

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/NOR/CO/6-7)

NORWAY

(...)

C. Principal subjects of concern and recommendations

(...)

Solitary confinement

11. The Committee regrets the widespread and, in some cases, the prolonged use of solitary confinement, which might constitute a violation of the Convention. While noting with concern that almost one third of the cases concerned prisoners on remand, the Committee regrets that detailed statistics on the use and the length of solitary confinement are not yet available. The Committee also expresses its concern about the existing legal basis for the use of solitary confinement, as it is not formulated with sufficient precision, leaving the possibility for highly discretionary decisions, which prevents the possibility of administrative or judicial supervision. The Committee regrets that detainees are not always appropriately informed on the grounds for imposition of solitary confinement and that the systems for control and review do not appear to ensure that they enjoy appropriate legal protection (arts. 2, 11 and 16).

In order to ensure full conformity with the Convention and taking into account the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Committee urges the State party to:

- (a) Reduce the use of solitary confinement to the situations that are strictly necessary;**
- (b) Amend its legislative framework in order to limit the use of solitary confinement to exceptional circumstances;**
- (c) Guarantee due process rights of prisoners in decisions concerning solitary confinement;**
- (d) Evaluate and assess the existing practice of the use of solitary confinement and review the existing mechanisms for control and legal remedies;**

- (e) **Establish a system in order to provide detailed statistics on the use of solitary confinement and disclose them publicly.**

(...)

Detention of foreign nationals and non-refoulement

15. The Committee expresses its concern regarding the use of lengthy detention for asylum seekers who enter the State party undocumented. The Committee also regrets the lack of full legal protection for persons fleeing States due to generalized violence who can neither show that they are individually at risk, nor are considered to be at risk of torture if returned, as article 2 of the Aliens Act requires an individualized risk in order for persons to qualify for subsidiary protection in the State party (arts. 3, 11 and 16).

The State party should consider reducing the use and length of detention for asylum seekers who enter the State party undocumented. The State party should also consider refraining from returning foreign nationals to States in situations of internal armed conflict or generalized violence, on humanitarian grounds.

16. The Committee regrets that the legal safeguards prescribed by law are not always guaranteed to all asylum seekers and foreign nationals pending expulsion, such as the right to information concerning their rights in a language they understand and the right to free legal aid in the case of expulsion. The Committee notes with concern the publishing of a consultation paper by the State party on the possibility to restrict further the right to free legal aid (arts. 3, 11 and 16).

In order to fulfil its obligations under article 3 of the Convention, the State party should guarantee all necessary legal safeguards to ensure the rights of persons facing expulsion or return. The State party should also offer appropriate legal aid to foreigners in all expulsion cases if necessary to safeguard their rights and establish procedures to ensure that foreign nationals are informed of their rights in a language they understand.

(...)

Missing minors and trafficking

22. The Committee has received reports of NGOs raising concerns about the number of unaccompanied minors who have not returned to asylum centres in the State party, including the 68 children who were still missing from these centres on 31 August 2012. The Committee is also concerned about the provision in the Immigration Regulations (Section 8-8) which grants unaccompanied asylum-seeking minors between the ages of 16 and 18 years a temporary permit that expires at the age of 18, as this may encourage minors to leave the asylum centres before their permit expires. Furthermore, while welcoming the different measures taken to combat human trafficking such as the new Plan of Action against Human Trafficking launched by the Government in December 2010, the Committee notes with regret that trafficking in

persons still remains a problem in the State party, especially concerning girls (arts. 2 and 16).

The State party should strengthen its efforts to prevent minors from going missing from asylum centres by allocating sufficient resources to the immigration authorities to prevent and investigate every case of missing minors. The police should be provided with all the necessary resources to investigate and prosecute cases of trafficking.

(...)

28. The Committee requests the State party to provide, by 23 November 2013, follow-up information in response to the Committee's recommendations related to solitary confinement, detention of foreigners, and missing minors and trafficking, as contained in paragraphs 11, 15, 16 and 22 above.
