

NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH
15(a) OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1

Norway

8 September 2009

Table of Contents

1.	Methodology and consultation process.....	1
2.	Legal and institutional framework for the protection of human rights.....	2
2.1	The Constitution of Norway.....	2
2.2	International obligations and legislation	2
2.3	Institutions	3
2.4	The role of civil society.....	5
3.	Implementation of human rights in Norway, best practices and challenges	5
3.1	Introduction	5
3.2	Non-discrimination and equality	5
3.2.1	Gender equality	6
3.2.2	Ethnic discrimination and racism.....	6
3.2.3	The rights of gays and lesbians	7
3.2.4	Rights of persons with disabilities	7
3.3	Rights of the child	8
3.4	Domestic violence and violence against children	9
3.5	Rape.....	10
3.6	Female genital mutilation.....	11
3.7	Forced marriage.....	11
3.8	Human trafficking	12
3.9	The rights of indigenous peoples and national minorities.....	12
3.10	Integration	14
3.11	Refugees and asylum-seekers	15
3.12	Decent work.....	16
3.13	The right to health.....	16
3.14	Freedom of opinion and expression.....	17
3.15	Freedom of thought, religion and belief	18
3.16	Deprivation of liberty.....	18
3.17	Anti-terror legislation.....	19
3.18	Ethical management of the Government Pension Fund and corporate social responsibility.....	20
3.19	Human rights education	20
4.	National human rights priorities	21

1. METHODOLOGY AND CONSULTATION PROCESS

This report is based on the guidelines issued by the Human Rights Council. The Ministry of Foreign Affairs has coordinated the reporting process, in which relevant ministries have been involved. The participation of non-governmental organisations, the Norwegian Centre for Human Rights and other stakeholders has played a significant role in the content and formulation of the report.

The process of consulting civil society stakeholders has taken place in several phases. The Ministry of Foreign Affairs and the Ministry of Justice began by holding a joint meeting informing about the UPR process and inviting contributions and suggestions for Norway's report. A number of topics were suggested at the meeting which the Norwegian authorities were urged to include. An initial draft of the national report was circulated, followed by a discussion meeting attended by the relevant ministries and representatives of civil society, the Norwegian Centre for Human Rights, Sametinget and representatives from the ombudsmen institutions. A second draft was distributed to the NGOs with a deadline of four weeks for further comments.

A website has been established on the home page of the Ministry of Foreign Affairs containing information on the UPR process, the second draft of Norway's report, as well as links to related reports, such as other stakeholders' reports in connection with Norway's UPR report.

The preparation of the UPR report has given Norwegian authorities a good opportunity to undertake a general, critical review of the human rights situation in Norway. In following up its UPR report, Norway will continue its close collaboration with civil society actors.

2. LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

2.1 The Constitution of Norway

Norway is a constitutional democracy with a parliamentary system of government. Elections are held every second year, alternating between elections for the Storting (Norwegian parliament) and local elections, both of which are held on a 4-yearly basis. All nationals over 18 years of age have the right to vote. The Constitution, along with constitutional customary law, has provided the framework for a sustainable democratic political system for almost 200 years.

The Constitution of Norway, adopted in 1814, is based on the fundamental democratic principles of a state governed by law such as separation of powers between the executive, the judiciary and the legislature, freedom of belief and expression, prohibition of punishment without law and retroactive laws, protection of property rights and prohibition of arbitrary house searches and torture. The Constitution also establishes that it is incumbent on the government authorities to respect and protect human rights.

The Constitution is a product of the era in which it was written, and thus comprises only isolated human rights provisions. The Storting has appointed a human rights committee to prepare and present a draft of a revision with a view to strengthening the position of human rights in the Constitution. The committee's work is to be completed by 1 January 2012.

2.2 International obligations and legislation

Norway works actively to promote human rights internationally, and consider the United Nations to be the primary global arena for promoting respect for and protection of human rights. Consequently, Norway applied for membership of the UN Human Rights Council, to which it was elected for the period 2009-2012.

Norway is party to most of the major UN human rights conventions, including the International Covenant on Economic, Social and Cultural Rights (ICESC), the International Covenant on Civil and Political Rights (ICCPR), the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the UN Convention to Eliminate All Forms of

Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child (CRC) with protocols. Norway has signed all the protocols to these conventions regarding complaints procedures. Norway will consider acceding to the Optional Protocol to the ICESR when consequences of adherence to the protocol have been evaluated by the Government.

The UN Convention on the Rights of Persons with Disabilities was signed in 2007, and the Government aims to present a proposition to the Storting regarding its ratification in spring 2010. Norway will also consider acceding to the protocol regarding complaints procedures under this convention. Norway plans to complete ratification of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) within the very near future. Norway also plans to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Norway is party to a large number of ILO Conventions 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.

The UN special procedures are important components of the international human rights regime, and in line with its policy of close cooperation, Norway has issued a standing invitation to these mechanisms.

Norway is a member of the Council of Europe, and has thereby acceded to the European Convention on Human Rights (ECHR) and its protocols and a number of other Council of Europe human rights conventions.

Norwegian law is based on a dualistic system whereby international conventions to which Norway accedes must be incorporated or transformed into Norwegian law in order to have direct effect. However, Norwegian law is basically presumed to be consistent with international law. Moreover, the Immigration Act, the General Civil Penal Code, the Enforcement Act and criminal and civil procedural legislation contain special provisions to the effect that legislation in these fields apply subject to the limitations that follow from international law.¹

To strengthen the status of human rights in Norwegian law, the Storting passed the Human Rights Act² in 1999, thereby incorporating the ECHR, ICESR, ICCPR, CRC and CEDAW into Norwegian law. In the event of conflict, the provisions of the conventions incorporated through the Human Rights Act prevail over other Norwegian legislation.

Efforts have otherwise been made to adapt legislation to the human rights requirements in various areas of society. These efforts will be described in greater detail under the thematic sections below.

2.3 Institutions

The paramount objective of a constitutional state is to protect individuals against abuse of power and arbitrary treatment by public authorities and to ensure equal treatment, welfare and democracy. Both the Government and the public administration are bound by Norway's human rights obligations in the exercise of their authority. The same applies to the Storting and the judiciary.

¹ The General Civil Penal Code (Act of 22 May 1902 No. 11), section 4 of the Immigration Act (Act of 24 June 1988 No. 64), section 4 of the Criminal Procedure Act (Act of 22 May 1981 No. 25), section 1-4 of the Enforcement Act (Act of 26 June 1992 No. 86) and section 1-2 of the Civil Procedure Act (Act of 17 June 2005 No. 90).

² The Human Rights Act (Act of 21 May 1999 No. 30)

The judiciary is independent of the executive and the legislature, and can review the constitutionality of laws passed by the Storting. The judiciary can also review whether legislation is compatible with Norway's human rights obligations and have the power to review administrative decisions. In addition, administrative decisions may be appealed to the public administration itself.

Responsibility for national implementation of human rights obligations is divided between the various sectoral ministries, and the individual ministries are responsible for following up the recommendations from various convention bodies. The Ministry of Justice is generally responsible for ensuring that Norwegian law is consistent with Norway's human rights obligations.

The ombudsmen institutions play a key role in monitoring whether Norwegian authorities fulfil their human rights obligations. The **Parliamentary Ombudsman for Public Administration**³ has authority to consider all matters relating to public administration, and may deal with complaints and take up matters on his own initiative. The Ombudsman's remit is to ensure that individual citizens are not unjustly treated by the public authorities, and to help ensure that the public authorities respect and protect human rights.

In 1981 Norway established the world's first Ombudsman for Children. The primary responsibility of the **Ombudsman for Children**⁴ is to promote the rights of children in respect of the public and private sector and to monitor the development of childhood living conditions. The Ombudsman for Children is independent of the Storting, the Government and other public authorities, and can freely raise issues and criticise official policy.

The Equality and Anti-Discrimination Ombud⁵ is charged with monitoring the nature and scope of discrimination. The Ombud's task is to strengthen efforts in the field of discrimination and equality and combat discrimination based on such factors as gender, ethnicity, disability, sexual orientation and age⁶.

The remit of the **Patient Ombudsmen** is to safeguard patients' needs, interests and legal protection in respect of health services, and to improve the quality of such services. The **Ombudsman for the Armed Forces and Civilian National Service** deals with a number of cases involving human rights, such as the right to privacy, freedom of expression and freedom of religion. **Other ombudsman institutions** have been established at county and municipal level, such as an ombudsman for the elderly. These ombudsmen can also play an important role in verifying the authorities' observance of human rights.

The Norwegian Centre for Human Rights is Norway's fully A-status accredited **National Institution for the Promotion and Protection of Human Rights**. The centre engages in research and teaching activities relating to human rights, acts in an advisory capacity, *inter alia* to Norwegian authorities as a consultative body for laws and regulations, and monitors the human rights situation in Norway.

³ The Parliamentary Ombudsman Act (Act of 22 June 1962 No. 8)

⁴ The Act of 6 March 1981 No. 5 relating to the Ombudsman for Children

⁵ The Equality and Anti-Discrimination Ombud Act (Act of 6 October 2005 No. 40)

⁶ The Act on Prohibition of Discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act) (Act of 20 June 2008 No. 42)

2.4 The role of civil society

An active civil society, including human rights defenders, plays a key role in the realisation of human rights in Norway and has laid much of the foundation for democracy and welfare in Norwegian society. Non-governmental organisations create diversity, disseminate knowledge, stimulate debate on policies and priorities, contribute proposals to public consultations, engage in volunteer work and promote social cohesion. In many cases, matters are placed on the agenda as a result of initiatives taken by civil society stakeholders. More than half of the adult population of Norway is active in one or more organisations, in fields such as nature conservation, sport, religion, human rights, development, culture, trade unions and trade and industry organisations.

In Norway, a high rate of participation in non-governmental organisations is perceived as an indicator of a good society characterised by diversity, community and civic engagement. The Government wishes to involve a broad cross-section of society in efforts to promote human rights and help to support and facilitate voluntary engagement and the development of a vibrant civil society. The provision of public funding for non-government organisations without imposing guidelines for their activities is an important means of achieving this objective.

3. IMPLEMENTATION OF HUMAN RIGHTS IN NORWAY, BEST PRACTICES AND CHALLENGES

3.1 Introduction

Human rights and democracy are key elements of the fundamental values of Norwegian society. Ensuring that the universal human rights and fundamental freedoms are enjoyed by everyone in Norway is a long-term, overarching goal. Everyone must have the same rights, obligations and opportunities, irrespective of ethnic background, gender, religion, age, sexual orientation or functional ability. Openness and tolerance are crucial to a multicultural society like Norway.

Although the status of human rights is strong in Norway, breaches do occur and we encounter challenges in a number of areas. This applies in particular to our ability to combat discrimination and to secure the rights of groups with special needs.

Norway has ranked at the top of the UN's Human Development Index for several years, with high marks in areas such as health, living standards and employment. Reducing poverty and social inequality are pivotal goals in the Norwegian welfare state. Comprehensive, jointly-financed welfare schemes, high investment in education and extensive cooperation between the authorities and employers' and workers' organisations are hallmarks of the Norwegian social model. Basic schooling is compulsory and free of charge (from age six to sixteen) in Norway. Everyone shall have the same opportunities, regardless of background and social circumstances.

In the government budget for 2009, Norway achieved its objective of allocating one per cent of its GDP in development assistance. Norway seeks to promote human rights through development cooperation⁷. An effort is made to apply conventions, reports and recommendations from the UN human rights system in the practical follow-up of this goal.

3.2 Non-discrimination and equality

Protection against discrimination in Norway has come into being at different times for different areas and is fragmented and dispersed among several different laws. In 2009, a Government-appointed commission presented a proposal regarding constitutional protection from

⁷ Cf. i.a. Report No. 35 (2003-2004) to the Storting: Fighting Poverty Together and Report No. 13 (2008-2009) to the Storting: Climate, Conflict and Capital.

discrimination and a draft of a comprehensive Act against discrimination.⁸ The commission's draft has been circulated widely for comment, after which it will be assessed by the Government.

3.2.1 Gender equality

Promoting equality and ensuring that women and men enjoy genuinely equal opportunities have been political priorities in Norway for many years. However, due to a number of institutional, structural and cultural factors in Norwegian society, this goal has not yet been fully attained.

The Norwegian Gender Equality Act of 1978 prohibits discrimination on the basis of gender in all sectors of society. The Act permits positive differential treatment in the interests of promoting equality, particularly with a view to advancing the position of women. Under the Act, employers, public authorities and employers' and workers' organisations are required to implement measures to promote equality and report on them. Failure to comply with the duty to report can give rise to a coercive fine or specific orders issued by the Equality and Anti-discrimination Tribunal.

Approximately as many women as men have higher education in Norway today. Welfare schemes such as one year of paid parental leave, flexible working hours and a well-developed day care sector have made it easier to combine family life with paid employment. Nevertheless, gender differences still exist in working life, in both the public and private sectors. The main differences include the fact that women are under-represented in management positions, that far more women than men work part-time and that, on average, women earn only 85 % of what men earn per month.

In order to achieve gender equality, it is important to improve the framework conditions for men's participation in family life. Parents are given 12 months' paid leave in connection with childbirth (54 weeks with 80 per cent pay). The parents themselves decide how they wish to share this period, apart from three weeks prior to delivery and six weeks after which are reserved for the mother. Ten weeks are now reserved for the father, the "father's quota" having been extended on 1 July 2009. These weeks are lost if the father does not make use of them.

In 2003 an Act⁹ 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 of 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 44 % in 2009.

Gender-based violence reinforces discrimination. Efforts to prevent violence therefore play a key role in strengthening gender equality. The challenges associated with domestic violence, rape, female genital mutilation, forced prostitution and forced marriage are dealt with in greater detail below.

3.2.2 Ethnic discrimination and racism

The Anti-Discrimination Act prohibits direct and indirect discrimination on the basis of ethnicity, national origin, descent, skin colour, language, religion and belief¹⁰. The General Civil Penal Code also provides criminal law protection from discrimination on the basis of ethnicity and other factors. CERD has been incorporated into Norwegian law through section 2 of the Anti-

⁸ Norwegian Official Report 2009:14 A Comprehensive Protection Against Discrimination

⁹ 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.

¹⁰ The Anti-Discrimination Act (Act of 3 June 2005 No. 33)

Discrimination Act. Norway attaches importance to following up the conclusions of the UN World Conferences on Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Persons of minority origin are at particular risk of discrimination in Norway. Most of the complaints and requests for guidance submitted to the Equality and Anti-Discrimination Ombud with regard to ethnic discrimination concern working life and the public administration. Norway also faces challenges in connection with hate crime and hateful expressions targeting certain minority groups in Norway. Although the police receive few formal complaints about hate crime, there is reason to believe that there are a large number of unrecorded cases.

In the fourth national report of the European Commission against Racism and Intolerance (ECRI), there is focus on Norway's efforts to fight racism, xenophobia, anti-Semitism and intolerance. ECRI commends the police for promoting diversity and combating extreme right-wing groups, yet points out that the situation of immigrants in areas such as education and working life gives grounds for concern.

Racism and discrimination can only be combated effectively by means of continuous, systematic efforts. The Government is now intensifying its activities in this field through the *Action Plan to Promote Equality and Prevent Ethnic Discrimination 2009-2012*. This plan focuses on preventing any discrimination that especially immigrants and their children, Sami people and national minorities may experience on account of their ethnicity, national origin, descent, skin colour, language, religion or belief. The plan particularly targets working life, public services, day-care/schooling/education, the housing market and discrimination in bars, restaurants, nightclubs, etc.

3.2.3 The rights of gays and lesbians

Recent years have seen major developments in legislation relating to the rights of gays and lesbians in Norway. The Storting recently adopted a Common Marriage Act for homosexual and heterosexual couples. Same-sex couples also have the same rights as other couples to adopt children. Lesbian couples have the right to assisted conception.

A particular effort is being made to improve conditions for young gays and lesbians living outside large cities, gays in multicultural communities, gays engaged in organised team sports and gays/lesbians in the workplace.

In April 2009 the Government proposed amending the Working Environment Act. Under the proposal, religious communities will still have the right to treat gays and lesbians differently, provided that the differential treatment is objective, necessary and proportionate in relation to the communities' religious practices.

In June 2008, the Government launched an action plan entitled *Better Quality of Life for Lesbians, Gays, Bisexuals and Trans Persons 2009-2012* with a view to eliminating the discrimination experienced by many people in different phases of life and social contexts. The plan aims to improve the living conditions and quality of life of these groups.

3.2.4 Rights of persons with disabilities

In Norway many people with disabilities encounter barriers and are at risk of discrimination. An accessible society is a prerequisite for full participation and is an important element in preventing discrimination of persons with disabilities. There has been relatively little awareness of this issue in Norway, in both public and private contexts. The Government will work systematically to improve accessibility by promoting universal design.

The Act prohibiting discrimination on the basis of disability came into force on 1 January 2009.¹¹ The Act imposes a duty on employers, public authorities and employers' and employees' organisations to make active efforts to prevent disability-based discrimination and to report on such activities and current status.

The Action Plan for Universal Design and Improved Accessibility 2009-2013 is intended to support the implementation of all legislation safeguarding the rights of persons with disabilities. The plan focuses primarily on outdoor areas, planning, buildings, transport and ICT. Norway also engages in active, purposeful efforts to promote universal design in public enterprises. The same applies to private enterprises that target the general public.

3.3 Rights of the child

The rights and welfare of children have been a priority area of Norwegian policy for many years. Both the Children Act and the Child Welfare Act protect the rights of children, as do individual provisions in other legislation. The best interest of the child shall be a primary consideration in all decisions affecting children.

Particular efforts are focused on certain groups of children and young persons who, for various reasons, may be at risk, such as neglected children, children and young persons with disabilities, children who grow up in financially disadvantaged families and children and young persons who come to Norway as unaccompanied minor asylum seekers. Coordinated cross-sectoral efforts are required to anticipate and respond to the special needs and protect the rights of children.

The child welfare service in Norway has a special responsibility for taking care of the children who are most at risk. Its task is to protect children from neglect and prevent them from suffering physical and mental harm. The child welfare service has a variety of measures that it can implement as needed. Most of them consist of voluntary assistance in the home. However, on the basis of a judicial decision, the child welfare service may also take children into care.

It is an important principle that children and young persons be heard in matters concerning them. Strengthening child and youth participation, involvement in and influence on the development of society is an important priority. In connection with the incorporation of the CRC into Norwegian law, amendments were adopted to a number of statutes to ensure compliance with and highlight the convention's provisions on the right of children to express their opinion and to be heard. There is, however, a need to improve training for professionals who work with children in methods for soliciting the views of children.

Children of persons suffering from mental illness, substance abuse and serious illnesses in general are an exposed and vulnerable group. There is therefore a special need to prioritise such children and strengthen their legal position to ensure that they are identified and taken care of by the welfare services. As a consequence of this the government has proposed amendments to the Patient Rights Act expected to enter into force in 2010.

In 2007, the Government decided to further strengthen and protect children's rights by better monitoring the implementation of the CRC. Among other things, information and training programmes in the field of children's rights have been initiated for ministries, and contact persons have been appointed to ensure closer monitoring of CRC implementation in the ministries concerned. In the light of comments by the UN Committee on the Rights of the Child, the Government commissioned a study in autumn 2007, to ascertain whether Norwegian law satisfies the requirements of the CRC. The report will be presented within the end of 2009.

¹¹ The Anti-Discrimination and Accessibility Act (Act of 20 June 2008 No. 42)

Children in conflict with the law

In Norway, minors in conflict with the law are criminally liable only from the age of 15 and above. Detention of persons between 15 and 18 years of age is used as a last resort. Serving sentences in a child welfare institution and the national mediation service are good alternatives to prison, and greater use will be made of community sentences as an alternative sanction.

In the past few years, projects have been carried out with a view to ensuring individually adapted follow-up of young offenders, including projects based on the principles of restorative justice. Cooperation between the different levels of public administration and the police and prosecuting authority has been reinforced. The sanctions imposed have included waiver of prosecution or a suspended sentence on individually adapted conditions. Results are promising.

It is similarly an aim to avoid situations where children serve their sentence in prison along with adult convicted persons and remand inmates. Norway has hitherto made certain reservations in respect of Article 10 (2) (b) and (3) of the ICCPR, concerning the obligation to keep young offenders and convicted persons segregated from adults. In the Norwegian Correctional Services, it is an important principle that convicted persons are able to serve their sentence as close to home as possible. Given the small number of children under 18 years of age in Norwegian prisons (between 5 and 10 persons at any given time), segregating children from older inmates would be tantamount to placing them in total isolation. In Norway's opinion, such a solution would not be in the best interests of the child.

Nonetheless, Norway faces several challenges with regard to children who have been placed in prison. In addition to the fact that children under 18 years of age serve their sentences along with older inmates, many children are incarcerated far from their home and their parents/relatives, they spent too much time in isolation in their prison cell, and they are inadequately followed up after being released from prison. To avoid situations where children serve their sentences with adults, Norway is in the process of establishing a number of separate prison units for young offenders.

3.4 Domestic violence and violence against children

Domestic violence is a serious social problem in Norway. A nation-wide survey conducted in 2005 showed that approximately 9 % of women over the age of 15 had been the victim of serious violence perpetrated by their present or former partner once or several times in their lifetime. Violence can occur in all couple relationships and its victims may be men, women or children. Nonetheless, women are more likely to experience partner-related violence than men, and women are subject to the most serious acts of violence. For children, witnessing one parent's violent abuse of the other can in itself constitute abuse.

All use of violence is contrary to Norwegian law and must be prevented and combated. Reducing domestic violence is a social responsibility, and in Norway use of violence is unconditionally prosecuted by the public authorities, regardless of whether the perpetrator and the victim are related to one another. However, the problem of domestic violence cannot be solved by criminal legislation alone. Every police district employs a domestic violence coordinator in a full-time position. The coordinator helps to ensure that the victim and other members of the family receive responsive, knowledgeable and insightful assistance from the police. In the largest police district, special teams have been established to deal with cases of domestic violence and abuse and sexual abuse.

Victims of domestic violence have a right to consult with a lawyer free of charge before deciding whether to make a formal complaint. If criminal proceedings are instituted, the victim is entitled

to free assistance from a victim's advocate. This also applies to children who have been subjected to violence, sexual abuse or genital mutilation.

A separate penal provision on domestic violence came into force on 1 January 2006. It also covers mental abuse. In a new Penal Code (not yet in force), it is decided to increase the maximum penalty for domestic abuse from three to six years, and for gross abuse from six to 15 years. The Government also expressed the view that the penalty levels in such cases are too low. If a child witnesses the violence that is perpetrated, this is to be considered an aggravating sentencing factor.

As part of its efforts to combat domestic violence, the Government presented a new *Action Plan to Combat Domestic Violence 2008-2011*. The action plan contains a number of measures aimed in part at providing assistance to and protection for victims of abuse, preventing abuse and strengthening treatment services for perpetrators of violence.

Children have the right to grow up without being subjected to any form of violence. Every form of violence against children is prohibited. A report on violence against children published in 2007 revealed that 3.3 % of the boys interviewed and 4.6 % of the girls had been subjected to violence by adults in the last year. The Government has proposed further emphasising and clarifying in legislation that all use of violence against children is prohibited, even when it occurs in the context of child rearing, and that frightening or disturbing behaviour towards children is also prohibited.

One of the measures in the action plan is a project for children living with domestic violence. The project aims to provide assistance for as many child victims of violence as possible by increasing welfare service professionals' knowledge of this problem. Children's Houses are new facilities designed to provide comprehensive assistance, care and treatment for children who are victims of sexual abuse or violence or who have witnessed domestic violence and abuse. In June 2009, a nation-wide emergency hot-line was opened to ensure that children who are subjected to violence receive rapid assistance.

In June 2009, the Storting imposed a statutory duty on municipalities to provide low-threshold assistance for victims of domestic violence. This entails a duty to ensure that women, men and children are given comprehensive assistance and follow-up in the form of crisis centre services and coordinated services for users. There are over 50 crisis centres and emergency hotlines for victims of violence in Norway. The crisis centres are low-threshold facilities that offer women victims of violence and their children sheltered accommodation in a transitional phase. The centres also offer advisory services, support and guidance over the telephone or in person.

Norway has been instrumental in putting the issue of domestic violence on the agenda of the Council of Europe, where work has now begun on negotiating a convention on combating violence against women and domestic violence.

3.5 Rape

In the past five years, the number of reported rapes in Norway has increased by 34 %. In 2007, 950 rapes were registered, up almost 13 % from the year before. There is reason to believe that this rise is partly a result of the new measures to increase the percentage of rapes reported. At the same time, we know that a large number of rapes go unreported and that many rape victims are reluctant to report the assault to the police. An estimated 90 % of all rapes and attempted rapes are never brought to the police's knowledge. The aim is to increase the percentage of rapes reported and to ensure that victims do not perceive their encounters with the police, judicial system and the

welfare services as revictimisation. New provisions in the Criminal Procedure Act regarding the position of the aggrieved person are an important step in this direction.

In a new Penal Code (not yet in force) the penalty for rape has been made significantly more severe. The minimum penalty for certain forms of rape was increased to three years' imprisonment. Secondly, all sexual activity with children under the age of 14 and the most aggravated sexual acts with children aged under 14 shall be regarded as rape (and thus punishable by at least three years' imprisonment). The Government also expressed the view that the penalty levels in rape cases and in child sexual abuse cases are too low, and it prescribes a norm of increased penalties in such cases. The Parliament supported this view. It is, however, still for the courts to decide the penalties in the concrete cases

In 2008, an official committee (the Committee on Rape) proposed a range of measures to increase the number of cases that are reported and can thus be investigated, to improve the quality of follow-up of these cases by both the police and welfare services, and to increase expertise on this issue. The proposed measures have largely either already been implemented or are being considered for follow-up by the respective competent authorities.

3.6 Female genital mutilation

All forms of genital mutilation of girls and women are punishable under Norwegian law¹². In 2008, the Government launched the third *Action Plan to Combat Female Genital Mutilation*, comprising 41 measures. The extent to which female genital mutilation is practiced in respect of children residing in Norway is uncertain, and documenting cases poses major challenges. The goal of Norwegian authorities is to prevent the practice of female genital mutilation and to provide the victims with medical assistance as soon as possible.

To help ensure swift medical assistance, it has been decided that all girls and women who come from areas where the incidence of female genital mutilation is 30 % or higher¹³ are to be offered a personal interview and a voluntary gynaecological examination. These services are to be provided throughout the country as from 2010.

3.7 Forced marriage

Forced marriage and aiding and abetting a forced marriage are punishable under Norwegian law. There are no certain statistics on the number of girls and boys in Norway, who are forced to marry, but forced marriage is known to occur among certain immigrant groups and there is reason to believe that the number of unreported cases is high.¹⁴ Feedback from various agencies that provide assistance shows that homosexuals from certain immigrant communities are also subjected to forced marriages and threats of forced marriage.

In 2006, the Storting adopted legislation with a view to preventing forced marriage and child marriage and to help individuals out of a forced marriage. A new *Action Plan to Combat Forced Marriage* covers the period 2008-2011. The action plan comprises 40 measures and focuses particularly on the role of schools, foreign missions, the need for safe housing and increased interaction and expertise on the part of the public authorities.

¹² The Female Genital Mutilation Act (Act of 15 December 1995 No. 74).

¹³ According to the World Health Organisation (WHO).

¹⁴ The report *Omfang og utfordringer* (Extent and Challenges), prepared by the University of Oslo's Centre for Gender Research, states that in 2005-2006 the child welfare service was in contact with 63 children in cases of forced marriage, 83 % of whom were girls. SEIF, a self-help organisation for immigrants and refugees, registered 64 "top emergency cases". The Red Cross hotline received 172 specific inquiries. The Expert Team for the Prevention of Forced Marriage registered 114 cases, including 49 cases in which the Red Cross was involved. The vast majority of cases concerned young women.

3.8 Human trafficking

In recent years, a large number of people have been identified as possible victims of human trafficking in Norway. Young women and children are especially vulnerable. In 2008, more than 250 assumed victims were being followed up by relevant authorities and organisations.

Human trafficking is a criminal offence in Norway. In 2006, the Government presented an action plan entitled *Stop Human Trafficking*, which is in force until the end of 2009. One important element of the plan is to ensure that more victims of human trafficking are granted temporary work and residence permits in Norway. During this period, victims will be provided with information and assistance, and given help in reporting human traffickers.

Foreign nationals who have given evidence as a victim in a criminal case concerning human trafficking may be granted permanent residence in Norway. Women who are assumed to be victims of human trafficking may be granted temporary residence at a crisis centre (shelter). The new Immigration Act, which is expected to enter into force in 2010, states explicitly that victims of human trafficking constitute a group that may be granted protection in Norway.

An Act prohibiting the purchase of sexual services in Norway, which entered into force on 1 January 2009, is a measure aimed partly at preventing human trafficking.

3.9 The rights of indigenous peoples and national minorities

Indigenous peoples

The basis for Norway's Sami policy is that the Kingdom of Norway was established on the territory of two peoples, Norwegian and Sami, and that both peoples have the same right to develop their culture and language. Throughout history, the Sami people have been victims of discrimination and extensive assimilation policies (Norwegianisation) on the part of the Norwegian authorities. The authorities have apologised for this and acknowledged the poor treatment of the Sami people in the past.

In recent decades, Sami rights in Norway have gradually been recognised in legislation. In this connection, Article 110 a of the Norwegian Constitution and the Act concerning the Sameting (the Sami Parliament) and other Sami legal matters (the Sami Act)²² are particularly important. The Sami Act provides rules relating to the Sami Parliament and the right to use the Sami language in various official contexts.

The Sami Parliament (Sámediggi) is a democratically elected, representative body for the Sami population in Norway and is the Government's main source of inputs and dialogue partner in matters relating to Sami policy. The Sami Parliament has also taken over administrative responsibility and instruments in certain areas.

The rights of indigenous peoples to co-determination and consultation in matters that may directly affect them are central elements in ILO Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples. On the basis of the State's obligations relating to consultation, an agreement on consultation procedures was entered into between the Sami Parliament and central government authorities in 2005. In practice, the consultation procedures help to ensure that the Sami people genuinely participate in and have real influence on decision-making processes that may directly affect Sami interests.

After many years of public debate on rights to natural resources in Finnmark County, the Act relating to legal relations and the management of land and natural resources in the county of

²² Act of 12 June 1987 No. 56

Finnmark was adopted in 2005.²³ The aim of the Act is to help ensure that 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 Act states that, through prolonged use, the Sami have acquired rights to land and natural resources in Finnmark. At the same time, the Act is designed to take into account the fact that the population of Finnmark consists of different groups with a variety of ethnic and cultural affiliations.

Pursuant to the Sami Act, the Sami and Norwegian languages have equal status. The Act states that the Sami languages may be used in official contexts, and that official information must be adapted for the Sami population. However, many challenges arise in connection with the practical implementation of language rights. The Government presented an *Action Plan for the Sami Languages 2009*. The Action Plan includes measures to strengthen tuition in the Sami languages in day-care institutions and primary and lower secondary schools, and to strengthen the use of Sami in the public sector.

Sami newspapers play an important role in preserving and developing the Sami languages. In the last two years, the Government has increased subsidies for Sami newspapers by approximately NOK 8 million, or 55 %, in order to facilitate more frequent publication of Sami newspapers.

National minorities

Jews, Kvens, Roma, Romani people/Tater and Forest Finns are national minorities in Norway. Discrimination of national minorities has taken place, and discrimination still occurs today. Some groups also face several challenges in areas which affect living standards, such as education, housing and employment.

Norway has been urged by several parties, including the Committee of Ministers of the Council of Europe, to develop databases on national minorities, improve the situation for the Roma and Romani people, make efforts to focus attention on the cultures of national minorities and strengthen the Kven language.

In recent years, the Norwegian authorities have made efforts to develop a coherent, inclusive policy for national minorities in Norway. In connection with efforts to improve dialogue between national minorities and the authorities, the Contact Forum between national minorities and central authorities was established in 2003. The Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for the Protection of Regional or Minority Languages provide an important basis for work relating to national minorities in Norway.

In June 2009, the Government presented an *Action Plan to improve living standards for the Roma people*. The goal of the plan is to combat discrimination of the Roma people in Norwegian society and improve living conditions for Norwegian Roma by introducing measures in various sectors, such as education, employment, housing and health.

A central government grant system has been established to strengthen the social participation of and combat discrimination against national minorities. Through national minority organisations, these groups can formulate and promote their own interests. The allocation for this grant system has more than doubled since 2005.

²³ The Finnmark Act (Act of 17 June 2005 No. 85)

3.10 Integration

The aim of Norway's integration policy is to ensure that everyone living in Norway has equal rights, obligations and opportunities, and that newly arrived immigrants are quickly able to contribute to and participate in society. The Government wishes to prevent the development of a class-divided society where persons with immigrant backgrounds have poorer living conditions and a lower rate of social participation than the general population.

Immigrants and their descendants, which includes persons born in Norway, constitute a diverse group that varies widely in terms of age, education, period of residence in Norway, attitudes, lifestyles and traditions. At the beginning of 2009, this group comprised 508,000 people (10.6 % of the total population). The largest immigrant groups today come from Poland, Pakistan, Sweden, Iraq, Somalia and Germany. During the last two years labour immigration has increased and is now the most important ground for immigration to Norway. Today, the largest groups of labour immigrants come from Poland, Sweden and Germany. The two largest refugee groups come from Iraq and Somalia.

The social and economic living standards of persons with immigrant backgrounds in Norway vary widely. In general, the income per household is lower and in many cases living standards are also lower for persons with immigrant backgrounds compared to the rest of the population. As in many other countries, the financial crisis and the recession have led to higher unemployment in Norway. This particularly affects vulnerable groups on the labour market, such as young people, persons with immigrant backgrounds and persons with diminished work capacity. Immigrants accounted for approximately 25 % of all registered unemployed at the end of the first quarter of 2009 and thus constitute an important target group for labour market policy.

In 2006 the Government presented an *Action Plan for the Integration and Social Inclusion of the Immigrant Population*. The plan has four areas of priority: Employment, Childhood, education and language, Gender equality and Participation. The Action Plan is closely connected to the annual government budget, and has been continued every year since 2006.

Welfare schemes and measures to combat poverty among vulnerable groups in Norway have a great impact on living conditions for many children and young people with immigrant backgrounds. These measures are essential as poverty affects children and youth in particular.

To benefit as well as possible from education, it is important that children growing up in Norway speak Norwegian when they start school. The fact that some pupils with immigrant backgrounds benefit less from education than other pupils is a challenge. Pupils with immigrant backgrounds are over-represented among those who do not complete upper secondary education. Attendance at a day-care institution gives children with a mother tongue other than Norwegian a better opportunity to learn Norwegian before they start school. A pilot project was initiated in 2006, providing free core hours in kindergarten for all four- and five-year-olds in areas with a large proportion of residents with minority language background.

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 introductory programme shows good results and is seen as one of the most important tools for integration for municipalities..

Language courses are of particular importance to ensure the successful integration of newly arrived immigrants. Newly arrived immigrants have a right and obligation to attend 300 hours of tuition in the Norwegian language and social studies. The Government has proposed to introduce

a compulsory final examination and to increase the right and/or obligation to attend tuition in the Norwegian language and social studies from 300 to 600 hours. The proportion of immigrants who start attending the language course one year after arriving in the country is now 76 %.

The Government has also proposed to introduce a requirement to pass a citizenship examination for all persons between 18 and 55 years who wish to become Norwegian citizens.

The Directorate for Integration and Diversity (IMDi) was established in 2006 to act as a competence centre and a driving force for integration and diversity. On the initiative of IMDi and others, some progress has been made in monitoring racial discrimination, especially through the collection of data on perceived discrimination.

The National Contact Committee is appointed by the Government to improve dialogue between the immigrant population and the authorities. The committee, which comprises persons with immigrant backgrounds from all over the country, advises the authorities on issues of importance to the immigrant population. The Contact Committee was first appointed in 1985.

3.11 Refugees and asylum-seekers

Norway aims to pursue a humane, supportive and lawful asylum and refugee policy in accordance with the UN Convention relating to the Status of Refugees and other conventions by which Norway is bound.

The need for regulated and controlled immigration must always be governed by respect for human rights. Norway respects the principle of non-refoulement. When assessing asylum cases, there is strong emphasis on the UNHCR's recommendations regarding protection. However, both an individual assessment of the specific asylum case and a general assessment of conditions in the asylum-seeker's country of origin, based on a number of different sources are carried out. In certain situations, Norway may reach a conclusion that differs from the UNHCR recommendation.

Norway has recently experienced a marked rise in the number of asylum-seekers. In the first half of 2009 there were more than 8,000 applications for asylum, an increase of approximately 50 % compared with the same period last year. The Government has deemed it necessary to introduce measures to reduce the number of asylum-seekers who are not in need of protection. These measures aim to clarify the asylum-seeker's identity and to ensure that practice differs as little as possible from that of our neighbouring European countries. To ensure that more children and young people who are not in need of protection are able to return to their countries of origin, and to help prevent more children from being sent on a hazardous journey, Norway wishes to establish and finance care and education services in the countries of origin of unaccompanied minor asylum-seekers.

Norway wishes to facilitate rapid processing of asylum applications and ensure satisfactory services during the processing period. Asylum-seekers are entitled to stay in reception centres that offer Norwegian language courses.

Spending long periods in reception centres can pose a serious strain on refugees and it is therefore important to ensure a good, fast settlement process. The main challenge is to find enough settlement places for unaccompanied minors. While the application for asylum is being processed, responsibility for caring for unaccompanied minors under the age of 15 rests with the child welfare authorities. Reception services for unaccompanied minor asylum seekers have been improved in recent years.

The fact that some asylum-seekers and their children are granted residence in Norway without their identities having been determined poses a challenge. Among other things, a lack of identity papers makes it difficult to find a job, open a bank account or establish a foothold on the housing ladder. It has therefore been proposed to introduce a certificate of residence for this group. However, persons without identity papers will still be unable to acquire Norwegian nationality. The Government has proposed amendments to the Norwegian Nationality Act that will make it easier for children of persons whose identity has not been determined to acquire Norwegian nationality.

Several challenges arise in connection with foreign nationals who remain in Norway after receiving a final rejection of their application for asylum without other grounds for residence. It is estimated that approximately 18,000 persons were illegally resident in Norway in 2006. In Norway, illegal residents are permitted to stay in departure centres, where they are also offered health services. Everyone who has received a final rejection of his/her application and must leave the realm is entitled to emergency health services. Children have full rights to health services regardless of their residence status and are entitled to primary and lower secondary education. However, due to their fear of being expelled, many asylum-seekers whose applications have been rejected live in hiding and do not make use of their right to health services for themselves or allow their children to attend school, and this poses a challenge.

In 2003 the Norwegian Directorate of Health published a guide for health services for asylum-seekers and refugees, which is currently being revised. In the revised edition, it will be emphasised with regard to the in-transit registration of torture injuries that if there is any suspicion or sign of torture, the person concerned should be offered appropriate medical services including by referral to the specialist health services. The Directorate of Health is developing an introductory information package for reception centre employees. The UN Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) will be included in this package.

3.12 Decent work

Decent working conditions and respect for workers' rights are essential for fair, balanced social development. In Norway, there is widespread 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.

In 2006, the Government presented an Action Plan against Social Dumping. "Social dumping" is defined as both unacceptably low wages and breaches of regulations governing wages, health and safety, such as regulations concerning working time and accommodations. 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 autumn 2008*.

3.13 The right to health

The legal framework for public health services in Norway aim 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.

Respect for the life, integrity and human dignity of each individual patient is pivotal, and efforts are made to ensure that the health services fulfil human rights standards. Below, two particular challenges that Norway faces in the area of mental health are discussed.

Coercion in the mental health services

International statistics on the use of coercion in the mental health sector indicate that the frequency of coercion is high in Norway. The Government receives many inputs and reactions from patients and relatives, health personnel and others that describe perceived abuse in this connection. In the period 1998-2008, an extensive improvement plan for the mental health services produced results in many areas. However, several challenges remain.

Incorrect and inadequate reporting on the various forms of coercion within and between the Norwegian health regions contributes to the uncertainty of figures concerning how much and what kinds of coercion are used. Geographical variations in the reported data reflect differences in coercive practices. Consequently it is assumed that reducing the use of coercion is an achievable objective.

Several measures have been initiated to improve documentation of the use of coercion in the mental health service. A working group has considered the need for the treatment criterion in the Mental Health Care Act and the need for new measures in the Action Plan. The working group has expressed concern about the high and varying coercion figures in Norway and has proposed a number of measures for further action. A process has been initiated to follow up the report.

Prisoners with mental health problems

Prison inmates have the same patients' rights as the rest of the population.²⁵ Prisoners have access to health services within the scope of the security regulations that apply in connection with serving a prison sentence. Efforts to provide services for prisoners with acute mental health problems have encountered problems, and Norway has been criticised by the European Committee for the Prevention of Torture for deficient treatment services for mentally ill prisoners.

The Government's goal is to ensure that prisoners suffering from substance abuse and/or mental health problems receive treatment adapted to their specific needs.²⁶ Six prisons currently have their own mental health services. In other prisons, either mental health service staff visit the prison on the basis of agreements with prisoners and prison authorities, or the prisoners are escorted to an outpatient clinic outside the prison.

The justice and health authorities are cooperating closely to improve treatment for prisoners with mental health problems. The need to establish special resource departments for this group of prisoners, among others, is currently being considered.

3.14 Freedom of opinion and expression

Freedom of expression is safeguarded in Article 100 of the Norwegian Constitution. Together with freedom of the media, this is a fundamental pillar of Norwegian human rights policy.

In recent years in Norway, as in other countries, there has been political debate on the limits of freedom of expression and its relationship to blasphemy and insult to religious sensitivities. In 2009 it was decided that a provision concerning prosecution for blasphemy will not be included in the new Penal Code. Though the provision has not been applied for several decades, it was viewed to indicate limits for freedom of expression that were not regarded as being in accordance with the role of freedom of expression in a democratic society. At the same time, the provisions relating to hateful expressions in the Penal Code were strengthened.

²⁵ Section 2-1a of the Specialist Health Services Act (Act of 2 July 1999 No. 61).

²⁶ White Paper Report to the Storting No. 37 (2007-2008).

In the same way as freedom of religion and belief, the right to respect for private life must continuously be balanced against freedom of expression. Norway has traditionally placed greater emphasis on respect for private life than some other countries. This has, among other things, resulted in cases being brought before the European Court of Human Rights (ECHR), where Norway has been ruled against for breach of freedom of expression. The most recent rulings of the ECHR show that Norway is now probably more in line with ECHR practice in its assessments of such rights.

Media diversity is an important prerequisite for freedom of expression. A new Act on editorial freedom in the media²⁷ states that editors must be independent of owners in connection with editorial matters. The Act is intended to prevent dominant shareholders in the media sector from limiting freedom of expression and information, and to prevent ownership positions from being used to promote the owners' own political or financial interests.

The Norwegian press subsidy system aims at maintaining the diversity of newspapers in terms of their values, geographical location and content. Direct press subsidies amount to more than NOK 300 million in 2009.

The Norwegian Press Complaints Commission (PFU), which was established by the Norwegian Press Association, monitors and promotes ethical and professional standards in the Norwegian press. In connection with these activities, the PFU considers complaints about the conduct of the Norwegian press and publishes its opinions. The PFU has members from both the press organisations and the general public.

3.15 Freedom of thought, religion and belief

Norway has a constitutional state church system that has been the subject of criticism as a matter of principle from several quarters, including the UN Human Rights Committee.

Article 2 of the Constitution protects certain aspects of freedom of religion and belief, but it does not go as far as the protection provided by international human rights principles. In 2008, the Government presented a White Paper on the State and the Church of Norway that contains extensive amendments to the articles in the Constitution relating to the state church system. Among other things, the White Paper contains a specific proposal to revoke the provision in Article 2 of the Constitution. The White Paper has been discussed in Parliament, and formal proposals to amend all seven articles in the Constitution establishing the state church system has been submitted. The proposals will be voted on in the next parliamentary session.

In connection with continuous focus on dialogue, cooperation and collaboration between religious and life stance communities, the authorities and the general population, grants are provided for three councils for religion and belief: the Council for Religious and Life Stance Communities, the Islamic Council of Norway and the Christian Council of Norway.

Religious and belief communities outside the Church of Norway have a statutory right to claim an annual financial grant from the State and municipal authorities. This grant scheme is unique internationally.

3.16 Deprivation of liberty

The use of police custody in Norway has led to criticism, including from the UN Committee against Torture. This criticism has been based on the fact that arrested persons whom the court has

²⁷ Act of 13 June 2008 No. 41 on editorial freedom in the media. Entered into force in 2009.

decided must be remanded in custody are not always transferred from police custody to an ordinary cell in a prison within two days of their arrest, as Norwegian regulations require.

The main reason for the excessive time spent in police custody is the lack of available places for remand prisoners, partly due to the fact that vacant places in prison cannot be found within a reasonable distance from the police district concerned.

In recent years, the courts have imposed increasingly strict requirements for progress in investigations if extended detention on remand is to be approved. The law also requires the court to quickly schedule the main hearing in cases where the accused is remanded in custody. These measures contribute to reducing the period of pre-trial detention.

The UN Committee against Torture has also expressed concern about the fact that Norway does not appear to have sufficiently good statistics in this area. Norway has now introduced a better tool for recording statistics on the use of police custody. This will make it easier to assess the need for concrete measures.

The Working Group on Arbitrary Detention visited Norway in 2007. The Working Group did not find any cases of arbitrary detention, but raised concerns on the issue of frequency of use of isolation in detention, both in remand and after sentencing. Several concrete recommendations were put forward by the Working Group, which are currently being followed up.

With respect to deprivation of liberty, the Norwegian authorities have experienced challenges in connection with participation in international peace operations. When Norwegian forces arrest and hand over persons to the authorities in connection with the performance of their duties, for example in Afghanistan, this is done to support national authorities and normally with a view to the further legal process taking place within the national judicial system. Furthermore, transfers of detainees are often carried out under an international mandate and under the command and control of an international organisation. Nevertheless, Norwegian forces may not hand over persons if there are specific grounds for suspecting that they will be subjected to torture or other inhumane treatment. If there are specific reasons for suspecting a risk of such treatment, the Norwegian forces will consider releasing the prisoner as an alternative to handing him over. Norway is responsible for ensuring that persons in the custody of Norwegian forces are at all times treated in accordance with Norway's human rights obligations and its obligations under international humanitarian law.

It is crucial that Norwegian personnel who are sent on peace-keeping operations are as well equipped as possible to perform their tasks in accordance with Norwegian obligations under international law, not least in the area of human rights. Norwegian forces receive thorough training prior to the operation, with emphasis on the rules they must comply with.

3.17 Anti-terror legislation

Norwegian criminal law contains provisions concerning criminal liability for terrorism, financing of terrorism and encouraging terrorism, etc. In Norway, as in many other countries, there has been a wide-ranging debate on the content of Norwegian legislation in this area. The Norwegian authorities have therefore involved civil society and human rights activists in discussions on new anti-terror legislation, with a view to achieving a balanced law that meets international demands for combating terrorism without weakening human rights.

3.18 Ethical management of the Government Pension Fund and corporate social responsibility

The Government Pension Fund – Global is an instrument for ensuring that a reasonable portion of Norway’s petroleum wealth benefits future generations. The financial wealth must be managed so as to generate a sound return in the long term, which is contingent on sustainable development in the economic, environmental and social sense.

In 2004, ethical guidelines for management of the fund were established. Through the Ethical Guidelines, the fund has two instruments for promoting ethical standards: exercise of ownerships rights and exclusion of companies from the portfolio.

The fund’s investment strategy 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 the companies in which the fund has invested.

Companies in the fund’s portfolio may be excluded if they produce particularly inhumane weapons, or if they contribute to human rights violations, including violations of workers’ rights and child labour, violations of individual rights in war and conflict, serious environmental harm or serious corruption. So far, more than 30 companies have been excluded from the fund.

To clarify what corporate social responsibility means and how it can best be implemented, in 2009 the Government presented a White Paper on corporate social responsibility in a global economy.²⁸ The Government stated, among other things, that it will strengthen advisory and consultancy services on corporate social responsibility for Norwegian companies.

During the subsequent debate on the White Paper in the Storting, the Government was asked to look more closely at the appropriateness of having a special Corporate Social Responsibility Ombud, with emphasis on possible human rights violations in which Norwegian companies are involved. Work is under way and a number of agencies and institutions have been invited to contribute to these processes.

3.19 Human rights education

Education and training in human rights is a prerequisite for promoting and protecting human rights. Norway does not currently have an overview over courses, teacher qualifications and implementation of such education, or knowledge of the extent to which personnel in key professions have sufficient operational competence to identify possible human rights violations.

The new objects clause for Norwegian primary, lower secondary and upper secondary education entered into force in January 2009. Human rights are specifically included as a basic value in the objects clause. Human rights have been incorporated into the curricula for primary, lower secondary and upper secondary schools in several grades and in various subjects. Learning targets have been specified for human rights in the seventh and tenth grades and in upper secondary schools. In cooperation with the Council of Europe, Norway established the Wergeland Centre for Inter-cultural Understanding, Human Rights and Democratic Citizenship in 2008. The Centre will function as a European resource centre for education in these fields.

To improve the overall picture of human rights education in Norway, a study is being planned in collaboration with civil society actors, including human rights defenders. The study will aim to provide information on teacher competence, methodology and the results of human rights

²⁸ Report to the Storting No. 10 (2008-2009).

education in primary and secondary schools, and on courses, scope, competence, implementation and targets for human rights education in higher education, with special emphasis on professional training. The study will aim to define any need for coordination and further reinforcement in this area.

4. NATIONAL HUMAN RIGHTS PRIORITIES

I. Accession to international human rights instruments

- Make continuous efforts to harmonise Norwegian law with international human rights instruments. Work with a view to ratifying and implementing the UN International Convention for the Protection of All Persons from Enforced Disappearance, the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

II. Implementation of human rights in Norway

- Discrimination: make efforts to combat racism and all forms of discrimination, including discrimination on the basis of gender, ethnicity, religion, sexual orientation or disability
- Domestic violence: continue efforts to combat and provide protection from domestic violence, including violence against children
- Mental health care: ensure rapid, good and easily available mental health care and continue efforts to reduce the use of coercion in the mental health services
- Social dumping: continue the Government's efforts to combat social dumping
- Conditions in prisons and treatment in criminal cases: ensure that the use of remand in custody and isolation are in accordance with Norway's international human rights obligations. Prisoners with mental health problems must be ensured treatment services on a par with the rest of the population. Improve protection for children in conflict with the law, with emphasis on prevention and alternative sanctions.
- Human rights education: Ensure the provision of human rights education in primary, lower secondary and upper secondary schools, in professional training institutions and in other forms of higher education.

III. Norway's international priorities

- Continue efforts to promote human rights-based development assistance
- Continue Norway's efforts to promote and protect human rights internationally, which includes protection of human rights defenders, freedom of expression and efforts to combat capital punishment, torture and all forms of discrimination, as well as promoting corporate social responsibility
- Intensify efforts to promote workers' rights globally in accordance with the Government's strategy for workers' rights under the Decent Work Agenda.