



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the fifth periodic report of Norway^{*}

1. The Committee on Economic, Social and Cultural Rights considered the fifth periodic report of Norway on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/NOR/5) at its 55th and 56th meetings, held on 21 November 2013 (E/C.12/2013/SR.55-56), and adopted, at its 68th meeting held on 29 November 2013, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Norway (E/C.12/NOR/5) and the replies to its list of issues (E/C.12/NOR/Q/5/Add.1). It notes with appreciation that the State party's delegation was made up of experts from various Ministries. The Committee appreciates the State party's informative and constructive interactive dialogue and engagement with the Committee.

B. Positive aspects

3. The Committee notes with appreciation:

(a) the continuous allocation of one per cent of the State party's gross national income for official development assistance, which increased 4.3 % in value in spite of the financial crisis since 2009;

(b) the June 2013 amendments to the Child Welfare Act, transferring the responsibility of following up on children in foster families to the relevant municipality;

(c) the ratification on 3 June 2013 of the Convention on the Rights of Persons with Disabilities;

(d) the implementation of the Action Plan "Stop Human Trafficking";

(e) the full coverage of childcare needs for children from one year old; and

(f) the extension of parental leave from 46 weeks to 49 weeks with full pay, 14 weeks of which are reserved for fathers and used by 90 percent of fathers.

^{*} Adopted by the Committee at its fifty-first session (4-29 November 2013).

C. Principal subjects of concern and recommendations

4. The Committee is concerned that the provisions of the Covenant are essentially recognized as too general to provide the basis for jurisprudence of the ordinary courts that has led to the situation in which the Covenant has been invoked only in three cases before the Supreme Court. It is also concerned that the constitutional review initiated by Parliament aiming at incorporation of central provisions of international human rights norms has led to separate proposals concerning civil and political rights and economic, social and cultural rights, with the latter being seen as more of a declarative character.

The Committee recommends that the State party improve the awareness and knowledge of the Covenant through human rights education and training programs, including for the judiciary, and the promotion of such knowledge among the bar. The Committee also recommends that the State party consider fully incorporating economic, social and cultural rights into the Constitution, taking into consideration the general comments issued by the Committee, which may be helpful in interpretations, of the Covenant provisions. In particular, the Committee draws the State party's attention to its General Comment No.9 (1998) on the domestic application of the Covenant.

5. The Committee notes with concern the downgrading of the Norwegian Centre for Human Rights to B-status by the International Coordinating Committee of National Human Rights Institutions in November 2012 due to a lack of a Paris Principles-compliant legal framework and insufficient resources. It is also concerned that its role as national human rights institution will be discontinued as from 30 June 2014. The Committee notes the information provided by the Delegation about the preparatory works for the establishment of an NHRI in accordance with Paris Principles.

The Committee recommends that the State party put in place a new independent national human rights institution in compliance with the Paris Principles as a matter of priority, and provide it with sufficient financial and human resources for the effective implementation of its mandate.

6. The Committee is concerned that the various steps taken by the State party in the context of the social responsibility of the Government Pension Fund Global have not included the institutionalization of systematic human rights impact assessments of its investments.

The Committee recommends that the State party ensure that investments by the Norges Bank Investment Management in foreign companies operating in third countries are subject to a comprehensive human rights impact assessment (prior to and during the investment). The Committee also recommends that the State Party adopt policies and other measures to prevent human rights contraventions abroad by corporations which have their main offices under the jurisdiction of the State Party, without infringing the sovereignty or diminishing the obligations of the host States under the Covenant. The Committee draws the attention of the State party to its Statement on the obligations of State parties regarding the corporate sector and economic, social and cultural rights (E/C.12/2011/1).

7. The Committee is concerned that persons with an immigrant background face incidents of discrimination with regard to access to housing, employment, education and public health care services. (art.2)

The Committee recommends that the State party intensify its efforts, including through the adoption of a new action plan to prevent ethnic discrimination and promote equality, as well as prevent and combat discrimination against persons with

an immigrant background, in particular in access to housing, the labour market, education and health care. The Committee welcomes the statement by the delegation, in its interactive dialogue with the Committee, about the intended adoption of a comprehensive anti-discrimination law, and urges the State party to include in it all the prohibited grounds of discrimination as contained in article 2 (2) of the Covenant. In this respect, the Committee draws the State party's attention to its General Comment No.20 (2009) on non-discrimination in economic, social and cultural rights.

8. The Committee is concerned that, despite a relatively low overall unemployment rate, the labour market is characterized by long-term unemployment, as well as a persistent and significantly higher unemployment rate for persons with an immigrant background, in particular women. (art.6)

The Committee recommends that the State party intensify its efforts to address the high long-term unemployment rate, including through a comprehensive and systematic review of the impact of measures already taken in reducing this rate, particularly for women with an immigrant background. The Committee recommends that the State party improve the effectiveness of its current vocational, retraining and reintegration programmes for long-term unemployed and implement new more effective programmes for them, including direct placement with individual support, to achieve sustained and substantial progress in fighting long-term unemployment. The Committee also encourages the State party to strengthen its Introduction Programme for recently arrived immigrants, in particular aimed at ensuring the participation of immigrant women and in making information about their legal rights accessible and understandable.

9. The Committee is concerned that the State party has not set a national minimum wage. The Committee is also concerned about the persisting gender wage gap (art.7).

The Committee recommends that the State party take legislative and other measures to introduce a national minimum wage, periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living. The Committee also recommends that the State party intensify measures to address the gender wage gap and ensure the implementation of legislation guaranteeing equal pay for work of equal value for men and women, including as per section 1a of the Gender Equality Act.

10. The Committee is concerned that the monthly amount of child allowances does not constitute an adequate income supplement for families to meet child-related expenses, in particular for single-parent families and families in difficult economic situations. The Committee is also concerned that the level of social assistance benefit that is paid to individuals in need who are not participants in the "individual qualification programme" is insufficient to ensure a decent living, especially for those 40 percent of recipients who do not receive other forms of income or income support (art.9).

The Committee recommends that the State party ensure that the monthly amount of child allowances provides a sufficient support to families to meet child-related expenses. It also recommends that the State party take speedy and targeted measures to increase the social assistance benefit to persons in need who are not participants in the "individual qualifications programme", especially those who do not receive other forms of income or income support. The Committee urges the State party to undertake periodic reviews of amounts of social assistance benefits in general to bring them in line with the cost of living and ensure that they are sufficient to ensure a decent living, in particular for those persons that depend entirely upon such benefits.

11. The Committee reiterates its concern about the high and increasing number of children removed from family care. It notes however that in June 2013 amendments to the

Child Welfare Act have been introduced transferring the responsibility of following up on children in foster families to the relevant municipality. (art.10).

The Committee recommends that the State party 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. The Committee reiterates its recommendation 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 also recommends that the State party ensure that municipalities, under the newly acquired responsibility to follow-up on children in foster homes based on the 2013 amendments to the Child Welfare Act, are provided with sufficient resources and support so that they can effectively undertake preventive work in families at risk as well as follow up work for children in foster families or homes.

12. The Committee is concerned that the regulations adopted in 2007 by Parliament to ensure that unaccompanied asylum-seeking children are cared for by the Child Welfare Services do not cover children beyond the age of 15 (art.10).

The Committee recommends that the coverage of the Child Welfare Services be extended to all unaccompanied asylum-seeking children, in order to ensure that all children without parental care are entitled to benefit from the services provided.

13. The Committee is concerned that the average wage of the lowest paid employees in the State party is not sufficient to provide for an adequate standard of living for them and their families (art.11).

The Committee urges the State party to take appropriate measures not limited to social assistance, to ensure that wages of the lowest paid employees are sufficient for an adequate standard of living for them and their families.

14. The Committee is concerned about the persistently high level of child poverty in some segments of the society of the State party under the conditions of growing prosperity (art.11).

The Committee recommends that the State party take measures to elaborate and implement a substantially more effective strategy of fighting child poverty, focused on these segments of society, including, but not limited to, providing free healthcare, child allowances, childcare and other services to the affected families.

15. The Committee is concerned that the municipal social housing stock is about 4 percent of the nation-wide housing stock, resulting in strict criteria for social housing allocation and long waiting lists. It is concerned that the quality of social housing is generally poor with a large maintenance backlog. The Committee is also concerned about the continuing high number of homeless persons, including an increasing number of children that are homeless with their parents (art.11).

The Committee recommends that the State party take steps to improve the availability and provision of municipal low-cost social housing units to disadvantaged and marginalized groups and individuals. It also recommends that the State party take steps to ensure the collection of data, on an annual basis, on the demand for social housing and the average waiting time, and include such data in its next periodic report. The Committee urges the State party to strengthen measures to address the phenomenon of homelessness, and recommends that it take immediate steps to address the situation of children that are homeless with their parents. The Committee

draws the attention of the State party to its General Comment No.4 (1991) on the right to adequate housing.

16. The Committee is concerned about the persistence of discrimination in the housing sector, where disadvantaged groups, such as persons with an immigrant background, generally pay a higher rent than others and experience arbitrary dismissals or rent increases (art.11)

The Committee recommends that the State party take more effective steps to combat de facto discrimination, in particular against persons with an immigrant background, in relation to housing. It also recommends that the State party ensure that anti-discrimination clauses in its legislation, such as the Tenancy Act, the Housing Cooperatives Act and the Property Unit Ownership Act, are respected and enforced in practice.

17. The Committee is also concerned about difficulties in access to health care services by the Sami people, members of minority communities, as well as non-citizens, due to insufficient professional interpretation services in the health sector (art.12).

The Committee recommends that the State party strengthen its efforts to improve the availability of professional interpreters specifically for the health sector, so as to ensure accessibility to public health care services by the Sami people, members of minority communities, as well as non-citizens. It also recommends that the State party take measures to ensure that only qualified interpreters are used in the health sector.

18. The Committee is concerned about insufficient availability of mental health care services for prisoners with serious mental health problems. It is also concerned that persons with a serious mental illness continue to be imprisoned, in contravention to section 459 of the Criminal Procedure Act (art.12).

The Committee recommends that the State party take measures to ensure that prisoners with mental health problems receive adequate mental health care, including through transferal to an appropriate medical establishment. The Committee also recommends that the State party take steps to increase the number of beds in psychiatric in-patient wards to respond to the needs of prisoners with serious mental health problems.

19. The Committee is concerned about the high frequency of compulsory treatment and confinement in the mental health system of persons with psycho-social disabilities, as well as the inadequate legal framework regulating the application of coercive treatment. (art. 12).

The Committee calls upon the State party to ensure full respect for human rights of persons with psycho-social disabilities in cases of treatment in a psychiatric institution, including through ensuring that treatment is based on the free and informed consent of the individual concerned or his or her legal representative. It recommends that the State party amend the Mental Health Act to introduce stricter procedural requirements to ensure that persons with psycho-social disabilities have adequate legal protection against the use of coercion. It also recommends that the State party incorporate into the law the abolition of the use of restraint and the enforced administration of intrusive and irreversible treatments such as neuroleptic drugs and electroconvulsive therapy (ECT). It further recommends that the State party increase the number of community-based services, including peer support and other alternatives to the medical model, for persons with psycho-social disabilities and allocate the necessary financial and human resources for the effective functioning of these services.

20. The Committee is concerned that children and adolescents living in reception centers do not receive satisfactory treatment from psychiatric services and that the waiting time before receiving such services is long (art.12).

The Committee recommends that the State party take steps to ensure that asylum seeking children receive adequate psychiatric services when needed, and to improve the competence and preparedness of staff at reception centers in relation to the special vulnerability of asylum seeking children.

21. The Committee is concerned that irregular migrants do not have access to health care services except emergency health care services, and that the circular to Regulation 1255 specifying the medical conditions warranting treatment does not provide for precise guidance for public health care practitioners on the type of treatment that irregular migrants are entitled to (art.12).

The Committee recommends that the State party take steps to ensure that irregular migrants have access to all the necessary health care services, and reminds the State party that health facilities, goods and services should be accessible to everyone without discrimination, in line with article 12 of the Covenant. The Committee draws the State party's attention to its General Comment No.14 (2000) on the right to the highest attainable standard of health.

22. The Committee is concerned that the quality of education and student performance shows significant discrepancies between municipalities. (arts. 13 and 14).

The Committee recommends that the State party take steps to assist municipalities that show lower student performance and education quality, in particular small municipalities, in recruiting qualified school staff and in providing adequate support for the development of quality education.

23. The Committee is concerned about the higher drop-out rate of immigrant students, in particular in upper secondary education. It is furthermore concerned that children from minority communities are more likely to experience bullying in schools (arts. 13 and 14).

The Committee recommends that the State party continue to take measures to reduce the drop-out rate of immigrant students. The Committee also recommends that the State party systematically collect data on bullying in schools, disaggregated by ethnic group, adopt measures, legislative or otherwise, to combat bullying in schools, and assess the effectiveness of such measures in countering the phenomenon.

24. The Committee is concerned about the very high levels of absenteeism of Roma children of compulsory school age, despite the measures taken by the State party, such as the 2009 Plan of Action.

The Committee recommends that the State party take measures to ensure that all Roma children attend compulsory education, including through making it more accessible for those who travel for a part of the year. The Committee recommends that the State party establish a new plan of action, based on an evaluation of the 2009 plan of action.

25. The Committee is concerned that the State party continues to place restrictions on the access to education of asylum-seeking minors who are over the compulsory school age (arts. 13 and 14).

The Committee recommends that the State party ensure, through legislative and other measures, that asylum-seeking minors who are over the compulsory school age have access to primary and secondary education, on an equal footing to other children.

26. The Committee is concerned that the State party's measures for the preservation and promotion of Sami culture do not sufficiently guarantee the right of the Sami people to enjoy their traditional means of livelihood (art. 15).

The Committee recommends that the State party take steps to preserve and promote the traditional means of livelihood of the Sami people, such as reindeer grazing and fishing.

27. **The Committee encourages the State party to consider ratifying the OP-ICESCR.**

28. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary, parliamentarians, and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

29. **The Committee requests the State party to submit its sixth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 November 2018.**
