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# 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

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



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# Response of the Government of Norway to recommendations in the report of 4 January 2010 of the working group on the universal periodic review (A/HRC/13/5)

## Recommendation 1

Norway converts this recommendation into a voluntary commitment, as follows:

"Norway will consider the possibility of signing and ratifying the protocol after having completed a study of its legal implications. The study is expected to be completed within a year."

## Recommendation 2

Norway converts this recommendation into a voluntary commitment, as follows:

"Norway is currently in the process of considering ratification of the Optional Protocol to the Convention on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. This matter is a high-priority task for the Government."

## Recommendation 3

Not accepted

Norway has ratified all the key human rights instruments and the ILO core conventions on workers' rights. These also apply to foreign nationals resident in Norway.

Norway decided not to ratify the UN Convention on Migrant Rights in 2002. Norway gives high priority to efforts to improve labour standards, which are also crucial in the context of migrants' rights.

## Recommendation 4

Not accepted

Reference is made to the answer to recommendation no. 3

## Recommendation 5

Accepted

## Recommendation 6

Not accepted

The imprisonment of juvenile offenders is used only as a last resort. As stated in Norway's UPR report, a guiding principle of Norwegian penal policy is that convicted persons should serve their sentences in close proximity to their homes. Due to Norway's geography and demography, the very few juveniles who are imprisoned would be placed in almost total isolation if the principle of separating juveniles from the adult population were to be adhered to, along with the principle of proximity. It is the view of the Government

that total isolation is not in the child's best interest; cf. CRC Article 37 (c). Hence, the reservations are being upheld. Norway is currently establishing separate prison units for young offenders with multidisciplinary staff and close follow-up on release with a view to further limiting the number of juvenile offenders serving together with adults.

## Recommendation 7

Partly accepted

Accepted with regard to CEDAW. CEDAW was incorporated into the Human Rights Act in 2009. Not accepted with regard to ICERD. ICERD has been incorporated into Norwegian law through the Anti-Discrimination Act. Currently, the Government has no plans to incorporate ICERD into the Human Rights Act.

## Recommendation 8

Not accepted

Norway takes all its international obligations seriously, including international human rights obligations and those undertaken as a member of the WTO and party to international trade conventions. However, the constitutional revision exercise referred to in the recommendation is initiated by the Storting. The Government has no influence on the content of this report.

## Recommendation 9

Accepted

Norwegian law is based on a dualistic system. Therefore, in each individual case, the Government considers whether and how an international convention should be incorporated into Norwegian law.

## Recommendation 10

Not accepted

Reference is made to the answer to recommendation no. 8. The Government will come back to this issue when the Committee's work is finalised in 2012.

## Recommendation 11

Partly accepted

Norway attaches great importance to providing protection against disability discrimination in its legislation. Effective legislation is already in place through the Anti-Discrimination and Accessibility Act, which entered into force on 1 January 2009.

Norway agrees on the importance of promoting a general understanding of issues relating to disability discrimination. The action plan for universal design and increased accessibility 2009-2013 is intended to support implementation of the new Anti-Discrimination and Accessibility Act, the new Planning and Building Act and other new legislation dealing with universal design. Furthermore, the organisations representing

disabled persons help to promote a general understanding of these issues. The Equality and Anti-Discrimination Ombud plays a central role in this respect.

## Recommendation 12

Not accepted

The recent action plan to Promote Equality and Prevent Ethnic Discrimination already contains measures that address labour market inequalities based on ethnic origin. Norway will not amend the plan at this stage. Norway's main priority for the next three years is to implement the plan in close cooperation with the social partners. An evaluation will be carried out in 2013.

Several measures in the Action Plan for improving the situation of the Roma in Oslo are designed to eliminate labour market inequalities based on ethnic origin. At this stage the focus is on implementation. An evaluation of the action plan will be carried out.

## Recommendation 13

Not accepted

Several measures are already being undertaken with the aim of improving the level of trust between the police and adolescents from ethnic minorities. An ongoing project in several police districts focuses on policing in a multi-ethnic environment. The project will be evaluated and the results will be used as a basis for further training in this area.

## Recommendation 14

Accepted

Norway attaches great importance to the work of the Special Procedures and will ensure prompt responses to urgent appeals as well as timely replies to thematic questionnaires according to applicability.

## Recommendation 15

Accepted

Norway will continue to address challenges related to the position of women with an immigrant background in the labour market and with respect to their representation at all levels of society, including through the implementation of the action plan to promote equality and prevent ethnic discrimination.

## Recommendation 16

Accepted

A wide range of measures have already been implemented as part of Norway's policy on equality and social inclusion, and Norway is working continuously to implement the recommendations of the Committee on Elimination of Discrimination against women.

## Recommendation 17

Not accepted

Fight against discrimination and racism is a high priority for the Government. In Norway, the prohibition of discrimination based on ethnicity covers discrimination based on perceptions of a person's race. An important means of combating racism is to eliminate the idea that people can be divided into different races. Thus, the Anti-Discrimination Act does not include the criterion of race.

## Recommendation 18

Accepted

Norway has recently launched a comprehensive set of measures against ethnic discrimination. The action plan to promote equality and prevent ethnic discrimination addresses racism, xenophobia and related intolerance. The Equality and Anti-Discrimination Ombud plays a central role. The provisions relating to hate speech have been strengthened in the new Penal Code. Protection against hate speech must be balanced against freedom of expression.

## Recommendation 19

Not accepted

Reference is made to the answer to recommendation no. 12.

## Recommendation 20

Accepted

Norway is working continuously to implement the recommendations from the Committee on the rights of the child. Norway is implementing a wide range of measures to support migrants and their children, as stated in Norway's UPR report, and is continuously working to improve migrants' opportunities in working life.

## Recommendation 21

Accepted

Various systems that take into consideration the rights of migrants and members of their families are already in place in Norway, including periodical reviews of the living conditions of the whole population and a specific survey of the immigrant population. The national budget reports annually on the attainment of goals for social inclusion of immigrants and their descendants. In addition, the results of the introduction programme are monitored. The Equality and Anti-Discrimination Ombud and Tribunal ensure comprehensive monitoring of all forms of discrimination on all grounds. The county councils have an obligation to ensure that all pupils receive education according to the Education Act. In the housing sector overall goals are monitored, such as the goal to prevent exclusion of immigrant groups from the ordinary housing market.

## Recommendation 22

Accepted

Reference is made to the answer to recommendation no. 28. Workers have the same legal rights in the Norwegian labour market, irrespective of nationality. Several legislative measures have been implemented in order to ensure that workers rights are fulfilled.

The supervisory capacity of the Labour Inspection Authorities has been strengthened, and inspection of enterprises to detect poor conditions for non-citizens is a high priority.

## Recommendation 23

Not accepted

Reference is made to the answer to recommendation no. 24.

## Recommendation 24

Not accepted

Applications for residence in Norway are dealt with in accordance with Norway's international obligations. Norway offers assistance to cover the basic humanitarian needs of persons without legal status, such as accommodation and emergency health care. Children are entitled to necessary health care and education.

## Recommendation 25

Not accepted

Acknowledging the challenges we face in this area Norway has recently intensified efforts to promote equality and prevent discrimination, including in the labour market and in the education sector.

## Recommendation 26

Accepted

Reference is made to the answer to recommendation no. 22.

## Recommendation 27

Accepted

Norway works to improve the collection of data that helps to identify patterns of direct and indirect ethnic discrimination. The Equality and Anti-Discrimination Ombud publishes annual reports that include data in this field. In addition, Statistic Norway has published several surveys and reports on discrimination and immigrants' living conditions.

## Recommendation 28

Accepted

Non discrimination and integration are a priority for the Government. As described both in Norway's UPR report and in the statement to the Working Group of the Human Rights Council on 2 December 2009, several measures are being implemented to promote integration, further improve access to housing and employment and to strengthen participation in education for migrants and national minorities. Also, immigrants are a central target group of the labor market policy.

## Recommendation 29

Not accepted

A number of steps have been taken in recent years to address allegations of ethnically biased policing and discriminatory police stops with the aim of creating trust between minority/immigrant communities and the police. A guiding principle for the Norwegian police, laid down in the Police Act, is that the use of force must only take place as a last resort and when necessary and reasonable. Norway is continuously working to ensure that this principle is upheld at all levels.

## Recommendation 30

Not accepted

Reference is made to the answer to recommendation no. 6.

## Recommendation 31

Accepted

As part of the plan of action to combat domestic violence, a nationwide survey of domestic violence and sexual assault (rape) will be carried out in 2010 and 2011. In addition police efforts to combat domestic violence will be evaluated in 2010.

## Recommendation 32

Not accepted

Norway works to increase knowledge relating to domestic violence through research and studies in this field. Norway does not see the need to develop and maintain a comprehensive database on victims and perpetrators. There are strong ethical arguments against establishing such a database.

## Recommendation 33

Accepted

As stated in Norway's UPR report, Norway has already taken steps to toughen liability for sexual crimes, rape and child abuse. The protection of children from all forms of sexual exploitation and abuse is a continuing priority.

## Recommendation 34

Accepted

The OHCHR guidelines are in line with the Convention on Action against Trafficking in Human Beings of the Council of Europe, which Norway ratified in 2008.

## Recommendation 35

Accepted

Since receiving the concluding comments of CEDAW in 2007, the Norwegian Coordination Unit for Victims of Trafficking has compiled and analysed data on trafficking from relevant agencies and organisations. Further measures will be taken to improve statistics and data in this area.

## Recommendation 36

Accepted

In order to intensify efforts to prevent offences against children on the Internet, an online police station has been established where people can report directly to the police about sexual exploitation of children, trafficking of human beings and racist expressions on the Internet. The Government cooperates with Internet service providers to block websites that display child abuse images. Section 201 of the Penal Code states that a person who makes arrangements to meet children under the age of 16 with the intention of abusing them shall be liable to fines or imprisonment for a term not exceeding one year.

## Recommendation 37

Accepted

Norway will continue its efforts to counter corruption. Norwegian law is considered to be in accordance with the UN Convention against Corruption which Norway ratified in 2006.

## Recommendation 38

Not accepted

Editorial independence of the media is a fundamental principle of Norwegian media policy. In accordance with this principle, the Government will forward the recommendation to the relevant media organisations for consideration. The media, their organisations and their self-regulatory bodies have a corresponding responsibility to maintain, develop and reflect on their own responsibilities and how they are met in practice, based on the role of independent media in democratic societies.

The Press Complaints Commission promotes and monitors compliance with ethical and professional standards in the Norwegian press. The basis for the hearings of the Commission is the Code of Ethics, which emphasises the need to “respect a person’s character and identity, privacy, race, nationality and belief”.

## Recommendation 39

Not accepted

Norway does not accept an assumption that there is a link between the recent rise in reported rapes and a threat to the foundation of the family. Nor that existing measures and legislation pose a threat to the foundation of the family.

Norway implements a wide range of measures to deal with the serious issue of rape, as described both in Norway's UPR report and in the presentation to the Working Group of the Human Rights Council on 2 December 2009. A survey on the incidence of rape in Norway in recent years will be carried out in 2010.

## Recommendation 40

Partly accepted

The number of children who receive assistance measures in the family has increased substantially compared to the number of children under protective care. Norway will continue to develop effective assistance measures in this field. Thus, at this stage, Norway will not review practices regarding placements out of home.

Norway does not use the term "legal guardian", but will work continuously to ensure that all children in foster homes have a person who is responsible for supervising them. (Accepted)

Norway also accepts the part of the recommendation regarding unaccompanied asylum-seeking and refugee children. The Government is working on amendments to legislation aimed at meeting the specific needs of unaccompanied asylum seeking children with regard to guardians.

## Recommendation 41

Accepted

Reference is made to the answer to recommendation no. 22.

## Recommendation 42

Accepted

Norway is continuously working to increase the numbers of housing units for disadvantaged and marginalised people. The most important means are the housing allowance, and loans and grants from the Norwegian Housing Bank. The Housing Bank also offers the municipalities assistance in planning social housing.

## Recommendation 43

Partly accepted

Norwegian law and policy call for the practice referred to in the recommendation. Norwegian asylum policy is based on the principle of individual, fair and humane treatment of each applicant, in accordance with the Immigration Act and Norway's international obligations. Asylum seekers are offered free legal assistance, accommodation, food and health services. However, decisions on return must be enforced in order to maintain asylum as an instrument for protection, including the general public's confidence in this instrument.

## Recommendation 44

Partly accepted

Norway accepts the first part of this recommendation. Norway will continue to increase its assistance to the least developed countries. The Millennium Development goals form an important basis for Norway's development policy. The development cooperation is guided by the principle of national ownership, in alignment with the individual recipient countries' priorities and varies according to each country's priorities.

## Recommendation 45

Accepted

In its budget for 2010, the Government is allocating 1.09 per cent of gross national income (GNI) to official development assistance. The Millennium Development Goals are an important basis for Norway's development policy. Increased food security is a key element of Norway's support for climate change adaptation, an area where Norway will intensify its efforts over the next four years.

## Recommendation 46

Accepted

Poverty is one of the greatest human rights challenges facing us today. Norway will therefore continue to promote human rights by fighting global poverty. The overall aim of Norway's development policy is to reduce poverty and promote human rights.