

# Norway's seventh periodic report to the Human Rights Committee

## Introduction

1. Norway's seventh periodic report is hereby submitted in accordance with the UN International Covenant on Civil and Political Rights, Article 40, paragraph 1 (b) and in response to the letter from the Office of the United Nations High Commissioner for Human Rights dated 26 July 2016 in which the deadline submitting the report was set at 1 August 2017. Norway was requested to answer the questions posed in the 'List of issues prior to submission of the seventh Periodic Report of Norway' (CPR/C/NOR/QPR/7) (hereinafter referred to as LOIPR) which was adopted by the UN Human Rights Committee at its 117th session (20 June–15 July 2016). The report has been prepared on the basis of the guidelines on the form and content of reports (HRI/GEN/2/Rev.6) and the guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/2009/1).

2. To facilitate consideration of the report, reference is made to Norway's previous periodic reports; see the sixth periodic report, submitted in 2009 (CCPR/C/NOR/6), the addendum to the sixth periodic report submitted in 2011 (CCPR/C/NOR/Q/Add.1) and references to previous reports in CCPR/C/NOR/6 paragraph 2. Reference is also made to Norway's eighth periodic report to the UN Committee against Torture (CAT/C/NOR/8) and to Norway's fifth and sixth reports to the UN Committee on the Rights of the Child (CRC/C/NOR/5-6), both of which were submitted in 2016.

3. The Ministry of Justice and Public Security has coordinated the reporting process. Several ministries have contributed to the report, and Norwegian civil society has played an important and active role in its preparation. In November 2016 the Ministry of Justice and Public Security held an open meeting of representatives from civil society, Sámediggi (the Sami Parliament) and other relevant actors to inform them of the reporting process and invite them to submit input to Norway's report. In February 2017 a draft report was distributed to the same actors and published on the Government's website, inviting submissions for input. All input has been taken into consideration during preparation of the report.

4. The Committee's recommendations made in response to Norway's sixth periodic report (CCPR/C/NOR/CO/6) and the Committee's LOIPR prior to submission of Norway's seventh

periodic report was translated into Norwegian to inform as many as possible about which issues should be reported on.

**Norway's reply to 'List of issues prior to submission of the seventh Periodic Report of Norway' (CCPR/C/NOR/QPR/7).**

**A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

**Replies to the questions in paragraph 1**

**Measures to implement the Committee's recommendations made in its previous concluding observations (CCPR/C/NOR/CO/6)**

5. The issues covered by the Committee's recommendations in response to Norway's sixth periodic report largely overlap those raised in the Committee's LOIPR in relation to Norway's seventh report. Therefore, with the exception of paragraph 15 in the Committee's recommendations, we consider its recommendations to be covered by the replies given to the Committee's LOIPR. Paragraph 15 in the Committee's recommendations relating to Norway's sixth periodic report will be discussed in the final section of this report.

**Procedures for implementing the Committee's views under the Optional Protocol and measures to ensure compliance with each of the views in respect of Norway**

6. The ministry responsible for the subject area covered by the Committee's view is responsible for following it up. This process is normally carried out in cooperation with the Ministry of Justice and Public Security, the Ministry of Foreign Affairs and the Office of the Attorney General. How the views should be followed up is decided on a case-by-case basis.

7. The Committee has not expressed any views in respect of Norway regarding violations of the Covenant after Norway submitted its previous report. Regarding follow-up of previous views in respect of Norway, please refer to Norway's previous reports.

**Replies to the questions in paragraph 2**

8. Article 2 of the Norwegian Constitution was amended in 2012, and the new purpose clause establishes that the Constitution should ensure democracy, rule of law and human rights.

9. Other amendments to the Constitution were simultaneously introduced making the Church of Norway more independent of the state. Article 2 of the Constitution establishing the Evangelical-Lutheran religion as “the official religion of the State” was repealed and replaced by a new provision in Article 16 declaring the Church of Norway as Norway’s “folk church”. Article 16 of the Constitution also establishes the right to freedom of religion and that all religious and life-stance communities should be equally supported by the state. Other amendments were also made to the Constitution, including the repeal of the provision requiring that more than half of the members of the government profess the official religion of the state. With effect from 1 January 2017, the Church of Norway was established as an independent legal entity. Employer responsibility for the Church of Norway’s clergy as well as for the national and regional church administrations was simultaneously transferred from the state to the Church of Norway, now as a new legal entity. The state will continue to fund the Church of Norway, but now in the form of a grant (rather than a budgetary allocation within the state budget).

10. In 2014 the Norwegian Constitution was further strengthened by the adoption of a new human rights catalogue. Previously the Constitution contained various separate provisions concerning human rights. The new Part E begins with Article 92, which prescribes that the state authorities shall respect and ensure human rights as they are expressed in the Constitution and in the human rights treaties that are binding on Norway. This is followed by a number of central human rights, including most of those stated in the Covenant. Part E of the Constitution now contains provisions that have been inspired by and largely correspond to Article 2, paragraph 1 and to Articles 6, 7, 8, 9, 12, 14, 15, 17, 19, 21, 22, 26 and 27 of the Covenant. According to the Supreme Court, the new human rights provisions in the Constitution must be interpreted in light of their international models, though such that future practice from the international enforcement bodies should not have the same judicial precedent in the interpretation of the Constitution as in the interpretation of corresponding convention provisions (Norwegian Supreme Court Reports 2015 p. 93).

11. The amendments made to the Constitution in recent years have also strengthened the right to effective legal remedies for human rights violations. Article 95 now establishes that everyone has the right to have their case tried by an independent and impartial court within reasonable time, and that legal proceedings must be fair and public. This right must be viewed in light of Article 89, which was adopted in 2015 and which prescribes a right and a duty for

the courts to review whether laws and other decisions made by the authorities are contrary to the Constitution. Under this provision, the courts will have a right and duty to review whether the authorities' decisions are in violation of the human rights provisions set out in the Constitution.

12. Since the committee made its recommendations in 2011, the Supreme Court has frequently referred to and applied the rights laid down in the Covenant. As examples, we refer to the decisions cited in the Norwegian Supreme Court Reports 2014 p. 1105 (police storage of surplus material obtained through communications surveillance was deemed to be in violation of Article 17 of the Covenant); the Norwegian Supreme Court Reports 2015 p. 1142 (Article 9 paragraph 3 of the Covenant was deemed not to have been violated by a person not being brought before a judge until 52 hours after being detained); the Norwegian Supreme Court Reports 2015 p. 1467 (the prosecuting authority's denial of a request for access to recordings made by a surveillance camera was deemed to be in violation of Article 19 of the Covenant); and the Norwegian Supreme Court Reports 2015 p. 1085 (a convicted person's right to have his conviction and sentence reviewed under Article 14 paragraph 5 of the Covenant was deemed not to have been violated by the proceedings before the court of appeal being delayed by several years).

## **B. Implementation of Articles 1–27 of the Covenant**

### **Constitutional and legal framework within which the Covenant is implemented (Article 2)**

#### **Replies to the questions in paragraph 3**

13. Norway upholds its reservations to the Covenant.

14. With regard to the reservations to Article 10, paragraphs 2 (b) and 3, reference is made to Norway's fifth and sixth periodic reports to the Committee on the Rights of the Child – 2016 (CRC/C/NOR/5-6), 9 (g) 'Separation from adults'.

15. The background for the reservation to Article 14, paragraph 5 is, first, that pursuant to Article 86 of the Constitution, Norway has a system with a court of impeachment, a special court for handling criminal cases against members of the Government, the Storting (parliament) and the Supreme Court, with no right of appeal. The second reason for the

reservation is that the Criminal Procedure Act, section 306, second paragraph prescribes that errors in the assessment of evidence in relation to the question of guilt may not constitute a ground for appeal. This rule entails that if a defendant has been acquitted in the first instance but convicted by an appellate court, there is no right to have the assessment of evidence in relation to the question of guilt reviewed. If the appellate court that convicts the defendant is the Supreme Court, there is no right of review.

16. Regarding the reservation to Article 20, paragraph 1, Norway maintains that it would be problematic to prohibit by law all propaganda for war in light of, *inter alia*, freedom of expression, and that formulating appropriate limitations to the scope of such a prohibition would pose considerable difficulties.

#### **Replies to the questions in paragraph 4**

17. On 19 June 2014 the Storting decided to establish a new national institution for human rights. The institution is organised under the Storting but is otherwise independent. An act and instructions for the institution were adopted by the Storting in April 2015. The director of the new institution took up his appointment on 1 January 2016. The institution has prepared its first two annual reports, for 2015 and 2016, to the Storting, and in 2016 it also prepared a yearbook on the situation for human rights in Norway. The institution was established with a view to fulfilling the requirements of the Paris Principles for, *inter alia*, legislative enshrinement, mandate, and areas of responsibility, composition, independence and diversity. In June 2017 the institution was informed by the Global Alliance of National Human Rights Institutions (GANHRI) that it had been granted 'A' status accreditation.

18. The institution has been given a broad mandate to promote and protect human rights in accordance with the Constitution, the Human Rights Act and other legislation, and with international treaties and law. The primary tasks of the institution are:

- Monitoring and reporting on the human rights situation in Norway, including making recommendations to ensure that Norway's human rights obligations are fulfilled.
- Advising the Storting, the Government, Sámediggi (the Sami parliament) and other public bodies and private parties on the implementation of human rights.
- Disseminating information about human rights, including providing guidance to individuals about national and international appeals mechanisms.

- Promoting training, education and research in human rights.
- Facilitating cooperation with relevant public bodies and other parties engaged in human rights activities.
- Participating in international cooperation to promote and protect human rights.

19. The institution's board must submit an annual report to the Storting. Otherwise the institution is free to organise its work and choose its work methods.

20. The recommendation to the Storting for the act regulating the institution's activities stipulated that protection of the rights of indigenous peoples should be an important part of the institution's activities. To enable the new national institution to monitor Sami rights to a greater degree than the previous national institution, it was decided that the Gáldu Resource Centre for the Rights of Indigenous Peoples would be integrated with the new national institution from 1 January 2017. Both Sámediggi and the board of Gáldu have been actively involved in and supported the integration process. In communication between the Ministry of Local Government and Modernisation and the Storting's Presidium it was established that all the employees would be transferred to the new institution and that they would continue to be based in Kautokeino.

## **Non-discrimination, gender equality (Articles 2, paragraph 1, 3, 20 and 26)**

### **Replies to the questions in paragraph 5**

#### **Hate speech and hate crime**

21. Hate speech directed at different minority groups may, depending on the specific circumstances, be punishable under the General Civil Penal Code, section 185, first paragraph for anyone who "wilfully or through gross negligence conveys discriminatory or hateful speech".

22. In November 2016 the Government launched a comprehensive strategy against hate speech. The strategy is set to last until 2020 and presents 23 measures intended to combat hate speech directed at people on the basis of gender, ethnicity, religion, belief, disability, sexual orientation, gender identity or gender expression. The measures include police monitoring,

registration and reporting of violations of the General Civil Penal Code, section 185 concerning hate speech. Targeted, systematic knowledge-building is a key area in the strategy.

23. As part of the work on the strategy against hate speech, several meetings are held between the authorities and civil society in which the latter provides input to the strategy content. A designated reference group has also been appointed. This group is broadly composed of representatives from non-governmental organisations, researchers, members of Sámediggi (the Sami Parliament) and other relevant actors. The strategy is subject to annual review. The strategy will be translated into North Sami and English.

24. In June 2017 a Nordic conference on hate speech was held in conjunction with Norway's presidency of the Nordic Council of Ministers. Other measures include the preparation of information material for children and young people, and a Nordic survey of legislation regulating threats, assaults and hate speech on the internet. The information material for children and young people will be translated into North Sami.

25. Since 2014 the Government has supported the campaign Stop Hate Speech on the Internet. The campaign is part of the Council of Europe campaign Young People Combating Hate Speech Online. In 2017 the campaign aims to establish a national youth network against hate speech. The Government also published a declaration against hate speech in November 2015.

26. In June 2016 the Government published an action plan to combat discrimination based on sexual orientation, gender identity and gender expression (*Trygghet, mangfold, åpenhet – Regjeringens handlingsplan mot diskriminering på grunn av seksuell orientering, kjønnsidentitet og kjønnsuttrykk 2017–2020*). The plan presents a series of measures against hate crimes that are based on sexual orientation, gender identity or gender expression. The measures also target hate crimes based on skin colour, religion, belief, disability or other factors. The action plan emphasises the importance of police knowledge about hate crimes.

27. In October 2016 the Government launched an action plan against antisemitism for the period 2016–2020. The action plan consists of 11 measures that will strengthen efforts against antisemitism in schools, disseminate knowledge about Judaism, Jewish culture and diversity in Jewish life and history in Norway, and support the Jewish minority's own efforts to make its history and culture better known. The measures launched in the action plan also include a requirement for the police to register antisemitism as a motive for hate crimes in all police

districts and to publish annual statistics on hate crime. During the period covered by the action plan, the Government will support research projects on antisemitism and continue to pursue Norway’s international commitment in this area. The Government has also allocated funds to a survey on attitudes towards antisemitism in Norway. Funding has also been granted for a survey and analysis of the attitudes ethnic minorities have towards each other. Both projects are planned for completion in 2017.

28. Statistics on reports of crimes motivated by hate are currently under development, and do not yet contain quality-assured data. The following summary shows the number of reported cases of hate crime directed at individuals based on ethnicity:

2011	2012	2013	2014	2015
183	162	141	156	235

29. Statistics will be prepared on prosecution decisions and convictions for these types of cases, but such statistics are currently unavailable.

**Ethnic profiling**

30. Basic police training is intended to equip law enforcement officers to deal with different groups in society with respect and tolerance, regardless of ethnicity, age, gender, cultural background, belief and perception of reality. Police activities should be performed in accordance with the law and in a professional manner. Any controls of individuals, regardless of ethnicity, should be carried out in an ethically and qualitatively proper manner. The police receive very few complaints of alleged discrimination. In 2014 the police districts and special bodies received a total of 736 complaints, 25 of which involved cases of alleged ethnic or other forms of discrimination.

31. Under the Immigration Act, section 21, the police may, in connection with enforcing provisions governing foreign nationals’ entry into and stay in the realm, 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 such controls. The selection criteria for carrying out immigration controls must never be based solely on a person’s affiliation with a specific ethnic group or religion, or foreign appearance or traits.

The National Police Directorate provided detailed guidelines for performing police border controls and immigration controls on Norwegian territory in Circular no. 2001/021.

32. The police work continuously on training and raising awareness about procedures and conduct when carrying out immigration controls. Police personnel who perform such controls must have in-depth knowledge of the legal basis for carrying out immigration controls and must exercise professionally sound judgement to avoid performing random controls.

33. Norwegian Customs has implemented a series of measures in its control activities aimed at combating discrimination based on ethnicity. Problems associated with discrimination are covered in the training module on controls and ethics given to customs officials. Under the Customs Regulations, written justification is required for performing invasive body searches where individuals are required to fully undress. The IT systems used by Norwegian Customs in its investigation and control activities contain no information regarding ethnicity. Norwegian Customs' website provides general grounds for its control activities involving individuals.

34. In the past five years, Norwegian Customs has received around 40 written complaints that directly or indirectly make allegations of discrimination based on ethnicity.

#### **Replies to the questions in paragraph 6**

35. In June 2017, the Storting adopted a comprehensive equality and anti-discrimination act, which will enter into force in January 2018. The Equality and Anti-Discrimination Act prohibits discrimination on grounds of gender, pregnancy, maternity/paternity leave in connection with birth or adoption, caring for children or close family members, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression or age, or a combination of the above-mentioned grounds. The act applies to all areas of society. The Anti-Discrimination Tribunal enforces the act. The decisions of the tribunal are administratively binding, but may be overruled by a court of law. The tribunal may impose a coercive fine to ensure compliance. The tribunal may also award compensation in certain discrimination cases. Discrimination on the grounds of gender, pregnancy, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression or age is also prohibited in Norwegian housing legislation.

36. The report entitled *Discrimination against the Indigenous Sami Population, National Minorities and Immigrants: A Research Review* (Midtbøen and Lidén (2015:01 Institute for Social Research)) shows that immigrants in Norway experience discrimination in most areas of society.

### **Discrimination in the housing market**

37. Between 2007 and 2015 the Equality and Anti-discrimination Ombudsman received a total of 15,027 enquiries (concerning both complaints and requests for guidance). A total of 403 (2.7 per cent) of these concerned discrimination in the housing market.

38. In 2014 a national, long-term and cross-sectoral strategy entitled *Housing for Welfare (2014–2020)* was launched. The strategy's goals were to provide all citizens with decent housing and support in managing their living arrangements, and to do so comprehensively and effectively. Five ministries share responsibility for the strategy. The disadvantaged in the housing market are defined in the strategy as individuals and families who are unable to find and/or maintain a satisfactory housing arrangement on their own. These are people who have no home of their own or who are at risk of losing their home, and people living in unsuitable housing or living environments. For most of them, their financial situation and problems with financing represent the biggest obstacles to finding and keeping a home. Other circumstances, such as social exclusion and the feeling of being unwanted as neighbours or tenants, also affect people's opportunities in the housing market. Newly arrived immigrants who are placed in asylum reception centres while waiting to be allocated accommodation are considered to be among the most disadvantaged in the housing market. The aim of the strategy is to consolidate and focus public-sector efforts and help strengthen the municipalities in their social housing tasks. Systematic and cross-sectoral efforts will be made throughout the strategy period to provide everyone with a suitable place to live and to ensure that those in need of services receive the help they need to manage their living arrangements.

39. Discrimination based on skin colour, language proficiency, nationality, ethnicity or faith affiliation in connection with selling or renting out residential property was prohibited by law in 2004. A survey from 2011 revealed selective and discriminatory mechanisms in the rental market that created unfavourable and more expensive rental options for certain groups. Tenants with minority backgrounds pay consistently higher rent than others, and more often

experience arbitrary notice of termination and rent increases (Røed Larsen/Sommervoll cited in Official Norwegian Report NOU 2011: 15 *Rom for alle* [Room for Everyone]).

40. The following measures were implemented after 2011 to help enhance knowledge about renting property to different groups of disadvantaged people in the housing market, including refugees and people with minority backgrounds:

1. The Norwegian Tenants Association offers all municipalities advice, courses and information material to assist them with housing refugees. The information on rights and obligations in rental agreements is tailored to organisations for minority groups. The intention is that enhanced knowledge about renting and renting out property will encourage more property owners to rent out their property and to strengthen tenants' legal protection.
2. In 2016 the digital knowledge database *Veiviser Bolig for velferd* [A Guide to Housing for Welfare] was launched. The guide was developed jointly by the six directorates responsible for following up the Housing for Welfare strategy. It provides relevant information about social housing activities, including articles on and links to laws, regulations, rules, circulars and online courses. The guide also provides step-by-step guidance in the process of housing disadvantaged people. The tool provides practical, concrete guidance, and offers municipalities opportunities to learn from each other and to generally strengthen their social housing activities across sectoral boundaries. The guide is available to everyone, and can also be useful for private individuals seeking information about how to go about renting out property to disadvantaged people.
3. In 2016 a new guarantee document was launched in connection with tenancy agreements. This document is used when a municipality provides a landlord with a guarantee for a given number of months' rent in order to secure the landlord's interests should the tenant default on the tenancy agreement. Surveys show that many are sceptical about renting out their property to refugees or other disadvantaged people in the housing market. The new guarantee scheme secures landlords' financial interests better than many of the other guarantee schemes previously used by the municipalities. Under the new scheme, landlords avoid the risk of the municipality's guarantee obligation expiring before they manage to file their claim. This lowers the risk for landlords who rent out

property to disadvantaged people in the housing market. Municipalities are free to choose whether or not to use the new guarantee scheme.

41. Housing allowance is a government-financed, means-tested scheme available to everyone aged over 18 and legally residing in Norway. Its purpose is to help secure suitable housing for people with low income and high housing expenses. However, military personnel and students are excluded because these groups are covered by other schemes. The dwellings must be approved for residential purposes and must contain a bathroom, WC and facilities for cooking and sleeping. The dwellings must normally be self-contained residential units. The amount of housing allowance is offset against income according to specific rules.

42. In 2016 an average of 105,400 households received a housing allowance every month. Seven out of 10 housing allowance recipients were single, and almost nine out of 10 lived in rented accommodation. Thirteen per cent comprised old-age pensioners and two out of 10 were classified as disabled.

43. In 2016 the housing allowance scheme was expanded to include disadvantaged residents in housing collectives. Housing collectives are a popular housing option, particularly among newly arrived immigrants with no network and who have difficulties finding somewhere to live. The expansion of the scheme helps to settle refugees faster and contributes to improving integration. This provides municipalities with greater scope for action when settling refugees and other disadvantaged people.

44. The housing policy instruments are not tailored to specific groups in the population, and no special schemes exist for specific minority groups. Everyone who is placed at a disadvantage in the housing market is entitled to be assessed for the government-funded housing policy instruments.

### **Discrimination in the labour market**

45. Of all the complaints received by the Equality and Anti-discrimination Ombudsman between 2007 and 2015, 6,637 (44.2 per cent) concerned discrimination in the labour market.

46. Discrimination in the labour market is well documented. A comprehensive study from 2012 showed that if an applicant had a foreign-sounding name, the likelihood of being invited to a job interview was 25 per cent less than for applicants with identical qualifications but

with a majority background. Variations apply according to gender, geographic location, sector, industry and job type. The survey was conducted with the help of field experiments and was complemented by qualitative interviews of employers. Discrimination results in both enterprises and society at large losing out on available competence.

47. The Equality and Anti-Discrimination Act prohibits direct and indirect discrimination, harassment and instructions to discriminate in all employment matters. The act establishes a stricter prohibition of unequal treatment in employment matters than in other areas of society. The act meets the requirements set out in EU Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and EU Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. In addition to the general prohibition of discrimination in employment matters, the act imposes an obligation on all employers to make an active and targeted effort to secure equality and prevent discrimination within the enterprise. The act introduces a shared burden of proof and civil law sanctions for violations of the prohibition in the form of compensation for economic and non-economic loss in employment matters.

48. The labour market was one of the focus areas in the Government's action plan for promoting equality and preventing ethnic discrimination (2009–2012/2013). Cooperation was established between the social partners that resulted in an agreement on common goals and measures to promote equality and prevent ethnic discrimination in the labour market. Resources were also allocated to research projects, mentoring programmes for women with ethnic minority backgrounds, and various schemes to promote diversity in the labour market.

49. A variety of employment schemes is important for combating discrimination in the labour market. In the spring of 2016 the Government presented the white paper Meld. St. 30 (2015–2016) *From reception centre to the labour market – an effective integration policy*. The white paper presents 69 measures to ensure that more newly arrived immigrants with refugee backgrounds gain faster access to employment or education and establish a permanent connection to the labour market.

50. The Government will increase employment among immigrants who have no connection to the labour market and who are not covered by other schemes or who need adapted training pathways. To reach this goal, the Government will, *inter alia*, identify individual competencies in the reception phase and establish fast-track access to the labour market for

those who possess skills that are in demand in the labour market. Furthermore, the Introduction Act will be amended so that the use of measures oriented towards the labour market and education will always be included in individual plans. The Government will review the approval systems and create programmes offering complementary education to make it easier for immigrants to make use of the skills they already possess. Some programmes have already been established. For example, from 2017 Oslo and Akershus University College of Applied Sciences offers complementary educational programmes for nurses with refugee backgrounds and complementary teacher education for people with refugee backgrounds who already hold teaching qualifications but who lack approval to work as teachers in Norwegian schools. The Government will continue the scheme *Jobbsjansen* [Job Opportunity] but will change the way the scheme is set up. More groups will have the chance to improve their qualifications in order to participate in the labour market, and to improve their Norwegian language skills and insight into Norwegian society so that they are better equipped to establish a permanent connection to the labour market, make the transition to education, and become financially self-reliant.

### **Replies to the questions in paragraph 7**

#### **Discrimination of minority women**

51. The Equality and Anti-Discrimination Act specifically prohibits discrimination based on a combination of the grounds mentioned in the act (for example, gender and ethnicity or disability and sexual orientation).

52. In the regulations on project grants to non-governmental organisations working on family and equality issues, activities that help strengthen equality activities for women with minority backgrounds constitute one of three priority areas. The Norwegian authorities have allocated funds to provide information to women with immigrant backgrounds as one of the measures in *Equality 2014: The Norwegian Government's gender equality action plan*. In connection with this and the previous *Action plan to promote equality and prevent ethnic discrimination 2009–2012*, funds were allocated to mentoring programmes for women in working life under the auspices of the Centre for Equality and the Enterprise Federation of Norway, an employer organisation. Women with minority backgrounds constituted a key target group.

#### **Equal pay**

53. The Equality and Anti-Discrimination Act, section 34 determines that women and men are entitled to equal pay for work of equal value. Women and men in the same undertaking shall receive equal pay for the same work, or work of equal value. Pay shall be set in the same way for women and men without regard to gender. Whether the work is of equal value shall be determined following an overall assessment in which emphasis is given to the expertise required to perform the work and other relevant factors, such as effort, responsibility and working conditions.

54. In Norway it is the social partner organisations that are responsible for conducting wage negotiations. The authorities act as legislator and facilitator. The state is also an important employer.

55. The authorities facilitate by, *inter alia*, inviting the social partner organisations to participate in meetings in the Contact Committee between the Government and the Norwegian Technical Calculation Committee for Wage Settlements. This arrangement helps the authorities and the social partners reach a common understanding of the current situation and trends in the Norwegian economy. The Technical Calculation Committee for Wage Settlements prepares documentation on trends in prices and wages, including wage trends for women and men. Agreements on wage increases are established through negotiations between the employee and employer organisations as well as through local and individual negotiations.

56. In 2016 the average wage for full-time female employees was 87.6 per cent of that for men. If part-time female employees are included, the average wage for women accounted for 86.1 per cent of that for men. Because they are expressed as averages, these figures do not necessarily show the differences between the genders when it comes to equal pay for work of equal value. The differences in level of labour force participation between men and women and in type of education, work experience, working hours and competence remain important factors behind the wage differences. The gender-segregated labour market means that women and men work in industries and sectors that differ in terms of wage potential. Moreover, there are differences between male and female employees in terms of trade union membership and position in the workplace. Research studies conducted by the Institute for Social Research indicate that, when adjusted for length of education, work experience, working hours, sector, industry and occupation, the wage gap between women and men is just under 7.5 per cent. When adjusted for these factors, the wage differences are greatest among workers with

vocational training at upper secondary level and thereafter among those with higher education at bachelor and master level.

57. All the social partners are highly aware of the need to even out the wage differences between women and men. Efforts to reduce wage differences are pursued through cooperation on documentation and research between the social partner organisations and the authorities, through political dialogue between the authorities and the organisations, and through concrete follow-up in wage settlements between the employee and employer organisations. This issue is discussed in the Council for Working Life and Pensions Policy, where the social partners and the Government regularly meet. Furthermore, a working group on equality in working life has been created, in which relevant ministries and social partner umbrella organisations will follow up this and other issues. The Government will also contribute to increasing the number of girls choosing science subjects at all levels, and will therefore increase the amount of funding allocated to the *Jenter og teknologi* [Girls and Technology] project by NOK 0.5 million to a total of NOK 2.5 million in 2017.

#### **Replies to the questions in paragraph 8**

58. The Sexual Orientation Anti-Discrimination Act was adopted by the Storting in 2013, and prohibits discrimination based on sexual orientation, gender identity and gender expression. In the course of 2014 and 2015, after this act entered into force, the Equality and Anti-discrimination Ombudsman handled six formal complaints of discrimination based on sexual orientation and nine of discrimination based on gender identity or gender expression.

59. Reference is made to the newly adopted Equality and Anti-Discrimination Act referred to in section 36 above. The act is in accordance with the articles on discrimination in the Covenant.

60. As mentioned in section 27, the Government published an action plan in 2016 against discrimination based on sexual orientation, gender identity and gender expression for the period 2017–2020. The Government's goal is to secure the rights of lesbian, gay, bisexual and transgender (LGBT) people, contribute to openness, and actively combat discrimination. The plan presents over 40 measures covering a range of areas in society such as kindergartens, schools, working life, health, etc. The plan is designed as a broad-ranging effort to develop and spread more knowledge about the challenges LGBT people have to confront and about

how services can be provided in the best possible way. Gender identity and gender expression are issues that have been integrated throughout the action plan.

### **Discrimination based on gender identity: the health service**

61. The public health clinics and the school health service, general practitioners, the specialist health care service and the municipal health and care services should possess the necessary expertise and awareness to be able to take care of everyone in the population, regardless of sexuality, gender identity or gender expression. The LGBT perspective must be systematically incorporated into the work on strengthening the availability and quality of the health and care services at all levels. In addition, a range of measures have been implemented under the auspices of peer support organisations which also reach out to user groups that use other health services to a lesser degree.

62. The Legal Gender Amendment Act was adopted in 2016. The act entitles individuals who consider themselves to be of a gender other than that assigned to them at birth to change their legal gender identity to align with their personal perception. No requirements are set regarding specific medical diagnoses or prior medical treatment. It is sufficient for the individual to declare himself or herself as having a gender other than that with which he or she is officially registered. Individuals who have turned 16 must personally apply to have their legally registered gender changed. Children aged between six and 16 must apply together with their parents. In the first six months after the act entered into force, 490 individuals applied for and were granted permission to have their legal gender changed.

63. The Legal Gender Amendment Act originates in the proposals put forward in a report published in 2013 by an expert panel appointed by the Norwegian Directorate of Health concerning the health services offered to people with gender dysphoria. Following on from the consultation round for the report, a process is now under way to further develop the treatment framework for this patient group, under the auspices of the health authorities. As part of this process, the regional health trusts are looking at how aspects of the specialist health service provision for this patient group can be organised regionally and designed to accommodate their varied needs for help. This work entails, *inter alia*, deciding how responsibilities should be divided between the national treatment provision (the highest level of treatment provision) and the rest of the specialist health service provision. In 2017 the

Norwegian Directorate of Health was instructed by the Ministry of Health and Care Services to develop recommendations for the treatment of gender dysphoria and gender incongruence.

### **Discrimination based on gender identity: the education sector**

64. The overarching objective for the education sector's contribution in the LGBT area is to ensure that the services provided in kindergartens and schools be inclusive for LGBT people. Kindergartens and schools must acknowledge that all children and young people are different, and must facilitate a diverse community that promotes inclusion and a safe learning environment. The purpose clause given in the Kindergarten Act, section 1 states, *inter alia*, that "The Kindergarten shall promote democracy and equality and counteract all forms of discrimination".

65. The white paper on improving the content in the kindergartens, Meld. St. 19 (2015–2016), which was presented to and endorsed by the Storting in the spring of 2016, reads as follows: "The Government will clarify in the national curriculum the kindergarten's responsibility for developing children's tolerance for diversity in society and thereby contribute to deterring prejudice and discrimination based on gender, sexual orientation, disability, ethnicity, culture, religion and belief".

66. A new regulation on the framework plan for the content and tasks of kindergartens was adopted on 24 April 2017 and will enter into force on 1 August 2017. Furthermore, learning resources will be developed for teacher education in group-based prejudices, including prejudices against LGBT people.

67. In June 2017 the Storting adopted an act that establishes zero tolerance for all forms of bullying, violence, discrimination, harassment and other violations in schools. The act covers all bases for discrimination and harassment, including gender and sexual orientation. The act imposes a clear duty to act on everyone who works in the schools, entailing a duty to identify and deal with cases of bullying and other situations that prevent pupils from enjoying a safe and healthy school environment.

68. The Equality and Anti-Discrimination Act section 27 states that all books and other teaching material used in kindergartens and schools and all oral education shall promote equality and anti-discrimination in respect of all grounds mentioned in the act, including sexual orientation, gender identity and gender expression.

**Violence against women (Articles 3, 7 and 26)**

**Replies to the questions in paragraph 9**

69. The Government’s efforts in combating violence and sexual abuse are organised through a diversity of action plans covering all forms of violence in intimate relationships, including forced marriage, female genital mutilation, child sexual abuse, and intimate-partner abuse.

70. In October 2016 the Government presented an escalation plan for combating violence and sexual abuse. The escalation plan summarises the current situation and presents both short-term and long-term measures and strategies. The plan focuses on the following areas:

- Responsibility, coordination and cooperation
- Prevention of violence and sexual abuse
- Expertise in and knowledge about violence and sexual abuse
- Individually adapted help and treatment
- Legal protection in cases of violence and sexual abuse

71. The national clinical guidelines for antenatal care discuss how the health service can identify and follow up violence against pregnant women, and stress the need to identify such violence early.

72. As the summary shows, there has been an increase in the number of cases of reported domestic violence in recent years, but the hidden figures are still believed to be high.

2012	2013	2014	2015	2016
2558	2829	3076	3337	3450

73. In 2015, moreover, 1,364 allegations of rape or attempted rape were reported to the police. Of a total of 23 murders committed in 2015, 10 were committed by current or former partners.

74. A nationwide survey from 2014 showed that 8.2 per cent of women and 2 per cent of men reported having been subjected to gross violence from a partner in the course of their life. The survey also showed that 9.4 per cent of women and 1.1 per cent of men reported having been raped during the course of their life.

**The definition of rape**

75. Section 291 of the General Civil Penal Code defines the following three situations as rape:

- Engaging in sexual activity by means of violence or threatening behaviour.
- Engaging in sexual activity with somebody who is unconscious or who for other reasons is incapable of resisting the act.
- By means of violence or threatening behaviour, compelling any person to engage in sexual activity with another person, or to perform acts that correspond to sexual activity with him- or herself.

76. Section 299 of the General Civil Penal Code governs cases of rape of children under the age of 14, and covers the following activities:

- Engaging in sexual activity with children under the age of 14.
- Compelling a child to perform acts that correspond to sexual activity with him- or herself.
- Performing a qualified sexual act with a child under the age of 14.

77. In February 2013 the Ministry of Justice and Public Security distributed a consultation memorandum which discussed changing the legal definition of rape to make lack of consent the core issue. The commenting bodies expressed diverging opinions on this issue. In December 2015 the Ministry informed the Storting that the proposal concerning lack of consent raised issues of principle which the Ministry would return to at a later date.

78. Norway considers it important that the legal definition of rape specified in the act cover most situations of sexual activity that occur without the victim's consent. Furthermore, any sexual act performed with someone who has not consented to it could serve as grounds for punishment under section 297 of the General Civil Penal Code.

79. Already in the 1970s it was legally recognised that rape could be committed within a marriage. Women who have grown up in Norway are therefore aware of this. A training module covering domestic violence has been developed specifically for adult immigrants as part of the course in Norwegian language and society. Marital rape is one of the topics covered. This learning resource has been translated into 19 languages. The target group includes refugees and others covered by the introduction programme under the Introduction Act, labour immigrants and immigrants who have been granted a residence permit on the

grounds of family reunification with Norwegian or Nordic citizens. In addition, the Government introduced a new programme for asylum seekers in January 2017 providing 50 hours of instruction in Norwegian culture and values.

### **The role of the police**

80. Police efforts have been considerably stepped up in recent years, and they have gained a range of new instruments to deal with and protect individuals who are exposed to violence. Restraining orders, mobile violence alarms, proximity alarms (restraining orders monitored electronically) and address blockers are some of the measures that can be implemented. To better structure threat assessment, the Norwegian police force mainly uses a tool for assessing the risk of partner violence comprising a checklist of 15 risk factors.

81. The police launched a broad information campaign in October 2015 aimed at preventing domestic violence. The campaign is intended to increase awareness about the issue and about how the police can contribute so that individuals exposed to violence can seek help and escape their violent situation.

82. The Norwegian police force is undergoing extensive reform. The number of police districts is being reduced, and new work methods are being introduced. The new police districts will each have their own expert groups for combating crime in, *inter alia*, human trafficking, domestic violence and sexual abuse.

83. A project entitled *Project November* has been established, in which the police and other relevant services cooperate closely. The main goal is to provide a more comprehensive and better integrated service to women and men exposed to domestic violence. *Project November* was launched at Stovner police station in Oslo police district, and has been receiving users since January 2016.

### **Knowledge and research**

84. In 2016 the district public prosecutors conducted special surveys of police investigations into cases of domestic violence and abuse in all of the country's police districts. The quality survey was conducted according to a detailed procedure, with a checklist of more than 100 items. The results from the survey, published in 2017, provide the police districts with a basis for comparison and learning.

85. At the request of the Ministry of Justice and Public Security, Statistics Norway is analysing cases of domestic violence and cases of sexual abuse against children, from the point of reporting to the point of conviction. Simultaneously, the Norwegian Police University College is assessing the penal clause pertaining to abuse in intimate relationships. These analytic projects will provide basic information about how cases are handled by the police and prosecuting authority and will form a basis for making potential changes to the way these cases are handled. They will also provide statistics showing how many of these cases are dropped and how many result in convictions; information which currently is unavailable.

86. The Ministry of Justice and Public Security is also preparing to set up a commission to review a selection of cases of intimate-partner homicide. The intention is that experienced experts should assess multiple cases and develop better and more effective preventive measures.

87. NOK 50 million has been allocated over a five-year period to research domestic violence. The research will make it possible to follow trends over time and provide a better basis for implementing measures to prevent and combat domestic violence.

### **Supporting and accommodating victims of violence**

88. The Government will establish victim support centres in all of the country's 12 police districts modelled on the support centre for aggrieved persons (*Støttesenteret for fornærmede*) in Trondheim. This initiative entails setting up victim support centres in police stations and in cooperation with the municipalities. The existing counselling service for victims of crime (*Rådgivningskontor for kriminalitetsofre*) will be transferred to the police. The new victim support centres will further strengthen the position of aggrieved persons through the criminal proceedings chain, and will contribute to protecting victims of violence and their relatives and to help them move forward after their experiences of violence.

89. A web portal on domestic violence provides updated and quality-assured information for individuals exposed to violence and their relatives, for perpetrators, and for support services for domestic violence and rape.

90. Under the Compensation for Victims of Violent Crime Act, section 1, individuals who sustain injuries resulting from criminal acts that threaten their life, health or freedom are entitled to compensation from the state. This applies regardless of the gender of the person

affected by the criminal act. As a rule, criminal injuries compensation may only be awarded if the criminal act was reported to the police and if the applicant asked for the compensation claim to be included in any criminal proceedings brought against the perpetrator.

Compensation may still be awarded in special circumstances if these conditions are not met. A further condition is that the period of limitation for lodging claims must not have elapsed. The maximum amount of criminal injuries compensation payable is 60 times the National Insurance basic amount (G), which at 1 May 2017 was NOK 93,634. This limit may be waived in special circumstances.

91. Criminal injuries compensation shall cover the injuries sustained, loss of future income, and future expenses the victim is expected to incur as a result of the injuries. If the victim has sustained permanent and significant injuries of a medical nature, he or she may also be awarded compensation for permanent injury. Moreover, compensation may also be awarded for pain and suffering or for other harm or injury of a non-economic nature.

92. In 2014, section 91 of the General Civil Penal Code of 1902 was amended such that criminal liability for a range of serious offences was no longer subject to periods of limitation. The same rule was made applicable in section 91 of the General Civil Penal Code of 2005, which prescribes, *inter alia*, that no period of limitation shall apply to crimes involving premeditated rape, sexual activity or qualified sexual acts with children under the age of 14, or sexual activity with children between the ages of 14 and 16. These amendments also affect the right to apply for criminal injuries compensation. As a result, victims' opportunities to have perpetrators criminally prosecuted and to seek compensation were strengthened.

93. No statistics are available regarding the scope of criminal injuries compensation awarded in connection with the various violations mentioned in the Committee's questions in paragraph 9 during the period since Norway's previous report. However, in its annual report for 2016 the Service for Victims of Crime reports handling 664 cases dealing with premeditated rape in 2016. Compensation was awarded in 327 of these cases. The numbers of such cases handled in 2013, 2014 and 2015 were 658, 618 and 581 respectively, and compensation was awarded in 275, 260 and 304 cases respectively. Only women were awarded such compensation during this period. Every year, approximately 20 cases involved rape within marriage or cohabitation. Compensation was also awarded in cases involving other forms of domestic violence, for the most part to women and children. In 2012 and 2013

no cases of this type that were registered involved male applicants aged over 18, while in 2014 and 2016 one male applicant was registered each year.

94. In 2016 a government-appointed committee published a report on the criminal injuries compensation scheme, Official Norwegian Report NOU 2016: 9 *Fair and Predictable: Compensation for Victims of Violent Crime*, proposing measures that would contribute to more predictable and fair treatment of aggrieved parties.

95. In 2015 Norway had a total of 47 crisis centres. Eleven of the crisis centres for women and six of those for men are universally designed in order to address the needs of people with disabilities. In 2015, 18 per cent of residential clients and 16 per cent of non-residential clients had some form of disability.

### **Forced marriage and female genital mutilation**

96. In 2017 the Government presented an action plan entitled *The right to decide about one's own life: An action plan to combat negative social control, forced marriage and female genital mutilation (2017–2020)*. The plan presents 28 measures covering five priority areas: strengthened legal protection for vulnerable people; strengthened assistance to people who break contact with their family and network; change attitudes and practices in the relevant communities; enhanced knowledge in the support services; and strengthened research and increased knowledge sharing.

97. Moreover, efforts from previous action plans and important schemes in the support services are being continued. These include minority counsellors in schools, integration counsellors at Norwegian embassies, and a housing and support scheme for people who are vulnerable to forced marriage or honour-based violence.

98. Norway signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2011. Amendments have been introduced in the General Civil Penal Code to fulfil the obligation to criminalise forced marriage in line with the Istanbul Convention. Any person who by force, deprivation of liberty or other criminal or improper conduct or by undue pressure forces another person to marry, is liable to punishment under section 253 of the General Civil Penal Code. An amendment entered into force on 1 July 2016 prohibiting the arrangement of forced

marriages. Since this amendment entered into force, it follows from section 253, second paragraph that anyone who entices or otherwise assists a person to travel to a country other than the person's country of residence with the intent of subjecting that person to forced marriage will be subject to this penal provision. The background for this provision is, *inter alia*, Article 37 of the Istanbul Convention.

## **Elimination of slavery and servitude (Articles 8 and 24)**

### **Replies to the questions in paragraph 10 (a)**

99. *The Government's action plan on human trafficking* was published on 1 December 2016. The plan presents several measures concerning child victims of human trafficking. The most comprehensive effort involved competence development in the Child Welfare Service and implementation of a new circular. The mandate, responsibility and positioning of the Coordination Unit for Victims of Trafficking will also be assessed, and in this connection the issue of competence building in the area of child victims will be particularly addressed. Furthermore, efforts in human trafficking within the framework of the Nordic Council of Ministers and the Council of the Baltic Sea States (CBSS) will continue. Human trafficking is one of the priority areas for the CBSS Expert Group for Cooperation on Children at Risk. A number of regional projects in this area has also been implemented.

100. On 1 July 2016 Norway ratified the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (Hague Convention 1996) and appointed an operative national authority in accordance with this convention. The Hague Convention contains provisions concerning measures for protecting children with affiliations to multiple states, and should strengthen the rights of children vulnerable to human trafficking. Norway has also signed the Council of Europe Convention against Trafficking in Human Organs. In June 2017 legislative amendments transforming this convention into Norwegian law were adopted by the Storting.

101. The Norwegian authorities have funded new research into children vulnerable to human trafficking that is providing new knowledge and recommendations for further work (Fafo report 2015:45 and Fafo note 2016:09). These reports also include an evaluation of the Child

Welfare Act, section 4-29 concerning coercive measures for children suspected to be victims of human trafficking.

#### **Replies to the questions in paragraph 10 (b)**

102. No information is currently available about the result of investigations into cases where children left reception centres for asylum seekers in 2012. In most cases involving children who disappear from reception centres, the information available is too scarce to justify opening an investigation.

#### **Replies to the questions in paragraph 10 (c)**

103. Victims of human trafficking without a valid residence permit in Norway may be granted a six-month reflection period and offered other assistance during their stay, including legal advice. In 2016 the Norwegian Directorate of Immigration approved 30 applications for reflection periods from suspected victims of human trafficking. In addition, 23 persons were given a limited residence permit for up to 12 months in connection with criminal proceedings.

104. In accordance with measures in the Government's action plan to combat human trafficking, the reflection period will be amended to ensure that the purpose of the measure be maintained and to prevent the scheme from being misused.

105. Victims of human trafficking are offered different accommodation arrangements, depending on factors such as residence status and form of exploitation. Some live in reception centres for asylum seekers while others live in private apartments or in hostels. Some victims of human trafficking who are exploited in prostitution are offered temporary living accommodation in shelters under the ROSA project (ROSA stands for re-establishment, organisation of safe places to stay, security and assistance). The ROSA project provides round-the-clock assistance and protection throughout Norway to victims of human trafficking who have been exploited in prostitution. The initiative is managed by the Secretariat of the Shelter Movement and is funded by the Ministry of Justice and Public Security.

106. Membership of the National Insurance Scheme is a basic condition for entitlement to most of the services it provides. The principle is that one is obliged to be a member of the National Insurance Scheme if resident in Norway. People who are granted a residence permit in Norway for a reflection period of less than 12 months and who do not work do not satisfy

the conditions for compulsory membership of the National Insurance Scheme. However, under the National Insurance Act, section 2-7, people who reside in Norway but who do not satisfy the conditions for compulsory membership of the National Insurance Scheme may be granted voluntary membership subject to an overall assessment. Since 2008 the Norwegian Labour and Welfare Service practice has been that a person who is granted six months' residence for a reflection period may, subject to application, be granted voluntary membership with entitlement to coverage under the National Insurance Act, section 2-7, third paragraph, subparagraph (b). In practice, membership gives entitlement to health service benefits under the National Insurance Act, chapter 5 and a lump-sum grant in connection with a birth or adoption (worth NOK 61,120 as per 1 January 2017). Membership also gives full entitlement to medical treatment pursuant to the provisions set out in the Patients' Rights Act, sections 2-1a and 2-1b.

107. Victims of human trafficking who do not hold a valid residence permit or membership in the National Insurance Scheme and who are not entitled to medical treatment under a mutual agreement with another state, have the right to emergency and other medical treatment that is absolutely necessary and that cannot be delayed due to the risk of death, permanent and severe functional impairment, serious injury or severe pain.

#### **Replies to the questions in paragraph 10 (d)**

108. The task of the anti-trafficking police expert team is to spread knowledge of best practice in conducting investigations into human trafficking to all police districts. Furthermore, the Coordination Unit for Victims of Trafficking carries out training initiatives in which the police can participate. One such training initiative was recently carried out during a national conference in November 2016.

109. The Norwegian Courts Administration's introduction programme for newly appointed judges has human rights as one of its main topics. It covers human trafficking, including relevant international conventions and Supreme Court practice in this area. Judges are also encouraged to attend courses arranged by other actors in order to enhance their competence levels.

#### **Replies to the questions in paragraph 10 (e)**

110. The Criminal Procedure Act, section 107 a, first paragraph, subparagraph (a) prescribes that an aggrieved person has an unconditional right to legal counsel, to be remunerated by the state, in cases of violation of, *inter alia*, section 257 of the General Civil Penal Code concerning human trafficking. The legal counsel shall protect the interests of the aggrieved person and shall also provide whatever other assistance and support is natural and reasonable in connection with the case. The lawyer also has the right to be notified of and to be present at all court hearings and police interviews of the aggrieved person or surviving relatives. The appointment also applies to the filing and processing of civil claims, such as claims for compensation filed against the perpetrator.

111. If a case does not pertain to a violation of section 257 of the General Civil Penal Code, the court may still appoint legal counsel if the nature and gravity of a case justifies the need for legal counsel out of consideration to the affected parties or to other circumstances. The aggrieved party may also appoint legal counsel at his or her own expense, both in instances where the law provides for the right to a publicly appointed lawyer and in instances where no such right applies.

112. Victims of human trafficking are covered by the criminal injuries compensation scheme; cf. paragraphs 90 and 91. The provisions allowing victims of human trafficking to apply for criminal injuries compensation are compatible with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Assessment of evidence often represents a challenge in cases of human trafficking, and many charges are dismissed based on the state of the evidence. A case that has not been heard in a court of law makes it particularly difficult for the criminal injuries compensation authorities to assess whether or not a criminal offence has been committed.

### **Rights of persons with disabilities (Articles 2, 7, 9 and 26)**

#### **Replies to the questions in paragraph 11**

113. The National Strategy for Increased Voluntariness in the Mental Health Services (2012–2015) has not led to the desired reduction in the use of coercion. Coercion rates have remained relatively stable over time, despite the introduction of new measures in this area. Consequently, a new and more binding approach has been adopted in order to achieve the desired reduction in the use of coercion and correct reporting of data on the use of coercion.

114. In January 2017 the Storting adopted a number of amendments to the Mental Health Care Act. Under the amended act, patients with the capacity to consent cannot be treated against their will. The compulsory examination time before a decision can be made regarding forced medication has been extended from three to five days. Patients are entitled to up to five hours of legal counsel free of charge in connection with complaints to the county governor over decisions concerning examinations and treatment carried out without their consent. Patients must be given the opportunity to express their views before a decision is made to provide mental health care, including involuntary treatment. The act clearly prescribes that the responsible mental health professional must consult with another qualified health care professional before making a decision regarding examination and treatment without the patient's consent. Requirements for when decisions should be made and for justifying the use of coercion have also been sharpened. The use of coercion must be assessed in consultation with the patient as soon as possible after the measure has been completed.

115. The Ministry of Health and Care Services has required hospitals to ensure complete and correct reporting of the use of coercive means and the establishment of systems that ensure reliable registration of data. From 2017 the Ministry will monitor trends in the use of coercive means (belts, restraint beds, physical holding of patients, brief periods kept behind locked doors, sedatives) and involuntary admissions. Data on the use of coercive measures must be submitted by the health trusts to the Norwegian Patient Registry and be published three times a year on the website <https://helsenorge.no>.

116. The responsibility of health trust managements to keep the use of coercion within the parameters of regulatory requirements and professional recommendations will also be monitored more closely. In 2017 the health trusts will be required to conduct dialogue meetings with patients and user organisations to discuss patients' experiences of coercion in all mental health care units where coercion is used.

117. The Ministry of Health and Care Services has set a requirement for all regional health trusts to develop medication-free treatment programmes in the mental health care service. This treatment programme is now in place in all the regional health trusts. In the South-Eastern Norway Regional Health Authority, medication-free services are now provided in Telemark, Vestfold, Vestre Viken, Østfold, Oslo and Akershus. An overview of the services available is published on <http://medisinfrietilbud.no>.

118. The Government has appointed a legislation committee to review the rules for using coercion in the health and care services. The current provisions governing coercion are linked to different diagnoses and patient and user groups. The rules are found in the Mental Health Care Act, the Patients' Rights Act and the Health and Care Services Act. The committee will assess how the regulations can be better coordinated and clarified. The committee will submit its recommendation by 1 September 2018.

119. Work on the new guidelines on the use of coercion is ongoing, and is expected to be completed in 2017. The Norwegian Directorate of Health has published national guidelines on the use of electroconvulsive treatment (ECT):

<https://helsedirektoratet.no/retningslinjer/nasjonal-faglig-retningslinje-om-bruk-av-elektrokonvulsiv-behandling-ect>. The guidelines stress that without valid consent from the patient, ECT may only be used in cases of emergency where the life or health of the patient is in immediate danger. The guidelines describe situations in which the criteria of emergency are met.

120. The Ministry of Health and Care Services and the Norwegian Directorate of Health have decided to strengthen the work of the Supervisory Commission for Mental Health Care in addressing patients' legal protection. More emphasis will be placed on the user perspective in all parts of the commission's activities, justifications for coercion will be reviewed more critically, and more consideration will be given to the overall use of coercive measures to which a patient is subjected. The commission will take a more active role in supervising welfare aspects, such as supervision of environmental and living conditions, activity programmes, etc.

121. In October 2016 the Committee on Fundamental Rights of Persons with Intellectual Disabilities published its Official Norwegian Report (NOU 2016: 17 *På lik linje – Åtte løft for å realisere grunneleggende rettigheter for personer med utviklingshemming*). The report proposes eight areas of improvement considered necessary to enable people with intellectual disabilities to realise their human rights on equal terms with others. They include the use of coercion in the health and care services sector. Each of the eight areas of improvement is elaborated with recommended measures which, combined, should contribute to improvements. The committee's recommendations have been broadly distributed for comment. The relevant Ministries will consider which recommendations should be followed

up within their respective areas of responsibility. The Government will initiate work on a plan to improve conditions for people with disabilities, which may include some of the measures proposed in the report.

### **Right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (Articles 7, 9, 10 and 14)**

#### **Replies to the questions in paragraph 12**

##### **The time limit for bringing an arrested person before a court of law**

122. The Criminal Procedure Act, Section 183, first paragraph, prescribes that the prosecuting authority shall bring an arrested person before a district court “as soon as possible and no later than on the third day following the arrest”. The time limit is not extended if it expires on a public holiday or equivalent day. Before the act was amended in 2002, the time limit was “as soon as possible and, as far as possible, on the day following the arrest”, but the time limit was extended to reduce the need for remanding in custody by giving the police more time and opportunity to investigate a case. Simultaneously it was emphasised in the preparatory works that waiting until the maximum time limited of three days expired before bringing the arrested person before a court should only be permitted in exceptional circumstances. Compatibility with Article 9, paragraph 3 of the Covenant and with Article 5, paragraph 3 of the European Convention on Human Rights was considered. After an overall assessment, the Ministry of Justice and Public Security found it appropriate to extend the time limit for appearing before a court of law.

123. The Ministry of Justice and Public Security is working to keep the use and duration of pre-trial detention to a minimum. When the national budget was presented in the autumn of 2016, the Ministry announced that proposals for legislative amendments reducing the time of police custody and preventing the effects of solitary confinement would be distributed for comment. The consultation paper is not yet ready. In November 2016 the Committee on Criminal Procedure submitted its report presenting proposals for a new Criminal Procedure Act, in which it proposes shorter time limits for bringing before a court of law arrested persons who are to be detained. The committee proposed that appearance in court to apply for pre-trial detention should happen “as soon as possible and no later than on the second day following the arrest”. The report was distributed for comment on 5 December 2016 with a

time limit for comments set for 6 June 2017, and the case is now under review by the ministry.

124. The Criminal Procedure Act contains specific rules for instances where the arrested person is under 18 years of age. In such instances, the person must be brought before a court as soon as possible and no later than the day following the arrest. If the time limit expires on a public holiday or on a day which under the law is equivalent to a public holiday, the time limit is extended by one day; cf. section 183, second paragraph.

**Police arrest and remand in custody**

125. In recent years several measures have been implemented to reduce the time in which an arrested person is held in police custody before being transferred to a regular prison facility. A new circular and guidelines have been issued and new procedures introduced. The result, as shown in the overview below, is that the number of instances where individuals are held in police custody for more than 48 hours has been significantly reduced.

2013	2014	2015	2016
4,250 instances	3,465 instances	2,160 instances	945 instances

126. Efforts are currently being made to reduce the number of children placed in police custody and to reduce the time and effects of such custody to the minimum. In 2014, 2015 and 2016, the number of children held in police custody was 638, 482 and 343 respectively. The decrease in numbers is a direct result of the efforts made in the police districts.

127. The Criminal Procedure Act contains several specific rules limiting the possibility to decide to remand an arrested person in custody if under 18 years of age. Section 174 prescribes that persons under 18 years of age should not be arrested unless pre-eminently required, and section 184, second paragraph, second sentence prescribes that persons under 18 years of age should not be remanded in custody unless compellingly necessary. It follows from section 183, third paragraph of the Criminal Procedure Act that the prosecuting authority shall notify the Child Welfare Service about such custody. The Child Welfare Service shall also attend all custody hearings unless the court finds that attendance beyond the initial custody hearing is clearly unnecessary. If it is decided to remand a minor into custody, the Criminal Procedure Act, section 185, second paragraph prescribes that the period of remand in custody be as short as possible and not exceed two weeks, and that the period may be

extended by order of the court by up to two weeks at a time. Regarding conditions during custody, section 186, second paragraph, third sentence prescribes that arrested persons under the age of 18 must be allowed to be visited by, or to write to or receive letters from, close relatives unless special circumstances dictate otherwise. Solitary confinement may not be imposed; cf. section 186 a, first paragraph, second sentence. With the exception of section 174, these special provisions were adopted in 2012 along with several other legal amendments aimed at improving the conditions for children in conflict with the law.

128. The following overview shows the total number of remands in custody completed in recent years:

2009	2010	2011	2012	2013	2014	2015
3674	3919	3868	3988	4003	3846	3798

129. The table below shows the number of remands in custody completed by minors:

Age	2009	2010	2011	2012	2013	2014	2015
< 16	11	18	2	5	0	2	1
16	19	15	18	13	9	8	4
17	46	31	42	52	23	20	19
Total	76	64	62	70	32	30	24

130. The proportion of the total number of persons remanded in custody that are held in solitary confinement has been significantly reduced in recent years. Of 3,846 completed remands in custody in 2014, 468 were subjected to full solitary confinement. In 92 per cent of cases, solitary confinement was stopped after less than 30 days, and 99 per cent of solitary confinements lasted less than 60 days.

131. Regarding the use of post-conviction solitary confinement, reference is made to Norway's eighth periodic report to the UN Committee against Torture (CAT/C/NOR/8), paragraphs 26–36.

132. Post-conviction incommunicado detention is not practised in Norway.

### **Replies to the questions in paragraph 13**

#### **Legal aid scheme**

133. Under the Criminal Procedure Act, section 100, first paragraph (cf. sections 96–99), a defendant is entitled to be appointed a public defence counsel during the main hearing, paid for by the state. Exceptions apply in certain cases pursuant to the Road Traffic Act, cases concerning contested fines and cases concerning confiscation. During the investigation, and before charges are filed, the defendant is normally not entitled to have a public defence counsel appointed unless “special grounds” exist. This condition will often be satisfied if the physical or mental state of the defendant indicates a specific need for a defence counsel. We refer also to the information on the right to a defence counsel in paragraphs 140 and 141.

134. Norway’s system of free legal aid in civil cases is in principle restricted to the types of cases set out in the Legal Aid Act. Under the legal aid scheme, distinctions are drawn between cases that are not subject to means testing, cases that are subject to means testing, and to non-prioritised cases.

135. In cases that are not subject to means testing, legal aid is provided regardless of the person’s income or assets. This applies in cases of a particularly invasive nature, such as child welfare cases that are handled by the county social welfare boards and cases that are handled by the Supervisory Commission for Mental Health Care.

136. Financial conditions regarding income and assets are imposed in connection with cases that are subject to means testing. These include cases dealing with marriage, probate, parental disputes, compensation for personal injury, evictions or dismissals, criminal injuries compensation, and national insurance matters. The income threshold that determines whether or not a person is entitled to free legal aid is NOK 246,000 for single persons and NOK 369,000 for married couples and others who co-habit and have joint finances. Persons who receive free legal aid that is means tested must pay a share of the expenses. Recipients of free legal advice must pay an excess equivalent to NOK 1,020. An excess equivalent to 25 per cent of expenses is payable for free legal representation, though no more than NOK 8,160. Persons with a gross annual income of less than NOK 100,000 and persons who receive free legal aid without means testing do not have to pay any excess.

137. Free legal aid may only be provided in cases other than those listed in the act if the financial conditions pertaining to income and assets thresholds are met and if a case, seen from an objective point of view, is especially pressing for the applicant. The case must generally be deemed to have a significant personal effect on the applicant. For the purpose of

guidance, consideration shall be given to whether the case bears similarities to the case types mentioned in the act, including whether the case has corresponding consequences for the applicant. Consideration shall also be given to the financial value involved in the case and to the applicant's personal resources and ability to protect his or her own interests.

138. The free legal aid scheme is currently under review to ensure that it is as fair, specific and effective as possible. In this connection it will be assessed whether the scheme should be expanded to cover more areas or be amended in other ways.

### **Access to a lawyer while in custody**

139. The Criminal Procedure Act, Section 94, first paragraph establishes the right of the defendant to a defence counsel of his or her choice at any stage of the case and that the defendant shall be notified of this right. This right covers both publicly appointed defence counsels paid by the state and privately engaged defence counsels.

140. If the defendant is arrested, it follows from the Criminal Procedure Act, section 98, first paragraph that the defendant shall, as far as possible, be appointed a defence counsel as soon as it is apparent that he or she will not be released within 24 hours. The same applies to defendants under 18 years of age at the time of the offence if it is apparent they will not be released within 12 hours after their arrest. If at the time of the arrest it is already clear that the defendant will not be released within 24 hours – or within 12 hours for defendants under the age of 18 – a defence counsel shall be appointed immediately. According to the preparatory works, the provision “as far as possible” is intended to allow for instances where it is practically difficult to find a defence counsel as soon as it becomes apparent that the arrest will last for more than 24 or 12 hours.

141. The Criminal Procedure Act, section 98, second and third paragraphs similarly establish that the defendant shall “as far as possible” have a defence counsel present at court hearings where the question of whether he or she will be remanded in custody will be decided, and that the defendant shall be given the opportunity to consult with a defence counsel before the question of custody is considered. Under section 98, the defence counsel shall be appointed by the court at the expense of the state; cf. section 100.

142. Furthermore, the Criminal Procedure Act, section 100, second paragraph places a general duty on the court to appoint a public defence counsel for the defendant, regardless of the stage

in the criminal proceedings, when there are special grounds for doing so, including if the defendant has a disability or if his or her mental or physical state indicates a special need for a defence counsel. The defendant's social and personal circumstances and the nature of the case and its severity are all relevant factors in such assessments. The Supreme Court has established that interpretation of "special grounds" must take into account international developments in view of the importance of free legal aid at an early stage in the process, including those set out in the European Convention on Human Rights, Article 6, paragraph 1 and Article 6, paragraph 3 (c) and "recent years' work in the EU, the UN and the Council of Europe"; cf. Norwegian Supreme Court Reports 2015 p. 844.

#### **Replies to the questions in paragraph 14**

##### **Conditions of persons deprived of their liberty, especially at Bergen Police Headquarters**

143. Regarding measures to improve conditions for person held in police custody in general, reference is made to Norway's eighth report to the UN Committee against Torture, (CAT/C/NOR/8), paragraphs 16–20.

144. The police districts take various measures to safeguard persons under the age of 18 who are brought to police stations. Arrests are made only when no other options are considered applicable. Wherever possible, children are placed in an office together with an adult rather than in a cell. Other measures include open cell doors with an adult present at all times, more frequent inspections and provision of food and fresh air, and opportunities to talk to someone and to have close contact with parents/guardians. In some police districts children are placed in cells with a TV and washing and toilet facilities, which is regarded as less distressing than being held in other cells.

145. The arrest facilities in Bergen Police Headquarters comprise 27 cells, of which 11 are used to hold intoxicated persons and 14 are used to hold people in custody. Two cells are used for visiting purposes. The cells still do not satisfy today's minimum requirements; none of them has access to daylight, and the custody cells lack toilets. All the cells have been painted in colours that create a contrast between floor and walls, and the walls in some of the custody cells are decorated with nature themes. A report is currently being prepared on the building of a new police station with arrest facilities in Bergen, but no final decision has yet been made. As in other police districts, new guidelines on detention times in police custody have resulted

in a significant reduction in the number of instances where persons are detained in the Bergen Police Headquarters for more than 48 hours.

### **Women in prison**

146. Women have the right to adapted services during the execution of their sentence, on equal terms with men. The Government has long been working on women's conditions during the execution of sentences, and has established 38 prison places for women during its administration. After a report from the Parliamentary Ombudsman for Public Administration on the conditions for female prisoners was launched on 15 December 2016, Kongsvinger prison's Section G has been converted from a men's section into a women's section, and is completely separated from the rest of the prison. The section was opened for women in January 2017. The places are reserved for foreign women who are to be expelled from the country. At the same time, the places for female prisoners in Drammen prison have been closed, and the facility has now been converted into a men's prison. This was done to address the Parliamentary Ombudsman's criticism of the fact that male and female prisoners served together. Following the budget proceedings in the Storting, it was also decided to build a new women's section with 10 places at Evje prison. The entire prison, which has 30 places in total, will be converted into a women's prison. There will also be places with different security levels and services adapted to women's needs.

147. Convicted persons shall, as far as practically possible and appropriate, be placed in a prison located close to their home. The proximity principle often conflicts with the need for the right security level and service provision. This applies to both male and female prisoners. It is particularly challenging to achieve a geographical spread in the number of separate places for women because they account for such a small proportion of the total prison population.

### **Trandum**

148. Regarding measures pertaining to the Police Immigration Detention Centre at Trandum, reference is made to Norway's eighth report to the UN Committee against Torture, (CAT/C/NOR/8), paragraphs 121–127.

149. The sanitary conditions at the Trandum Detention Centre were improved some years ago in connection with extensive upgrading work on the buildings. The Parliamentary Ombudsman's National Preventive Mechanism against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment of persons deprived of their liberty visited Trandum in May 2015. The report on the visit criticised various conditions, but not the sanitary conditions.

150. A new building was completed in September 2016. This created 90 new places in the detention centre and a new, modern secure section where the security level can be adapted according to need. No problems with overcrowding have been reported in recent years.

151. In March 2015 a riot broke out at Trandum involving 50–60 people and resulting in extensive vandalism. The incident appears to stem from frustration among people having to endure long stays in the detention centre. Although there is no clear reason for the riot, the incidents have been linked to the increased frequency of lockdowns and dissatisfaction with the activities and food provided. During the visit by the Parliamentary Ombudsman, many of the detainees, especially those who had been there for a long time, reported that they found the general pressure of living in the detention centre unduly heavy.

#### **Replies to the questions in paragraph 15**

152. Regarding the questions about the separation of children from adult prisoners and alternative forms of sanctions for juveniles, reference is made to Norway's fifth and sixth reports to the UN Committee on the Rights of the Child, 2016 (CRC/C/NOR/5-6), paragraph 9, f and g.

153. The first juvenile unit was established in Bergen in 2009, and a new juvenile unit was opened at Eidsvoll in April 2016. Each unit has four places, and receives juveniles aged between 15 and 18 from all over the country, both those who have been remanded in custody and those who have been convicted. The units have multi-disciplinary teams that have been formed to address the special needs of the juveniles while they are imprisoned as well as after their release. The juveniles are provided with education while serving their sentence and are allowed regular visits by their families.

#### **Refugees and asylum seekers (Articles 2, 7, 9 and 13)**

##### **Replies to the questions in paragraph 16**

154. The clear principle in Norwegian practice is that asylum seekers are not detained but instead live in asylum reception centres with full freedom of movement. Detention is used

mostly on either foreign nationals who have had their application for asylum rejected and who do not return voluntarily or on foreign nationals who have been expelled.

155. Under Norwegian law, foreign nationals can only be detained when there are sufficient grounds for doing so, and detention cannot be used if doing so would constitute a disproportionate intervention in light of the nature of the case and other factors. Furthermore, detention cannot be used if an obligation of notification or an order to stay in a specific place would be sufficient. A court must regularly check that the conditions for detention are met, and requirements must also be set for the progression of the immigration authorities' work regarding returns.

156. The total detention time may not exceed *12 weeks* unless special grounds exist for doing otherwise. Detention periods in connection with preparing for or carrying out a deportation order may only exceed 12 weeks if the foreign national fails to cooperate in the deportation or if delays arise in obtaining the necessary documents from a foreign state's authorities. In cases where detention may exceed 12 weeks, the law prescribes a maximum time limit of 18 months. Exceptions from this time limit are only made if a foreign national is expelled as the result of an imposed penalty or special sanction. The maximum time limit originates in Article 15(6), Directive 2008/115/EC of the European Parliament (Return Directive). The Government finds the Directive to be compatible with the Covenant.

157. On 28 April, the Government presented a bill to the Storting concerning amendment of the Immigration Act's provisions governing the use of coercive measures. One of the intentions behind the proposed amendment is to clarify the rules. Alternatives to detention were also considered in connection with the bill. The bill proposes special rules for the detention of children, which will entail more specific regulation of detention cases involving families with children and unaccompanied minor asylum seekers. The provisions have been formulated to ensure that deprivation of liberty is used only as a last resort to effectuate deportation, and for the shortest possible time period. When a child is arrested, he or she must appear before a court by the following day. The clear rule is that children may only be detained for 72 hours, with the possibility of a further extension of 72 hours. Exceptions may be made in the case of special and compelling reasons, and the detention period may then be extended by up to one week at a time. By special reasons is meant, first and foremost, that the child's family or the child itself bears a significant share of responsibility for preventing

deportation from being executed within six days of the arrest, or that the agreed time of deportation is close at hand.

158. The bill also contains other rules governing the detention of children. It proposes that the act should define more precisely that the best interests of the child should always be a primary consideration in cases of detention, and that an assessment must be made of whether alternative measures can be implemented. The court must justify its reasons by explaining how it assessed the child's best interests and alternative measures. Other rules are proposed concerning the right of the child to be heard and the role of the Child Welfare Service in detention cases.

### **Replies to the questions in paragraph 17**

159. Amendments to section 32 of the Immigration Act entered into force with effect from 20 November 2015. The provision governs when the immigration authorities may decide not to examine the merits of an application for protection (asylum). The legislative amendments allow Norwegian authorities to refuse to examine the merits of an application for asylum in more instances than previously; persons who stayed in a safe third country before arriving in Norway may be ordered to return there.

160. The preparatory works for the act contain an account of the bill's compatibility with the Constitution and with our international obligations. Previously, refusal to examine an application on its merits was allowed pursuant to the Immigration Act, section 32, first paragraph (d) on the grounds that the applicant could have his or her application for asylum processed in a third country. The Government finds that this condition goes beyond Norway's obligations under international law, and the condition was therefore repealed. It is stressed that the key condition for returning a person to a third country is that the person does not risk being subjected to treatment in violation of the Constitution or our international obligations, including Article 7 of the Covenant and Article 3 of the European Convention on Human Rights, or risk being transferred to a country where he or she may be subjected to such treatment. This condition must still be satisfied.

161. In the wake of the legislative amendments, the Ministry of Justice and Public Security instructed the Norwegian Directorate of Immigration (UDI) and the Immigration Appeals Board (UNE) about the treatment of asylum applications from persons who have stayed in

Russia, including the application of the Immigration Act, section 32 in these cases (Circular No. GI-13/2015). The instructions establish that Russia is a safe country for most third-country nationals, and that the principle is therefore that examination of the merits of an asylum application shall be refused if the foreign national has stayed in Russia. If there are concrete grounds showing that the asylum seeker faces a genuine risk of persecution in Russia or of being transferred to another area where he or she risks persecution, the merits of the application shall, nonetheless, be examined. Third-country nationals who have been returned to Russia after they arrived in Norway via the Storskog border crossing have been refused examination of the merits of their asylum applications pursuant to section 32, first paragraph (a) or (d).

162. In accordance with Norwegian and international law, foreign nationals do not have a right to international protection if they can safely return to the country from which they fled. In September 2016 the Ministry of Justice and Public Security updated its instruction on instituting proceedings to revoke a residence permit and refugee status if a refugee no longer needs protection (Instruction GI-14/20116). The instruction does not apply to refugees who have already been granted a permanent residence permit, resettlement (quota) refugees or persons who are granted a residence permit on humanitarian grounds. The main conditions for revocation to take place are that the need for protection no longer exists and that return is safe and compatible with our international obligations. According to the instruction, the immigration administration shall on its own initiative assess whether there are reasons to grant a residence permit on humanitarian grounds if the conditions for revocation are satisfied.

#### **Replies to the questions in paragraph 17 (a)**

163. In December 2015 the Ministry of Justice and Public Security issued for comment a proposal for a range of measures to tighten the regulations and make it less attractive to apply for asylum in Norway. Several of these proposals were adopted in the spring of 2016. One of the measures adopted was that, in an emergency situation with extraordinarily large numbers of arriving asylum seekers, a decision can be made to temporarily refuse to examine the merits of asylum applications from persons who arrive directly from a Nordic state.

Moreover, it was decided to repeal the provision in the Immigration Act stating that reference to internal flight must not be unreasonable. Furthermore, a legal basis was introduced for collecting biometric personal data in the form of facial photographs and fingerprints from

foreign nationals who apply for residence permits or visas for Norway, as well as a legal basis for expelling persons who have been refused examination of the merits of their asylum applications and who have previously been refused examination of their application on the same grounds. Furthermore, the time limit for lodging an appeal was reduced in cases regarding obviously groundless asylum applications, and a legal basis was provided to implement measures to summarily refuse examination of the merits of asylum applications.

164. Norway has considered whether the approved amendments are compatible with our international obligations, including those under the Covenant. The understanding is that the regulations are practised in compliance with our international obligations; cf. also the Immigration Act, section 3, which states that the act shall be applied in accordance with international provisions by which Norway is bound when these are intended to strengthen the position of the individual. The preparatory works for the act explain in more detail Norway's international obligations towards refugees. They specify that, *inter alia*, Article 7 of the Covenant prohibits the return of a person to a country or area where a genuine risk exists of the person being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment. Furthermore, it is specified that the principle of non-refoulement is absolute, and that it applies to deportation both to the country of origin and to a third country. It is also specified that the protection applies to deportation to a country where the person risks further deportation to an area with a risk of treatment in violation of the provisions in the Covenant. The Ministry of Justice and Public Security found that protection against return is, under our human rights obligations, respected in the proposed amendments to the provisions concerning protection. It was also pointed out that instances where internal flight may be inadvisable on humanitarian grounds would be assessed in light of the statutory provisions relating to the granting of residence permits on humanitarian grounds. The Ministry found the amendments to lie well within the parameters of Norway's international obligations.

165. In addition, some rules governing the right to a permanent residence permit were tightened through, *inter alia*, the introduction of integration criteria and of a legal basis for rejecting applications in instances involving weighty immigration considerations.

#### **Replies to the questions in paragraph 17 (b)**

166. Persons who risk situations as mentioned in Articles 6 and 7 of the Covenant are protected against being returned. Persons who seek asylum are offered individual guidance

from an independent organisation in connection with submitting their application. It is established in regulations that the asylum interview shall be facilitated in such a way as to ensure that as much information as possible on the matter is brought to light. The Norwegian Directorate of Immigration shall determine whether the applicant has special needs during the interview situation, based on the asylum application or the applicant's life circumstances. Women shall be asked if they wish to have a female interviewer and interpreter present. An interpreter shall be used unless communication can be properly conducted in a common language. If the application is refused, the foreign national has the right to a lawyer in the appeal process. Unaccompanied minor asylum seekers also have the right to a lawyer in connection with the processing of their case in the first instance. Furthermore, they are entitled to have appointed a representative (legal guardian) from the county governor. The tasks of the representative are to protect the minor's interests in the asylum application and to perform other duties that fall to a guardian under other legislation.

167. Non-refoulement on the grounds of risk of circumstances covered by the Covenant's Articles 6 and 7 do not impede decisions concerning expulsion made on the grounds of fundamental national interests, but such decisions may not be implemented before the grounds for non-refoulement are no longer present. The Ministry is currently preparing a bill that would allow foreign nationals to be expelled if there are grounds for exclusion from the right to recognition as a refugee pursuant to the Convention and Protocol Relating to the Status of Refugees. Likewise, an expulsion decision will not be implemented before the grounds for non-refoulement are no longer present. The bill was distributed for comment on 5 July 2016 with a time limit for comments set for 5 October 2016, and the matter is currently under review by the ministry. Regarding legal safeguards in connection with deportation, see paragraph 169.

#### **Replies to the questions in paragraph 17 (c)**

168. Under Norwegian law, a decision on expulsion imposes a duty on the foreign national to leave Norway and a permanent or time-limited prohibition against subsequent entry. The most common grounds for expulsion are violations of the Immigration Act or the General Civil Penal Code. In addition, specific rules apply for expulsion of EU/EEA citizens and for cases affecting fundamental national interests.

169. Before a decision on expulsion is made, the foreign national is notified of the grounds for expulsion. In many cases the foreign national will have the right to free legal advice without means testing. This applies in, *inter alia*, cases where the ground for expulsion is violation of the Immigration Act. This type of case accounts for a significant share of the total number of expulsions cases per year. In cases where a foreign national is not entitled to free legal advice, he or she may nonetheless apply for the costs to be covered; see paragraph 137. Once a decision is made, the foreign national must be notified of the outcome of the decision and be given the reasons in a language he or she understands. The foreign national will have the right to appeal against the decision to an appeals body, and will normally also have the right to remain in Norway until the appeal process is completed if he or she holds a residence permit.

170. Regarding the question of how it is determined whether a person's stay in Norway has been legal, reference is made to the following: the main rules regarding applications for a residence permit are that the application must be submitted from abroad through a foreign service mission, and that the foreign national is not allowed to stay in Norway while the application is being processed. Several exceptions from this principle apply, including for asylum seekers. If the foreign national has the right to stay in Norway while the application is being processed, the stay is deemed legal until the application is refused at first instance and the time limit for voluntary return expires. The applicant may appeal against the refusal, and may often have the right to request deferment of its implementation. The applicant will then have legal residence in Norway until the appeal body potentially refuses the application and the time limit imposed for voluntary return expires. If the time limit for voluntary return has expired, further stay in Norway is deemed illegal.

### **Statelessness (Articles 2, 24 and 26)**

#### **Replies to the questions in paragraph 18**

171. Under the Norwegian Nationality Act, children automatically become Norwegian citizens if their mother or father is Norwegian. No requirement for a residence permit is imposed on children under the age of two when one of the parents is a Norwegian citizen or becomes a Norwegian citizen at the same time as the child. Children of foreign or stateless parents do not automatically become Norwegian citizens if they are born in Norway, but they can apply for Norwegian citizenship.

172. In October 2016 the Government issued instructions to the Norwegian Directorate of Immigration regarding current law governing applications for Norwegian citizenship from stateless applicants who are born in Norway, to ensure that applications are processed in accordance with international conventions by which Norway is bound. Citizenship for stateless children born in Norway is contingent on the applicant's having resided in Norway for three years. The applicant is not required to have a residence permit. Stateless children born in Norway may, however, be granted citizenship without previously having resided in Norway if the application is submitted within one year after the child is born and if the child's parents hold permanent residence permits or have the right to reside in Norway for three years.

173. The Norwegian Nationality Act applies with the restrictions that follow from treaties with other states and with other international law, and must be interpreted in the light of the conventions by which Norway is bound in this area, including the UN Convention relating to the Status of Stateless Persons of 1954 and the UN Convention on the Reduction of Statelessness of 1961.

174. Statelessness in itself gives no right to a residence permit in Norway unless the foreign national is in need of protection or satisfies the conditions for a residence permit on the grounds of strong humanitarian considerations. The asylum seeker may, however, be granted a residence permit in Norway after three years if practical impediments prevent his or her return. In practice we see that stateless persons may return voluntarily, even if compulsory return cannot be implemented.

### **Rights of persons belonging to minorities (Articles 23, 24, 26 and 27)**

#### **Replies to the questions in paragraph 19**

##### **Rights of ownership and use**

175. Work is currently under way on examining and recognising ownership and usage rights in Finnmark. Pursuant to the Finnmark Act, the Finnmark Commission, an examining commission, and the Uncultivated Land Tribunal for Finnmark, a special court, were established. The Finnmark Commission examines ownership and usage rights for land that forms part of the Finnmark Estate. The commission has examined six areas and has commenced work on two more. The Uncultivated Land Tribunal began its work in September

2014, and examines disputes over rights which the commission has examined in its reports. The judgments of the Uncultivated Land Tribunal may, as a general rule, be appealed directly to the Supreme Court. On 28 September 2016 the Supreme Court delivered its judgment on the Stjernøya case, which involved two lawsuits pertaining to Stjernøya/Seiland, the first area to be surveyed.

176. Some problems in identifying rights in Finnmark are believed to be resolved by, *inter alia*, amendments to laws and regulations. Minor amendments have been made to the Finnmark Act, involving the duty of the state to cover the parties' legal costs in cases brought before the Uncultivated Land Tribunal. The changes have been in force since 1 January 2017. The legislative amendment is combined with a regulatory amendment establishing that state coverage of the parties' costs will no longer be met by the Uncultivated Land Tribunal's own budget. Sámediggi (the Sami Parliament) was consulted and gave its approval to the amendments.

177. The Government is considering how the Sami Rights Committee's proposal to identify rights south of Finnmark should be followed up. The committee has also proposed amendments be made to several laws, including the former Mining Act, now the Mineral Act, and the Reindeer Husbandry Act. These proposals are being considered by the relevant ministries. The committee's report is comprehensive and will therefore have to be followed up gradually. This also applies to the proposal for the identification and recognition of existing land rights in the traditional Sami areas outside Finnmark.

178. The Government refers also to the Sami Rights Committee's opinion that Sami rights to land and natural resources in the areas traditionally used by the Sami people must be assessed based on the Norwegian rules of property law pertaining to immemorial usage, prescription and custom. These general principles of property law must however be adapted to special features of Sami material cultural practice. This is apparent in, *inter alia*, two Supreme Court judgments from 2001 and in the Supreme Court's ruling in the Stjernøya case of 28 September 2016.

### **Reindeer husbandry and fishing**

179. Norway and Sweden have long been working on putting in place a new reindeer grazing convention between the countries after the last convention ceased to apply in 2005. A

negotiated proposal for a new convention was reached in 2009. Since then, Norwegian authorities have put considerable effort into having the new convention ratified. Norwegian authorities will continue these efforts to put in place a new convention in order to ensure a well organised system of reindeer husbandry across the border between Norway and Sweden.

180. On 9 December 2014 Norway and Finland signed a new convention concerning the erection and maintenance of reindeer fences and other measures to prevent reindeer from entering each other's territory. The convention entered into force on 1 January 2017. The border between Norway and Finland is closed to cross-border reindeer husbandry. The purpose of the convention is to regulate the division of responsibilities for erecting and maintaining fences and other measures to prevent reindeer from crossing the border between the two countries, and to regulate the monitoring of reindeer that still manage to cross the border. The fences are intended to support the reindeer owners' monitoring obligation so that the crossing of reindeer into the territory of the other state is avoided as far as possible.

181. Work on drafting a new white paper on sustainability in reindeer husbandry began in 2015, and the white paper was presented to the Storting on 5 April 2017. In accordance with the consultation agreement, Sámediggi and the Sami Reindeer Herders Association of Norway were consulted about measures in the white paper that may directly affect Sami interests. The white paper was discussed by the Storting in the spring session of 2017.

182. On 18 February 2008 the Coastal Fishing Committee published its recommendations in Official Norwegian Report NOU 2008: 5 *Fishing Rights in the Sea off Finnmark*. The report was broadly distributed for comment, and the Government and Sámediggi concluded consultations on the matter in May 2011. The consulting parties diverged in their views on some issues pertaining to international law, but they succeeded in reaching agreement on a set of measures that should help ensure the material basis for Coastal Sami culture. Two of the measures concern a statutory right to fish – contingent on certain conditions – for all residents of Finnmark, Northern Troms and other municipalities in Troms and Nordland with elements of Coastal Sami culture, and an additional cod quota for the smallest coastal fishing vessels in these areas.

183. In addition, a proposal was made to include a provision in the Marine Resources Act to place significant emphasis on safeguarding Sami culture in all fisheries regulation and administration, as well as a new provision in the Participation Act stipulating that the law

must be applied in accordance with the provisions of international law on indigenous peoples and minorities. Further proposals included a prohibition against fishing vessels exceeding 15 metres in the fjords, requirements for recognition of rights to fishing sites to be submitted to the Finnmark Commission, and establishment of a Fjord Fisheries Advisory Board for the counties of Finnmark, Troms og Nordland that should play an important role in the management of fisheries resources.

184. The legislative amendments were adopted by the Storting on 21 September 2012 and entered into force on 1 January 2013. The authorities have begun to incorporate the measures into current legislation and fisheries administration. The Fjord Fisheries Advisory Board was established in 2014. In 2017 the additional cod quota for the smallest coastal fishing vessels is 3,000 tonnes.

185. A new agreement between Norway and Finland on fishing activities in the Tana watercourse entered into force on 1 May 2017. Salmon fishing in the watercourse is extremely important to the Sami as an indigenous people and to the local population living along the watercourse. The new agreement forms the platform for restoring and maintaining the salmon stocks as a natural basis for Sami cultural practice. Sámediggi was consulted about the proposed agreement before it was signed, without any agreement being reached. It was also consulted about the draft proposition to the Storting concerning consent to enter into the agreement, and it was concluded that the transcript of Sámediggi's plenary discussion of the matter be incorporated into the proposition. Sámediggi was also represented in the Norwegian delegation handling the negotiations with Finland over this issue.

186. Article 27 of the Covenant was considered in the decision of 19 December 2016 to issue a permit under the Pollution Control Act for mining activities in Nussir and Ulveryggen. The Ministry of Climate and Environment established that the impact of land use on reindeer husbandry was handled when the zoning plan was approved by the Ministry of Local Government and Modernisation and that Article 27 of the Covenant was considered in that connection. In the Ministry of Climate and Environment's decision under the Pollution Control Act, it was only the pollution-related nuisance arising from the project that was relevant to consider in light of Article 27 of the Covenant, and the potential impacts of the marine deposit site on Coastal Sami fishing in particular. The ministry concluded that the permit, with the conditions laid down, entails limited impacts on Coastal Sami fishing in the

fjord and that the scope of encroachment therefore fell below the threshold for what is regarded as a violation or denial of cultural practice under Article 27 of the Covenant. The implementation of mitigation measures for fishing activities was deemed unnecessary. The permit was deemed not to be in violation of Article 27 of the Covenant. When the appeals against the permit were handled, two consultation meetings were held with Sámediggi at administrative level and one consultation meeting at political level. Agreement was not reached in the consultations.

### **Nordic Sami Convention**

187. Norway, Sweden and Finland have concluded negotiations over a Nordic Sami Convention. The leaders of the negotiations from the three Nordic countries approved the wording of the negotiated convention in January this year.

188. The Sami people reside across national borders, and the Sami languages and Sami culture extend across those borders. An overarching objective of the convention is that the Sami people should be able to preserve, practise and develop their culture with the smallest possible interference of the national borders. The Nordic Sami Convention is in accordance with Norwegian law and with the international obligations undertaken by Norway. The convention will establish a common legal framework for Norway, Sweden and Finland that is adapted to a Nordic Sami context. The convention affirms and strengthens the central elements in Sami rights. For example, the convention affords international protection of the arrangement of Sami parliaments in the three countries.

189. The convention is currently being considered by the three Sami parliaments. The text of the convention states that the convention shall be submitted to the three Sami parliaments, and the preamble establishes that ratification is contingent on the endorsement of the Sami parliaments in the three states. Only once the Sami parliaments have given such endorsement can the three countries sign and ratify the convention.

### **Measures against discrimination of the Sami**

190. The Equality and Anti-Discrimination Act prohibits discrimination on grounds of ethnicity. The preparatory works for the act underline that “ethnicity” includes national minorities and the Sami population.

191. Since 2014 the Ministry of Children and Equality has allocated funding to the Norwegian Directorate for Children, Youth and Family Affairs so that it can develop competence in discrimination based on ethnicity, religion and belief. In 2015 it financed the research report *Discrimination of Sami, national minorities and immigrants in Norway. A knowledge review* (Midtbøen and Lidén (2015:01 Institute for Social Research)). The report reveals a need for more knowledge about discrimination of Sami and national minorities. Current research shows that parts of the Sami population in Norway have experienced discrimination based on their Sami background. The SAMINOR project shows, *inter alia*, that one in four Sami-speaking men and one in three Sami-speaking women have experienced discrimination. The SAMINOR 2 survey shows that few Sami experience discrimination in connection with, *inter alia*, job seeking or in the housing or rental markets (*Selvopplevd diskriminering av samer i Norge* [Self-reported experiences of discrimination in the Sami population in Norway], by Ketil Lenert Hansen in *Samiske tall forteller 9* [Sami Figures Relate], 2016 Sámi University College 1/2016).

192. The Ministry of Local Government and Modernisation has developed an e-learning programme on indigenous peoples and national minorities. The training programme has been developed to enhance knowledge and understanding of indigenous peoples and national minorities among personnel at all levels in public administration. The aim of the course is to create an understanding of the issues that affect indigenous peoples and national minorities and awareness about when they should be involved and consulted. The programme also covers historical and social aspects, and relevant laws and regulations.

193. The Kindergarten Act, section 8 states the following concerning the rights of Sami children:

“The municipality is responsible for ensuring that kindergartens for Sami children in Sami districts are based on Sami language and culture. In other municipalities steps shall be taken to enable Sami children to secure and develop their language and their culture.”

194. In the autumn of 2016 the Government implemented a range of new measures to combat bullying in schools and kindergartens. One of the key measures is to strengthen expertise among kindergarten staff in this area, both in preventing bullying and in dealing with concrete cases of bullying. These efforts will be strengthened through 2017 and will be pursued for several years ahead. The Sami communities experience particular challenges related to

bullying. Therefore, as part of the competence-building efforts, a pilot project will be conducted, focusing on the challenges in Sami communities. The Norwegian Directorate for Education and Training has begun work on developing this project in cooperation with the Centre for Learning Environment, Sámediggi and the County Governor of Finnmark. The pilot project will cover municipalities, kindergartens and schools in the administrative area for Sami language, and will produce knowledge about how the work on kindergarten and school environments and on bullying and harassment in Sami kindergartens and schools should be carried out. The pilot project will be followed up with research in order to gain more knowledge about Sami challenges and about which measures work.

195. The initiative Sami Pathfinders was established in 2004. The initiative is funded by the Ministry of Local Government and Modernisation, and is administrated by Sámi allaskuvla (the Sami University of Applied Sciences). Four young Sami are selected as pathfinders, and during the course of the academic year they visit schools, organisations and associations throughout Norway to inform them about Sami culture and society. The idea behind the initiative is that young Sami should disseminate knowledge about their everyday life through direct contact with other young people. Experience from the Pathfinder initiative indicates that this is a good way of addressing prejudices and overcoming misconceptions about Sami and Sami culture.

### **Replies to the questions in paragraph 20**

196. Reference is made to Norway's sixth periodic report, paragraphs 263–272, and previous reports for information on current procedures for consultation between state authorities and Sámediggi. It is a fundamental requirement that consultations with Sámediggi be conducted with the aim of reaching agreement. Therefore, no basis exists for describing Sámediggi's mandate in consultation processes as being restricted to the role of an advisory body.

197. The Government is currently following up the proposals of the Sami Rights Committee II concerning statutory regulation of the right to consultation in matters that may directly affect Sami interests. The committee has proposed a separate act dealing with case processing and consultation. In April 2017 the Ministry of Local Government and Modernisation held political consultations with Sámediggi on this matter and on a new budgeting scheme for Sámediggi. No agreement on a new budgeting scheme was reached. Because of this, Sámediggi did not want the Government to submit the proposal for statutory provisions on

consultations. The Government will therefore not present such a bill in the current parliamentary term.

198. In connection with the United Nations Special Rapporteur's report on the human rights situation for Sami in Norway, Sweden and Finland, Norway expressed its opinion on consultations and free, prior and informed consent. Norway's addendum is available here: [https://www.regjeringen.no/contentassets/9d945d85963f466ab56b9692bcc0cc2e/addendum\\_s r.pdf](https://www.regjeringen.no/contentassets/9d945d85963f466ab56b9692bcc0cc2e/addendum_s r.pdf).

199. The Mineral Act is one of several pieces of legislation regulating mineral activities in Norway. Combined, several regulations in Norwegian law ensure that Sami interests and considerations to protect Sami cultural practice are safeguarded in decision-making processes involving mineral activities.

### **Replies to the questions in paragraph 21**

200. In January 2011 the Government appointed a government committee to investigate and describe the policies and measures towards the Romani people/Tater from the 1800s to the present day, with special emphasis on the objectives, implementation and instruments of these policies. The committee was also asked to consider the findings in light of Norwegian legislation and international human rights obligations, and whether the findings justify considering new measures that may contribute to justice and reconciliation. The initiative for the investigation came from representatives of the Romani people/Tater themselves. The mandate was updated in 2013, at the same time as the committee and its secretariat changed leadership and composition.

201. In the summer of 2015 the committee submitted its report, NOU 2015: 7 *Assimilation and Resistance*. The committee concluded that the policies that were pursued towards the Romani people/Tater between 1850 and 1986 were misguided and destructive. The objective of the policies at the time was to make the Romani people/Tater socially and culturally assimilated into Norwegian society. Norwegian Mission among the Homeless implemented official policy between 1907 and 1986 with a mandate, legal authority and funding provided by the state. The committee found that the Norwegian state bore overall responsibility for the policies that were pursued.

202. The assimilation policy was formally abandoned in the 1980s, and the Romani people/Tater were recognised as a national minority in 1999. Nonetheless, the committee concluded that much work still remains before it can be said that this ethnic group has actually achieved full recognition and equality in Norwegian society.

203. The report was widely distributed for comment in the autumn of 2015, and 10 open hearings were held in the first half of 2016 in different locations around the country. The time limit for submitting comments was set at 30 May 2016. In 2017 the Government continues its work on following up the report based on input from the hearing, *inter alia*.

### **Kindergarten and school sector**

204. The Norwegian Directorate for Education and Training has prepared information material dealing with national minorities, including Roma and Romani people/Tater, which is available on the Directorate's website. The target group for this material consists of employees in kindergartens and schools, and the material contains chapters on each national minority. The introduction mentions the special rights of the national minorities, including the right to special language instruction. The chapter on Roma has been translated into Romanes. The Norwegian Directorate for Education and Training has however chosen to delay translating the chapter on the Romani people/Tater until further notice because, in meetings with representatives of the Romani people/Tater, it has encountered considerable disagreement within the minority over whether there is a wish for material in Romani and over correct standardisation.

205. Since 2004 the Ministry of Education and Research and the Norwegian Directorate for Education and Research have supported a project dealing with the Romani people/Tater. The project originated as an initiative from *Taternes landsforening*, one of the Romani people/Tater associations in Norway. The main objective of the project was to promote knowledge about Romani/Tater culture in schools and kindergartens and to contribute to generating a sense of pride among children and young people with Romani/Tater background. In 2016 the part of the project involving knowledge about national minorities in general and Romani people/Tater in particular was continued for students of teacher education at Østfold University College. Representatives from *Taternes landsforening* participate in the project.

206. On commission from the Norwegian Directorate for Education and Training, the National Centre for Multicultural Education (NAFO) has prepared teaching resources dealing with the national minorities for use by kindergartens and grades 1–7 in the primary schools, which are available on the website <http://minstemme.no>. The teaching resources present examples of the minority languages. The resources are linked to the Framework Plan for the Content and Tasks of Kindergartens and to competence aims in the curricula that apply to everyone, but use of the initiatives themselves is optional. NAFO is currently completing work on the teaching resources for the lower and upper secondary levels. The resources are anchored in the organisations for the respective national minorities.

207. The City of Oslo has engaged a coordinator and three teachers to act as point of contact between Roma pupils, home and school. The purpose is to encourage and help these children through primary and lower secondary school. The teachers also help parents with following up their children's education and assist schools in communicating with parents when necessary. In addition to the teachers, the City of Oslo has also engaged a teaching assistant/Roma mediator.

### **Replies to the questions in paragraph 22**

208. The question is based on premises relating to a practice that is unknown to Norwegian authorities. Norwegian statistics are based on country background, not on ethnicity, so no statistics specific to people with Roma background are available.

209. Norway's Child Welfare Act applies to everyone in the realm, regardless of status, background or citizenship. Care orders are based on documentary proof of neglect, violence or abuse – not on ethnicity. If it is considered necessary to place a child in alternative care, the Child Welfare Service is obliged to look for a suitable foster home with the child's relatives and network. Norwegian authorities consider it important to take account of the child's linguistic, religious and cultural background as far as possible. The Norwegian Child Welfare Service does not place children in alternative care solely because they belong to Roma families.

210. The main objective of the Child Welfare Service is to assist children and families with problems. In fact, the vast majority receives voluntarily assistive measures in their home, such as advice and guidance on parenting, counselling, financial aid, etc. However, children

sometimes need to be removed from their parents due to severe neglect, violence or abuse. Under such circumstances, a county social welfare board or the courts may issue a care order.

211. The boards and courts are independent impartial decision-making authorities led by judges, and cannot be instructed. It is not the Child Welfare Service as such that decides, but it can advise. According to Norwegian legislation, a care order must be necessary and in the child's best interests.

212. When a care order is considered, parents are entitled to a due process, including the right to a lawyer paid for by the state, the right to be heard, and the right to appeal the decision of the county social welfare board to the courts. Parents may file for a revocation of the care order once a year.

213. Placing a child outside its home without the parents' consent is always a measure of last resort. It is worth noting that a recent Council of Europe report shows that Norway is in the low range of countries with respect to the number of children in alternative care.

#### **Measures to implement paragraph 15 in the committee's concluding observations (CCPR/C/NOR/CO/6)**

214. In 2010 Norway tightened the regulations on family immigration, including a stricter subsistence requirement. Given the high number of asylum seekers that arrived in the autumn of 2015, the Government found it necessary to further tighten the rules for family immigration.

215. In 2016 it was therefore decided to introduce a new "connection requirement" for family immigration when the reference person has protection in Norway. This requirement means that applications may be denied if the family in question would be able to live safely in a third country to which the family's overall connection is stronger than it is to Norway. In such cases, the Government finds it more natural that the family should settle in the other country. This amendment entered into force on 1 July 2017. Furthermore, a new requirement was introduced requiring both parties in an application for family establishment to be at least 24 years of age. The main purpose for this amendment is to combat forced marriages. Exceptions may be made if it is clear that the marriage or cohabitation is voluntary. This condition applies to applications submitted on 1 January 2017 and thereafter.

216. The new requirements were closely reviewed in light of our obligations under Article 8 of the European Convention on Human Rights. The ministry pointed out that the right to family life is also protected by Article 17 of the Covenant, but maintained that no grounds existed to assume that this right implies obligations beyond those that follow from Article 8 of the European Convention on Human Rights.

217. In connection with discussion of these bills, a majority of the Storting presented two petition resolutions pertaining to the subsistence requirement. One of them proposes a shorter time limit for submitting applications for family reunification so that refugees can be excluded from the subsistence requirement. The other proposes that the subsistence requirement be lowered to its previous level. Proposed amendments to the regulations in line with these proposals were distributed for comment in January 2017. A six-month time limit for submitting applications for family reunification with a refugee will enter into force on 1 August 2017.

218. In 2016 the Directorate of Immigration processed over 19,500 first decisions in family immigration cases, of which 4,300 were denied.