employers.

*50. Indicate whether a national survey on homelessness and inadequate housing has been undertaken, as well as its findings, in particular the number of individuals and families who are homeless or inadequately housed and without access to basic infrastructures and services such as water, heating, waste disposal, sanitation, and electricity, as well as the number of persons living in over-crowded or structurally unsafe housing.*

#### *Homeless individuals*

Reference is made to the Government's response to concluding observation no. 38 in the present report.

Four national surveys have been undertaken on homelessness in Norway. The first one was carried out in 1996, while the last one was carried out in 2008. The surveys measured homeless persons' contact with the health and welfare authorities and other relevant organisations /agencies.

In Norway a person is defined as homeless if he or she has no place to live, either rented or owned, and (1) has no place to stay at night, or (2) is referred to emergency or temporary shelter accommodation, or (3) is in a ward of the correctional and probation service and due to be released in two months at the latest, or (4) is a resident of an institution and due to be discharged in two months at the latest, or (5) lives with friends, acquaintances or family on a temporary basis.

The total number of homeless persons in Norway in the last week of November 2008 was 6 0916, or 1.27 homeless individuals per 1 000 population.

73% of the homeless are male. The average age is 35. One out of four is under 25 years of age, and 26% are 55 years of age or older. About half of the group have been homeless for a long time: 20% intermittently homeless for a period of several years; 25% homeless for more than six months. The great majority of the homeless (81%) were born in Norway. The next largest group is people of African origin (7%), followed by those of Asian origin (5%).

52% of homeless people have completed upper secondary school and have a trade proficiency certificate; and 4% of these have an education beyond upper secondary school. The educational status of homeless people is much lower than that of the average Norwegian.

Social assistance benefit is the main source of income for 40%. A slightly lower percentage, 37% receive a pension of some kind. Of these, 23% receive a disability or old age pension and 14% receive some form of rehabilitation benefit. 8% are in paid employment, on unemployment benefit or on sickness benefit.

88% of homeless individuals are single. More than a quarter of all homeless people have children under 18 years. Parents with children to look after are more likely than others to be living with friends, acquaintances and family. 16% of these parents have full or shared custody of their children. 378 children are homeless together with their parents, but no parents with responsibility for children live rough or use emergency shelters. The Child Welfare Services have a particular responsibility to follow up these children.

37% of the homeless live temporarily with friends, acquaintances and relatives. One in every four live in temporary accommodation, e.g., overnight shelters, hostels, bed-and-breakfasts, campground cabins, etc. 17% are institutionalised but due to be discharged within the space of two months. 5% live rough or use various emergency facilities that have very limited opening hours.

The study found a systematic variation in the type of shelters used by younger and older individuals. More than half of the homeless under 25 years live with friends, acquaintances or family. This only applies 15% of those aged 65 and above. A minority of the youngest age group lives in temporary accommodation. The proportion living in temporary accommodation co-varies with age and around 40% of those aged 55 and above have such provisional arrangements. The age gap grows even wider regarding the use of emergency shelters. The proportion of older homeless individuals (55 and older) that spend the night in emergency accommodation is three times as high as younger individuals (under 35). 12% had been in the same situation for up to three weeks before the data were recorded, 42% between three weeks and six months, and 41% for more than six months.

For the majority of the homeless in Norway, homelessness has been a relatively persistent state. Nearly one in four had been homeless for more than six months, and one in three intermittently over a period for several years when the data were recorded. One in four experience homelessness as a more acute problem. Females are more likely than males to face acute homelessness, but males are more likely to fall into the long-term homeless category. The study also shows that acute homelessness is much more likely to affect members of the younger age group, but that they are less likely to remain homeless over several years than the older age group.

Among homeless people with full or shared custody of children, more than half of this group fall into the category of acute homelessness. 13% of homeless parents with children to care for on a daily basis had been homeless for more than six months when the data were recorded. 14% had experienced homelessness intermittently for several years.

Most homeless people (59%) are addicted to drugs or alcohol. Dependency tends to co-vary with duration of homelessness: four in five long-term (several years) homeless people are addicted to drugs/alcohol, compared with two in five cases of acute homelessness. One in three has a recognized or visible mental illness. There is a higher incidence of mental illness among the – long-term homeless.

#### *Inadequate housing*

The issue of inadequate housing is dealt with in Statistics Norway's latest *Survey of Level of Living*, undertaken in 2008. According to the survey, 3% of Norwegians are living in damp dwellings<sup>40</sup>, and 6% are living in crowded dwellings<sup>41</sup>. 5% are subject to noise pollution from industrial activity, and 4% are bothered by air pollution from industrial activity and the like. Access to basic infrastructure such as water, heating, waste disposal and electricity are not measured. In 2001, 97% of Norwegian households had a bathroom and toilet, and 99% had their own kitchen/cooking facilities. Most dwellings had an adequate heating system, and all households had access to clean water (Population and Housing Census 2001).

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<sup>40</sup> Damp dwelling defined as a dwelling where there is damage caused by rot, mould, or fungus in all or some of the habitable rooms.

<sup>41</sup> Crowded dwelling is defined as: A person living alone in one single room or in a household with more persons than habitable rooms. Kitchen, bathroom, hall or small rooms less than six square meters are not considered as habitable rooms.

There is no information or statistics available about people living in structurally unsafe housing. Based on the findings in the *Survey of Level of Living*, the Government deems it probable that the number of people living in structurally unsafe housing is very low.

51. *Indicate:*

(a) *The measures taken to ensure access to adequate and affordable housing with legal security of tenure for everyone, irrespective of income or access to economic resources;*

(b) *The impact of social housing measures, such as the provision of low-cost social housing units for disadvantaged and marginalized individuals and families, in particular in rural and deprived urban areas, whether there are waiting lists for obtaining such housing and the average length of waiting time;*

(c) *Measures taken to make housing accessible and habitable for persons with special housing needs, such as families with children, older persons<sup>42</sup> and persons with disabilities;<sup>43</sup>*

A proposal by three members of the Storting in 2008 to include the right to housing in the Norwegian Constitution has yet to be discussed.

In principle, all adult persons in Norway are assumed to be capable of acquiring a suitable dwelling for themselves and their family. Parents have a duty to provide their children with a suitable dwelling for as long as they are minors. If they fail to do so, it is the duty of the municipal authority to help those who are unable to acquire a dwelling for themselves.

In recent years, a great deal has been done to improve legislation relating to housing and real estate. The Tenancy Act of 1999 strengthened the rights of the tenant, and safeguarded the interests of both parties. The Act relating to owner-tenant sections<sup>44</sup> of 1997 provided better safeguards for individual owner-tenants. Two Acts relating to cooperative housing associations (*boligbyggelag*) and housing cooperatives (*borettslag*) (Acts of 6 June 2003 Nos. 38 and 39) entered into force in 2004. These are jointly known as the Housing Cooperative Act (*Borettslover*).

The state assists in the provision of housing for disadvantaged and marginalised persons through the Norwegian State Housing Bank. The bank offers several types of loans and grants to individuals and municipal authorities, as well as to organisations and institutions providing housing for low-income groups.

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<sup>42</sup> GCGeneral comment 6, para. 33.

<sup>43</sup> Idem.

<sup>44</sup> An owner-tenant section is a share in a jointly-owned property with an associated sole right to occupy a dwelling or other space in the property

The housing allowance system is a government-financed support scheme for partial coverage of housing expenses for households with low income and high housing expenses. The housing allowance scheme was strengthened in 2009 by simplifying the requirements. The scheme is now available for all households within given limits of low income and high housing expenses. Some municipalities also provide municipal housing allowances. There are approximately 2 140 000 households in Norway. Approximately 5.7% of the households received housing allowances in 2009.

The purpose of the housing grant for individuals is to assist particularly disadvantaged households to obtain and maintain acceptable homes. A housing grant may be provided for the purpose of making housing accessible and habitable for persons with special housing needs, such as older persons and persons with disabilities. In 2008, 1 412 households received a housing grant.

Municipalities are eligible for grants for building and improving nursing homes and sheltered housing. The goal of this measure is to provide places for an additional 12 000 persons with care needs by 2015.

Start loans are housing mortgages administered by the municipalities, and are offered to enhance owner-occupation among young people and low income households. People who cannot get loans from private banks, are offered only high-interest mortgages, or lack equity capital may apply for start loan. Borrowers must document their ability to repay the mortgage, and are offered a mortgage with an interest rate close to market rates. 6 490 households received a start loan in 2008.

The purpose of the basic loan scheme is to provide financing for rural districts where it is difficult to obtain mortgages at normal interest rates. A basic loan may be granted for the building of new housing, renovation, reconstruction, or purchase of new or used rental housing. Increased attention is also being given to making more homes physically accessible, and to promoting universal design in general. Home universal design costs are primarily for lift installation and access modification.

The municipal authorities are responsible for providing low-cost social housing units for disadvantaged and marginalised individuals and families. The municipalities may apply for grants from the State Housing Bank when building low-cost social housing units. As the result of a state-run targeted campaign, 2 500 low-cost social housing units were built by the municipalities with the help of state grants in 2009. There are waiting lists for housing allocations, but here is no aggregated data on the number of persons on waiting lists or the average length of waiting time.

*52. Indicate the legislative and other measures in place to ensure that housing is not built on polluted sites or in immediate proximity of pollution sources that threaten the health of inhabitants.*<sup>45</sup>

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<sup>45</sup> General comment 4, paragraph 8 (f).



Norway has a common Planning and Building Act, which is administrated by two different ministries. The planning part of the Act is administrated by the Ministry of The Environment, while the building part of the Act is administrated by the Ministry of Local Government and Regional Development. The building part provides rules concerning how building projects that have been planned must be implemented. The Act also provides authorisation for building regulations, which are intended to ensure good technical building standards, taking due consideration for health and the environment. The regulations primarily concern personal safety. Buildings and installations must be designed and built in such a way that they do not entail danger or significant disadvantage for persons, both during the construction process and when they are in use.

Section 68 of the Planning and Building Act does not allow erecting buildings on sites that can lead to danger or major inconvenience as a result of natural or environmental conditions. Environmental conditions include the inconvenience or damage to health caused by pollution in the ground. Section 68 must be read in conjunction with section 8-52 of the Technical Regulations under the Planning and Building Act (TEK), which state that in connection with the placement, design and execution of construction works, any soil contamination in the area must be investigated and taken into account.

The Regulations of 1 of July 2004 relating to pollution control, chapter 2, contain provisions regarding cleaning of contaminated soil in connection with building and excavation work.

On sites where there is reason to believe that the soil is contaminated, the regulations impose a duty on the entrepreneur to examine whether or not this is the case. If contamination is proven, the entrepreneur must clean the site before any building work can begin.

*53. Indicate whether there are any disadvantaged and marginalized individuals and groups, such as ethnic minorities, who are particularly affected by forced evictions and the measures taken to ensure that no form of discrimination is involved whenever evictions take place.<sup>46</sup>*

In Norwegian housing law (the Tenancy Act, the Housing Cooperatives Act and the Property Unit Ownership Act), there are provisions that prohibit discrimination on grounds of religion, skin colour, language, national or ethnic origin, sexual orientation or lifestyle. This applies when dwellings are rented out. Such factors are not considered reasonable grounds for refusing to accept households or a change of tenant under a sub-let contract, nor may they be taken into account when a tenancy contract is terminated. The issue of discrimination in the housing sector is subject to continuous observation, and the authorities are seeking to prevent it by through various measures administered by the Norwegian State Housing Bank and the municipalities.

*54. Indicate the number of persons and families evicted within the last five years and the legal provisions defining the circumstances in which evictions may take place and the rights of tenants to security of tenure and protection from eviction.<sup>47</sup>*

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<sup>46</sup> General comment 7, paragraph 10.

<sup>47</sup> Ibid., paragraphs 9, 13-15, 16 and 19; see also Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex 1).

### *Evictions*

A survey undertaken in 2009 shows that 1 830 evictions were carried out in 2006, 2 230 in 2007, and 2 109 in 2008.

The study shows that those who are evicted can be divided into four groups: (1) persons with poor ability to meet payments, (2) persons with a difficult financial situation, (3) persons suffering from mental illness, and (4) persons addicted to drugs or alcohol.

Financial difficulties are not the main reason for eviction. The general impression is that those with a combination of problems, usually a combination of drug or alcohol abuse and mental illness, are more likely to be evicted than others.

### *The rights of tenants to security of tenure*

The legal relationship between landlord and tenant is governed by the Tenancy Act of 1999. A tenancy agreement may only be terminated on the basis of objective, reasonable grounds. If the tenant objects to such termination, the termination ceases to apply unless the landlord institutes legal action against the tenant. Even if the court finds the termination to be lawful, it may nevertheless be set aside if the court, after considering the circumstances of both parties, finds it to be unreasonable. If the parties have signed a tenancy agreement for a specified period, it must, as a general rule, apply for a minimum period of three years. The tenant is therefore well protected from having his tenancy agreement terminated by the landlord.

The rent agreed by the parties may be reduced by the court if the court finds it unreasonable. The landlord may increase the rent each year, but only in step with the consumer price index. Every third year, either party may request that the rent be regulated to the “current level of rents”, i.e. a representative average of the rent level that has already been established in the location concerned through the rental of similar dwellings on similar terms. The current rent is, therefore, considerably less vulnerable to economic cycles than the market rent.

The Tenancy Act was recently revised and some minor changes were made to improve the rights of tenants to security of tenure.

### *Legislation relating to eviction*

There is no direct prohibition against eviction from a dwelling under Norwegian law. Eviction is governed by the Enforcement Act (Act of 26 June 1992 No. 86). Eviction may only take place provided that certain material conditions are met; i.e. there must be grounds for enforcement. One example of grounds for eviction is a failure to pay rent. As a general rule, the landlord must obtain a legal ruling that the tenant has not paid his rent before eviction may be requested. The enforcement authority must follow a specific procedure if eviction is to be permitted.

## **Article 12 Right to health**

*55. Indicate whether the State party has adopted a national health policy and whether a national health system with universal access to primary health care is in place.*

The legal framework for public health services in Norway aims to ensure that everyone in Norway has equal and professionally adequate health services, regardless of gender, age, type of illness, place of residence or income.

The *National Health Plan* for Norway (2007–2010) presents the status of the health service in Norway today, and suggests policy measures for a better health service. A better health service also means preventing illness and facilitating the participation of patients and their relatives.

The Norwegian health service faces considerable challenges, both at the present time and in the coming years. The increase in the number of senior citizens, changes in the prevalence and distribution of diseases, expensive, new medicines and new treatment methods are some of these. To meet these challenges the Government has in this four-year plan given emphasis to six key attributes that must characterise all types of health services:

- cohesion and interaction
- democracy and legitimacy
- proximity and security
- stronger patient role
- professionalism and quality
- work and health

Norway's goal is for health services to be equally and fairly distributed. Nonetheless there are geographical differences in health provision. There are still unacceptable waiting times in some geographical areas and within some medical fields. Social disparities in health have been documented, and there are indications of such differences in the use of health services. Patients and their relatives, and reports from their respective organisations, describe the health service as fragmented without a clear allocation of responsibility for the interaction between the various actors.

This forms part of the background for the *Coordination Reform in the Health and Care Service*, which was presented in the Report No. 47 (2008-2009) to the Storting. The aforementioned challenges combined with increasing costs in the specialist health services, call for better coordination between the primary and secondary service levels in the health and care system. Above all, the reform addresses measures necessary for the earlier identification and follow-up of people at risk of developing the most common and life quality-threatening diseases. A strengthened municipal role in the prevention and treatment area is needed in order to improve the population's health and life quality, and to reduce the cost-critical growth in hospital admissions and specialised treatment expenditures.

A new national health plan is currently in the making. The plan will follow up the efforts made under the current plan and will further address central elements and challenges of the Coordination Reform.

56. *Provide information on the measures taken to ensure:*

*(a) That preventive, curative, and rehabilitative health facilities, goods and services are within safe reach and physically accessible for everyone, including older persons and persons with disabilities;*<sup>48</sup>

The Norwegian population in general enjoys good health. However, there are structural inequalities. Health is unevenly distributed among social groups in the population. In the Government's view, public health work must be based on a model where society assumes greater responsibility for the population's health. A fair distribution of resources is good public health policy. Public health work entails initiatives to ensure a more even social distribution of the factors that affect health. There are many causes of inequalities in health, ranging from basic determinants such as personal economy and childhood conditions, via risk factors such as the working environment and living conditions, to more immediate causes such as health behaviour and local access to, as well as use of, health services. Complex problems require comprehensive solutions.

In Report No. 20 (2006-2007) to the Storting, the Norwegian Government has, in keeping with the identified need for a broad approach, presented a strategy that focuses on the following four priority areas: 1) Reduce social inequalities that contribute to inequalities in health, 2) Reduce social inequalities in health-related behaviour and use of the health services, 3) Targeted initiatives to promote social inclusion, and 4) Develop knowledge and cross-sectoral tools.

The purpose of the Ombudsman for Patients is to safeguard the needs, interests and legal rights of all users of Norwegian health care and social services, and improve the quality of those services. As from 2009, the Ombudsman's responsibilities include the primary health care services and social services. The Ombudsman's remit does not cover issues relating to welfare benefits.

*(b) That the costs of health-care services and health insurance, whether privately or publicly provided, are affordable for everyone, including for socially disadvantaged groups;*<sup>49</sup>

The public health services are free of charge for all citizens of Norway. Specialist health care costs are covered by the state. This also applies to private services if the patient in question is considered to have a right to receive necessary specialist health care and if the treatment cannot be provided by public hospitals. For primary health care the patients usually pay a minor part of the expenses. Medicines are not free of charge, but some medication is reimbursed under the so-called blue prescription arrangement. Expenses for medical care that exceed a certain annual amount per year are covered by the National Insurance Scheme, inter alia in order to ensure affordable costs for persons who often need medical care or have a low income.

Persons staying in Norway who are not covered by the National Insurance Scheme or a corresponding reciprocal agreement with another state must pay for the medical treatment they receive. This also includes undocumented migrants. It is not, however, permitted to refuse to give emergency health care to a person on the basis that he or she is unable to pay.

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<sup>48</sup> General comment 14, paragraph 12 (b).

<sup>49</sup> Ibid., paragraphs 12 (b), 19 and 36.

*(c) That drugs and medical equipment are scientifically approved and have not expired or become ineffective; and*

The Norwegian Medicines Agency is the national regulatory authority for new and existing medicines and the supply chain. The agency is responsible for supervising the production, trials and marketing of medicines. It approves medicines and monitors their use.

*(d) Adequate training of health personnel, including on health and human rights.<sup>50</sup>*

The existing educational programmes for health personnel are being reviewed by the health authorities on the basis of expected or possible changes in future personnel needs. The training institutions are obliged to provide students with the expertise they need to get authorization as health personnel. Ethics and user involvement are integral parts of the health education programmes.

*57. Provide information on the measures taken:*

*(a) To improve child and maternal health, as well as sexual and reproductive health services and programmes, including through education, awareness-raising, and access to family planning, pre- and post-natal care and emergency obstetric services, in particular in rural areas and for women belonging to disadvantaged and marginalized groups;<sup>51</sup>*

In June 2001, Norway introduced a scheme whereby all people in Norway could have their own regular general practitioner. General practitioners provide sexual and reproductive health service, including family planning, to their patients.

Public health nurses and midwives employed at youth health centres provide sexual and reproductive health services, including family planning, to teenagers. Teenagers girls aged 16-19 years are entitled to subsidised oral contraceptives.

Norway regularly implements action plans for sexual and reproductive health. The Action Plan for the period 2010–2015 has a programme of measures to prevent unwanted pregnancy and abortions which targets young people, adults and groups with special needs. The programme will be implemented in the municipalities.

*(b) To prevent, treat and control diseases linked to water and ensure access to adequate sanitation;<sup>52</sup>*

Reference is made to Government's response in the present report regarding the right to water.

There are few reported incidents of disease that can be directly linked to infected water or poor water quality in Norway. The vast majority of typical bacterial infections stem from water and

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<sup>50</sup>Ibid., paragraphs 12 (d) and 44 (e).

<sup>51</sup>Ibid., paragraphs 14, 21-23 and 44 (a).

<sup>52</sup> General comment 15, paragraphs 8 and 37 (i).

food consumption outside the country. Tap water is considered safe to drink largely anywhere in the country.

The Norwegian Food Safety Authority is escalating its supervision and control of water works. In 2008 all registered water works in Norway were supervised with a view to detecting any serious hygienic deficiencies. In the same a representative selection of unregistered water works was supervised. Increased efforts on the part of the Food Safety Authority are not however sufficient. In order to achieve results, there is a need for significant investments in infrastructure, i.e. new cleansing systems and water pipes.

*(c) To implement and enhance immunization programmes and other strategies of infectious disease control,<sup>53</sup>*

In 2009 the Norwegian Institute of Public Health established a new system for vaccination surveillance (SYSVAK). The system is to provide information on the protection of the public against infectious diseases and adverse reactions to vaccinations. Based on information from the Report System for Infectious Diseases (MSIS) and the institute's microbiological analyses the institute detects several outbreaks of infectious diseases each year. The register of tuberculosis was integrated into the MSIS in 2009.

In 2008 the institute worked to establish a system for surveillance of infections in the hospital service (NOIS). An increasing number of hospitals participate in efforts to provide overviews of various hospital related infections. The health enterprises can then evaluate these findings and make efforts to combat infections and antibiotic resistance.

The institute has also established a system for monitoring hepatitis C and HIV resistance, and in 2008 a system for monitoring influenza virus resistance was introduced.

The Directorate of Health and the National Institute for Public Health both play an important role in the prevention and handling of epidemics and pandemics.

During the influenza pandemic in 2009, the entire Norwegian population was offered an influenza vaccine against the virus. About 40% accepted.

*(d) To prevent the abuse of alcohol and tobacco, and the use of illicit drugs and other harmful substances, in particular among children and adolescents, ensure adequate treatment and rehabilitation of drug users, and support for their families,<sup>54</sup>*

Since 2005, an additional NOK 835 million has been allocated for measures to prevent, treat and reduce the harmful effects of drug abuse as part of the *Escalation Plan against Drug Abuse* (2006-2010). After drug dependence was given legal status as a disease in 2004, granting people with drug dependence equal rights to health care as other patients, a greater number of these

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<sup>53</sup> General comment 14, paragraphs 16 and 44 (b)

<sup>54</sup> Ibid., paragraph 16.

patients have received treatment. However, at the same time the number of admissions for treatment has increased in the last few years, and waiting times are unfortunately continuing upwards. A major part of the problem is a lack of coordination and professional and organisational obstacles between various service agents in the treatment area. Problematic drug use is a high priority area for the Government and will be given further close attention in the years to come, both in terms of resources and in terms of organisation (reference is made to the Coordination Reform).

Norway was one of the first countries in the world to introduce a national ban on smoking in restaurants, bars and cafes. The sale of tobacco or imitation products to people under 18 is prohibited.

*(e) To prevent HIV/AIDS and other sexually transmitted diseases, educate high-risk groups, children and adolescents as well as the general public on their transmission, provide support to persons with HIV/AIDS and their families, and reduce social stigma and discrimination;*<sup>55</sup>

In June 2009 six ministries launched a new national HIV strategy called *Acceptance and Coping*. Main features are:

- Cross-sectoral cooperation
- The aim is to reduce the number of new infections and ensure that all HIV-positive people in Norway are given good care and follow up.
- The level of knowledge in the population in the population on HIV needs to be increased
- The participation in the workforce by HIV-positive people must be ensured
- International work in the field of HIV/AIDS will continue
- Research on preventive measures will be extended
- Cooperation between a HIV-positive person, his/her general physician and the specialist doctor will be improved. More follow up will take place in the municipalities through better coordination of services.

The responsibility of the individual to protect him/herself from infection and refrain from infecting others, both in Norway and abroad, applies particularly to persons suffering from HIV and other infectious diseases, as laid down in the Communicable Diseases Control Act and the Norwegian Penal Code.

The authorities are not obliged to inform spouses of HIV infected persons, but the infected persons and their family will be offered counselling.

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<sup>55</sup>Ibid., paragraph 16.

*(f) To ensure affordable access to essential drugs, as defined by the WHO, including anti-retroviral medicines and medicines for chronic diseases;<sup>56</sup> and*

Reference is made to the Government's response under paragraph 56 b) in the present report.

*(g) To ensure adequate treatment and care in psychiatric facilities for mental health patients, as well as periodic review and effective judicial control of confinement.*

In the period 1998-2008, an extensive improvement plan for the mental health services produced results in many areas.

By the end of the improvement plan, approximately twice as many persons were receiving treatment for mental illness as was the case before the plan started. The mental health services' total expenditures have risen to more than NOK 6 billion above the level in 1999, 75 district psychiatric centres have been established and additional municipal accommodations have been built for approximately 3 000 users. However, challenges remain. Many patients wait before getting help, or do not get adequate treatment for more complex needs. There is also room for improvement in the communication and cooperation between the primary and secondary treatment levels.

Several measures have been initiated to improve documentation and to reduce the use of coercion in mental health care. A working group has considered the need for treatment criteria in the Mental Health Care Act and has suggested new measures to strengthen the efforts to reduce the use of coercion. In accordance with the working group's recommendations, a new national strategy for reduced and correct use of coercion in the mental health services was launched in the first half of 2010. The strategy obliges the regional and local health enterprises to create regional and local plans for reducing the use of coercion, and to report regularly to the health authorities. The strategy includes specific descriptions of tasks and measures, including which actors and representatives are to take part in the development and follow-up of the plans on both levels. On the basis of the recommendations of the working group and the Directorate of Health, a committee for reviewing ethical, professional and legal aspects of existing rules and practices within the mental health services will be established in 2010. A new chapter 4 A concerning health care for patients who object to health care while lacking the necessary capacity to consent has been added to the Patients' Rights Act. The new chapter came into force on 1 January 2009. The criteria for evaluating whether a patient has the necessary capacity to consent are set out in chapter 4 of the Act.

The purpose of the new provisions is to provide necessary health care in order to prevent significant harm to health and to prevent and limit the use of force. The health care shall be provided in such a way that it ensures respect for the individual's physical and mental integrity and shall as far as possible be in keeping with the patient's right to self-determination. This new legislation is limited to somatic healthcare. In the care of mental illness, coerced intervention is sanctioned separately under the Mental Health Care Act. Reference is made to Norway's sixth periodic report to the Human Rights Committee paragraphs 62-78 regarding coercive measures and deprivation of liberty in health care.

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<sup>56</sup>Ibid., paragraph 43 (d).



With regard to prisoners with mental health problems, reference is made to the national UPR report to the Human Rights Council section 3.13.

The Government's aims are to implement the Coordination Reform, employ concrete measures to reduce the use of coerced intervention, further enhance user involvement in the health services and to complete the restructuring of the overall treatment system that started with the improvement plan for the mental health service. This entails continuing to move away from the classic emphasis on treatment in centralised institutions for the majority of the population, to a greater focus on community-based, ambulant treatment and follow-up services that easily accessible where people live. Health personnel shall contribute to safeguard children's need for information and necessary assistance in relation to a parent's health condition.

### Article 13 Right to education

Reference is made to Norway's fourth periodic CESCR report paragraphs 370-453. Updated information about Norwegian educational policy in the first decade of the 21<sup>st</sup> century is provided in the brochure *Education in Norway*<sup>57</sup> and a number of reports prepared by the Norwegian Ministry of Education and Research for the Information Database on Education Systems in Europe (the EURYBASE), including *The Education System in Norway 2007/2008*<sup>58</sup> and National summary sheets on education systems in Europe and ongoing reforms – Norway, December 2008.<sup>59</sup>

58. Indicate to what extent the form and substance of education in the State party are directed towards the aims and objectives identified in Article 13, paragraph 1,<sup>60</sup> and whether school curricula include education on economic, social and cultural rights.

Under the Education Act<sup>61</sup>, all children and young people have the right to a public primary and secondary education. Primary and lower secondary education is compulsory from age 6 to age

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<sup>57</sup> The brochure is available here:

[http://www.regjeringen.no/upload/KD/Vedlegg/Veiledninger%20og%20brosjyrer/Education\\_in\\_Norway\\_f-4133e.pdf](http://www.regjeringen.no/upload/KD/Vedlegg/Veiledninger%20og%20brosjyrer/Education_in_Norway_f-4133e.pdf)

<sup>58</sup> The report is available here:

[http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase\\_full\\_reports/NO\\_EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase_full_reports/NO_EN.pdf),

<sup>59</sup> The summary sheets can be found here:

[http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national\\_summary\\_sheets/047\\_NO\\_EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national_summary_sheets/047_NO_EN.pdf)

<sup>60</sup> General comment 13, paragraphs 4-5 and 49.

<sup>61</sup> The Education Act is available here:

[http://www.regjeringen.no/upload/KD/Vedlegg/Grunnskole/The\\_EducationAct\\_19\\_June\\_2009\\_\(2\).pdf](http://www.regjeringen.no/upload/KD/Vedlegg/Grunnskole/The_EducationAct_19_June_2009_(2).pdf)

16. The Act precludes all types of discrimination in that it ensures access to education for all children and young people regardless of their race, colour, sex, language, religion, political or other opinions, national or social origin, economic situation or birth. Compulsory education is comprehensive and co-educational. The aim is to offer all pupils an education that is adapted to their individual abilities. This principle applies just as much to the education of pupils with learning difficulties and other disabilities as to pupils with special abilities, whether they are theoretical, practical, physical or aesthetic.

The objectives of education and training are specified in the Education Act section 1-1. Human rights education, including education on economic, social and cultural rights, is included in the school curricula. Reference is made to the Government's response to concluding observation no. 23 in the present report.

Steps have been taken to redraft the legal and curricular provision concerning the teaching of religions, philosophies of life and ethics. Until 2008 such teaching was provided within the framework of the former compulsory subject "Christian knowledge and general religious and ethical education". Following complaints submitted by groups of parents both to the UN Human Rights Committee and to the European Court of Human Rights, including a judgment passed by the European Court of Human Rights in June 2007 (the "KRL case"), an extensive revision of the subject concerned has been undertaken. In 2008 section 2-4 of the Education Act was redrafted, and the name of the subject in question was changed to "Religion, Philosophies of Life and Ethics". The new section of the Education Act underlines the fact that the subject must be taught in an objective, critical and pluralistic manner. The curriculum has been altered in accordance with the new legislation. The Government considers that a knowledge-based school subject in this field will help to enhance understanding, tolerance and mutual respect between groups of pupils, irrespective of religion and ethnic background.

*59. Indicate how the obligation to provide primary education that is compulsory and available free for all is implemented in the State party, in particular:*

*(a) The level or grade until which education is compulsory and free for all;*

*(b) Any direct costs such as school fees, as well as the measures taken to eliminate them;*  
*and*

*(c) Any indirect costs (e.g. expenses for school books, uniforms, transport, special fees such as exam fees, contributions to district education boards, etc.) and the measures taken to alleviate the impact of such costs on children from poorer households.*

Basic schooling is compulsory and free of charge (from the age of six to sixteen) in Norway, Admission to education on the primary and lower secondary level is governed by the Education Act section 2-1, which states that children and young people are obliged to attend primary and lower secondary education, and have the right to a public primary and lower secondary education.

All residents in Norway have the right to primary education when it is likely that they will reside in Norway for a period of more than three months. After the initial three months, the obligation to attend primary and lower secondary education is applicable.

Primary and lower secondary education is free of charge cf. section 2-15 of the Education Act, as is education and training provided at publicly-maintained upper secondary schools or training establishments.

According to the Education Act section 1-3, education shall be adapted to the abilities and aptitudes of the individual pupil, apprentice and training candidate. In cases where the school is unable to adapt the teaching so that the pupil can benefit satisfactorily from ordinary tuition, the pupil has a legal right to special education. Thus, the right is not linked to a specific deficiency or problems the pupil is facing, but to the question whether or not he or she can benefit satisfactorily from ordinary adapted tuition, cf. the Education Act section 5-1.

Children under compulsory school age with a specific need for special educational assistance have the right to such assistance according to section 5-7. The assistance may be provided in day care institutions, schools, welfare and medical institutions, etc., or be organised as separate measures. Disabled children are, besides extra tutoring and assistance, offered a variety of training in some municipalities, such as swimming/water training and horseback riding.

The purpose of this provision is, inter alia, to ensure that these children are given the assistance they need to be able to attend primary education and reduce the need for special schools.

*60. Indicate the measures taken to make secondary education in its different forms, including technical and vocational education, generally available and accessible to all, including:*

*(a) Concrete steps taken by the State party towards progressively achieving free secondary education;<sup>62</sup> and*

*(b) The availability of technical and vocational education, and whether it enables students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability.<sup>63</sup>*

The right to education on the upper secondary level, including vocational training, is governed by section 3-1 of the Education Act.

All young people who have completed primary and lower secondary school have a right to attend upper secondary school. Admittance to the various schools is based on geographical location and academic achievement.

Education and training provided at publicly maintained secondary schools or training establishments are free of charge according to section 3-1 of the Education Act. The county authority may require the pupils, apprentices and training candidates to provide themselves with other individual materials and equipment that are normally needed for the course they are attending, such as writing materials, calculators and notepads. However, pupils do receive a scholarship designed to cover these types of costs.

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<sup>62</sup>Ibid., paragraph 14.

<sup>63</sup>Ibid., paragraphs 15-16.

Entrepreneurship in education and training is concerned with establishing new activities and recognising new opportunities to make them work in a number of social areas. Entrepreneurship in education and training can be both theoretically and practically oriented.

Entrepreneurship education must comply with the fundamental principles of Norwegian educational policy. It must be given priority, made available to everyone and adapted to the individual's abilities and needs. The individual educational institution is responsible for organising the training in entrepreneurship. In addition, "Junior Achievement-Young Enterprises Norway" is an organisation that teaches business skills to students aged six to 25 within school hours. Through these programmes, students are given the opportunity to run their own company and develop their business skills in cooperation with other students.

*61. Indicate the measures taken to make higher education equally accessible to all and without discrimination, on the basis of capacity, and the concrete steps taken towards progressively achieving free higher education.<sup>64</sup>*

One of the main aims of Norwegian policy for higher education is that it should be free of charge and accessible to all, regardless of social or cultural background. In order to achieve this, there are no fees for regular studies and there is also a good system of student loans and grants to cover living costs, which are available to all students through the Norwegian State Educational Loan Fund.

*62. Indicate the measures taken to promote literacy, as well as adult and continuing education, in a life-long perspective.*

#### *Promotion of literacy*

In 2006 the Norwegian Government established the Programme for Basic Skills in Working Life. Reference is made to the Government's response under Article 6 in the present report. The programme is based on the realisation that on-the-job training is generally the most effective means of training persons with a low level of formal education. The training offered is to be job-related and take place at the workplace.

#### *Right of adults to primary and secondary education*

Pursuant to section 4A-1 of the Education Act, persons above compulsory school age who require primary and lower secondary education have the right to such education unless they have the right to upper secondary education and training. The right to education normally includes the subjects required for the certificate of completed primary and lower secondary education for adults. The Education Act states the teaching shall be adapted to individual needs and that no charge shall be made for the education or teaching materials.

Pursuant to Section 4A-3 of the Education Act, adults who have completed primary and lower secondary education, but not upper secondary education or the equivalent, have the right to upper secondary education. This right applies to adults as of the year they become 25 years of age. The education shall be adapted to individual needs.

#### *Continuing education*

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<sup>64</sup> Ibid., paragraph 20.

Adult education is governed by the Adult Education Act (Act of 28 May 1976 No. 35) and the Education Act (Act of 13 June 1969 No. 24). The Adult Education Act governs courses organised by study associations and distance education institutions. Under the Adult Education Act, the provision of courses is the responsibility of the respective education authorities at the various levels of education. The Education Act governs primary, lower secondary and upper secondary education for children, young people and adults.

The education authorities cooperate with study associations representing non-governmental organisations (NGOs), such as for instance the Folk University and The Workers' Educational Association (AOF). The county authority has a certain responsibility for the coordination and cooperation between various adult education actors.

The non-governmental study associations offer courses and study groups for adults. They are responsible for the content of the courses. Most of the courses are not bound by national curricula and examination systems. The courses cover a large number of activities, from pure leisure activities to academic and vocational subjects. Some associations offer courses that carry credits for a lower and upper secondary diploma or a degree from a higher education institution.

Private distance education institutions started with correspondence courses, but took up newer media (TV, video, ICT) quite early and now offer a number of multimedia programmes. The courses cover fields ranging from leisure activities to university and college level subjects, but mostly courses at upper secondary and university level. An increasing number of courses are related to in-service vocational training.

Twenty non-governmental study associations receive state support for organising and offering courses for adults. Twelve private distance education institutions currently receive state support. The study associations and the distance education institutions may also receive contributions from public funds according to rules set out in the Adult Education Act. Course participants pay fees.

*63. Indicate whether minority and indigenous children have adequate opportunities to receive instruction in or of their native language and the steps taken to prevent lower educational standards for these children,<sup>65</sup> their segregation in special classes, and their exclusion from mainstream education.*

Sections 2-8 and 3-12 of the Education Act govern the right to special language education for pupils from language minorities in primary and secondary education. Pupils who have a mother tongue other than Norwegian or Sami are entitled to special instruction in the Norwegian language until they have sufficient proficiency in Norwegian to follow the normal instruction of the school. If necessary, such pupils shall also be entitled to mother tongue instruction, subject teaching in both the mother tongue and Norwegian, or both.

In 2006 the curriculum *Knowledge Promotion* introduced two new components for primary, lower and upper secondary education and training: basic Norwegian for language minorities, and mother tongue instruction for language minorities. The new curriculum focuses on enhancing

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<sup>65</sup>Ibid. para. 30.

students' proficiency in Norwegian by adapting the teaching to the required level of Norwegian. There is an ongoing evaluation of the implementation of the curriculum.

When language minority pupils/students have attained the required level of Norwegian, they taught according to the same curricula as Norwegian pupils.

Section 8-2 of the Education Act governs the organisation of pupils in classes or base groups. It states that during their education, the pupils shall be divided into classes or base groups that shall safeguard their need for social belonging. For some parts of their education the pupils may be divided into other groups when necessary. In some municipalities and counties newly arrived minority children are taught in special groups for ½ to 1 year until they are considered to be able to attend a group with pupils of their own age and to be taught according to the ordinary curriculum in Norwegian. Pupils shall not normally be organised according to level of ability, gender or ethnic affiliation. The classes, base groups and groups must not be larger than is justifiable in relation to educational aims and safety.

According to section 2-7 of the Education Act, when so required by at least three pupils of Kven-Finnish origin (Kvens) attending primary and lower secondary schools in Troms and Finnmark, the pupils have the right to receive instruction in Finnish. The content of the education and the amount of time allocated to it are laid down in regulations pursuant to sections 2-2 and 2-3 of this Act. From grade 8 onwards, the pupils themselves decide whether they wish to receive instruction in Finnish.

The Ministry may issue regulations concerning alternative forms of instruction in accordance with the above when such instruction cannot be provided by suitable teachers at the school.

In the school year 2009/2010, 765 pupils at compulsory school level received such instruction. According to the county authority in Finnmark, 545 pupils in the county follow courses in Finnish as a second language, including 40 pupils who receive instruction in Kven-Finnish. According to the county authority in Troms, over the last three years there has been a steady decline in the number of pupils in primary and lower secondary school who receive instruction in Kven-Finnish, and at the present time no pupils or their parents have requested such instruction. As regards upper secondary education, 21 pupils had Finnish as a second language in the school year 2009/2010.

The Norwegian Directorate for Education and Training may allocate funds for the development of teaching aids in Finnish or Kven-Finnish as a second language. The county authorities in the two counties concerned (Troms and Finnmark) have reported that they need assistance from relevant NGOs in this work.

Section 6-2 of the Education Act governs Sami instruction in the primary and lower secondary school. It states that in Sami districts, all children at the primary and lower secondary level have the right to receive their education both in Sami and through the medium of Sami. Outside Sami districts, if at least ten pupils in a municipality wish to receive instruction in and through the medium of Sami, they have the right to such education as long as there are at least six pupils in the group. Without regard to this, the Sami children outside Sami districts at the primary and lower secondary levels have the right to receive Sami instruction.

In the school year 2009/2010, three pupils received mother tongue instruction in Romani, and one pupil received bilingual instruction in the Romani language and Norwegian. A project entitled *The Romani People – from childhood to adulthood* has been successfully completed, the

authorities are considering whether the findings from this project should be used to set up a permanent programme.

In February 2007, the Government issued a revised edition of the strategic plan *Equal Education in Practice! 2007-2009*. The plan was intended to promote a coherent approach to efforts targeting children and young people from minority backgrounds in educational institutions ranging from early childhood education to colleges and universities. For more information reference is made to Norway's 19<sup>th</sup>/20<sup>th</sup> report under the International Convention on the Elimination of Racial Discrimination (CERD) under Article 5 I E.

*64. Indicate the measures taken to ensure the same admission criteria for boys and girls at all levels of education,<sup>66</sup> and to raise awareness among parents, teachers and decision-makers on the value of educating girls.<sup>67</sup>*

Every child in Norway, irrespective of gender, has an equal right and obligation to attend primary and lower secondary education, and the right to upper secondary education. The admission criteria for boys and girls are also the same at all levels of education. Efforts are made to ensure that the content of educational programmes has sufficient focus on the issue of gender equality, that boys and girls receive equal treatment at school, and that the gender distribution of staff is evened out.

Reference is made to the Government's response under Article 3 in the present report regarding equal opportunities for men and women.

Education and career choices based on gender stereotypes are among the most important factors causing systematic differences between women and men in working life and in society in general. The Ministry of Education and Research has met this challenge by adopting an *Action Plan for Equality in Early Childhood Education and Primary Education (2008- 2010)*,<sup>68</sup> which focuses on the following objectives: The learning environment in kindergarten and basic education shall promote equality between boys and girls, a better gender balance when it comes to choice of education and career – with a particular emphasis on vocational education and training and the recruitment of girls to educational courses in the fields of science and technology, and a better gender balance among members of staff in kindergartens and primary and secondary education.

*65. Indicate the measures taken to reduce the drop-out rates, at the primary and secondary levels, for children and young persons, in particular girls, children from ethnic minorities, indigenous communities and poorer households, as well as migrant, refugee and internally displaced children.*

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<sup>66</sup> General comment 16, paragraph 30.

<sup>67</sup> Idem.

<sup>68</sup> Basic education comprises compulsory education in grades one to ten plus upper secondary education and training.

Early intervention is one of the main strategies employed to ensure a good education for everyone and to prevent early school leaving or drop-out. This entails both intervening at an early age and taking action at an early stage when problems arise during the course of a child's education.

Drop-out rates pose a challenge in upper secondary education. This problem is especially acute in technical and vocational training. Drop-out rates are higher for boys than for girls, and drop-out rates are also higher among pupils with a minority background. Young people who do not acquire good basic skills during primary and lower secondary education are particularly vulnerable. The number of jobs that do not require upper secondary or higher education is steadily declining. The Government considers it to be of great importance that more people complete upper secondary education. These challenges were recently thoroughly discussed in a white paper on education strategy (Report No. 44 (2008-2009) to the Storting).

The Government has introduced a number of measures to ensure that as many as possible complete their upper secondary education. Among the measures are:

- Closer individual follow-up of pupils and apprentices will be facilitated
- Education and training courses will be made more subject-relevant and work-related and will allow for greater flexibility so as to make it easier to take the individual needs into account.
- At the lower secondary level, a selection of municipalities is invited to try out a more diverse and more practically oriented programme from the school year 2009/2010. The programme is intended to give pupils who are interested a taste of technical and vocational training at upper secondary level.
- Systems for transfer of relevant information about pupils between the lower and upper secondary level are also being considered.

These measures are targeted at all pupils. To reduce drop-out rates among immigrants, projects have been launched that are designed to improve cooperation between the lower and upper secondary level and ensure better guidance and support for the pupils to help them to find their way in education and ensure that they stay in school. Many of the projects have been initiated as a part of the strategy *Equal Education in Practice!*

There is a need for a strengthened and better coordinated effort by all stakeholders to improve achievement in upper secondary education. The Norwegian Ministry of Education and Research will establish a project where the state and the respective county authorities are in dialogue on goals for improving completion rates. Steps will be taken to facilitate the exchange of experience and learning across municipalities and counties, for example through annual national conferences where national and county efforts are discussed.

In the 2011 the Government will present a white paper about lower secondary education. One of the measures will be how to organise this level to reduce the drop-out rate at upper secondary level.



### Article 14 Right to education

66. *If compulsory and free primary education is not currently enjoyed in the State party, provide information on the required plan of action<sup>69</sup> for the progressive implementation, within a reasonable number of years fixed in this plan, of this right. Also indicate any particular difficulties encountered, in the adoption and implementation of this plan of action, as well as the measures taken to overcome these difficulties.*

Not applicable to Norway.

### Article 15 Right to culture

67. *Provide information on the institutional infrastructure to promote popular participation in, and access to, cultural life, especially at the community level, including in rural and deprived urban areas. In this regard, indicate the measures taken to promote broad participation in, and access to, cultural goods, institutions and activities, including measures taken:*

Reference is made to Norway's fourth CESCR report paragraphs 457-461.

In 2007 the Act of 29 June 2007 No. 89 on the obligation of public authorities to promote and provide for Cultural Activity (The Culture Act) entered into force. The objective of the Act is to affirm the obligation of public authorities to promote and provide for a broad range of cultural activity, ensuring the opportunity for all to take part in cultural activities and experience a diversity of cultural expressions.

*(a) To ensure that access to concerts, theatre, cinema, sport events and other cultural activities is affordable for all segments of the population;*

In Norway, the state cultural policy covers most parts of the production and dissemination chain through different support schemes for producers, artists, performers, organisers, publishing and recording companies, etc. State support reduces ticket prices and makes culture affordable for all segments of the population.

*(b) To enhance access to the cultural heritage of mankind, including through new information technologies such as the Internet;*

The Cultural Heritage Act, which is described in Norway's third periodic CESCR report paragraphs 481 and 482, and the fourth periodic report paragraph 474, provides the legal basis for conserving the cultural heritage.

Conservation of the cultural heritage, which is a vital element of the work of the Ministry of Culture is effected inter alia by providing grants for archives, libraries and museums. A special administrative body, the Norwegian Archive, Library and Museum Authority, has been

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<sup>69</sup> In general comment 11, paragraph 11, the Committee asks States parties to submit their plans of action as an integral part of the reports required under the Covenant.

established which is responsible for the overall administration of this sector. The Authority also has a special role in the follow-up of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.

Over the last decade, Norway has developed and intensified efforts to digitalize its cultural heritage. In 2009, the Ministry of Culture published a white paper entitled *Norway's National Strategy for the Preservation and Mediation of Cultural Heritage* (Report No. 24 (2008-2009) to the Storting). The white paper, which has been endorsed by the Storting, defines the long-term plans for the digitalisation of the cultural heritage with a view to making it accessible to all segments of the population. The national strategy addresses three main areas: archives, libraries and museums.

*(c) To encourage participation in cultural life by children, including children from poorer families, and migrant or refugee children; and*

The main policy tools designed to encourage participation in cultural life by children are the municipal schools of music and the arts, the Norwegian Youth Festivals of Art, and the Cultural Rucksack. These three tools have different objectives. The municipal schools of music and the arts are intended to give children an opportunity to learn about the creative process and music performance and other art forms as a supplement to the school syllabus for aesthetic subjects.

The Youth Festivals of Art is a nationwide cultural programme aimed at stimulating creativity and cultural activity among children and young people. Through regional and local festivals children and young people can take part in cultural activities and meet others in their age group who share the same interests.

The Cultural Rucksack is a national programme for culture and the arts for both public and private schools that is at the core of the Government's policy for making culture and the arts available to all children and young people. It is intended to allow school pupils to become familiar with, understand and appreciate different forms of artistic and cultural expression at the professional level. The programme receives NOK 160-180 million (EUR 20-23 million) annually, which is allocated to and distributed by the regional and local authorities. The Cultural Rucksack, which has been part of the Government's cultural policy for primary and lower secondary schools since 2001, has recently been extended to upper secondary school. This means that all pupils from the ages of 6 to 19 will be able to benefit from the programme.

Other tools are also included in the Government's cultural policy, such as Frifond (the allocation from Norsk Tipping, the state-owned gaming company, voluntary work targeted at children and youth), grants for rehearsal premises for rhythmic music, grants for the purchase of musical instruments for school bands and a scheme in ten county municipalities supported by the Government that gives young people discounts on a wide range of cultural activities.

#### *Inclusion and integration programme related to sport*

Since 1993 the Norwegian Ministry of Culture has conducted an inclusion and integration programme related to sport. The programme is administered by the Norwegian Olympic and Paralympic Committee and Confederation of Sports (NOC). Target groups are children (aged 6-12) and young people (aged 13-19) of cultural minority backgrounds, with a particular emphasis on girls. An additional focus is on children and young people from low-income families. The

objective is to promote activity and social and cultural integration in local sport clubs and associations.

Apart from their participation in religious organisations, people from immigrant backgrounds/ethnic minorities have a low degree of participation in voluntary organisations compared with the rest of the population. There is, however, a lack of data in this field. The project *Perspectives on Social Inclusion in Voluntary Organisations* is to examine the extent to which NGOs are inclusive towards groups that constitute minorities in terms of financial status, ethnicity, culture or gender. New data about ethnic minorities and participation in leisure time activities will be available in December 2010.

*(d) To eliminate physical, social and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life.<sup>70</sup>*

Applications for grants for cultural buildings are required to contain plans and descriptions that show that the buildings will meet the standards of universal design.

*68. Indicate the measures taken to protect cultural diversity, promote awareness of the cultural heritage of ethnic, religious or linguistic minorities and of indigenous communities, and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.*

The Norwegian Year of Cultural Diversity was celebrated in 2008 in order to focus on and promote cultural diversity in Norwegian cultural life. This specific focus will remain an important aspect of the Government's cultural policy in the years to come. The focus on diversity aims at creating a greater understanding of and greater respect for cultural diversity in institutions, the media, politics, and society in general. It also aims at encouraging people from different cultural backgrounds to participate in cultural activities.

The origin of the celebration was a white paper submitted to the Storting in 2006. Institutions that receive financial support from the Ministry of Culture are now required to report on how strategies for cultural diversity are integrated into their regular activity. Increased financial support has been granted to multicultural activities over the government budget since the Year of Cultural Diversity was celebrated. Moreover, a research and development project has been established in order to discuss the planning, implementation and short-term effects of the Year. The project will be finalised in the spring of 2010.

The basis for a new, overall language policy in Norway was set out in a white paper submitted by the Government in 2008. The protection and promotion of the Sami language and the languages of national minorities will be an integral part of this policy. This will also apply to the Norwegian sign language, which is officially recognised as a complete language in its own right in the white paper. The new language policy will also take into consideration groups of Norwegians who have a multilingual identity due to more recent immigration.

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<sup>70</sup> General comment 5, paras. 36-38; general comment 6, paras. 39-41.

In 2009, more than 630 religious and life stance communities made up of a total of some 430 000 members were given state and municipal grants. Altogether state grants to such communities amounted to approximately NOK 160 million in 2009. The amount provided through municipal financial grants was roughly the same.

#### *National minorities*

To follow up the Council of Europe Framework Convention for the Protection of National Minorities, a special grant scheme was established for national minorities in Norway (Jews, Kvens, Roma and Romani people/Tater, and Forest Finns).

Financial support is provided for activities that promote active participation in society, measures to combat discrimination, self-organisation and the preservation of identity and culture, and may be applied for by voluntary organisations and regional authorities.

In recent years, the Norwegian authorities have worked to develop a coherent, inclusive policy for national minorities in Norway. The Contact Forum between the national minorities and the authorities was established in 2003 to fulfil the right to effective participation (The European Council's Framework Convention for the Protection of National Minorities Article 15). Because of the different interests among the national minorities, it is challenging to make the dialogue in the Forum fruitful for all groups. Some topics must be brought into a bilateral dialogue between the minority group and state authorities instead.

Regarding the situation of national minorities in Norway:

-The situation of the Kven culture, reference is made to the sixth CCPR report, paragraphs 298–303.

-The situation of the Roma, reference is made to the CCPR report paragraphs 304–307.

As mentioned in the CCPR report, the Government presented a plan of action in 2009 designed to improve the living conditions of the Roma in Oslo with Norwegian citizenship. An important measure in the plan was to set up a consultative body for the Roma, where the Roma themselves participate. The consultative body between the Roma and the Norwegian authorities had its first meeting on 8 April 2010.

-The situation of the Romani people/Tater, reference is made to the CCPR report paragraphs 308- 310.

-The situation of Jews, reference is made to the CCPR report paragraph 311.

-The situation of Forest Finns, reference is made to the CCPR report paragraph 312.

-The Holocaust Centre, reference is made to the CERD report paragraph 263.

-The Falstad Memorial and Human Rights Centre, reference is made to the CERD report paragraph 264.

-Media-related measures targeting minorities in Norway, reference is made to the CERD report paragraphs 222–228.

*69. Provide information on school and professional education in the field of culture and the arts.*

The Core Curriculum for primary, secondary and adult education in Norway places great emphasis on cultural competence. Schools in Norway thus offer several subjects with competence objectives related to art, culture and aesthetic subjects.

In the curricula for upper secondary education and training, the Education Programme for Music, Dance and Drama is one of three programmes of specialisation in the general area of study. Within the general programme for specialisation in general studies it is also possible to choose a programme of arts, crafts and music. In addition there is a vocational education programme for design and arts and crafts.

The Education Act states that “all municipalities, either alone or in cooperation with other municipalities shall provide courses in music and other cultural activities for children and young people, organised in association with the school system and local cultural life.”

Such municipal schools of music and performing arts play a vital role in teaching the arts and music to children and young people and foster cross-cultural understanding.

In 2007 the Norwegian Ministry of Education and Research launched a national strategy for art and culture in education for the period 2007-2010. The principal objective of this strategy is to develop the artistic, cultural, aesthetic and creative competence of children and pupils, and staff in kindergartens, primary and secondary education and training and higher education. As part of the Government’s commitment to art and culture in education, the Norwegian Centre for Art and Culture in Education was established in 2007 as a national resource centre.

In the higher education sector, there are some higher education institutions offer programmes in the arts. These programmes include disciplines such as dance, music, fine arts and drama.

*70. Indicate:*

*(a) The measures taken to ensure affordable access to the benefits of scientific progress and its applications for everyone, including disadvantaged and marginalized individuals and groups; and*

*(b) The measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity and human rights.*

The Norwegian Government is working to promote the greatest possible openness concerning the results of research, within the limitations set by statutes and regulations and in consideration of competitive advantage. The Government will increase access to and sharing of publicly funded research data and publications. An important measure is the establishment of the Norwegian Science Index (NVI), a national information system for Norwegian research that is expected to be implemented as from 2011. Report No. 30 (2008-2009) to the Storting, *Climate for Research*, states that the Government will establish a committee with a mandate to examine the various possibilities and challenges connected with access to publicly funded research data. The Government will also ensure that certain terms and conditions concerning the storage of and access to research data will be applied to projects funded by the Research Council of Norway.

The Research Council of Norway has a key role in organising the annual Research Days, in cooperation with institutions of higher education and research all over the country. For one week each year research is presented to the general public through exhibitions, demonstrations of research projects, etc. The Research Council of Norway has various measures to encourage interest in research among schools and pupils. There is also a *Young Researchers* competition, with annual prizes. The *Abel Prize*, an international mathematics prize, the Holberg International Memorial prize in the arts and humanities, social sciences, law and technology and the international Kavli prizes in astrophysics, neuroscience and nanoscience also help to raise public awareness of science and stimulate young people's interest in research,

Quality in research also requires gender equality. In Report No. 30 (2008-2009) to the Storting the Government proposed an incentive scheme to increase the share of women in the fields of mathematics, natural sciences and technology and consider new qualifying pathways. The incentive schemes will be put into effect as from 2010.

*71. Indicate the measures taken to ensure the effective protection of the moral and material interests of creators,<sup>71</sup> in particular:*

*(a) To protect the right of authors to be recognized as the creators and for the protection of the integrity of their scientific, literary and artistic productions;<sup>72</sup>*

Reference is made to the fourth CESCR report paragraph 489.

In Norwegian cultural policy, the "arm's length" principle applies. This means that stipends and support for individual artists are administered by councils and committees that largely consist of representatives of the groups of artists concerned. Allocations are made in accordance with their professional judgment and cannot be appealed to the Ministry of Culture. The arm's length principle is safeguarded through regulations and guidelines for the various grant schemes for artists.

Norway protects the rights of authors to ensure that artists may collect economic benefits from their work. The 1961 Copyright Act strikes a balance between the economic and moral rights of authors as laid down in the 1886 Berne Convention for the Protection of Literary and Artistic Works, (Paris Act of 1971), and the needs of other parts of society: inter alia the use of works in education and public libraries and for the disabled, as well as private copying.

The Copyright Act was amended in 2006, incorporating new EU rules about artists' resale rights. A 2008 agreement between right holders and other groups, brokered by the Norwegian Government, has enabled digital distribution of audio books for disabled users. A minor amendment in 2009 updated provisions according to the EU Services Directive. The Copyright Act is currently (2010) under revision: the objective is to make the Act easier to understand and thus more accessible to users.

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<sup>71</sup> General comment 17, paragraph 39 (a).

<sup>72</sup> Ibid., paragraph 39 (b).

*(b) To protect the basic material interests of authors resulting from their productions, which enable them to enjoy an adequate standard of living;*<sup>73</sup>

Reference is made to the fourth CESCR report paragraphs 461 -463.

*(c) To ensure the protection of the moral and material interests of indigenous peoples relating to their cultural heritage and traditional knowledge;*<sup>74</sup> and

#### *Indigenous peoples*

Report No. 28 (2007-2008) to the Storting on *Sami Policy* was submitted in the spring of 2008. The purpose of the white paper is to present measures taken in order to protect and develop the Sami languages, culture and civil society. Reference is made to Norway's report on ILO Convention No. 169 concerning indigenous and tribal peoples section 1.1 and the 19/20<sup>th</sup> CERD report paragraphs 70-75.

Norway participates in the Intergovernmental Committee of the World Intellectual Property Organization regarding the development of a possible international sui generis protection for traditional cultural expressions and traditional knowledge. Regarding traditional knowledge, reference is made to Norway's report on ILO Convention No. 169 concerning indigenous and tribal peoples paragraph 4 and the 4<sup>th</sup> Norwegian National Report to the Convention on Biological Diversity, section 2.2.4.

The Sami languages are still in a vulnerable position. Living Sami languages are a crucial part of Sami culture. The Government's plan of action to strengthen Sami languages was therefore presented in May 2009. The plan of action is a follow up of Report No. 28 (2007-2008) to the Storting, *Sami Policy*. Reference is made to the sixth CCPR report paragraphs 282–284.

In 2005 the Ministry of Culture established an annual grant to Sami sports through the main allocation of national lottery funds for sports purposes. The grant is administered by the Sami Parliament and allocated to the Sami Sports Organization.

The main purpose of the annual grant is to maintain and develop the distinctive and indigenous Sami sports activities that are part of traditional Sami culture. These are reindeer racing, skiing with lasso throwing and cross country running with or without lasso throwing. Target groups are children (aged 6-12) and young (aged 13-9).

#### *Other Sami policy questions:*

-Elections to Sámediggi (the Sami Parliament), reference is made to the sixth periodic CCPR report, paragraphs 277-278.

-The administrative district for Sami languages, reference is made to the CCPR report paragraphs 285–286.

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<sup>73</sup>Ibid., paragraph 39 (c).

<sup>74</sup>Ibid., paragraph 32.

-Use of Sami languages in the public sphere, reference is made to the CCPR report paragraphs 287–289.

-The Inner Finnmark District Court and legal terminology in North Sami language, reference is made to the CCPR report paragraphs 93–94.

-Norwegian Labour and Welfare Service, the ILO report paragraph 3.

-Sami Pathfinders project, the CERD report paragraph 276.

-East Sami issues, the CERD report paragraphs 16 and 17.

-Gáldu — Resource Centre for the Rights of Indigenous People, the fifth periodic CCPR report paragraph 242.

-The International Centre for Reindeer Husbandry, reference is made to the sixth CCPR report, paragraphs 290-291.

-Media-related measures targeting Sami in Norway, the CERD report paragraphs 222–228.

-The Sami People's Fund, reference is made to Norway's 17th/18th periodic CERD report, paragraph 135 and the 19th/20th periodic CERD report, paragraph 257.

- Teacher education and the teacher education curriculum, reference is made to the CERD report, paragraph 282.

*(d) To strike an adequate balance between the effective protection of the moral and material interests of authors and the State party's obligations in relation to the other rights recognized in the Covenant.<sup>75</sup>*

Reference is made to paragraph 71 a) of the present report regarding copyright.

As the main rule employees shall have the same rights to their inventions as other inventors, but where an employee who is principally engaged in research or inventive work makes an invention in the course of such duties, or where an invention results from a specified task assigned to an employee as part of his employment, the employer shall be entitled to have all or part of the rights to the invention transferred to himself if the exploitation of the invention comes within the sphere of activity of his undertaking.

If an employer acquires rights to an employee's invention, the employee shall be entitled to reasonable compensation according to the Act respecting the right to employees' inventions, section 7 (Act of 17 April 1970 No. 21).

*72. Indicate the legal provisions in place to protect the freedom indispensable for scientific research and creative activity and any restrictions on the exercise of this freedom.*

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<sup>75</sup>Ibid., paragraph 39 (e).



In 2005 a commission was appointed by the Norwegian Ministry of Education and Research to consider the statutory regulation of individual academic freedom. The commission submitted its report to the Minister of Education and Research in 2006 (Official Norwegian Report (NOU) 2006, no. 19).

With regard to the role as researcher, the commission assumes that academic freedom implies the freedom to pose questions, to decide what material and methods to use in search of answers and to publish hypotheses, results and arguments.

A legal amendment concerning academic freedom was brought into effect as from 2008. The amendment is included in the Act relating to universities and university colleges, section 1-5, Academic and artistic freedom.

*73. Indicate the measures taken for the conservation, development and diffusion of science and culture and to encourage and develop international contacts and co-operation in the scientific and cultural fields.*

Total research and development expenditure in Norway constituted 1.6 % of GDP in 2008. Compared with other countries Norway has a relatively high level of publicly funded research and development.

In Report No. 30 (2008-2009) to the Storting, *Climate for Research*, the Government states that man-made climate change is one of our greatest global challenges. The Government therefore aims to strengthen research on renewable energy and carbon capture and storage. Problems related to poverty and other environmental issues are also addressed in the report. Over the last few years the Government has almost quadrupled funding for research and development through the Research Council of Norway.

Since 2003 medical and health research has been the fastest growing area in Norwegian research. In the years to come the Government will give priority to research that can help to level social differences related to health. Research on the social services system has been strengthened, and the Government will now establish new research programmes on education, welfare, working life and migration.

One of the aims of Norwegian policy is to ensure broad participation in international research cooperation. In addition to cooperation at the individual level, there is a sharp rise in Norway's official participation in organised international research cooperation. The Government will seek to further internationalise Norwegian research. Participation in the EU's framework programme and the development of the European Research Area (ERA) are a main priority.

Norway also participates in research cooperation through the Nordic Council of Ministers, the OECD and other international basic research organisations, such as the European Organization for Nuclear Research (CERN), the European Molecular Biology Laboratory (EMBL), the European Synchrotron Radiation Facility (ESRF) and the International Agency for Research and Cancer (IARC).

Nordic research cooperation within the Nordic Council of Ministers has a regional dimension of great importance for Norway. A Nordic Research Area, parallel to the European Research Area, is currently being developed. A recently established joint Nordic research programme on climate

research and renewable energy is a main priority for Nordic research cooperation in the years to come. The Baltic States are included in the Nordic cooperation in various ways.

Norway also attaches importance to multinational and bilateral cooperation. The Government has developed general strategies for cooperation with certain major countries in which research is an important element. Norway has bilateral research and technology agreements with South Africa, Japan, the US, India, France and China. A Polish-Norwegian research fund was launched in 2007 which is earmarked for the fields of environment and health.

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