

Norway's Addendum to the Report of the Working Group on the Universal Periodic Review (UPR)

26 August 2019



Norwegian Ministry
of Foreign Affairs

Addendum to the Report of the Working Group on the Universal Periodic Review

Norway

The Norwegian Government welcomes the recommendations received during the third universal periodic review of Norway on 6 May 2019, and is pleased to provide its responses. Norway received 241 recommendations.¹ The Government accepts 176 of them, partially accepts 22 and does not accept 42. One of the recommendations is considered to be beyond the scope of the UPR. A table with all the recommendations and the Government's responses is annexed to this addendum.

1-2 Not accepted. The Government concluded in a white paper in 2016 that it would not propose that Norway should become party to the Optional Protocols on individual communications mechanisms to the ICESCR, CRC or CRPD. In 2017, a broad majority in the Storting (parliament) supported the Government's view.²

3-4 Accepted, already implemented. See 1-2.

5 Not accepted. See 1-2.

6 Accepted, already implemented. See 1-2.

7-8 Not accepted. See 1-2.

9-12 Accepted, already implemented. Norway ratified the Convention on 22 August 2019.

13-14 Not accepted. In 2002, Norway decided not to become party to the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as the wording was considered to be too vague and imprecise. Norway's decision to abstain from signing and ratifying the Convention has since been upheld. Norway has ratified eight of the core international human rights instruments and the core ILO conventions on workers' rights, which also apply to foreign nationals residing in Norway.

15 Not accepted. See 13-14 (ratification of ICMW) and 18 (reservations to ICCPR).

16 Not accepted. See 13-14.

17 Not accepted. Ratification is under consideration.

18 Not accepted. The Government has established two juvenile units and imprisoned children are separated from adults as a main rule. Still, there are circumstances where it is not considered to be in the child's best interest to be placed in a juvenile unit, or to be placed in such a unit immediately. Therefore, the said reservations will be upheld.

19 Not accepted. It is the Government's view that the interpretative declarations reflect a correct understanding of the Convention.

20-21 Accepted.

22 Not accepted. The Government is committed to ensuring that national candidates for UN treaty body elections are qualified and independent, and will further consider the recommendation.

23 Accepted.

¹ <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NOindex.aspx>, Third Cycle, Outcome of the review, Report of the Working Group (A/HRC/42/3), para. 140.

² Norway's third UPR report, para. 7 (Reports and information, National report).

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24-26 Not accepted. It is the Government's view that the presentation of human rights reports and the follow up and implementation of recommendations should be dealt with as an integrated part of the ministries' daily work, not as a separate issue.

27-33 Accepted.

34 Partially accepted. The Government continuously works to ensure consistent implementation of anti-discrimination legislation,³ and is considering all the recommendations from the National Human Rights Institution. Furthermore, the Government is implementing the 2016-2020 Action Plan against Anti-Semitism⁴.

35-36 Accepted.

37 Partially accepted. The Government is preparing an action plan against racism and discrimination based on ethnicity and religion. The Penal Code prohibits hate speech based on another person's skin colour, national or ethnic origin, or religion or life stance. However, the penal provision on blasphemy was removed from the Penal Code in 2015. The Government is not planning any legal amendments.

38 Accepted.

39 Accepted, already implemented. The Penal Code and the Equality and Anti-Discrimination Act prohibit racial discrimination.

40-41 Accepted.

42 Not accepted. A formal ban on racist organisations has been considered and rejected several times. The question was most recently considered in a report from 2016.

43 Accepted.

44 Partially accepted. Norway will consider introducing a ban on participation in criminal gangs. A criminal law prohibition of participation in a criminal organisation could, depending on the wording, also have implications for participation in racist organisations whose sole purpose is to commit serious crimes.

45 Accepted, already implemented. Article 98 of the Constitution states that no human being must be subject to unfair or disproportionate differential treatment. The Constitution does not list specific grounds of discrimination, but discrimination on the basis of race is already prohibited.

46-48 Accepted.

49 Not accepted. The Act prohibits discrimination on the basis of ethnicity, national origin, descent, skin colour, language, religion or belief. Norwegian authorities have considered whether the term 'race' should be incorporated into the Act, but have concluded that this is neither needed nor wanted. Discrimination based on opinions or conceptions about a person's race is clearly regarded as ethnic discrimination.

50 Partially accepted. See 42 and 44.

³ Norway's third UPR report, paras.13-14 (Reports and information, National report).

⁴ Norway's third UPR report, para. 102.

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51-53 Accepted.

54 Not accepted. Under the Immigration Act, the police may stop a person and request proof of identity when there is reason to assume that the person in question is a foreign national and the time, place and situation give grounds for this. The fact that someone belongs to a particular ethnic group or religion or has a foreign appearance is not in itself grounds for an immigration check.

55 Not accepted. Ethnicity is not a reason to stop and search an individual. A general prohibition on discriminatory conduct is established in the legislation. The police work systematically to ensure that discriminatory behaviour does not occur.

56-63 Accepted.

64 Accepted, already implemented. Hate speech, discriminating statements and incitement to violence – in any context – are criminal offences, provided that the right to freedom of speech is upheld.

65-68 Accepted.

69 Partially accepted. The Government is working on a new action plan against racism and discrimination based on ethnicity and religion. Regarding the dissolution of racist organisations, see 42.

70 Not accepted. The specialist group in Oslo Police District gives advice to other districts.

71-75 Accepted.

76 Not accepted. See 70.

77 Partially accepted. The Government is implementing its Strategy against Hate Speech (2016 – 2020). The media sector is one of the focus areas. There are no specific measures aimed at politicians. There is, however, a political declaration against hate speech from the Government, from 2015, and a general call from the Prime Minister to keep the public debate objective and constructive. The Prime Minister has also recommended all politicians to go through their Facebook pages and remove any hateful expressions.⁵

78-79 Accepted.

80 Not accepted. The Government will consider whether gender, gender identity and gender expression should be included in the relevant provisions on hate speech and hate crimes.

81 Accepted.

82 Not accepted. The specialist group in Oslo Police District gives advice to other districts.

83-88 Accepted.

89 Partially accepted. The Government will consider which recommendations to implement.

90-95 Accepted.

⁵ The Government's Strategy against Hate Speech 2016-2020:

<https://www.regjeringen.no/en/dokumenter/the-governments-strategy-against-hate-speech-20162020/id2520975/>.

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96 Beyond the scope of the UPR.

97 Accepted.

98 Not accepted. Norway expects all enterprises operating abroad to adhere to the UN Guiding Principles on Business and Human Rights (UNGPs) in order to ensure that they respect human rights.

99 Not accepted. Any negative impact on human rights due to the activities of Norwegian companies, particularly in conflict areas, is of concern to the Norwegian authorities. The authorities provide information and advice to Norwegian companies and have clear expectations regarding responsible business conduct, as set out in Norway's national action plan on business and human rights, as well as in the UNGPs and the OECD Guidelines for Multinational Enterprises.

100 Accepted, already implemented. In recent years, Norway has implemented measures to improve registration and reporting of decisions on coercion. We have reason to believe that the data on the use and frequency of coercion in mental health care is fairly representative.

101 Accepted, already implemented. Excessive use of force on the part of the law enforcement authorities is extremely rare, and safeguards to ensure full accountability are in place.

102-115 Accepted.

116-122 Not accepted. The definition of rape in the Penal Code is intended to apply to sexual activity without consent. The definition does not include the wording 'without consent', but it describes circumstances that imply a lack of consent. The Government's action plan to combat rape of 2019 states that the Government will consider whether a review of the chapter on sexual offences in the Penal Code is warranted. The action plan specifically sets out that the Government will consider proposing amendments to the legal definition of rape.

123-124 Accepted. Gender-based violence, including rape and other sexual violence, is taken very seriously by the courts. Various measures to enhance competence in this area are offered to all judges, both by the Norwegian Courts Administration and by the individual courts. These include training in procedural and material legal issues, general ethics, and in difficult cases where there is conflicting evidence.

125 Accepted.

126-127 Accepted. See 123 and 124.

128 Accepted.

129 Partially accepted. The Storting draws up aims and objectives and the annual budget framework for the courts and the Norwegian Courts Administration (NCA). The Ministry of Justice is not in a position to instruct the NCA on specific administrative matters.

130 Not accepted. The Criminal Procedure Act is currently under revision. In this connection, the Government will consider proposing amendments to the provisions on the use of solitary confinement during pre-trial detention.

131 Accepted. Measures are being taken to improve access to mental health care for prisoners over the coming years.

132 Accepted.

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133 Not accepted. See 130.

134 Accepted. The Government will reduce the use of solitary confinement and acknowledges that isolation may have detrimental effects on prisoners.

135 Accepted, already implemented. The right to free exercise of religion is recognised in Article 16 of the Constitution. Article 16 should be interpreted in the light of Article 9 of the ECHR, which has been implemented in the Human Rights Act.

136-137 Accepted.

138 Accepted, already implemented. Human rights defenders, including civil servants, are already afforded effective protection under Norwegian law.

139-140 Accepted.

141-144 Partially accepted. Norway will introduce improvements to its system for identifying victims of trafficking.

145-149 Accepted.

150 Accepted, already implemented.

151 Accepted, already implemented. The Norwegian health services are universal and designed to include everyone regardless of their background. The Government has recently presented a plan for stepping up efforts to improve the mental health of children and young people, including those with a minority background.

152-153 Accepted.

154 Partially accepted. All children who are expected to reside in Norway for more than three months have the right to education. The right to upper secondary education is not, however, granted to young people who do not have a residence permit in Norway.

155 Accepted.

156 Partially accepted. See 154.

157-159 Accepted.

160 Accepted, already implemented.

161 Partially accepted. The Government has already taken several legislative measures to prevent sexual violence against women and children. Further legislative measures are being considered on a continuous basis.

162-165 Accepted.

166 Not accepted. See 116.

167-171 Accepted.

172 Accepted. See 123.

173 Partially accepted. We have not introduced specific measures to increase the representation of women from minority groups in decision-making positions. Norway has, however, seen a substantial

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increase in the number of female leaders over the past 15 years, both in the public and private sector. Female leaders are in the majority in the public sector. In collaboration with the business community, the Government has created a best practice list on how to achieve gender balance at the top in business.⁶ The list has been distributed to the 500 largest Norwegian companies. Several measures have been implemented to recruit immigrants to the public sector. The Government has recently launched a pilot scheme for anonymous job applications within the civil service. At least one applicant with a migrant background is to be invited to a job interview if he/she is qualified for the job.

174-182 Accepted.

183 Accepted, already implemented. In 2019, the Board of Health Supervision published a report that examined more than 100 cases where a child had been placed in alternative care. The report showed that in all these cases, the situation prior to placing the child in alternative care was grave, and that the removal of the child from his/her family was necessary for his/her protection. However, there is room for improvement. More effective assistance must be provided to prevent the need to place children in alternative care. A new draft child welfare bill has recently been subject to public consultation. The child's right to have contact with family members after a care order has been made, is one of the questions that has been reviewed. Some amendments to the current system of contact rights have been proposed.

184 Accepted.

185 Accepted, already implemented.

186 Accepted, already implemented. See 183.

187 Accepted, already implemented. In addition to the report mentioned in 183, the Directorate for Children, Youth and Family Affairs commissioned a report from NOVA (Norwegian Social Research) on the handling of compulsory care order cases in ethnic minority families by the Child Welfare Services and the County Social Welfare Boards. Targeted measures to strengthen the Child Welfare Services' cultural competence were among the recommendations in the report, which was published in 2018. A competence strategy (2018-2024) for the Child Welfare Services has been launched. New measures include the provision of training aimed at promoting greater cultural understanding and sensitivity in the follow-up of children and families with minority backgrounds.

188 Accepted, already implemented. See 183.

189 Accepted, already implemented. See 187.

190 Accepted.

191 Accepted, already implemented. See 187.

192 Accepted. The Government is not planning new measures in the areas of employment, housing or education that target specific groups such as the Roma and Romani people/Tater population. However, the Government's political platform states that the Government will implement measures to prevent discrimination in the labour market, the housing market and nightlife. The work on an action plan against racism and discrimination based on ethnicity and religion is under way. The plan

⁶ <https://www.regjeringen.no/en/dokumenter/how-to-achieve-gender-balance-at-the-top-in-business/id2625076/>.

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will target all ethnic minorities. The Government will also present a white paper on national minorities in 2020.

193 Accepted.

194 Accepted. See 192.

195-198 Accepted.

199 Accepted. See 192.

200-201 Accepted.

202 Not accepted. The fishery legislation was amended in 2012 to emphasise the importance of considering Sami culture in all regulation and management of fishing, and to emphasise that the Participation Act is to be applied in accordance with international law on indigenous people and minorities. The Norwegian authorities consult the Sami in accordance with Article 6 of ILO Convention No 169.

203-208 Accepted.

209 Not accepted. See 202. The Government is considering the Committee's recommendations.

210-213 Accepted.

214 Accepted. Norway already has systems to support decision-making for persons with disabilities, but is continuously working to improve these systems.

215-216 Accepted.

217 Partially accepted. Everyone is entitled to necessary healthcare, with some limitations for those without a residence permit. With regard to education, see 154.

218 Partially accepted. At the same time, Norway pursues a stringent, responsible immigration policy that ensures due process within the framework of Norway's international obligations.

219-220 Accepted.

221 Partially accepted. See 218.

222-223 Accepted.

224 Accepted, already implemented. Vulnerable groups are continuously given specific attention.

225 Partially accepted. See 154.

226-229 Accepted, already implemented. All asylum applications are carefully and individually assessed. Asylum seekers who are found to be in need of international protection will be granted asylum.

230 Accepted. The Government aims to reduce the fees.

231 Partially accepted. See 230. The deadline for submitting an application for exemption from the subsistence requirement is considered to be in accordance with our international obligations.

232 Accepted, already implemented. Norway constantly strives to improve case processing times.

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233 Not accepted. The situation for asylum seekers in Norway is in accordance with our international obligations.

234 Accepted.

235 Not accepted. Norway considers that the care and accommodation offered to unaccompanied minor asylum seekers, both over and under the age of 15, is in accordance with our international obligations.

236 Accepted.

237 Not accepted. See 235.

238 Accepted.

239 Not accepted. See 233.

240 Accepted.

241 Partially accepted. We will consider incorporating a definition of statelessness in Norwegian law. Norway is not, however, considering establishing a statelessness determination procedure. Statelessness is, as a general rule, not an independent ground for obtaining a residence permit in Norway and we do not interpret this to be an obligation under the 1954 Convention. Residency may, however, be granted under certain conditions in the event of practical obstacles to return that are beyond the control of the person concerned.