

# NORWAY Follow Up Report from

*Human Rights Committee of the Norwegian Bar Association,  
Human Rights Committee of the Norwegian Psychologist Association,  
Juss-Buss Legal Aid Clinic,  
Norwegian Helsinki Committee*  
(as of 4 January 2013)

CCPR/C/NOR/CO/6

November 2011 (adoption of the Concluding Observations)  
November 2012 (Deadlines for the follow-up report)

Current Status: The State has submitted its follow up report

## SUMMARY

Recommendation 5	Grade	Overview
The State party should ensure that the current restructuring of the national human rights institution effectively transform it, with the view to conferring on it a broad mandate in human rights matters.	B2	An intergovernmental working group has been established. The overall process has not been efficient.
In this regard, the State party should ensure that the new institution will be fully compliant with the Paris Principles.	B2	Government follow-up to the recommendations of its intergovernmental working group and involvement of civil society in that process will define to what extent Norway complies with the recommendations. NGOs are concerned about the level of ambition.
Recommendation 10	Grade	Overview
The State party should take concrete steps to put an end to the unjustified use of coercive force and restraint of psychiatric patients.	B2	Level not reduced. Lack of measures.
In this regard, the State party should ensure that any decision to use coercive force and restraint should be made after a thorough and professional medical assessment that determines the amount of coercive force or restraint to be applied to a patient.	B2	Unexplained variations in the application of force and restraints remain. There are deficiencies in registering complaints from patients against the use of force or restrictions.
Furthermore, the State party should strengthen its monitoring and reporting system of mental health-care institutions so as to prevent abuses.	B2	The statistics on the use of force and ECT are not good enough. Insufficiencies in the registration of the application of force. Insufficient funding for research on the use of force in mental health care.
Recommendation 12	Grade	Overview
The State party should strictly limit the pretrial detention of juveniles and to the extent possible, adopt alternative measures to pretrial detention.	B1/B2	Effects of amended legislation have yet to be documented and are not certain. There is not a complete ban on isolation of children in pre-trial detention.

### **Grade A: Implementation Satisfactory:**

A1 Response fully satisfactory

A2 Response largely satisfactory

### **Grade B: Implementation partially satisfactory:**

B1: Implementation partially satisfactory: progress made, but need for additional information

B2: Implementation partially satisfactory: progress made, but additional action required

### **Grade C: Response not satisfactory**

C: No action taken by the State Party to implement the recommendation.

**N/A:** no information available

**Paragraph 5**

While welcoming the existence of the National Centre for Human Rights which plays the role of a national human rights institution, the Committee is concerned that the ongoing restructuring of the National Centre may negatively affect its capacity to discharge its functions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2).

Recommendations from the HR Committee	Grade	Action reported by the State	Our comments
The State party should ensure that the current restructuring of the national human rights institution effectively transform it, with the view to conferring on it a broad mandate in human rights matters	B2	*In October 2011, ICC 's sub-committee on Accreditation concluded that the Norwegian NHRI does not fully comply with the Paris Principles. *The Norwegian government has established an inter-ministerial working group to consider changes that need to be made in order to ensure that the NHRI is in full compliance with the Paris Principles, including the possibility of establishing a new NHRI based on a different institutional model. "This work is well under way...In the meantime, the University of Oslo will continue to discharge its function as national institution until the government has decided on the question of restructuring the national institution..."	An intergovernmental working group has been established, but overall we cannot agree that the process has been efficient, taking into account for how long it has been known that the current NHRI has not worked satisfactorily.  The mandate of the said working group does not spell out the goal of "conferring on it [the reconstituted/ re-established NHRI] a broad mandate in human rights matters", beyond a general reference to the Paris Principles.
In this regard, the State party should ensure that the new institution will be fully compliant with the Paris Principles	B2	*The Centre has implemented several measures to strengthen its capacity to discharge its functions in accordance with the Paris Principles...'.	The mandate of the working group does refer to ICC's findings and the Paris principles. NGOs have been invited to a meeting with the working group and submitted views in writing, but are not included in a process of discussing possible conclusions and recommendations. NGOs have repeatedly expressed concerns about the government's apparently low level of ambition. Follow up to the recommendations from the working group (due in December 2012, but not yet out) and the government's interaction with civil society in that process will be the test of compliance with the UNHRC's recommendation.

**Paragraph 10**

The Committee is concerned at reports of excessive use of coercive force on psychiatric patients and the poor mechanisms of the Control Commissions for monitoring mental health-care institutions (arts. 7, 9 and 10).

Recommendations from the HR Committee	Grade	Action reported by the State	Our comments
The State party should take concrete steps to put an end to the unjustified use of coercive force and restraint of psychiatric patients.	B2	" A report to the parliament on the quality and patient safety in the health and care sector will be submitted by the end of the year, in which a strengthened policy for improvement of user-involvement and renewed measures for reducing maltreatment will be outlined. The report covers every aspect of the service including mental health care".	The last registration on use of coercion in mental health care in Norway still shows no reduction in the amount of use. There is no plan as to how to reduce the use of coercion, and no specific goal is formulated for reduction.
In this regard, the State party should ensure that any decision to use coercive force and	B2	"A sound medical decision regarding the use or non-use of coercive measures is dependent though not strictly limited to the patient's view and preferences.	The decisions on coercion and restraints should be further quality ensured. The fact that there are substantial variations with regard to medical decisions throughout the country, suggests that priority should be given to ensuring

restraint should be made after a thorough and professional medical assessment that determines the amount of coercive force or restraint to be applied to a patient.		.In the new national strategy, several measures aims at strengthening the fundament for reduced and the correct use of coercion.”	equality in the decision making on coercion, ensuring also multidisciplinary involvement in such decisions.  Furthermore there is a lack of registration of patients' complaints after involuntary mental health care.
Furthermore, the State party should strengthen its monitoring and reporting system of mental health-care institutions so as to prevent abuses	B2	“the county administrators and control commissions have a shared responsibility of supervising and controlling the services. The aforementioned strategy contains measures for strengthening control and documentation.”	The quality on the statistics on coercion is also still not good enough. There is no plan for how to improve the statistics in this field. There is no satisfactory registration on the use of coercive interventions (coercive means) under admission or statistics on the forced use of ECT. Finally, even if the state has announced that research on coercion is of high priority, there is not adequate funding for research on this topic.

**Paragraph 12**

The Committee is concerned at the excessive length and conditions of pretrial detention of juveniles (arts. 10 and 14).

Recommendations from the HR Committee	Grade	Action reported by the State	Our Comments
The State party should strictly limit the pretrial detention of juveniles and to the extent possible adopt alternative measures to pretrial detention.	B1 / B2	“On 20 January 2012, new legislation came into effect, aiming to improve the position of children in conflict with the law by strengthening their rights and by using other measures than prison as a reaction to committed crimes” The amendments include “A ban on complete isolation for children during pre-trial detention (section 186a of the Criminal Procedure Act)	We welcome the measures the State party has taken to restrict pre-trial detention of children, but are uncertain about their practical effects. We have not yet seen a documented change in the State party's practice of imposing pre-trial detention for children. We would therefore ask for relevant statistical information. The statistics for 2010 show that 1600 children were placed in pretrial detention. We are concerned that the number may not be less for 2012.  Furthermore, we would like to point out that the State Party's mention of a "ban on complete isolation" refers only to court imposed isolation and does not prohibit solitary confinement of children in pretrial detention decided by the police or prison administration. In pretrial detention the child will, in most cases, be kept in solitary confinement, as the prison system in Norway is not well adapted to the needs of children. In our experience the stay in police cells is not adapted to the individual child and the individual child's needs. Most often the children are treated as grownup when in pretrial detention.  In our opinion the state should consider introducing an outright ban on placing children in police custody. In cases where it is necessary to keep the child locked up for a shorter time the Child Welfare system could have the responsibility.