



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

**FOURTH REPORT
ON THE NON-ACCEPTED PROVISIONS OF THE EUROPEAN
SOCIAL CHARTER**

NORWAY

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I. OPINION

With respect to the procedure provided by Article 22 of the 1961 Charter – examination of non-accepted provisions - the Committee of Ministers in December 2002 decided that "states having ratified the revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned" (Decision of the Committee of Ministers of 11 December 2002).

Following this decision, the European Committee of Social Rights examines - in a meeting or by written procedure - the actual legal situation and the situation in practice in the countries concerned from the point of view of the degree of conformity of the situation with non-accepted provisions. This review is done for the first time five years after the ratification of the revised European Social Charter, and every five years thereafter, to assess the situation on an ongoing basis and to encourage States to accept new provisions. Indeed, experience has shown that States tend to overlook that the selective acceptance of the provisions of the Charter should be only a temporary phenomenon and not a rule.

Norway ratified the Revised European Social Charter on 7 May 2001, accepting 80 of the 98 paragraphs. The following provisions are not yet accepted: Articles 2§7, 3§1, 3§4, 7§4, 7§9, 8§2, 8§4, 8§5, 18§§1-4, 19§8, 26§§1 and 2, 27§1 (a and b), 27§3 and 29 (18 provisions).

The procedure provided for by Article 22 of the 1961 Charter was applied for the first time in the context of a meeting between the delegation of the European Committee of Social Rights and representatives of various Norwegian ministries in Oslo on 28 March 2006.

Following this meeting, the European Committee of Social Rights at the time concluded that, from the point of view of the situation in law and in practice, there were no obstacles to the immediate acceptance of Articles 2§7, 3§1, 18§1, 18§4, 27§1 (a and b) and 27§3.

With a view to carrying out the procedure for the second time in 2011 and for the third time in 2016, the Norwegian authorities were invited to provide written information on the situation in law and practice in the areas covered by the non-accepted provisions of the Charter.

Having considered the letter sent by the Norwegian authorities on 31 January 2017 in the context of the third assessment, the Committee noted with interest the Government's statement that it was actively working towards the ratification of Articles 2§7, 3§1, 18§1, 18§4, 27§1 and 27§3. It welcomed the fact that, compared to the statement made in 2011, two additional provisions were under consideration (Articles 18§§1 and 4).

The written procedure was also applied to review the situation for the fourth time in 2021. The Norwegian authorities were invited, by letter of 4 November 2020 and e-mail of 8 September 2021, to provide written information on the not yet accepted provisions of the Charter.

The Norwegian authorities submitted written information on 3 November 2021, informing the Committee that Norway is currently in the process of working towards the acceptance of Articles 3§1 and 27§3 of the Charter. The Committee takes note of this information.

The Committee remains at the disposal of the Norwegian authorities and encourages them to take concrete steps towards the acceptance of the provisions identified in 2006 and confirmed in 2011 and 2017 as posing no problems for acceptance.

Furthermore, the Committee invites Norway to consider recognising the right of national NGOs to lodge complaints before the Committee in the framework of the collective complaints procedure, as foreseen by Article 2 of the Additional Protocol providing for a system of collective complaints.

The next examination of the provisions not accepted by Norway will take place in 2026.

— Norway and the European Social Charter —

Signatures, ratifications and accepted provisions

Norway ratified the European Social Charter on 26/10/1962; it accepted 60 of the Charter's 72 paragraphs.

Norway ratified the Additional Protocol providing for a system of collective complaints on 20/03/1997. It has not yet made a declaration enabling national NGOs to submit complaints.

Norway ratified the Revised Charter on 07/05/2001; it accepted 80 of the Revised Charter's 98 paragraphs.

The Charter in domestic law

Statutory ad hoc incorporation by specific implementing legislation.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1*	27.2	27.3	28	29	30	31.1	
31.2	31.3							Grey = Accepted provisions				

* Sub-para. c.

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Norway](#) in 2006, 2013 and 2017.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

APPENDIX II

Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter

(Adopted by the Committee of Ministers on 12 October 2011 at the 1123rd meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe,

Considering the European Social Charter opened for signature in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996 ("the Charter");

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated;

Stressing its attachment to human dignity and the protection of all human rights;

Emphasizing that human rights must be enjoyed without discrimination;

Reiterating its determination to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable groups;

Underlining the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups;

On the occasion of the 50th anniversary of the Charter,

1. Solemnly reaffirms the paramount role of the Charter in guaranteeing and promoting social rights on our continent;
2. Welcomes the great number of ratifications since the Second Summit of Heads of States and Governments where it was decided to promote and make full use of the Charter, and calls on all those member states that have not yet ratified the Revised European Social Charter to consider doing so;
3. Recognizes the contribution of the collective complaints mechanism in furthering the implementation of social rights, and calls on those members states not having done so to consider accepting the system of collective complaints;
4. Expresses its resolve to secure the effectiveness of the Social Charter through an appropriate and efficient reporting system and, where applicable, the collective complaints procedure;
5. Welcomes the numerous examples of measures taken by States Parties to implement and respect the Charter, and calls on governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee;
6. Affirms its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights;

7. Invites member states and the relevant bodies of the Council of Europe to increase their effort to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.