

Meeting organized by the Human Rights Committee on the occasion of the examination of Norway's 6th report under the International Covenant on Civil and Political Rights

Palais Wilson, Geneva, 24 October 2011

Joint statement to the UN Human Rights Committee on behalf of the Human Rights Committee of the Norwegian Bar Association, Juss Buss Legal Aid Clinic and the Norwegian Helsinki Committee

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Honorable Members of the Human Rights Committee, Ladies and Gentlemen,

We are grateful for the several opportunities we have been given to address the Committee. The Norwegian NGO-forum for human rights has already sent a comprehensive report, as well as a letter. Additional copies are available on request.

Amongst the organizations that prepared those written submissions, three are present today: The Human Rights Committee of the Norwegian Bar Association, Juss Buss Legal Aid Clinic and my own organization the Norwegian Helsinki Committee, 7 persons in total.

In combination, our fields of work include deprivation of liberty for both adults and children, fair trial guarantees, asylum, access to justice, elections, minorities, family reunification and international criminal law.

Allow me to quickly highlight 7 key points for the examination of Norway's report:

1) Police cells. The use of police cells is problematic with respect both to duration and conditions. Remand prisoners are offered stripped police cells in isolation regardless of situation or behavior. Rest is typically difficult due to noise and lights lit around the clock. These cells provide poor conditions for trial preparations. According to regulations, an arrested person shall be transferred to ordinary prison accommodation within 48 hours, unless practically impossible. This time limit is frequently violated, which might amount to violations of articles 7 and 10 of the Covenant depending on the length of time and the individual in question. Particularly concerning is the increased use of police arrest towards children below 18 years of age, mentally ill and traumatized individuals.

- Police cells should be used only when necessary based on an individual assessment keeping in mind obligations under articles 7 and 10.
- Truly independent civil society monitoring of police cells should be allowed.
- Regulations for the police when apprehending children should be adopted, and clearly state that children should not be put in police cells.

2) The state has proposed a law to reduce the deadline within which an arrested person must be brought before a judge.

- This proposed change should be encouraged, while stressing that deprivation of liberty must be kept to a minimum and police cells only used for this purpose when strictly necessary.

3) The use of coercion in mental health care have regional variations which indicate that at least in some regions the use of coercion is more widespread than strictly necessary, and further indicate that the use of coercion may be arbitrary. This is even admitted in the state report in softer wording.

- The state must eradicate any arbitrary or unnecessary use of coercion as a matter of urgency; (in our view the measures mentioned in the state report are not sufficient in scale or timing).
- There is a particular recommendation on how to strengthen Mental Health Care Control Commissions in our report that could be adopted.

4) Statistics. In our report, we have pointed out insufficiencies with respect to the quality and availability of public statistics in different respects with reference to all the three issues mentioned so far.

5) Protection of refugees. According to the State report Norway applies the Dublin II regulation “on the expectation that other states comply with their international obligations”.

- Norway bears the responsibility not to return to what might amount to torture or cruel, inhuman or degrading treatment or punishment, in the Dublin II state in question or as a result of chain-refoulement, under article 7 of the Covenant. This entails an obligation to empirically check this “expectation” against reality and to carefully assess any indication to the contrary.

6) Effective remedies.

- Norway should review its legal aid scheme to ensure that effective remedies are available for any person whose rights and freedoms under the Covenant have been violated.

Access to effective remedies for possible article 7 violations in cases of deportation should be raised.

7) The Istanbul-protocol. Implementation of the Istanbul protocol would strengthen access to medical documentation of torture in the asylum procedure and for future prosecution of crimes. Raising the questions proposed in our documents would make clear a number of shortcomings in the State Report and reply on this point.

We also support fully what the Center for Human Rights said on Human Rights in the Constitution and the need for a new NHRI in full compliance with the Paris Principles.

We hope our concerns are well taken and will do our best to answer any question you might have now and if you so wish also at an informal coffee meeting at 2 PM.

Thank you!

END