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Report from Norway's NHRI to the UN Committee on Enforced Disappearances (CED) in relation to the List of Issues to Norway to be adopted at the 24th session, 20-31 Mar 2023

The Norwegian National Human Rights Institution hereby provides its inputs to the Committee in preparing its List of Issues to Norway, before the examination of Norway's 1st periodic report to CED. We appreciate the one-week extended deadline allowed for this report.

The Norwegian National Human Rights Institution (hereinafter: NIM) was established 1 July 2015 as an independent institution under new legislation adopted by Parliament. NIM has a specific mandate to protect and promote human rights in Norway, as well as to monitor how the authorities respect Norway's international human rights obligations. Submitting supplementary reports to international human rights monitoring bodies is an essential tool for a NHRI to fulfil its mandate.

In October 2022, we were re-accredited with A-status by GANHRI, thus being recognized as fully compliant with the UN Paris Principles.

In this submission, we provide information on some issues which may be relevant to the Committee's examination of Norway. Please note that our submission does not reflect all relevant human rights challenges in Norway within the scope of the Convention.

Please feel free to contact us at info@nhri.no in case of questions.

Best regards
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1. Individual communications

NIM has previously recommended that Norway recognise the competence of the Committee to receive and consider individual communications under Article 31 of the Convention. We believe this is important, not only to make rights protection more effective nationally, but also to demonstrate support for international monitoring mechanisms internationally.

- NIM suggests that the Committee inquire about the reasons for Norway's decision to not accept the individual complaints procedure.

2. Interpretive declaration on access to information

NIM has previously raised concerns regarding Norway's declaration concerning Articles 20 (1) and 18 of the Convention. We note that while some of our concerns regarding the wording of the original proposal to ratify CED, subject to a hearing in 2017, have been addressed in the final declaration, the overall effect remains the same. Information regarding a person deprived of their liberty in Norway is generally subject to a duty of confidentiality and is therefore not provided to persons with a legitimate interest unless the detainee consents.

This means that the exception from the right of access applies automatically as a general rule, however Article 20 (1) of the Convention only permits restrictions on the right to information referred to in Article 18 on an "exceptional basis", where "strictly necessary" and "if the transmission of the information would adversely affect the privacy" of the person deprived of liberty. NIM believes that this interpretation could imply a weakening of the Convention because the ability of persons with a legitimate interest, such as close relatives of the detainee or their legal counsel, to receive information concerning the whereabouts and state of health of the detainee, is a key tool for uncovering enforced disappearances.

- NIM suggests that the Committee inquire about the reasons for Norway's interpretation that the privacy of a detainee would be *adversely affected* by providing access to the information referred to in Article 18 to persons with a legitimate interest.

3. Reservation on national legal basis for detention in armed conflict

NIM has previously raised concerns regarding Norway's reservation to Article 17 (2) of the Convention as we believe that a separate national legal basis for detention in armed conflict is necessary.

- NIM suggests that the Committee inquire about the reasons for Norway's decision not to establish a separate national legal basis for detention in armed conflict.

4. Asylum-seeking minors missing from reception centres

Both the Committee Against Torture (CAT) and the Committee on the Rights of the Child (CRC) have raised concerns regarding asylum-seeking minors who have gone missing from reception centres in Norway (CAT/C/NOR/CO/8 and CRC/C/NOR/CO/5-6). Data provided by the Norwegian Directorate of Immigration indicates that between 2015 and October 2022, 411 asylum-seeking minors left reception centres without stating where they were going and still have unknown whereabouts. These minors may be vulnerable to trafficking or crime and may face forced return to their countries of origin or transit, particularly given that many have temporary residence permits that expire when they reach the age of 18. This may raise questions regarding Norway's obligations under Articles 12, 14, 15, 24.3, 24.6 and 25 of the Convention.

- NIM suggests that the Committee inquire about how Norway ensures effective prevention, identification and investigation of cases concerning the disappearance of asylum-seeking minors from reception centres.

5. Identification of and support for victims of human trafficking

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) published its third evaluation report on Norway in June 2022. According to the report, Norway remains a country of destination for victims of human trafficking, particularly in the form of sexual exploitation, and trafficking for labour exploitation is on the rise in several industries.

GRETA recommends that Norway ensure that victims of trafficking have access to free and independent legal aid and interpreting services, as well as compensation in cases where no criminal proceedings have been initiated against the alleged perpetrator. GRETA also recommends that Norway establish a formalised "National Referral Mechanism" to identify potential victims of trafficking and avoid rapid deportations of foreigners without conducting such a screening. These matters may be relevant to Norway's obligations under Articles 3, 23 and 25 of the Convention.

- NIM suggests that the Committee inquire about the follow-up and implementation of any relevant recommendations from GRETA.

6. Investigation and reparation of enforced disappearances in the past

NIM notes that the indigenous Sami people and Norway's five national minorities (the Jewish, Kven/Norwegian Finn, Forest Finn, Norwegian Roma and Romani/Tater people) have been subjected to varying types of discriminatory policies and practices throughout Norwegian history, prior to the entry into force of the Convention. In some cases, these policies and practices may have met the definition of enforced disappearances under the Convention, including for example the forced removal of children to institutions or foster homes and the forced resettlement of adults to labour colonies. Over the past 20-30 years, the Government has adopted various measures aimed at acknowledging and addressing these past injustices, which have varied in focus and scope depending on the group concerned, see an overview in a 2020 white paper ([Meld. St. 12 2020–2021 \(English\)](#), ch. 5). Below we address the two most recent measures.

In 2015, a Commission established by the Government to investigate past policies and practices towards the Romani/Tater people issued its report (NOU 2015:7) with several recommendations, including clarification of legal issues at the individual level and fair compensation and redress schemes at municipal and national level (see [English summary](#) p.30-33). The Government provided the Parliament with an update on its follow-up of these recommendations in the 2020 white paper, ch 6.

In 2018, the Parliament established a Truth and Reconciliation Commission to investigate past policies and practices towards the Sami and Kven/Norwegian Finn, which later decided to include the Forest Finns in its mandate. The Commission is due to deliver its final report and recommendations in the summer of 2023.

- NIM suggests that the Committee inquire about how Norway has investigated and provided reparations for past enforced disappearances committed against the Sami and national minorities.