



# General Assembly

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**Human Rights Council**  
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Agenda item 6  
**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

**Norway**

**Addendum**

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.

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The Government of Norway welcomes the recommendations made during its Universal Periodic Review, which was held on 28 April 2014, and is pleased to provide the following responses, to be included in the outcome report.

**131.1 Not accepted.** Norway is party to the vast majority of human rights conventions and considers ratifying new conventions on an ongoing and case-by-case basis. Norway has an obligation to fulfil all its international obligations, regardless of how they are incorporated or transformed into Norwegian law. The question of whether or not new conventions should be incorporated into Norwegian law, and if so, how, is also considered on a case-by-case basis. However, as a general principle Norwegian law is presumed to be in accordance with Norway's international obligations. Where possible, Norwegian law is therefore to be interpreted in such a way that it does not conflict with the rules of international law by which Norway is bound, even if the conventions have not been incorporated into Norway's domestic legal order.

**131.2 Accepted.** The Norwegian Penal Code satisfies most of the obligations set out in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, but some amendments are necessary in order to ratify the Convention. A public consultation on the suggested amendments has been launched.

**131.3 and 131.4 Accepted.** It is a human rights priority for the Norwegian Government to prepare for ratification and full implementation of the UN Convention for the Protection of All Persons from Enforced Disappearance.

**131.5–131.8 Not accepted.** Norway has ratified the core ILO conventions on workers' rights, which also apply to residents who are foreign nationals.

**131.9 Not accepted.** Norway's interpretative declarations on the Convention on the Rights of Persons with Disabilities were made upon ratification in 2013, after careful consideration. They are consistent with the prevalent understanding among the States Parties and are – in the Government's view – fully compatible with the Convention.

**131.10 Not accepted.** The Ministry of Foreign Affairs intends to commission an independent study on the possible consequences of becoming a party to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

**131.11 and 131.12 Not accepted.** Norway is currently not in a position to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

**131.13 Not accepted.** Norway is currently not in a position to ratify the Optional Protocol to the Convention on the Rights of the Child.

**131.14 Not accepted.** See response to recommendation 131.10.

**131.15 Not accepted.** See responses to recommendations 131.3, 131.12 and 131.13.

**131.16 Not accepted.** It is the view of the Norwegian Government that young offenders should be imprisoned as a last resort only, and the current penal policy is strongly influenced by restorative justice principles. Until recently, Norway has not had separate detention centres for juveniles. Thus, there would be a high risk that the very few juveniles who are imprisoned would be completely isolated if the principle of separating juveniles from adults were to be adhered to. A trial project with separate prison units for young offenders is currently being conducted. The aim of this is to prevent juveniles from having to serve their sentences in prisons together with adults or in total isolation. The aforementioned reservations cannot, however, be lifted and they are therefore being upheld.

**131.17 Not accepted.** See response to recommendation 131.3.

**131.18 Not accepted.** See response to recommendation 131.13.

**131.19 Not accepted.** See response to recommendation 131.3.

**131.20 Not accepted.** See response to recommendation 131.13.

**131.21 Not accepted.** Regarding reservations to article 10, paragraph 2 (b) and paragraph 3 of the ICCPR see response to recommendation 131.16.

**131.22 Accepted.** See response to recommendation 131.2.

**131.23 Accepted, already implemented.**

**131.24 Not accepted.** See responses to recommendations 131.13 and 131.10.

**131.25 – 131.28 Accepted, already implemented.**

**131.29 Accepted, already implemented.**<sup>1</sup>

**131.30 Partially accepted.** Norwegian criminal law (the Penal Code) covers many violent offences where in practice the victims are often women and girls. Some of the relevant penal provisions have been introduced partly to prevent and address violence against women and girls, but the Penal Code is not gender-specific. Although it is deemed adequate, some amendments aimed at further strengthening relevant provisions are currently under public consultation, including the ones referred to in the responses to recommendations 131.2, 131.22 and 131.32.

**131.31 Accepted, already implemented.**<sup>2</sup>

**131.32 Accepted, already implemented.**<sup>3</sup>

**131.33 Accepted, already implemented.**<sup>4</sup>

**131.34 Accepted, already implemented.**

**131.35 Partially accepted.** The Norwegian authorities are considering amending the legal definition of ‘rape’. This is partly due to a recommendation from the UN Committee on the Elimination of Discrimination Against Women (CEDAW). A proposal to widen the definition of rape to include all kinds of non-consensual sexual activity has been subject to public consultation. The Ministry of Justice and Public Security has not yet made a decision on the matter.

**131.36 Accepted.**

**131.37 Partially accepted.** The Ministry considers on a regular basis whether or not national legislation is in line with international standards and principles. The Ministry will in the future consider looking into the issue of allowing citizens to appeal to the court in election-related matters.

**131.38 Not accepted.** The prohibition of torture is transformed into Norwegian law through section 117 a of the Penal Code. Norway has an obligation to fulfil all its international obligations, regardless of how they are incorporated or transformed into Norwegian law. The question of whether or not new conventions should be incorporated into Norwegian law, and if so, how, is considered on a case-by-case basis. However, as a general principle Norwegian law is presumed to be in accordance with international obligations. Where possible, Norwegian law is therefore to be interpreted in such a way that it does not conflict with the rules of international law by which Norway is bound, even if the conventions have not been incorporated into Norway’s domestic legal order. See also response to recommendation 131.32.

**131.39 Accepted, already implemented.**<sup>5</sup>

**131.40 Not accepted.**

**131.41 Not accepted.** The penal provision on blasphemy has not been retained in the new Penal Code. However, as stated in the response to recommendation 131.39, hate speech is already criminalised providing that the human right to freedom of speech is upheld. In Norwegian criminal law, determining the penalty in any criminal case is to a large extent left to the discretion of the judge. The judge looks to case law for general guidance. For rape involving sexual intercourse, the law stipulates a minimum sentence of three years in prison.

**131.42 Accepted, already implemented.<sup>6</sup>**

**131.43–131.52 Accepted.** Regarding the recommendation on the establishment of a National Institution for Human Rights, the Storting (Norwegian parliament) decided on 19 June 2014 to establish a new national institution administratively organised under the Storting, and effective from 1 January 2015.

**131.53 Not accepted.** The Norwegian Centre for Human Rights has decided to terminate its role as the national institution. A decision has therefore been made to establish a new institution under the Storting (Norwegian parliament). See response to recommendation 131.43.

**131.54–131.64 Accepted.** See response to recommendation 131.43.

**131.65 Accepted.**

**131.66 Not accepted.** In 2014 the Equality and Anti-Discrimination Ombudsperson will receive approximately NOK 54 million (USD 9 million) in basic funding. The Ombudsperson operates independently within his or her field of expertise, and cannot be instructed by the Ministry. The Ombudsperson is free to give priority to specific challenges within his or her area of competence.

**131.67. Partially accepted.** The Norwegian Government gives consideration to national plans and priorities in its international cooperation activities.

**131.68. Not accepted.** An action plan is not considered the optimal measure at this point in time. The topic of human rights is well integrated into educational curricula. Higher education and teacher training institutions are particularly encouraged to increase their cooperation on human rights education. This is expected to lead to intensified efforts while preserving institutional autonomy in higher education.

**131.69 Partially accepted.** Efforts, including a new action plan, are under consideration.

**131.70 Accepted.**

**131.71 Accepted, already implemented.**

**131.72 Accepted.**

**131.73 Partially accepted.** The Norwegian Government has already taken actions to curb the over-sexualisation of women in the media. For example, in section 204 of the General Civil Penal Code, it is set out that any person who publishes, sells or in any other way attempts to disseminate pornography shall be liable to fines or imprisonment for a term not exceeding three years. Furthermore, section 2 a of the Marketing Control Act sets out that the marketer and the designer of the marketing shall ensure that the marketing does not conflict with the equality of the sexes and that it does not exploit the body of one of the sexes or convey an offensive or derogatory appraisal of women or men.

The Norwegian Government aims to curb the over-sexualisation of both sexes in the media. We do however believe in freedom of speech, also for the media, and will therefore not prohibit all statements with sexualised content.

**131.74–131.77 Accepted.**

**131.78 Partially accepted.** The Government funds implementation of the Council of Europe's campaign Young People Combating Hate Speech Online in Norway. Further efforts are under consideration.

**131.79 Partially accepted.** Efforts, including a new action plan, are under consideration.

**131.80 Partially accepted.** The Government is currently considering new measures to combat racism and xenophobia. The Norwegian Directorate for Children, Youth and Family Affairs has been assigned responsibility for collecting and systematising a comprehensive set of statistics on discrimination on all grounds.

**131.81 Accepted**

**131.82 Partially accepted.** The Government funds implementation of the Council of Europe's project Young People Combating Hate Speech Online in Norway. Further efforts are under consideration.

**131.83–131.85 Accepted.**

**131.86 Partially accepted.** Efforts are under consideration.

**131.87 Accepted.**

**131.88 Accepted.** Further measures are under consideration.

**131.89 and 131.90 Accepted, already implemented.**

**131.91 and 131.92 Accepted.**

**131.93 Accepted, already implemented.**

**131.94–131.96 Accepted.**

**131.97 Partially accepted.** The Government funds implementation of the Council of Europe's campaign Young People Combating Hate Speech Online in Norway. Further efforts are under consideration.

**131.98 Accepted.**

**131.99 Partially accepted.** Efforts, including a new action plan, are under consideration.

**131.100 Accepted, already implemented.**

**131.101 Accepted, already implemented.<sup>7</sup>**

**131.102–131.110 Accepted.**

**131.111 and 131.112 Accepted, already implemented.**

**131.113 Accepted.**

**131.114 Accepted, already implemented.**

**131.115–131.118 Accepted.**

**131.119 Accepted, already implemented.**

**131.120 and 131.121 Accepted.**

**131.122. Partially accepted.** Norway will consider establishing a national referral mechanism, but no decision has been made on this matter yet.

**131.123–131.138 Accepted.**

**131.139 Accepted.** Efforts are being made on a continuous basis to improve detention conditions.

**131.140 Partially accepted.** The Directorate of Norwegian Correctional Services is currently in the process of ensuring the compilation of detailed statistics on the use of solitary confinement. The tool which is being installed to obtain the said statistics (ASKS) is scheduled to be in place within 2014.

**131.141–131.143 Accepted.**

**131.144 Partially accepted.** (‘Preventive detention’ is understood as ‘pre-trial detention’.) The Norwegian police has in recent years increased the fight against organised criminal groups committing thefts. Many of the arrested suspects are foreign nationals. This has created a strong increase in the use of pre-trial detention. Use of isolation in pre-trial detention is a restriction decided by the court, if there is an imminent danger that the detainee may interfere with the evidence of the case. The conditions to use isolation as well as the possibilities to prolong the isolation period are strict. Children cannot be fully isolated. Steps are currently being taken to reduce the effects of isolation on people in police holding cells.

**131.145 Accepted, already implemented.<sup>8</sup>**

**131.146 and 131.147 Accepted.**

**131.148 Accepted, already implemented.**

**131.149 Partially accepted.** On 20 January 2012, a law amendment entered into force under which minors may only be held in custody when ‘compellingly necessary’. The threshold for remanding children in custody is, thus, very high. The establishment of separate juvenile units is meant to enable the segregation of children and adult prisoners. As long as there is space in a juvenile unit, children will – as a rule – not be placed in ordinary prisons. Once both adult and juvenile units are operational there may, however, still be occasions when children are placed in ordinary prisons together with adults, for instance when they need to be close to their home or it is considered to be in the best interest of the child for other reasons.

**131.150. Accepted, already implemented.<sup>9</sup>**

**131.151. Accepted.** Norway is in the process of implementing further measures to reduce delays in conducting hearings and to improve the care given to victims.

**131.152 Accepted, already implemented.**

**131.153 and 131.154 Accepted.**

**131.155 Accepted, already implemented.**

**131.156 and 131.157 Accepted.**

**131.158 Partially accepted.** Measures are being taken to process cases within the 14-day statutory deadline. When it comes to shelters for children under the age of 18, the Children’s Houses do not provide accommodation of this kind. Rather, crisis centres (shelters) and child welfare services provide accommodation for children in need.

**131.159 Partially accepted.** All children in Norway should be protected from serious neglect, mistreatment and abuse, regardless of their background or citizenship. A placement outside the home that is against the will of the parents can only be issued when the child is subject to serious neglect, mistreatment or abuse, and when voluntary measures are not sufficient to protect the child.

Under the Norwegian Child Welfare Act, when a child is placed outside the home due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background. This can be a challenge in the case of children with minority backgrounds. It is an important priority for the Government to recruit more foster families with different ethnic, religious, cultural and linguistic backgrounds. Norway is also taking other measures to strengthen cultural expertise in the child welfare service. Norway is in the process of ratifying the Hague Convention of 19th October 1996 on parental responsibility and protection of children.

**131.160 Accepted, already implemented.**

**131.161 Partially accepted.** The services of the Children's Houses are available and accessible to children up to the age of 16. The regulations concerning the use of the Children's Houses are currently under review, and the age limit is one of the matters in question. The recommendation from Iceland will be taken into consideration before a conclusion is reached on this matter.

**131.162 Accepted.** The Government has decided to draw up a policy package targeting children growing up in socially and economically disadvantaged families.

**131.163 Accepted.**

**131.164 Accepted, already implemented.<sup>10</sup>**

**131.165 Accepted, already implemented.<sup>11</sup>**

**131.166 Accepted.** Due to known discrepancies between hospitals and health regions with regard to the volume of coercion used in mental health care, there is an acknowledged potential for change. Norway is therefore continuing its efforts to reduce and control the use of coercive measures.

**131.167 Partially accepted.** At present there are no plans to make changes in legislation with regard to compulsory admission and treatment in mental health care. Norway will await the results of the ongoing national strategy for increased voluntariness in mental health services before considering major legislative changes.

We also refer to Norway's declaration of interpretation in connection with its ratification of the Convention on the Rights of Persons with Disabilities.

**131.168 Accepted.**

**131.169 Accepted, already implemented.<sup>12</sup>**

**131.170 Accepted.** Reducing substance abuse and strengthening services for persons with mental illness are two of the Government's top priorities. Increased funding has already been allocated, several measures have already been implemented and more funding and measures are to come.

**131.171 Accepted.**

**131.172 Accepted.** Further measures are under consideration.

**131.173–131.176 Accepted, already implemented.**

**131.177–131.181 Accepted.**

**131.182 Partially accepted.** The Sami people have access to their natural resources. However, new activities in Sami areas may be considered. In such cases, the Sami people have the right to be consulted. Furthermore, our legal framework restricts the kind of activities that can be carried out, in order to safeguard the Sami people's right to enjoy their culture.

**131.183 Not accepted.** The aim is to complete the negotiations on the Nordic Sami Convention by the end of 2016.

**131.184–131.190 Accepted.**

**131.191 Partially accepted.** The action plan is currently being evaluated. The evaluation report is due to be completed in the autumn of 2014.

**131.192 and 131.193 Accepted.**

**131.194. Not accepted.** However, Norwegian asylum policy is already based on the principle of fair and humane treatment of each applicant, in accordance with the Immigration Act and Norway's international obligations.

**131.195 Accepted, already implemented.**

**131.196. Not accepted.** See response to recommendation 131.194. Norway does not return refugees; they are accorded full protection under the law. Asylum seekers who have had their applications assessed by the Immigration Authorities and have been denied asylum, however, are not refugees and will be returned, unless they are given a right to stay on other grounds. Norway emphasises that decisions on return must be enforced in order to safeguard respect of the law and maintain asylum as an instrument of protection.

**131.197–131.199 Accepted, already implemented.**<sup>13</sup>

**131.200 and 131.201 Accepted.**

**131.202 Not accepted.** The Child Welfare Act (CWA) applies to all children in Norway, regardless of their ethnic background and residence status. This includes all unaccompanied asylum seekers under the age of 18.

Unaccompanied asylum seekers between the ages of 15 and 18 are offered accommodation in reception centres run by the immigration authorities while their applications are being processed. The immigration authorities have the responsibility of care. Unaccompanied asylum seekers below the age of 15 are given accommodation in care centres run by the child welfare service, who also have responsibility of care for these children.

All unaccompanied minors below the age of 18 who are seeking asylum receive care and are given access to health services and education. Despite the fact that accommodation during the asylum-seeking process is offered by different authorities, the child welfare service has responsibility for all children in Norway and is to initiate the necessary child welfare measures to support and/or protect the child in accordance with the Child Welfare Act.

**131.203 Not accepted.** See response to recommendations 131.194 and 131.196.

#### *Notes*

<sup>1</sup> Domestic law satisfies the relevant international obligations, but amendments to domestic legislation are necessary in order to ratify the conventions referred to in recommendations 131.2 and 131.22.

<sup>2</sup> The penal provision specifically targeting domestic violence (section 219 of the Penal Code) entered into force on 1 January 2006.

<sup>3</sup> Norwegian law is considered to be in conformity with the convention. Nevertheless, Norway has stated that it will consider including other relevant types of discrimination in the provisions on torture, as part of technical and material amendments in the new Penal Code following its entry into force, which is planned for the second half of 2015.

<sup>4</sup> The existing legislation is considered to be in conformity with Norway's human rights obligations, including the right to freedom of belief, conscience and religion. Before draft legislation is presented to the Storting (Norwegian parliament), the Government considers whether the proposed legislation is

- consistent with human rights. The right to freedom of belief, conscience and religion is also protected by conventions that are incorporated into Norwegian law through the Human Rights Act. In the event of conflict between norms, these conventions prevail over other Norwegian legislation.
- <sup>5</sup> Hate speech, discriminating statements and incitement to violence – in any context – are criminal offences providing that the human right to freedom of speech is upheld.
- <sup>6</sup> The penal provision specifically targeting domestic violence (section 219 of the Penal Code) entered into force on 1 January 2006.
- <sup>7</sup> Provisions in the Penal Code cover many statements that may be described as hate speech. When made in public, hateful and discriminating statements, incitement to violence and the disclosure of certain private information are all considered criminal offences providing that the human right to freedom of speech is upheld. The same applies to harassment and threats.
- <sup>8</sup> ('Preventative detention' is understood as 'pre-trial detention'.) A number of measures have been taken the last few years to ensure that pre-trial detention of children is being used only as a measure of last resort; in accordance with international human rights obligations. The number of children under the age of 18 years in pre-trial detention has, thus, been reduced and is now at a minimum.
- <sup>9</sup> In order to ensure that prison is only used as a measure of last resort and that the best interest of the child is also a primary consideration in the case of juveniles in conflict with the law, a new, non-custodial sanction entered into force on 1 July 2014. This is intended to be an alternative to prison for juveniles who have committed serious and/or repeated crimes. Another measure aimed at less serious crimes entered into force simultaneously. Both of these measures are based on restorative justice principles.
- <sup>10</sup> The efforts being made in connection with the ongoing national strategy for increased voluntariness in mental health services will continue throughout 2015. The results will then be evaluated and any need for further follow-up will be considered.
- <sup>11</sup> Relevant measures are being implemented, but this work is not yet finished, as it is part of the aforementioned national strategy for increased voluntariness in mental health services (2012–2015).
- <sup>12</sup> The regulations have been implemented. The right to specialised health care is decided on the basis of an individual assessment of the person's health, and is normally based on a referral from the person's GP.
- <sup>13</sup> Securing the rights of the child is essential to Norway. Norway has recently, as a one-off solution, allowed families who have been in Norway for three years or more at a given date and meet certain conditions to obtain a residence permit. The Government has also proposed a permanent arrangement to ensure that greater emphasis is placed children's situation. Furthermore, the Government has proposed changes to the Immigration Regulations, to further clarify the justification needed for decisions involving children. The immigration authorities are also currently following up the recommendations of an external report. These recommendations concern how the Immigration Appeals Board applies the child's right to be heard and how it assesses the situation of children in asylum cases.
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