



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Norway and welcome the constructive engagement of your Government during the 33rd session of the UPR Working Group in May 2019.

As the final outcome report on the review of Norway has been recently adopted by the Human Rights Council at its 42nd session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Norway – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 93 delegations and the presentation made and responses provided by the delegation of Norway. I have also considered the actions taken by the Government to implement the 150 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the strengthening of the Constitution of Norway in 2014 with the adoption of a chapter on human rights encompassing civil, political, social, economic and cultural rights. I also note with appreciation the establishment, in 2015, of the Norwegian National Human Rights Institution, which has been accredited with A status by the Global Alliance of National Human Rights Institutions for its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights.

I encourage Norway to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Norway's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

H.E. Ms. Ine Eriksen Søreide
Minister of Foreign Affairs
Norway

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I also encourage Norway to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Norway to submit a mid-term report and encourage the Government to do so again on the follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Norway in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, reading "Michelle Bachelet".

Michelle Bachelet
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.
- Withdrawing the reservations to articles 10, 14 and 20 of the International Covenant on Civil and Political Rights as well as the interpretative declarations on articles 12, 14 and 25 of the Convention on the Rights of Persons with Disabilities.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Strengthening efforts to prevent and combat effectively all forms of discrimination, including by strengthening the Office of the Equality and Non-Discrimination Ombudsman and providing it with adequate resources to represent victims before courts and other authorities.
- Combatting hate speech and hate crime, including by enforcing effectively the provisions on hate speech of the Criminal Code and ensuring that all cases of hate speech and hate crime are effectively investigated and that perpetrators are prosecuted and punished as well as strengthening the capacity of law enforcement officials to investigate effectively hate speech and hate crime.
- Prohibiting organizations that promote racial discrimination and incite hatred.
- Ensuring that legal regulations on gender recognition and gender reassignment are in accordance with international human rights standards, and that gender reassignment and other specific treatment for transgender persons is made available nationwide.

Development, the environment, and business and human rights

- Maintaining the high level of development assistance that Norway has been providing, and continuing to apply a human rights-based approach to development cooperation.
- Implementing a national action plan on business and human rights, and ensuring that legal and policy measures taken in this area apply to business activities of Norwegian companies and their impact on the enjoyment of human rights in Norway and abroad.

B. Civil and political rights

Right to life, liberty and security of person

- Continuing efforts to reduce and eliminate progressively the use of coercive measures in mental health-care institutions and to strengthen safeguards for patients placed in such

institutions against the use of involuntary medical treatment, restraints and other coercive methods, including involuntary electroconvulsive therapy, and in particular, ensuring that non-consensual psychiatric treatment may only be applied for the shortest possible time, under independent review, and in exceptional cases as a measure of last resort, and when absolutely necessary to protect the health or the life of the person concerned.

- Ensuring that police detention cells are not used beyond the 48-hour term prescribed by law, and that alternative measures to police detention are sought.
- Strengthening efforts to prevent and combat gender-based violence as well as violence and abuse against older persons, particularly in residential care institutions.

Administration of justice, including impunity, and the rule of law

- Ensuring that free legal aid is provided in all cases in which the interests of justice so require, and that the legal aid system takes into account the actual financial circumstances of the applicant and the cost of legal services being sought.
- Continuing to improve conditions in police stations and prisons, including for women, and ensuring the provision of adequate mental health care to prisoners with psychosocial disabilities and mental health problems.
- Reducing the use of solitary confinement in penitentiary institutions, including by amending the legislative framework to limit its use to exceptional circumstances and when it is absolutely essential for the administration of justice.

Prohibition of all forms of slavery

- Continuing efforts to prevent and combat trafficking of human beings, including for the purpose of labour exploitation, to improve the identification of victims of human trafficking, and to ensure that crimes related to human trafficking are effectively investigated, prosecuted and adjudicated.

Right to privacy

- Ensuring that surveillance activities are in conformity with international human rights standards and that any interference in a person's private life fully complies with the principles of legality, proportionality and necessity.

C. Economic, social and cultural rights

Right to health

- Ensuring sufficient resources are allocated to the mental health sector and continuing efforts to improve the diagnosis of mental health problems among children.

Right to education

- Increasing efforts to implement a zero-tolerance approach in schools to discrimination on all grounds, including race, migration status, sexual orientation or gender identity, and ensuring equal educational opportunities for all.
- Integrating human rights education into the school curricula.



D. Rights of specific persons or groups

Women

- Implementing effective measures to eliminate the gender wage gap and to promote equal sharing of parental responsibilities between women and men so that family life does not have a negative effect on women's employment opportunities and wages.
- Amending the Criminal Code to ensure that the lack of free consent is at the centre of the definition of rape.
- Stepping up efforts to prevent violence against women, including domestic violence and sexual violence, and to provide adequate support and assistance to the victims as well as ensuring that perpetrators of gender-based violence are prosecuted and punished commensurately with the gravity of their crimes.

Children

- Ensuring that children are not held in police facilities beyond the 24-hour limit without a court hearing, refraining from the use of preventive detention for children, and ensuring that children are not detained together with adults where detention is unavoidable.
- Strengthening measures to prevent sexual abuse and exploitation of children, including online sexual abuse and extortion, and incorporating the explicit prohibition of sale of children and sexual exploitation of travel and tourism in domestic legislation.
- Ensuring that out-of-home placements of children, including the placement of Roma children in institutional settings or in the care of welfare services, are only used as a measure of last resort, that alternatives to placing children in child welfare services are used whenever possible and that siblings are not separated when placed in alternative care.

Persons with disabilities

- Ensuring quality inclusive education adapted to the needs of children with disabilities so they can obtain better results in their education.
- Developing a system for supported decision-making for persons with psychosocial and intellectual disabilities based on individual consent and ensuring that any support provided respects the will and preferences of the person requesting it, and is free of conflict of interests.

Minorities and indigenous peoples

- Continuing to improve the situation of the use of the Kven language, including in the public sphere, and ensuring that persons belonging to the Kven minority can maintain their cultural identity.
- Stepping up efforts to prevent and combat discrimination against and stigmatization of Roma and Tatars, and implementing special policies and programmes to ensure their effective access to education, employment, housing and health care services.



- Implementing measures to prevent high dropout rates among Roma children, including flexible arrangements to allow children belonging to Tater and Roma minorities to have access to quality education while travelling.
- Continuing efforts to advance the Sami people's self-determination and to protect their rights to land and resources, including by improving the legal framework on Sami land, giving full effect of the legal recognition of the Sami rights to their lands and resources, ensuring that fishing rights are recognized by law, recognizing rights to land and resources for Sami people outside Finnmark, preserving culture of the Eastern Sami people, and adopting measures to establish the ability of the Eastern Sami people to conduct their traditional reindeer husbandry.
- Reviewing administrative and legislative mechanisms allowing for extractive activities on Sami lands in order to guarantee adequate consultation with the affected Sami communities, adequate mitigation measures, compensation and benefit sharing.
- Ensuring the preservation of the Sami languages and the right of Sami children to Sami language education, including by increasing the recruitment and training of Sami language teachers.
- Ensuring that the Sami Parliament is consulted on financial initiatives and budgetary measures that may have a direct impact on the Sami community as well as meaningful consultation with the Sami people in practice.

Migrants, refugees and asylum seekers

- Ensuring that asylum seekers are not returned to countries where they may be at risk of torture or other ill-treatment, including by amending the Immigration Act to strengthen protection from refoulement, in accordance with international standards.
- Ensuring that detention of asylum seekers is only a measure of last resort, applied for the shortest possible period of time, and that alternative measures to detention are prioritized.
- Ensuring that asylum seekers placed at the Trandum Holding Centre and in immigration detention facilities are held only for the duration prescribed by law, and that conditions and treatment in such facilities are in line with international human rights standards.
- Ensuring that under no circumstances children are placed in detention on the basis of their immigration status and that children and their families are placed in reception centres for the shortest time possible, and increasing the resources allocated to reception centres to ensure adequate conditions for children.
- Ensuring that in all municipalities, unaccompanied children, including those above 15 years of age, receive good-quality care, strengthening efforts to prevent cases of young asylum seekers going missing from reception centres, and effectively investigating such cases.
- Strengthening the protection of the right of refugees to family life, including by ensuring that family reunification applications are dealt with in an effective manner and in conformity with the international obligations of Norway, reducing the administrative fees and extending the deadline for submission of family reunification claims.



Stateless persons

- Including a definition of stateless persons in relevant legislation and providing for a specific procedure to determine statelessness, in line with international standards as well as establishing all necessary safeguards to ensure that all children born in Norway are entitled to a nationality at birth if stateless.