

Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report (Excerpts of Treaty Body Concluding Observations and Special Procedure Reports) - Universal Periodic Review:

Norway

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations and Special Procedure reports relating to issues of interest and concern to UNHCR with regards to Norway.

Treaty Body Concluding Observations

**CAT/C/NOR/CO/5 39th session
5 February 2008**

3. The Committee commends the State party for its compliance with its obligations under the Convention and for its ongoing efforts to prevent and eliminate any acts or conduct contrary to its provisions. In particular, the Committee notes with satisfaction:

c) The recent adoption of legislative measures to regulate the rights of persons staying at the Trandum Alien Holding Centre in accordance with the revised UNHCR Guidelines on Applicable Criteria and Standards for the Detention of Asylum Seekers;

6. The Committee notes the existence of a so-called “48-hour procedure” for the rejection of asylum-seekers from countries generally regarded as safe and whose application is assessed as manifestly unfounded after an asylum interview.

The State party should ensure that a genuine consideration of each individual case can still be provided for under the “48-hour procedure” and keep under constant review the situation in those countries in respect of which that procedure is applied.

7. With regard to the State party’s participation in the International Security Assistance Force (ISAF) operation in Afghanistan, the Committee notes the State party’s explanation that any Afghan citizen apprehended by Norwegian ISAF personnel is handed over to the Afghan authorities in accordance with a Memorandum of Understanding obliging the Afghan Government to comply with relevant international standards in the treatment of any persons thus transferred.

In accordance with the Committee’s constant view (see CAT/C/CR/33/3, paras. 4 (b), 4(d), 5 (e) and 5 (f) and CAT/C/USA/CO/2, paras. 20 and 21) that article 3 of the Convention and its obligation of non-refoulement apply to a State party’s military forces, wherever situated, where they exercise effective control over an individual, the State party should continue to closely monitor the compliance by the Afghan authorities with their relevant obligations in relation to the continued detention of any persons handed over by Norwegian military personnel.

**CRC/C/OPAC/NOR/CO/1 45th session
6 July 2007**

13. The Committee recommends that the State party continue providing its armed forces, as well as personnel to be deployed on international operations, with training on the provisions of the Optional Protocol and that it continue cooperating with civil society organizations in this respect. It also recommends that the State party develop systematic awareness raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children, such as health personnel, social workers, teachers, authorities working for and with asylum-seeking and migrant children coming from countries affected by armed conflict, lawyers and judges.

14. The Committee commends the State party for including in the National Plan of Action for Children (Main Goal No. 9) the protection, rehabilitation and integration of children who have experienced war and conflict, as well as refugee children who come to Norway as unaccompanied minors. It notes that the majority of unaccompanied asylum-seeking children come to Norway from conflict areas and that, for example in 2004, 60 per cent of the applications examined were rejected. The Committee notes with concern that the State party does not provide an adequate follow-up strategy to asylum-seeking and refugee children, including children who have been recruited or used in hostilities, who are returned to their home countries from Norway.

15. The Committee recommends that the State party continue to take concrete action to implement, in consultation and cooperation with relevant partners, including civil society, the National Plan of Action for Children, and that it provide adequate budget allocations and follow-up mechanisms for the its full implementation. With regard to asylum-seeking and refugee children who have been recruited or used in hostilities and returned from Norway to their home countries, the Committee recommends that the State party take measures, including appropriate bilateral measures, to follow up these cases. The Committee encourages the State party to provide these children with a personal follow-up strategy, when feasible. In this regard the Committee recommends that the State party take note of the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.

18. With regard to the physical and psychological recovery and social reintegration of children who are victims of acts contrary to the Optional Protocol, the Committee notes with appreciation that the State party provides asylum-seeking parents with guidance in some of the reception centres and that an instrument for the screening of traumas and post-stress syndromes among refugee children developed by the Centre for Crisis Psychology has entered the phase of clinical testing. Nevertheless, the Committee reiterates its concern about the insufficient supervision of and care provided to unaccompanied asylum-seeking children, including children who have been recruited or used in hostilities, as well as the insufficient psychological and psychiatric services provided to children living in reception centres (see the Committee's concluding observations on the State party's third periodic report adopted on 3 June 2005, CRC/C/15/Add.263, paras.41-42). It notes with particular concern that, in some cases, children in need of health care but residing in the State party without a residence permit may have been denied access to health services because they have not been properly registered, and that among them there may have been children recruited or used in hostilities abroad.

The Committee regrets that:

(a) There is no national guardian system for unaccompanied asylum-seeking and refugee children. Under the current guardian system, the quality of the recruitment and training of guardians may not be adequate in all municipalities;

(b) The responsibility for unaccompanied asylum-seeking children, including children who have been recruited or used in hostilities, will be divided between two authorities, the Norwegian Directorate of Immigration (unaccompanied asylum-seeking children from the age of 15 to 17 years) and the Child Welfare Services (unaccompanied asylum-seeking children under the age of 15 years) at the beginning of October 2007. The Committee is of the view that all unaccompanied asylum-seeking children, including children who are victims of acts contrary to the Optional Protocol, should be provided with appropriate protection and services, preferably under the same service authority.

19. The Committee recommends that the State party:

(a) Take measures to ensure that children who have been recruited or used in hostilities and living in reception centres are provided with adequate support and supervision as well as adequate psychological and psychiatric care;

(b) Take measures to expand the provision of parental guidance programmes in reception centres and expedite its effort to implement an instrument developed by the Centre for Crisis Psychology for the screening of traumas and post-stress syndromes among refugee children, including children who have been recruited or used in hostilities;

(c) Consider establishing a unified national guardian system for unaccompanied asylum-seeking and refugee children, including children who have been recruited or used in hostilities;

(d) Consider centralizing the responsibility for all unaccompanied asylum-seeking children under one child-rights oriented authority, such as the Child Welfare Services, in order to secure an equal provision of services to all such children.

20. The Committee also recommends that the State party systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been recruited or used in hostilities in their home country

**CERD/C/NOR/CO/18 69th session
19 October 2006**

20. While the Committee recognizes the efforts made by the State party in the field of employment, including the Action Plan on the Integration and Inclusion of the Immigrant Population, it remains concerned at the high rate of unemployment among immigrants (art. 5 (e) (i)). While recognizing the complexity involved in integrating the immigrant population, the Committee recommends, in light of its general recommendation 30, that the State party take more effective measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects. The Committee also recommends that legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken to reduce unemployment among immigrants present in the State party.

21. *The Committee is concerned that many municipalities do not provide sufficient protection from disease in health services for asylum-seekers, refugees and persons reunified with their families (art.5 (e) (iv)). In light of its general recommendation 30, the Committee recommends that the State party take all necessary measures to ensure the right of non-citizens to an adequate standard of physical and mental health by, inter alia, improving their access to preventive, curative and palliative health services.*

22. *The Committee is concerned regarding the high dropout rate of immigrant children in upper secondary education (art. 5 (e) (v)).The Committee urges the State party to take measures to strengthen participation of children of immigrant backgrounds in upper secondary education. In light of its general recommendation 30, the Committee recommends that the State party ensure that public educational institutions are open to non-citizens and children of undocumented migrants residing in the territory of the State party. It also recommends that it ensure the effective application of the Plan of Action against dropout in upper secondary education 2004-2006.*

**CCPR/C/NOR/CO/5 86th session
25 April 2006**

11. *The Committee notes with concern that asylum requests may be rejected on the basis of the assumption that the persons concerned can find protection in a different part of their country of origin even in cases, where information, including recommendations by UNHCR, is available indicating that such alternatives might not be available in the specific case or country of origin. (arts. 6, 7)*

The State party should apply the so-called internal relocation alternative only in cases where such alternative provides full protection for the human rights of the individual.

17. *The Committee notes with concern reports of a high incidence of discriminatory police stops of persons based on their apparent ethnic origin. (art. 26)*

The State party should seek to ensure that such police stops are not discriminatory or excessive and should put in place a system to monitor the incidence of such stops to assure there is no discrimination. The State party should also address this problem through specific training and education programmes to raise police awareness.

**CESCR E/C.12/1/Add.109 34th session
25 April-13 May 2005**

10. *The Committee is concerned about cases of discrimination faced by persons of immigrant background, particularly in the areas of housing and work.*

11. *The Committee is concerned about problems faced by persons of immigrant background, in particular women, in accessing the labour market. The Committee notes in this regard the limited effect of the measures taken so far by the State party to increase the participation of immigrants in the labour market.*

16. *The Committee is concerned that the subsistence requirement imposes an undue constraint on the ability of some foreigners, including those who have been granted a residence permit on humanitarian grounds, to be reunited with their closest family members.*

19. *The Committee notes with concern that an estimated 5,200 people are homeless in the State party. Furthermore, the Committee is concerned that rejected asylum-seekers who cannot be sent home to their countries of origin are not offered accommodation in reception centres after the deadline set for departure.*

20. *The Committee is concerned about information received that many asylum-seeking children who suffer from trauma and illness are not afforded adequate assistance.*

22. *The Committee is concerned about the restrictions placed on the access to education of asylum-seekers, as asylum-seeking children only have access to free primary and lower secondary education and asylum-seekers over the age of 18 are not offered courses in Norwegian.*

Special Procedure Reports

Report of the Working Group on Arbitrary Detention A/HRC/7/4/Add.2 11 October 2007

47. *Asylum-seekers are not taken into custody in Norway pending their applications; they are admitted to open reception centres located across the country, where they enjoy the right to freedom of movement. Asylum-seekers whose applications have been rejected and illegal immigrants liable for removal are, as a rule, not detained. At the end of March 2007, 7,220 asylum-seekers were living in reception centres, including those whose rejection decision was final.*

48. *According to section 37 (d) of the Immigration Act, aliens are as a rule taken into custody at a detention centre for foreign nationals, which is administered by the police (Trandum Detention Centre being the only detention facility of this type at present), or exceptionally in other detention facilities, such as prisons or police stations. Aliens may be detained on two grounds: either to establish their identity (section 37 of the Immigration Act), or to effect their removal from the country (sect. 41).*

**Protection Operation and Legal Advice Section
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