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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-third session**  
6–17 May 2019

## **Compilation on Norway**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1,2</sup>**

2. Norway was recommended to ratify the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>3</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>4</sup> the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,<sup>5</sup> the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights<sup>6</sup> and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).<sup>7</sup>

3. The Human Rights Committee recommended that Norway review the justifications for, and the necessity of, maintaining its reservations to articles 10, 14 and 20 of the International Covenant on Civil and Political Rights with a view to withdrawing them.<sup>8</sup>

4. The Special Rapporteur on the rights of persons with disabilities noted that Norway maintained two interpretative declarations regarding articles 12, 14 and 25 of the Convention on the Rights of Persons with Disabilities, which limited the right to legal capacity and permitted exceptions whereby persons with psychosocial disabilities might be involuntarily detained and subjected to non-consensual treatment on grounds of their actual or perceived impairment. She encouraged Norway to review and withdraw the interpretative declarations.<sup>9</sup> In its reply, the Government expressed its view that the declarations were fully compatible with the Convention.<sup>10</sup>

5. Norway contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2014,<sup>11</sup> 2015,<sup>12</sup> 2016,<sup>13</sup> 2017<sup>14</sup> and 2018,<sup>15</sup>



including to the voluntary funds for the implementation of the universal periodic review, for indigenous peoples and for victims of torture.

### **III. National human rights framework<sup>16</sup>**

6. The Human Rights Committee welcomed the constitutional amendments introduced in 2014 to strengthen human rights protection, particularly the adoption of a new human rights catalogue.<sup>17</sup> The Committee on the Rights of the Child welcomed the introduction of a provision on children's rights in the Constitution.<sup>18</sup> The Committee on the Elimination of Discrimination against Women welcomed the incorporation of the principles of equality and non-discrimination into article 98 of the Constitution in 2014.<sup>19</sup>

7. The Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women welcomed the establishment of a national human rights institution, which in 2015 had been accredited with A status by the Global Alliance of National Human Rights Institutions for its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>20</sup>

8. The Committee on the Rights of the Child recommended ensuring that the Ombudsman for Children and/or the national human rights institution were entrusted with the mandate to receive and investigate complaints by children in a child-sensitive manner.<sup>21</sup>

9. The Committee recommended that Norway establish and/or strengthen a national mechanism for reporting and follow-up as a standing government structure that was mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and coordinate and track national follow-up to and implementation of the treaty obligations and the recommendations emanating from such mechanisms.<sup>22</sup>

### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>23</sup>**

10. The Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women welcomed the adoption of the Equality and Anti-Discrimination Act in 2017.<sup>24</sup> The Committee on the Elimination of Racial Discrimination remained concerned that the term "race" was not included in the Act as a prohibited ground of discrimination. It recommended ensuring that the Act prohibited discrimination on all grounds, including race.<sup>25</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Norway to enforce the Act and to continue combating discriminatory practices that prevented anyone from enjoying the right to education.<sup>26</sup>

11. In 2018, the Committee on the Elimination of Racial Discrimination was concerned about an increase in the number of registered racially motivated hate crimes in 2017 and by the lack of statistics on the outcome of the reports of hate crimes.<sup>27</sup> In 2015, it was concerned about the lack of a clear definition of hate crime in the Criminal Code and recommended adopting such a definition to enable the police to address the crime adequately.<sup>28</sup> It recommended that Norway prevent hate crimes, investigate the reason for an increase in hate crimes and ensure the establishment of hate crime units throughout the county, similar to the specialized unit in Oslo.<sup>29</sup>

12. The Committee reiterated its recommendation made in 2015<sup>30</sup> to amend legislation and prohibit the organization of groups that promoted and incited racial discrimination and hatred.<sup>31</sup>

13. The Committee remained concerned at the increase in hateful statements against Muslims, people of African descent, Jews, asylum seekers, Sami, Roma and other groups, which were fuelling hatred and intolerance towards those groups, particularly from leading politicians and media professionals, and on the Internet.<sup>32</sup> It was concerned that the Criminal Code, which provided for the penalization of discriminatory expressions and hate speech, was not always enforced effectively to prevent and protect against hate speech.<sup>33</sup>

14. The Committee recommended that Norway condemn racially motivated hate speech and xenophobic discourse and call upon politicians and media professionals to ensure that their public statements did not contribute to fuelling intolerance, stigmatization and incitement to hatred.<sup>34</sup> It recommended ensuring that all measures in the strategy against hate speech were fully implemented.<sup>35</sup>

15. The Human Rights Committee recommended ensuring that hate crimes and criminal hate speech were promptly identified and registered as such, that all cases were systematically investigated, that perpetrators were prosecuted and punished, and that appropriate compensation was awarded to victims. It recommended strengthening the capacity of law enforcement officials to investigate hate crimes and criminal hate speech.<sup>36</sup>

16. The Committee recommended ensuring that legislation clearly prohibited ethnic profiling by police and prevented disparate treatment on the basis of physical appearance, colour or ethnic or national origin.<sup>37</sup>

17. The Committee on the Elimination of Racial Discrimination remained concerned about the high unemployment rate of persons belonging to ethnic minorities or persons with a migrant background, and that those persons had reportedly faced obstacles in their access to the labour market owing to prejudices based on stereotypes of their ethnic or national origin.<sup>38</sup> The Committee recommended combating racial discrimination in the labour market against ethnic minorities and persons with a migrant background<sup>39</sup> and developing clear guidelines on preventing discrimination in recruitment processes.<sup>40</sup>

## **2. Development, the environment, and business and human rights<sup>41</sup>**

18. The Independent Expert on human rights and international solidarity noted that Norway had long been recognized as one of the world's leading countries in terms of providing official development assistance. Norway had consistently maintained its level of development assistance, having spent about 1 per cent of its gross national income on official development assistance every year.<sup>42</sup>

19. The Independent Expert congratulated the Government for committing itself to implementing a human rights-based approach to development cooperation. She noted that Norway had paid consistent attention to accountability, transparency, good governance and participation in its development cooperation, including by giving civil society organizations an important space as implementing partners.<sup>43</sup> Norway had incorporated climate change into its risk assessment for development programmes by considering both the effects of development cooperation on the environment and the potential effects of climate change on development cooperation.<sup>44</sup>

20. The Independent Expert encouraged the Government to engage in discussions with all stakeholders to determine means of assessing the impact made on specific human rights targets while keeping in mind the end beneficiary. She suggested that the Government increase its efforts to establish a common understanding of a human rights-based approach among all its partners and stakeholders in development cooperation.<sup>45</sup>

21. OHCHR noted the adoption in 2015 of a national action plan on business and human rights based on the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.<sup>46</sup> The Special Rapporteur on the rights of indigenous peoples noted, however, that the plan appeared to focus on Norwegian companies operating abroad rather than on business activities and their impact on human rights within Norway.<sup>47</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>48</sup>**

22. The Human Rights Committee noted the efforts of Norway to reduce the use of coercive measures in mental health-care institutions, in particular through amendments to the Mental Health Care Act in 2017. However, the Committee remained concerned at the weak procedural safeguards for patients, the lack of recourse to less intrusive measures as a first resort and the lack of clarity on the frequency of and circumstances surrounding the use of coercive electroconvulsive treatment in different mental health-care institutions.<sup>49</sup> The Committee against Torture was concerned about the widespread use of restraints and other coercive methods in mental health institutions, including involuntary electroconvulsive therapy, and the absence of formal registration of involuntary forms of treatment.<sup>50</sup>

23. The Special Rapporteur on disability urged Norway to discontinue certain involuntary coercive mental health practices, such as mechanical and chemical restraints and solitary isolation and seclusion, and to replace them with human rights-based responses, including community-based services that met the diverse support needs of persons with disabilities.<sup>51</sup>

24. The Human Rights Committee recommended guaranteeing in law that non-consensual psychiatric treatment might only be applied, if at all, in exceptional cases as a measure of last resort and when absolutely necessary to protect the health or the life of the person concerned, provided that he or she was unable to give consent, and for the shortest possible time under independent review. Norway should increase procedural safeguards for patients and stipulate in law the circumstances allowing for the limited use of coercive electroconvulsive treatment.<sup>52</sup> The Committee against Torture made similar recommendations.<sup>53</sup>

25. The Committee against Torture reiterated its concern about the use of police detention cells for pretrial detention beyond the 48-hour limit prescribed by law and the 24-hour limit with regard to minors. It reiterated its recommendation that Norway abolish the use of police detention cells beyond the 48-hour term stipulated in law and transfer all pretrial detainees to prison facilities after that period.<sup>54</sup> The Committee recommended that no children be held in police facilities beyond the 24-hour limit without a court hearing and that alternative measures to police detention be sought.<sup>55</sup>

### **2. Administration of justice, including impunity, and the rule of law<sup>56</sup>**

26. The Committee against Torture recommended ensuring that all persons deprived of their liberty were afforded in law and in practice all fundamental legal safeguards from the very outset of their detention, in accordance with international standards, including being informed of their rights, receiving at their request a medical examination preferably by a doctor of their own choice, having access to a lawyer or free legal aid in all cases required by the interests of justice, and being informed of their right to lodge complaints and about the actual complaints procedure.<sup>57</sup>

27. The Human Rights Committee reiterated its concern that the means-tested legal aid system continued to fail to take into account in practice the actual circumstances of the applicant and the cost of legal services being sought, and did not provide legal aid in many categories of cases. It reiterated its recommendation to make the necessary amendments to the system to ensure that free legal aid was provided in all cases in which the interests of justice so required.<sup>58</sup>

28. The Committee against Torture recommended that Norway expand or refurbish existing police station facilities with inadequate conditions, and ensure sufficient prison facilities and staff and adequate material conditions to address the needs of and accommodate all pretrial detainees.<sup>59</sup>

29. The Committee recommended reducing the use of solitary confinement to situations that were strictly necessary and amending the legislative framework in order to limit the use of solitary confinement to exceptional circumstances. It also recommended ensuring that

any de facto isolation of prisoners that was similar to solitary confinement, such as full exclusion, was based on policy, law and guidelines, and setting a maximum number of days that a prisoner could remain in full exclusion.<sup>60</sup>

30. The Committee recommended ensuring that prisoners with psychosocial disabilities and serious mental health problems received adequate mental health care, by increasing the capacity of inpatient psychiatric wards and providing full access to mental health-care services within all prison facilities. Norway should abolish the use of full isolation of persons with mental health problems and psychosocial disabilities.<sup>61</sup>

31. The Committee on the Elimination of Discrimination against Women was concerned that a number of prisons for women were located in old and unsuitable buildings and, owing to the low number of suitable prisons, women prisoners were at a higher risk than men of serving their sentences in prisons with higher levels of security and far from their families. It was also concerned that women were being exposed to sexual harassment in mixed prisons and that health services in prisons were at times not tailored to the specific needs of women.<sup>62</sup>

32. The Committee against Torture was concerned that the lease of Norgerhaven Prison by Norway in a nearby country provided only limited access for monitoring the treatment of prisoners. It recommended that Norway refrain from leasing detention facilities outside its territory and ensure that officials and public monitoring bodies, including the national preventive mechanism and the national human rights institution, were able to carry out fully their obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including the obligation to monitor and keep under review the conditions of detention in all prisons and places in which persons were deprived of their liberty.<sup>63</sup>

33. The Committee on the Rights of the Child recommended that Norway discontinue preventive detention for children, and where detention was unavoidable, ensure that children were not detained together with adults. It recommended that Norway make the necessary legislative amendments to extend the application of alternative forms of sanction to asylum-seeking children.<sup>64</sup>

### **3. Fundamental freedoms<sup>65</sup>**

34. The Human Rights Committee was concerned that freedom of thought, conscience and religion was not included in the human rights chapter of the Constitution and that the Constitution placed the Evangelical Lutheran Church in a position of privilege vis-à-vis other religions.<sup>66</sup>

35. UNESCO noted that, under the Criminal Code that had come into force in 2015, virtually all forms of criminal defamation had been repealed.<sup>67</sup>

### **4. Prohibition of all forms of slavery<sup>68</sup>**

36. The Committee on the Elimination of Discrimination against Women recommended that Norway adopt a human rights-based approach in its efforts to combat trafficking, and prioritize the prevention of trafficking and re-trafficking, the protection of victims and the prosecution of perpetrators. The Committee recommended that Norway create a uniform national system for identifying and following up on victims of trafficking.<sup>69</sup>

37. The Committee on the Rights of the Child recommended that Norway combat trafficking in children by tackling the demand for related crimes and allocate additional resources to identify perpetrators of those crimes and bring them to justice.<sup>70</sup>

### **5. Right to privacy and family life**

38. The Human Rights Committee recommended that Norway guarantee that surveillance activities were in conformity with its obligations under the International Covenant on Civil and Political Rights and ensure that any interference in a person's private life was in conformity with the principles of legality, proportionality and necessity. Norway should ensure that the collection and use of data on communications took place on the basis of specific and legitimate objectives and that the exact circumstances in which

such interference might be authorized and the categories of persons likely to be placed under surveillance were set out in detail in law.<sup>71</sup>

39. The Committee on the Elimination of Discrimination against Women recommended ensuring, in cases of divorce, that the concept of joint marital property extended to intangible property, including pension and insurance benefits and other career-related benefits, and that joint property was divided equally regardless of each spouse's individual contribution. It also recommended taking further legal measures, as needed, to compensate for the unequal share of women in unpaid work and the resulting losses they might experience in their earning capacity.<sup>72</sup>

## **C. Economic, social and cultural rights**

### **1. Right to health<sup>73</sup>**

40. The Committee on the Rights of the Child recommended ensuring that municipalities were allocated sufficient funds for health services for children and sufficient resources were allocated to the mental health sector.<sup>74</sup>

41. The Committee recommended that Norway improve the diagnosis of mental health problems among children. It recommended ensuring that any initial diagnosis of attention deficit hyperactivity disorder was reassessed, and that appropriate non-medical, scientifically based psychiatric counselling and specialist support services for children, their parents and teachers were given priority over the prescription of drugs in addressing the disorder and other behavioural specificities, with particular attention given to boys.<sup>75</sup>

### **2. Right to education<sup>76</sup>**

42. UNESCO encouraged Norway to ensure equal educational opportunities for all, especially those belonging to vulnerable groups, including children with a migration background, children from indigenous and ethnic minorities, refugees and asylum seekers.<sup>77</sup> Likewise, the Committee on the Rights of the Child recommended that Norway increase its efforts to implement a zero-tolerance approach to discrimination on the grounds of race, migration status, sexual orientation or gender identity in the school context.<sup>78</sup>

43. The Committee on the Elimination of Discrimination against Women recommended reducing the dropout rate at the upper secondary level for children with a migration background or children whose parents had lower levels of education.<sup>79</sup>

44. UNESCO encouraged Norway to integrate human rights education into its national school curricula.<sup>80</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>81</sup>**

45. The Committee on the Elimination of Discrimination against Women remained concerned about the high level of gender-based violence against women, especially domestic and sexual violence, including rape.<sup>82</sup> The Human Rights Committee was concerned that the lack of free consent was not at the centre of the definition of rape in the Criminal Code. It was also concerned by the alleged underreporting of rape and other forms of gender-based violence, societal and legal barriers in accessing justice for rape victims, and the low number of prosecutions and convictions of rape cases.<sup>83</sup>

46. The Committee on the Elimination of Discrimination against Women recommended that Norway develop and implement comprehensive measures for the prevention and elimination of gender-based violence against women and girls, particularly domestic violence, rape and other forms of sexual violence, and ensure that perpetrators of gender-based violence were prosecuted and punished commensurately with the gravity of their crimes.<sup>84</sup> The Human Rights Committee recommended that Norway proceed with plans to launch a new national plan of action to eliminate violence against women and girls and

amend section 291 of the Criminal Code to ensure that the lack of free consent was at the centre of the definition of rape.<sup>85</sup>

47. The ILO Committee of Experts on the Application of Conventions and Recommendations noted that the parental leave period, which was reserved for mothers and fathers only, had been reduced from 14 weeks to 10 weeks for each parent, and at the same time the remaining period that was to be shared between parents had been increased by 8 weeks, so that the total benefit remained the same. The Committee noted concerns that, as a result of the reduction in the paternity leave period from 14 to 10 weeks, fathers were taking less leave and mothers were becoming more housebound.<sup>86</sup> The Committee on the Elimination of Discrimination against Women recommended that Norway ensure the equal participation of both parents in family life and reintroduce maternity and paternity leave periods of 14 weeks.<sup>87</sup>

48. The Human Rights Committee recommended that Norway implement effective measures to eliminate the gender wage gap by addressing differences in pay between men and women for the same work and ensure that family life did not have a negative effect on women's wages.<sup>88</sup>

49. The Committee on the Elimination of Discrimination against Women recommended that Norway address the disproportionate percentage of women receiving the State minimum pension and take remedial measures to even out gender disparities, if any, after the evaluation of the reformed State pension system and employer-related pension system in 2018 to ensure their equal impact on women and men.<sup>89</sup>

50. The Committee recommended adopting the legal measures necessary to enhance the economic protection guaranteed to all women living in de facto relationships, in the form of recognizing their rights with respect to the property accumulated during the relationship, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations.<sup>90</sup>

51. The Committee welcomed the introduction by most political parties of voluntary gender quotas into their nomination processes, resulting in a constant increase in the representation of women in the parliament and an increase in women candidates for local elections in 2015. It welcomed the requirement in the Local Government Act of a minimum of 40 per cent representation of women and men in appointed positions in municipalities and municipal companies. It also welcomed the fact that Norway had almost reached gender equality at the ambassadorial level. The Committee noted with concern, however, the underrepresentation of women from ethnic and minority backgrounds in political life in general.<sup>91</sup>

## 2. Children<sup>92</sup>

52. The Committee on the Rights of the Child recommended that Norway increase its efforts to promote positive, non-violent and participatory forms of child-rearing and discipline, and offer information sessions for parents and parents-to-be on that topic and on the illegality of violence against children.<sup>93</sup>

53. The Committee was concerned about the reported increase in online child sexual abuse and exploitation, and the trend of underreporting the sexual abuse of children, particularly when the victim was a boy.<sup>94</sup>

54. The Committee recommended that Norway review the current practices relating to out-of-home placements, deprivation of parental rights and limitation of contact rights, with a view to ensuring that such drastic steps were only used as measures of last resort, were based on the needs and best interests of the child and were subject to adequate safeguards, with a particular emphasis on the children of Roma families, who appeared to be separated from their families with disproportionate frequency.<sup>95</sup>

55. The Committee recommended that Norway provide parents with the necessary support to avoid separation from their children, ensure that siblings were not separated when placed in alternative care, carry out a periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein.<sup>96</sup>

### 3. Persons with disabilities<sup>97</sup>

56. The Special Rapporteur on disability stated that Norway should initiate a comprehensive national law review process, including mental health legislation, and make changes to fully implement the right to legal capacity of persons with disabilities.<sup>98</sup>

57. The Committee on the Rights of the Child recommended that Norway combat violence against and abuse and neglect of children with disabilities, and prevent their institutionalization.<sup>99</sup>

58. The Committee recommended ensuring that inclusive education became more inclusive and more adapted to the needs of children with disabilities and that it obtained better results, with higher quality. It also recommended ensuring that inclusion was given priority over placement in special education institutions or classes, increasing the training and assignment of specialized teachers and professionals providing individual support in inclusive classes, and improving the physical accessibility of schools.<sup>100</sup>

### 4. Minorities and indigenous peoples<sup>101</sup>

59. The Committee on the Elimination of Racial Discrimination was concerned by reports of discrimination faced by ethnic minorities in access to education, housing and health care.<sup>102</sup>

60. In 2015, the Committee was concerned about the persistent discrimination against, stereotyping of and intolerance towards Roma and Tatars living in Norway; the persistent difficulties and inequalities faced by Roma and Tatars in accessing employment, housing, health-care services and education compared to the rest of the population; the low level of education among Roma and Tatars, coupled with the low school attendance of Roma children; and the reports of the negative effects of the frequent separation of Roma children from their families as a protection measure.<sup>103</sup> In 2018, the Committee was concerned by reports that discrimination, stigmatization and harassment continued against Roma and Tatars, and that special measures had not been adopted to assist Roma and Tatars in a number of areas of life, such as the labour and housing markets or health care.<sup>104</sup>

61. The Committee recommended that Norway develop appropriate strategies and policies to respond adequately to the difficulties faced by Roma and Tatars in gaining access to employment, housing, health-care services and education.<sup>105</sup> It recommended ensuring that the situation regarding the education of Roma children was included in the white paper on how to strengthen the situation of national minorities that would be issued in 2020, thus identifying concrete measures to prevent high dropout rates among Roma children.<sup>106</sup> The Committee recommended that Norway review its practice of placing Roma children in institutional settings or in the care of welfare services.<sup>107</sup>

62. The Committee recommended that Norway continue to improve the situation regarding the use of the Kven language and ensure that national minorities had the right to enjoy educational and cultural activities in their own languages.<sup>108</sup>

63. The Human Rights Committee recommended that Norway step up its efforts to combat stereotypical and discriminatory attitudes and practices towards Sami individuals and the Sami people.<sup>109</sup>

64. The Committee on the Elimination of Racial Discrimination was concerned that, while the Finnmark Act recognized that the Sami people had acquired collective and individual rights in Finnmark through long-term usage of land and resources, there remained significant gaps in translating the legal recognition into practice, resulting in the limited recognition and protection of Sami rights over their lands.<sup>110</sup> The Special Rapporteur on indigenous peoples noted that a common criticism of the current model under the Finnmark Act was that it did not afford the local people of Finnmark a real right to manage their resources on their traditional land and territories.<sup>111</sup>

65. The Special Rapporteur recommended that Norway assess the adequacy of the Finnmark Act in advancing the Sami people's self-determination and their rights to land and resources.<sup>112</sup>



66. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination recommended the speedy adoption of the Nordic Sami Convention.<sup>113</sup> The Committee on the Elimination of Racial Discrimination recommended that Norway review its legislation and ensure that it fully recognized Sami fishing rights based on immemorial usage and local customs.<sup>114</sup>

67. The Committee recommended that all administrative and legislative mechanisms allowing for extractive activities on Sami lands be reviewed in order to guarantee adequate consultation with the affected Sami communities, mitigation measures, compensation and benefit sharing.<sup>115</sup> The Special Rapporteur on indigenous peoples stated that applications for exploration and exploitation permits should be evaluated against existing projects and the cumulative impact that they had on the affected Sami communities.<sup>116</sup>

68. In 2015, the Committee on the Elimination of Racial Discrimination expressed concern that little progress had been made in establishing legal frameworks or specialized mechanisms to identify rights to land and resources for Sami people outside Finnmark.<sup>117</sup> The Committee recommended that Norway recognize those rights for Sami people outside Finnmark.<sup>118</sup> In 2018, the Committee was concerned that the Government had not yet complied with that recommendation.<sup>119</sup>

69. The Committee was also concerned about the vulnerable situation of the Eastern Sami culture and the insufficient measures to preserve it, particularly due to the restrictive regulation of reindeer herding, fishing and hunting, which constituted an important part of the culture.<sup>120</sup> In 2015, the Committee recommended that Norway preserve the land rights and culture of the Eastern Sami people, including by finding an appropriate solution to preserve the reindeer herding, fishing and hunting that was important to their culture.<sup>121</sup> In 2018, the Committee stated that despite its recommendations made in 2015, measures had not been taken to establish the ability of the Eastern Sami people to conduct their traditional reindeer husbandry.<sup>122</sup>

70. The Committee recommended that Norway effectively ensure the promotion and preservation of the Sami languages.<sup>123</sup> The Committee on the Rights of the Child recommended that Norway enforce the right of all Sami children of school age to Sami-language education.<sup>124</sup> The Human Rights Committee recommended increasing the recruitment and training of Sami language teachers and the availability of Sami language instruction for Sami children in kindergarten in all regions.<sup>125</sup> The Special Rapporteur on indigenous peoples stated that the Sami Parliament should be guaranteed a role in the oversight and evaluation of Sami educational programmes and their quality.<sup>126</sup>

71. The Human Rights Committee was concerned by the reported high rates of violence against Sami women, who faced difficulties in seeking justice for those crimes due to cultural and linguistic barriers and their mistrust of authorities.<sup>127</sup> The Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination expressed similar concerns.<sup>128</sup>

72. The Committee on the Elimination of Racial Discrimination recommended ensuring that the Sami Parliament was consulted on financial initiatives and budgetary measures that might have a direct impact on the Sami community.<sup>129</sup> The Human Rights Committee recommended ensuring meaningful consultation with the Sami people in practice and adopting a law for consultations with a view to obtaining their free, prior and informed consent.<sup>130</sup>

## **5. Migrants, refugees and asylum seekers<sup>131</sup>**

73. The Human Rights Committee reiterated its concern that persons with a migrant background continued to face discrimination in the employment and housing sectors.<sup>132</sup> The Committee on the Elimination of Racial Discrimination was concerned that children of migrants had lower performance in schools.<sup>133</sup>

74. UNESCO noted that there had been a large increase in the number of immigrants and asylum seekers in Norway in 2015.<sup>134</sup> The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that in 2015, the Government had proposed a legislative package containing 40 measures aimed at introducing more restrictive

provisions into the Norwegian Immigration Act. A number of those amendments had been implemented since 2016, and the parliament had decided to implement the remaining reforms by 2018. UNHCR was concerned that those amendments risked breaching international norms.<sup>135</sup>

75. The Human Rights Committee was concerned that the amendments to the Immigration Act and related circulars reduced protection for asylum seekers, including by allowing asylum applications to be rejected without consideration of their merits, on the grounds that an asylum seeker had entered Norway after having stayed in a country in which he or she had not been persecuted.<sup>136</sup>

76. The Committee against Torture was concerned about the treatment of asylum seekers in the Trandum Holding Centre, including body searches that had been described as humiliating, and that some asylum seekers had been handcuffed while being transferred.<sup>137</sup> The Committee on the Elimination of Racial Discrimination remained concerned about the use of solitary confinement in the Centre to ensure safe deportation.<sup>138</sup>

77. The Committee against Torture was concerned about the absence of a prompt mandatory offer of a medical examination upon arrival in all immigration detention facilities, and particularly with regard to the long delays and the refusal of some municipalities that hosted asylum reception centres to provide health-care services to asylum seekers.<sup>139</sup>

78. In 2015 and 2018, the Committee on the Elimination of Racial Discrimination expressed concern about reports of the detention of asylum-seeking minors.<sup>140</sup> The Committee on the Rights of the Child recommended ensuring that under no circumstances were children placed in detention on the basis of their immigration status.<sup>141</sup>

79. The Committee recommended that Norway place children and their families in reception centres for the shortest time possible only, and increase the resources allocated to reception centres with a view to ensuring adequate conditions for children during their residency therein.<sup>142</sup>

80. The Committee was concerned about the insufficient care provided to unaccompanied children in some municipalities, and that children who were 15 years of age and older did not receive the same quality of care as those under 15. The Committee recommended ensuring that unaccompanied children in all municipalities, including those above 15 years of age, received good-quality care.<sup>143</sup> UNHCR, the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination made similar recommendations.<sup>144</sup>

81. The Committee against Torture was concerned that large numbers of unaccompanied minors seeking asylum aged between 15 and 18 were missing from reception centres, and about the insufficient protection measures and the inconclusive investigations concerning the missing minors as they were vulnerable to trafficking and crime. The Committee recommended ensuring the effective prevention of those cases and a thorough investigation whenever they did occur.<sup>145</sup> The Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination made similar observations.<sup>146</sup>

82. The Committee on the Elimination of Racial Discrimination was concerned that children living in asylum centres did not always enjoy access to kindergarten. Furthermore, the Committee was concerned about reports that section 3 (1) of the Education Act had the effect of excluding children who were older than 15 and had no legal residence status from upper secondary school education.<sup>147</sup>

83. UNCHR recommended ensuring that family reunification applications were dealt with in a humane and expeditious manner, in conformity with the international obligations and commitments of Norway, and amending national rules in order to ensure the protection of the right of refugees to family life by reducing the administrative fees, removing the requirement to prove an attachment to Norway for refugee children, and extending the deadline for submission of family reunification claims.<sup>148</sup>

## 6. Stateless persons

84. The Human Rights Committee recommended that Norway include a definition of stateless persons in its legislation and provide for a specific procedure to determine statelessness, in line with international standards.<sup>149</sup> The Committee on the Rights of the Child recommended that Norway establish all necessary safeguards to ensure that all children born in Norway were entitled to a nationality at birth if otherwise stateless.<sup>150</sup>

### Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Norway will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/NOindex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/NOindex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.1, 131.3–131.21 and 131.24.
- <sup>3</sup> CRC/C/NOR/CO/5-6, para. 39, CERD/C/NOR/CO/23-24, para. 29, and CEDAW/C/NOR/CO/9, para. 53.
- <sup>4</sup> CRC/C/NOR/CO/5-6, para. 39, CERD/C/NOR/CO/23-24, para. 29, CERD/C/NOR/CO/21-22, para. 41, CEDAW/C/NOR/CO/9, para. 53, and A/HRC/35/35/Add.1, para. 79.
- <sup>5</sup> CRC/C/NOR/CO/5-6, para. 38.
- <sup>6</sup> A/HRC/35/35/Add.1, para. 79.
- <sup>7</sup> CERD/C/NOR/CO/21-22, para. 41.
- <sup>8</sup> CCPR/C/NOR/CO/7, para. 7. See also CRC/C/NOR/CO/5-6, para. 35.
- <sup>9</sup> Letter dated 6 April 2018 from the Special Rapporteur on the rights of persons with disabilities addressed to the Permanent Mission of Norway to the United Nations Office and other international organizations in Geneva. Available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23751>.
- <sup>10</sup> Letter dated 30 July 2018 from the Permanent Mission of Norway to the United Nations Office and other international organizations in Geneva to the Office of the United Nations High Commissioner for Human Rights. Available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34267>.
- <sup>11</sup> OHCHR, “Management and funding” in *OHCHR Report 2014*, pp. 63, 67–68, 98, 100–101 and 116.
- <sup>12</sup> OHCHR, “Management and funding” in *OHCHR Report 2015*, pp. 61, 65–66, 90, 96, 98 and 112.
- <sup>13</sup> OHCHR, “Management and funding” in *OHCHR Report 2016*, pp. 78, 79, 83–84, 114–117 and 132.
- <sup>14</sup> OHCHR, “Management and funding” in *OHCHR Report 2017*, pp. 79, 83–84, 116–118 and 133.
- <sup>15</sup> OHCHR, *OHCHR Report 2018* (forthcoming).
- <sup>16</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.43–131.64.
- <sup>17</sup> CCPR/C/NOR/CO/7, para. 3. See also CERD/C/NOR/CO/23-24, para. 3.
- <sup>18</sup> CRC/C/NOR/CO/5-6, para. 3.
- <sup>19</sup> CEDAW/C/NOR/CO/9, para. 5.
- <sup>20</sup> CCPR/C/NOR/CO/7, para. 3, CERD/C/NOR/CO/23-24, para. 3, and CEDAW/C/NOR/CO/9, para. 6. See also CRC/C/NOR/CO/5-6, para. 7, CAT/C/NOR/CO/8, para. 5, and CERD/C/NOR/CO/21-22, para. 4.
- <sup>21</sup> CRC/C/NOR/CO/5-6, para. 8.
- <sup>22</sup> *Ibid.*, para. 42.
- <sup>23</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.26–131.28, 131.36, 131.39, 131.43, 131.66, 131.69, 131.76–131.77, 131.84, 131.87–131.113, 131.118 and 131.127.
- <sup>24</sup> CCPR/C/NOR/CO/7, para. 3, CERD/C/NOR/CO/23-24, para. 3, CEDAW/C/NOR/CO/9, para. 5, and CRC/C/NOR/CO/5-6, para. 3.
- <sup>25</sup> CERD/C/NOR/CO/23-24, paras. 7–8. See also CERD/C/NOR/CO/21-22, paras. 9–10.
- <sup>26</sup> UNESCO submission for the universal periodic review of Norway, para. 9.
- <sup>27</sup> CERD/C/NOR/CO/23-24, para. 11. See also CCPR/C/NOR/CO/7, para. 16.
- <sup>28</sup> CERD/C/NOR/CO/21-22, paras. 17–18.
- <sup>29</sup> CERD/C/NOR/CO/23-24, para. 12. See also CERD/C/NOR/CO/21-22, para. 18.
- <sup>30</sup> CERD/C/NOR/CO/21-22, para. 20.
- <sup>31</sup> CERD/C/NOR/CO/23-24, para. 16.
- <sup>32</sup> *Ibid.*, para. 13. See also CERD/C/NOR/CO/21-22, para. 15, and CCPR/C/NOR/CO/7, para. 16.
- <sup>33</sup> CERD/C/NOR/CO/21-22, para. 15.
- <sup>34</sup> *Ibid.*, para. 16. See also CERD/C/NOR/CO/23-24, para. 14.
- <sup>35</sup> CERD/C/NOR/CO/23-24, para. 14.
- <sup>36</sup> CCPR/C/NOR/CO/7, para. 17. See also CERD/C/NOR/CO/21-22, para. 18, CERD/C/NOR/CO/23-24, paras. 12 and 14, and CRC/C/NOR/CO/5-6, para. 33.
- <sup>37</sup> CCPR/C/NOR/CO/7, para. 11.

- <sup>38</sup> CERD/C/NOR/CO/21-22, para. 21. See also CERD/C/NOR/CO/23-24, para. 17, and CCPR/C/NOR/CO/7, para. 8.
- <sup>39</sup> CERD/C/NOR/CO/21-22, para. 22 and CERD/C/NOR/CO/23-24, para. 18. See also CCPR/C/NOR/CO/7, para. 9.
- <sup>40</sup> CERD/C/NOR/CO/23-24, para. 18.
- <sup>41</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.67 and 131.186.
- <sup>42</sup> A/HRC/35/35/Add.1, para. 12.
- <sup>43</sup> *Ibid.*, para. 75.
- <sup>44</sup> *Ibid.*, para. 43.
- <sup>45</sup> *Ibid.*, para. 79.
- <sup>46</sup> OHCHR, “Highlights of results” in *OHCHR Report 2015*, p. 24.
- <sup>47</sup> A/HRC/33/42/Add.3, para. 18.
- <sup>48</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.32, 131.142, 131.145–131.146 and 131.164–131.167.
- <sup>49</sup> CCPR/C/NOR/CO/7, para. 22. See also CAT/C/NOR/CO/8, para. 21.
- <sup>50</sup> CAT/C/NOR/CO/8, para. 21.
- <sup>51</sup> Letter dated 6 April 2018 from the Special Rapporteur on the rights of persons with disabilities addressed to the Permanent Mission of Norway to the United Nations Office and other international organizations in Geneva.
- <sup>52</sup> CCPR/C/NOR/CO/7, para. 23.
- <sup>53</sup> CAT/C/NOR/CO/8, para. 22.
- <sup>54</sup> *Ibid.*, paras. 13–14. See also para. 16.
- <sup>55</sup> *Ibid.*, para. 14.
- <sup>56</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.140–131.141, 131.143 and 131.148–131.150.
- <sup>57</sup> CAT/C/NOR/CO/8, para. 12.
- <sup>58</sup> CCPR/C/NOR/CO/7, paras. 28–29.
- <sup>59</sup> CAT/C/NOR/CO/8, paras. 14 and 16.
- <sup>60</sup> *Ibid.*, para. 18. See also CCPR/C/NOR/CO/7, para. 25.
- <sup>61</sup> CAT/C/NOR/CO/8, para. 20. See also CCPR/C/NOR/CO/7, para. 27.
- <sup>62</sup> CEDAW/C/NOR/CO/9, para. 46.
- <sup>63</sup> CAT/C/NOR/CO/8, paras. 31–32.
- <sup>64</sup> CRC/C/NOR/CO/5-6, para. 35.
- <sup>65</sup> For the relevant recommendation, see A/HRC/27/3, para. 131.33.
- <sup>66</sup> CCPR/C/NOR/CO/7, para. 18.
- <sup>67</sup> UNESCO submission, para. 4.
- <sup>68</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.120–131.126.
- <sup>69</sup> CEDAW/C/NOR/CO/9, para. 27. See also CERD/C/NOR/CO/21-22, para. 34.
- <sup>70</sup> CRC/C/NOR/CO/5-6, para. 34.
- <sup>71</sup> CCPR/C/NOR/CO/7, para. 21.
- <sup>72</sup> CEDAW/C/NOR/CO/9, para. 49.
- <sup>73</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.168–131.169.
- <sup>74</sup> CRC/C/NOR/CO/5-6, paras. 24 and 26.
- <sup>75</sup> *Ibid.*, para. 26.
- <sup>76</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.68 and 131.172–131.177.
- <sup>77</sup> UNESCO submission, para. 8.
- <sup>78</sup> CRC/C/NOR/CO/5-6, para. 29. See also CERD/C/NOR/CO/23-24, para. 20.
- <sup>79</sup> CEDAW/C/NOR/CO/9, para. 35. See also CERD/C/NOR/CO/23-24, para. 19.
- <sup>80</sup> UNESCO submission, para. 11.
- <sup>81</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.29–131.31, 131.35, 131.41–131.42, 131.72–131.75, 131.130–131.138 and 131.152–131.157.
- <sup>82</sup> CEDAW/C/NOR/CO/9, para. 24. See also CCPR/C/NOR/CO/7, para. 14.
- <sup>83</sup> CCPR/C/NOR/CO/7, para. 14. See also CEDAW/C/NOR/CO/9, para. 24, CAT/C/NOR/CO/8, para. 23, and CRC/C/NOR/CO/5-6, para. 17.
- <sup>84</sup> CEDAW/C/NOR/CO/9, para. 25. See also CERD/C/NOR/CO/21-22, para. 34.
- <sup>85</sup> CCPR/C/NOR/CO/7, para. 15. See also CAT/C/NOR/CO/8, para. 24, and CRC/C/NOR/CO/5-6, para. 18.
- <sup>86</sup> See [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3569256:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3569256:NO).
- <sup>87</sup> CEDAW/C/NOR/CO/9, para. 37.
- <sup>88</sup> CCPR/C/NOR/CO/7, para. 13. See also CEDAW/C/NOR/CO/9, para. 37.
- <sup>89</sup> CEDAW/C/NOR/CO/9, para. 41.
- <sup>90</sup> *Ibid.*, para. 49.

- <sup>91</sup> Ibid., para. 30.
- <sup>92</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.147, 131.151 and 131.158–131.159.
- <sup>93</sup> CRC/C/NOR/CO/5-6, para. 16.
- <sup>94</sup> Ibid., para. 17.
- <sup>95</sup> Ibid., para. 21.
- <sup>96</sup> Ibid.
- <sup>97</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.36 and 131.179.
- <sup>98</sup> Letter dated 6 April 2018 from the Special Rapporteur on the rights of persons with disabilities addressed to the Permanent Mission of Norway to the United Nations Office and other international organizations in Geneva.
- <sup>99</sup> CRC/C/NOR/CO/5-6, para. 23.
- <sup>100</sup> Ibid. See also UNESCO submission, para. 10.
- <sup>101</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.69, 131.76, 131.87–131.88, 131.93–131.94, 131.96–131.97, 131.172, 131.176–131.178, 131.180–131.185 and 131.187–131.192.
- <sup>102</sup> CERD/C/NOR/CO/23-24, para. 19. See also CRC/C/NOR/CO/5-6, para. 33.
- <sup>103</sup> CERD/C/NOR/CO/21-22, para. 25. See also [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_LANG\\_CODE:3340485,en:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:3340485,en:NO).
- <sup>104</sup> CERD/C/NOR/CO/23-24, para. 23.
- <sup>105</sup> CERD/C/NOR/CO/21-22, para. 26. See also CERD/C/NOR/CO/23-24, para. 24.
- <sup>106</sup> CERD/C/NOR/CO/23-24, para. 24.
- <sup>107</sup> CERD/C/NOR/CO/21-22, para. 26.
- <sup>108</sup> CERD/C/NOR/CO/23-24, para. 26.
- <sup>109</sup> CCPR/C/NOR/CO/7, para. 37. See also CRC/C/NOR/CO/5-6, para. 33.
- <sup>110</sup> CERD/C/NOR/CO/21-22, para. 29.
- <sup>111</sup> A/HRC/33/42/Add.3, para. 22.
- <sup>112</sup> Ibid., para. 77. See also CERD/C/NOR/CO/21-22, para. 30.
- <sup>113</sup> CCPR/C/NOR/CO/7, para. 37, and CERD/C/NOR/CO/23-24, para. 22.
- <sup>114</sup> CERD/C/NOR/CO/21-22, para. 30, and CERD/C/NOR/CO/23-24, para. 22. See also CCPR/C/NOR/CO/7, para. 37, and A/HRC/33/42/Add.3, para. 78.
- <sup>115</sup> CERD/C/NOR/CO/21-22, para. 30.
- <sup>116</sup> A/HRC/33/42/Add.3, para. 79.
- <sup>117</sup> CERD/C/NOR/CO/21-22, para. 29. See also A/HRC/33/42/Add.3, para. 26, and CCPR/C/NOR/CO/7, para. 36.
- <sup>118</sup> CERD/C/NOR/CO/21-22, para. 30. See also A/HRC/33/42/Add.3, para. 77, and CCPR/C/NOR/CO/7, para. 37.
- <sup>119</sup> CERD/C/NOR/CO/23-24, para. 21.
- <sup>120</sup> CERD/C/NOR/CO/21-22, para. 27.
- <sup>121</sup> Ibid., para. 28.
- <sup>122</sup> CERD/C/NOR/CO/23-24, para. 21.
- <sup>123</sup> CERD/C/NOR/CO/21-22, para. 28.
- <sup>124</sup> CRC/C/NOR/CO/5-6, para. 33.
- <sup>125</sup> CCPR/C/NOR/CO/7, para. 37. See also CERD/C/NOR/CO/21-22, para. 28.
- <sup>126</sup> A/HRC/33/42/Add.3, para. 80.
- <sup>127</sup> CCPR/C/NOR/CO/7, para. 14.
- <sup>128</sup> CEDAW/C/NOR/CO/9, para. 24 and CERD/C/NOR/CO/23-24, para. 21.
- <sup>129</sup> CERD/C/NOR/CO/21-22, para. 30. See also A/HRC/33/42/Add.3, para. 76.
- <sup>130</sup> CCPR/C/NOR/CO/7, para. 37.
- <sup>131</sup> For relevant recommendations, see A/HRC/27/3, paras. 131.69, 131.76–131.77, 131.88–131.95, 131.99–131.100, 131.139, 131.158, 131.160–131.161, 131.174 and 131.192–131.203.
- <sup>132</sup> CCPR/C/NOR/CO/7, para. 8.
- <sup>133</sup> CERD/C/NOR/CO/23-24, para. 19.
- <sup>134</sup> UNESCO submission, para. 7.
- <sup>135</sup> UNHCR submission for the universal periodic review of Norway, p. 1.
- <sup>136</sup> CCPR/C/NOR/CO/7, para. 32. See also UNCHR submission, p. 3.
- <sup>137</sup> CAT/C/NOR/CO/8, para. 27.
- <sup>138</sup> CERD/C/NOR/CO/21-22, para. 35.
- <sup>139</sup> CAT/C/NOR/CO/8, para. 27.
- <sup>140</sup> CERD/C/NOR/CO/23-24, para. 27, and CERD/C/NOR/CO/21-22, para. 35.
- <sup>141</sup> CRC/C/NOR/CO/5-6, para. 32. See also CERD/C/NOR/CO/21-22, para. 36.

- <sup>142</sup> CRC/C/NOR/CO/5-6, para. 32. See also UNCHR submission, p. 4.
- <sup>143</sup> CRC/C/NOR/CO/5-6, paras. 31–32. See also CAT/C/NOR/CO/8, para. 25, and CCPR/C/NOR/CO/7, para. 30.
- <sup>144</sup> UNHCR submission, p. 4, CCPR/C/NOR/CO/7, para. 31, CAT/C/NOR/CO/8, para. 26, and CERD/C/NOR/CO/23-24, para. 28.
- <sup>145</sup> CAT/C/NOR/CO/8, paras. 25–26.
- <sup>146</sup> CRC/C/NOR/CO/5-6, paras. 31–32, CCPR/C/NOR/CO/7, paras. 30–31, and CERD/C/NOR/CO/21-22, paras. 35–36.
- <sup>147</sup> CERD/C/NOR/CO/21-22, para. 39.
- <sup>148</sup> UNCHR submission, p. 5.
- <sup>149</sup> CCPR/C/NOR/CO/7, para. 35. See also CRC/C/NOR/CO/5-6, para. 15, and UNHCR submission, p. 5.
- <sup>150</sup> CRC/C/NOR/CO/5-6, para. 15. See also CEDAW/C/NOR/CO/9, para. 33, and CCPR/C/NOR/CO/7, para. 35.
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