

Committee against Torture

List of issues prior to submission of the eighth periodic report of Norway due in 2016

ADVANCE UNEDITED VERSION

At its thirty-eighth session (A/62/44, paras. 23 and 24), the Committee against Torture established a new optional procedure, consisting of the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic reports. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

Article 1

1. With reference to the Committee's previous concluding observations (para. 7),¹ indicate whether the State party has amended section 117 a of the Penal Code to include any form of discrimination as an element of the definition of torture.

Article 2²

2. In light of the Committee's previous concluding observations (para. 6), please indicate whether the Convention continues to be partly incorporated into Norwegian law. Please indicate whether consideration has been given to its incorporation into domestic law, as is the case with ICCPR, CESCR, CRC, CEDAW and ECHR, so that the Convention can be invoked directly in court.

3. With reference to the Committee's previous concluding observations (para. 8), please provide information on progress made in the establishment of a national human rights institution with a broad mandate that is fully compliant with the Principles relating to the Status of National Institutions (The Paris Principles). In addition, please indicate whether the Norwegian Centre for Human Rights will continue to function as the national human rights institution beyond 30 June 2014.

4. In light of the Committee's previous concluding observations (para. 9), please indicate whether the State party has revised the system of preventive detention, including with regard to minors between 15 and 18 years of age.

5. Please provide information regarding the application of legislation on the juvenile sentence that is intended to be an alternative to sentencing juveniles to prison.

¹ Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under the symbol CAT/C/NOR/CO/6-7.

² The issues raised under article 2 could also encompass different articles of the Convention, including but not limited to article 16. As indicated in the Committee's general comment No. 2 (2008) on the implementation of article 2 by States parties, "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear" (para. 3). See also chapter V of the same general comment.

6. With reference to the Committee's previous concluding observations (para. 10), please inform about steps taken by the State party to reduce the incidence of use of police detention cells beyond the 48-hour period prescribed by law. Also, please indicate whether specific formal and clear routines have been developed concerning the treatment of minors in police custody and how they are implemented in practice.

7. In light of the Committee's previous concluding observations (para. 11) and the follow-up reply provided by the State party (document CAT/C/NOR/CO/6-7/Add.1), please provide information on:

(a) Progress made in the gathering of detailed statistics on the use and length of solitary confinement, including both manual calculations and the use of the new information technology tool for statistics and analysis, "ASK";

(b) Incidence of use of solitary confinement, including of minors, and frequency of use of the regulation regarding the exemption based on building or staff conditions;

(c) Progress made in ascertaining any needs for amending the legal framework relating to solitary confinement and information on the application of amendments concerning minors;

(d) The strengthening of due process rights of prisoners concerning solitary confinement, legal remedies and mechanisms for control.

8. With reference to the Committee's previous concluding observations (para. 12), please provide information on progress in:

(a) Adopting a legal definition of rape in the Penal Code which clearly defines rape and other forms of sexual violence as any sexual conduct without the consent of the victim;

(b) Strengthening efforts to prevent violence against women, including through the implementation of the White Paper "From Words to Action", and in establishing sexual assault centres in each county as well as on any results achieved;

(c) The training of law enforcement officials, judges, lawyers and social workers to respond more effectively to violence against women and sexual violence, in order to create appropriate conditions for the reporting of cases and enable their prompt, effective and impartial investigation as well as any assessments regarding the effectiveness of the training;

(d) Conducting broad awareness-raising campaigns on sexual violence for the public at large;

(e) Gathering statistical data, on an annual basis, disaggregated according to the type of crime and the age and sex of the victim, on the number of complaints received, the number of investigations and prosecutions carried out, the number of convictions and the types of penalties imposed and the number and type of redress granted to victims.

9. Please indicate whether all 27 police districts in the State party have full-time family violence coordinators.

10. In light of the Committee's previous concluding observations (para. 22) and the follow-up reply provided by the State party, please provide information on:

(a) Measures taken by the State party to strengthen the investigation and prosecution of cases of trafficking in persons, especially concerning girls;

(b) Enhancing efforts to prevent minors from going missing from asylum centres, including in order to prevent them from being trafficked or being forced into criminal activities;

(c) Any additional resources provide to the immigration authorities to prevent and investigate all cases of missing minors.

11. With reference to the Committee's previous concluding observations (para. 13), please provide information on measures taken to ensure that prisoners with psycho-social disabilities, including serious mental health problems, have access to adequate mental health care in all prison facilities. Also, please provide information on any increases in the capacity of in-patient psychiatric wards in prison facilities throughout the country.

12. In light of the Committee's previous concluding observations (para. 14), please provide an update on:

(a) Whether the use of restraints and the enforced administration of intrusive and irreversible treatments such as neuroleptic drugs and electroconvulsive therapy has been abolished in law, and if not, information on progress made in establishing a system for the collection of statistical information on the use of restraints and other coercive methods, including electroconvulsive treatment (ECT), in mental health institutions;

(b) Ensuring that every competent patient, whether voluntary or involuntary, is fully informed about the treatment to be prescribed and given the opportunity to refuse treatment or any other medical intervention, as well as on the implementation of the National Strategy for Increased Voluntariness in the Mental Health Services (2012-2015), including the rearrangement of specialist mental health care, for persons with psycho-social disabilities;

(c) Whether the Mental Health Act has been amended to introduce stricter procedural requirements to ensure adequate legal protection against the use of coercion for persons with psycho-social disabilities and whether there has been a decrease in the use of restraints and other coercive methods in psychiatric institutions during the period under consideration.

Article 3

13. With reference to the Committee's previous concluding observations (para. 15) and the follow-up reply provided by the State party, please provide statistical data on an annual basis since the consideration of the States party's previous report, disaggregated by sex, age and country of origin, on:

(a) The number of registered asylum requests and whether the persons were adults or minors;

(b) The number of applicants whose requests were granted on grounds that they had been tortured or risked being tortured if returned to their country of origin;

(c) The number of appeals challenging a decision of expulsion, return or deportation, average processing periods and outcomes, on an annual basis;

(d) The number of persons who have been returned, deported or extradited, the grounds for such action and the countries to which such persons were returned.

14. In light of the Committee's previous concluding observations (para. 16) and the follow-up reply provided by the State party, please provide information on:

(a) The number of asylum seekers and foreign nationals facing expulsion or return who have requested free legal aid;

(b) The number of persons not eligible for free legal advice who applied for legal aid according to ordinary principles in the Act concerning free legal aid;

(c) The results of the assessment by the Ministry of Justice and Public Security of the recommendations from the evaluation of the legal aid system carried out in October 2012.

Articles 5 and 7

15. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

Article 10

16. With reference to the Committee's previous concluding observations (paras. 18 and 19), please provide information on:

(a) Training programmes to keep law enforcement officers updated on the appropriate arrest techniques, including the use of restraints, as well as information on any cases of death after arrest;

(b) On the development and implementation of a methodology to assess the effectiveness and impact on the incidence of cases of torture of relevant training and educational programmes;

(c) Steps taken to ensure that relevant medical professionals are systematically provided with thorough and practical training in the application of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (the Istanbul Protocol).

Article 11

17. In light of the Committee's previous concluding observations (para. 17), please provide information on:

(a) Any progress made to improve the conditions of detention at the Trandum Holding Centre immigration detention facility, including health, sanitation and overcrowding, with a view to bringing them in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners;

(b) Measures to reduce the number of cases of excessively long duration of detention and indicate the maximum duration of detention during the period under review;

(c) Whether security guards from private companies continue to be used and if they receive appropriate training.

18. With reference to the Committee's previous concluding observations (para. 23), please indicate whether the State party has ensured the segregation of adults from minors, either in pre-trial detention or after conviction, in accordance with international standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). Also, please indicate whether the second unit for the detention of juvenile offenders has been established in addition to the existing one in Bergen.

19. Please provide information concerning suicides in custody, the reasons for an increase in their incidence and on the results of any investigations conducted in this connection.

20. Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of

arrest, detention or imprisonment, that may have been introduced since the consideration of the last periodic report, and the frequency with which they are reviewed, with a view to prevent any cases of torture or ill-treatment.

Articles 12 and 13

21. In light of the Committee's previous concluding observations (para. 20), please provide detailed information on the results of the review of the new procedures for the investigation of alleged violations of the Convention committed by law enforcement officials, in particular those in which discriminatory treatment based on ethnicity, and excessive use of violence and lack of impartiality of subsequent investigations are alleged.

22. With reference to the Committee's previous concluding observations (para. 24), please provide detailed statistical data, disaggregated by crime committed, ethnicity, age and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement, security and prison personnel and on related investigations, prosecutions, convictions and on the penal or disciplinary sanctions applied.

Article 14

23. In the light of paragraph 46 of the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties, please provide information on redress and compensation measures ordered by the courts since the consideration of the last periodic report. This should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Furthermore, please indicate what kind of rehabilitation programmes are provided to victims and whether they include medical and psychological assistance.

Article 16

24. With reference to the Committee's previous concluding observations (para. 21), please provide information on:

(a) Efforts made by the State party to eradicate any instances of violence and ill-treatment of vulnerable groups, including through increase awareness-raising and information campaigns to promote tolerance and respect for diversity;

(b) Measures taken to ensure that violent acts based on discrimination as well as hate speech are always promptly, impartially and effectively investigated, alleged perpetrators prosecuted and, if found guilty, convicted with penalties commensurate to the gravity of their offences.

25. Please provide information on:

(a) Whether persons with a serious mental illness continue to be imprisoned, in contravention of article 459 of the Criminal Procedure Act, instead of being placed in in-patient wards of appropriate psychiatric establishments;

(b) Whether children and adolescents living in reception centres receive adequate psychiatric services, provided by competent staff.

Other issues

26. Please provide information on the efforts of the State party to ratify the core United Nations human rights treaties, namely the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Optional Protocol to

the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

27. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

General information on other measures and developments relating to the implementation of the Convention in the State party

28. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the Committee's recommendations. This may include institutional developments, plans or programmes, including resources allocated and statistical data or any other information that the State party considers relevant.
