



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### List of issues prior to submission of the eighth periodic report of Norway, due in 2016\*

At its thirty-eighth session (A/62/44, paras. 23 and 24), the Committee against Torture established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

### Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations<sup>1</sup>

#### Article 1

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

#### Article 2<sup>2</sup>

2. In the light of the Committee's previous concluding observations (para. 6), please indicate whether the Convention is still only partially incorporated into Norwegian law. Please indicate whether consideration has been given to incorporating all the provisions of

\* Adopted by the Committee at its fifty-second session (28 April to 23 May 2014).

<sup>1</sup> Paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee and issued under the symbol CAT/C/NOR/CO/6-7.

<sup>2</sup> The issues raised under article 2 could also imply other articles of the Convention, including but not limited to article 16. As indicated in paragraph 3 of 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, and is largely congruent with, the obligation to prevent torture. ...In practice, the definitional threshold between ill-treatment and torture is often not clear". See also chapter V of the same general comment.



the Convention into domestic law, as is the case for the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the European Convention on Human Rights, 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 the progress made in establishing 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 the 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 "juvenile sentence" that is intended to be an alternative to sentencing juveniles to imprisonment.

6. With reference to the Committee's previous concluding observations (para. 10), please provide information about steps taken by the State party to reduce the use of police detention cells for periods longer than the 48 hours 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 those routines are implemented in practice.

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

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

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

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

(d) The strengthening of due process rights of prisoners with regard to 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 made to:

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

(c) Train 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 reporting cases and to enable their prompt, effective and impartial investigation as well as any assessments regarding the effectiveness of the training;

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

(e) Gather statistical data, on an annual basis, disaggregated by type of crime, age and sex of victims, 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 coordinators to address family violence.

10. In the light of the Committee's previous concluding observations (para. 22) and the follow-up report submitted 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 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 provided 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 psychosocial disabilities, including serious mental health problems, have access to adequate mental health care in all prison facilities. Also, please provide information on any increase in the capacity of in-patient psychiatric wards in prison facilities throughout the country.

12. In the 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, please provide information on progress made in establishing a system for the gathering 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 is given the opportunity to refuse treatment or any other medical intervention. Please also provide information 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 psychosocial 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 psychosocial 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 report submitted by the State party, please provide statistical data, on an annual basis and disaggregated by sex, age and country of origin, since the consideration of the States party's previous report, on:

- (a) The number of registered asylum requests and whether the applicants 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 the light of the Committee's previous concluding observations (para. 16) and the follow-up report submitted 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, further 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 State party's 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 aimed at keeping law enforcement officers up-to-date on appropriate arrest techniques, including the use of restraints, as well as on any cases of death after arrest;
- (b) The development and implementation of a methodology to assess the effectiveness and impact relevant training and educational programmes on the incidence of torture ;
- (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 the light of the Committee's previous concluding observations (para. 17), please provide information on:

- (a) Progress made to improve the detention conditions at Trandum Holding Centre, the immigration detention facility, including with regard to health, sanitation and overcrowding, with a view to bringing them into line with the Standard Minimum Rules for the Treatment of Prisoners;

(b) Measures to reduce the number of persons in detention for an excessively long duration and indicate the maximum duration of detention during the reporting period;

(c) Whether security guards from private companies are still 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 ensures that minors are segregated from adults in pretrial detention and/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 the incidence of suicides and the results of any investigations conducted in that 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 preventing any cases of torture or ill-treatment.

#### **Articles 12 and 13**

21. In the 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, 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 as well as 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, including the number of requests for compensation received, 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 all instances of violence and ill-treatment of vulnerable groups, including through increased awareness-raising and information campaigns to promote tolerance and respect for diversity;

b) Measures taken to ensure that violent acts, discrimination and hate speech are always promptly, impartially and effectively investigated and alleged perpetrators

prosecuted and, if found guilty, convicted with penalties commensurate with the gravity of their offences.

25. Please provide information on whether:

(a) Persons with serious mental illnesses continue to be imprisoned, in contravention of article 459 of the Criminal Procedure Act, instead of being treated in appropriate psychiatric establishments;

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

### **Other issues**

26. Please provide information on the efforts taken by 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 the measures taken by the State party to respond to any threats of terrorism and describe if, and how, those anti-terrorism measures have affected human rights safeguards in law and in practice. How has the State party 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 convictions handed down under such legislation, the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice, whether there have been complaints of non-observance of international standards and the outcome of those 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 to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes and, in particular resources allocated and statistical data or any other information that the State party may consider relevant.

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