
Committee against Torture

List of issues prior to submission of the ninth periodic report of Norway*

Specific information on the implementation of articles 1-16 of the Convention, including with regard to the Committee's previous recommendations

Follow-up to questions from the previous reporting cycle

1. In its previous concluding observations (CAT/C/NOR/CO/8, para. 33),¹ the Committee requested the State party to provide information on the follow-up to its recommendations on: prolonged detention in police cells, mental health care for prisoners and the situation in immigration detention facilities (see paragraphs 14, 20 and 28, respectively). Noting that replies concerning the information sought by the Committee were provided on 13 May 2019 (see CAT/C/NOR/CO/8/Add.1), and with reference to the letter dated 9 October 2019 from the Committee's Rapporteur for follow-up to concluding observations, the Committee considers that the recommendations included in paragraphs 20 and 28 of the previous concluding observations have not yet been implemented. The recommendation in paragraph 14 of the previous concluding observations has been partially implemented.

Articles 1 and 4

2. With reference to the Committee's previous concluding observations (paras. 7–8 and CAT/C/NOR/CO/6-7, para. 7), please indicate if the State party will consider amending its current definition of torture in section 174 of its Penal Code to include a more comprehensive reference to "discrimination of any kind" as one of the purposes of torture, rather than enumerating different forms of discrimination. Please clarify whether or not statutes of limitations for criminal and civil proceedings are applicable to the crime of torture and its aggravated form, foreseen in sections 174-175 of the Penal Code.

Article 2²

3. Further to the Committee's previous concluding observations (paras. 9-10, CAT/C/NOR/CO/6-7, para. 6), please indicate if the State party will consider taking

* Adopted by the Committee at its seventieth session (26-28 April 2021).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

² The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by State parties, the obligation to prevent torture in article 2 is wide-ranging. The obligation to prevent torture and other cruel, inhuman and degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to

legislative measures to incorporate the Convention into the domestic legal order and, if so, whether there is a timetable for the legislative process.³

4. With reference to the Committee's previous concluding observations (paras. 11–12), please provide information on any new measures taken by the State party during the reporting period to ensure that detainees enjoy in practice all fundamental legal safeguards from the outset of their deprivation of liberty. In particular, please indicate the steps taken, and procedures in place to ensure that all detainees (a) are informed of their rights and the charges against them in a language that they understand, including their right to lodge complaints regarding their treatment and the conditions of detention and the right to contact a relative or another trusted person; (b) have confidential access to a lawyer or to free legal aid, for those who do not have sufficient means to pay for legal representation,⁴ including during any police questioning; (c) have the right to request and receive a medical examination by independent medical personnel or a doctor of their own choice, in accordance with the principles of confidentiality and privacy; (d) are authorized to communicate with a relative or any other person of their choice; (e) have their detention recorded in the official register; (f) are brought before a judge within 48 hours of their apprehension; (g) enjoy the right to challenge the lawfulness of their detention (habeas corpus).

5. Bearing in mind the Committee's previous concluding observations (paras. 23-24 and CAT/C/NOR/CO/6-7, para. 12), please provide information on the measures taken by the State party since 2018 to combat the high incidence of sexual and domestic violence,⁵ in particular with regard to cases that involve the actions or omissions of State authorities or others that engage the State party's international responsibility in accordance with the Convention. Please also indicate:

(a) The steps taken to amend section 291 of the Penal Code in order to ensure that the lack of free consent is at the centre of the definition of rape, so that rape acts are punished by appropriate penalties that take into account their grave nature and are not underqualified as minor sexual offences.⁶ Please also indicate whether there is a timetable for the legislative amendment;

(b) The measures taken since 2018 to reduce the waiting period for victims to report about rape and to strengthen training programmes on prosecution of gender-based violence, including rape, for law enforcement officers and justice officials, including information on assessments regarding the effectiveness of these trainings;⁷

(c) The results of the Government's efforts to address the challenges raised in the 2017 study on domestic violence in Sami communities, mentioned in the State party's follow-up report⁸ and on the development and implementation of a new action plan to combat domestic violence, including measures specifically designed to address the situation of vulnerable groups like children, Sami, elderly persons and persons with disabilities;

(d) The prevention and investigation measures taken by the State party to address the findings of the survey published in 2019 by the Norwegian Armed Forces, which

prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

³ See also E/C.12/NOR/CO/6, paras. 4-5.

⁴ See also E/C.12/NOR/CO/6, paras. 14-15 and CCPR/C/NOR/CO/7, paras.28-29; A/HRC/WG.6/33/NOR/3, para.43.

⁵ See also A/HRC/42/3/Add.1, accepting recommendations in paras.140.103-104, 140.106-107, 140.109-111, 140.113-115, 140.162-163, 140.167-171 in document A/HRC/42/3.

⁶ See also CCPR/C/NOR/CO/7, paras.14-15, CRC/C/NOR/CO/5-6, paras. 17-18, CEDAW/C/NOR/CO/9, para. 24, A/HRC/WG.6/33/NOR/3, para. 58, A/HRC/42/3/Add.1, accepting recommendations in paras.140.108 and 140.160 in document A/HRC/42/3.

⁷ See also CCPR/C/NOR/CO/7, paras.14-15; A/HRC/WG.6/33/NOR/3, paras. 8, 58; A/HRC/42/3/Add.1, accepting recommendations in paras.140.123-128, 140.172 in document A/HRC/42/3.

⁸ CAT/C/NOR/CO/8/Add.1, para. 42. See also CCPR/C/NOR/CO/7, paras.14-15, CERD/C/NOR/CO/23-24, paras. 21-22; CRC/C/NOR/CO/5-6, paras. 17-18; A/HRC/WG.6/33/NOR/3, para.7; A/HRC/42/3/Add.1, accepting recommendations in paras.140.164, 140.208 in document A/HRC/42/3.

reportedly indicated that approximately 44 soldiers (24 women participating in the survey and 20 men) alleged having been raped, approximately 123 persons alleged having survived a rape attempt, and approximately 35 soldiers claimed that a superior took advantage of his or her position to pressure them to engage in "unwanted sexual activity". Please also inform the Committee about the results of the disciplinary and criminal investigations into these allegations, the decisions to stay proceedings, the convictions and the criminal or disciplinary sanctions applied;

(e) The number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of gender-based violence, including rape and human trafficking, especially trafficking of women for sexual purposes, since 2018, disaggregated by year, by age group (minor/adult), gender, and ethnic origin or nationality of the victim and by the relationship between the victim and the perpetrator.⁹ Please provide information on measures taken to reduce demand for prostitution;¹⁰

(f) Information on progress made in improving support services and the provision of redress to victims of gender-based violence during the reporting period.

6. In the light of the Committee's previous concluding observations (paras. 25-26 and CAT/C/NOR/CO/6-7, para. 22), please inform the Committee about the measures taken to provide unaccompanied asylum-seeking minors aged between 15 and 18 with the same quality of care that is given to children cared for by the child welfare services.¹¹ Please also indicate the measures taken to prevent minors from going missing from asylum centres, and from being trafficked or being forced into criminal activities.¹² Please also clarify the measures taken to strengthen the investigation of missing minors and all cases of trafficking in persons.¹³

7. Please indicate the steps taken by the Norwegian National Human Rights Institution to address the recommendations suggested by the Global Alliance of National Human Rights Institutions Sub-Committee on Accreditation in 2017. Please provide statistical data since 2018 on the complaints of torture or ill-treatment received by the Norwegian National Human Rights Institution, broken down by year, the complainant's sex, age group (minor/adult) and ethnic origin, and indicate the service to which the alleged perpetrator belongs. Please clarify if the complaints were referred to, and investigated by, the prosecuting authority and, if so, what the outcome was. Please also provide information on the steps taken by the State party since 2018 to act upon the Parliamentary Ombudsman's recommendations as National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 3

8. Bearing in mind the Committee's previous concluding observations (paras. 27-28), the State party's follow-up report,¹⁴ the letter of the Rapporteur for the follow-up to concluding observations of the Committee and information about rejected asylum seekers who were reportedly tortured or ill-treated upon return to their country of origin,¹⁵ please explain the practical application of procedural safeguards to ensure the non-refoulement

⁹ See also A/HRC/WG.6/33/NOR/3; paragraph 60.

¹⁰ See also UN Committee on the Elimination of Discrimination against Women, General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration (CEDAW/C/GC/38).

¹¹ See also E/C.12/NOR/CO/6, paras. 28-29 and CCPR/C/NOR/CO/7, paras.30-31, CERD/C/NOR/CO/23-24, paras. 27-28; CRC/C/NOR/CO/5-6, paras. 31-32; A/HRC/WG.6/33/NOR/3, paras. 22 and 51.

¹² See also CCPR/C/NOR/CO/7, paras.30-31, CRC/C/NOR/CO/5-6, paras. 31-32, 34; A/HRC/WG.6/33/NOR/3, para.23, 51; A/HRC/42/3/Add.1, accepting recommendation in para.140.236, 140.238, 140.240 in document A/HRC/42/3.

¹³ See also CRC/C/NOR/CO/5-6, paras. 31-32; A/HRC/42/3/Add.1, accepting recommendations in paras.140.139-140, 140.145-146 in document A/HRC/42/3.

¹⁴ CAT/C/NOR/CO/8/Add.1, paras. 15-17.

¹⁵ A/HRC/WG.6/33/NOR/3; paragraph 84.

principle.¹⁶ In particular, please clarify whether individuals facing expulsion, return or extradition are consistently informed that they have the right to seek asylum, or a protection status for the purpose of non-refoulement, and to appeal a deportation or extradition decision. Please also indicate how the State party guarantees access to free-legal aid and interpretation services during the asylum or protection status procedure. Please also provide information on the procedures in place for the early identification and immediate referral of vulnerable persons among irregular immigrants and asylum seekers, in particular victims of torture or ill treatment, gender-based violence or trafficking,¹⁷ to services that can address their psychological and other needs in a timely manner.¹⁸ Please specify if the procedure includes an expert assessment based on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

9. Please provide statistical information for the period under review, disaggregated by year and the sex, country of origin or nationality and age group (minor/adult) of the victim, on: (a) the number of asylum applications registered; (b) the number of applications for asylum or other forms of humanitarian protection approved and the number of asylum seekers whose applications were granted because they had been tortured or ran the risk of being tortured if returned; (c) the number of persons who were returned, extradited or expelled, indicating the grounds on which they were returned, extradited or expelled and providing a list of the countries of destination; and (d) the number of appeals filed against expulsion decisions on the basis that the applicants could be in danger of being subjected to torture and ill-treatment in their countries of origin, and the results of these appeals.

10. Please indicate the number of refoulement, extraditions and expulsions carried out by the State party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances where the State party has offered such diplomatic assurances or guarantees, and what measures have been taken in such cases with regard to subsequent monitoring.¹⁹

Articles 5-9

11. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please also indicate what measures have been adopted by the State party during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). In particular, please provide information on cases in which the State party has agreed to extradite a person for torture or related offences since 2018. Clarify also whether the State party has rejected, for any reason, the request of a State party for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of such procedures. Please also inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please give details of the mutual legal assistance treaties or agreements that the State party has entered into, and whether such treaties or agreements have led in practice to any evidence in connection with prosecutions concerning torture or ill-treatment. If so, please provide examples.

Article 10

12. With reference to the Committee's previous concluding observations (paras. 29–30), please provide information on educational programmes developed by the State party since 2018 to ensure that all public officials, in particular law enforcement officials, prison staff and immigration and border control officers: (a) are fully aware of the provisions of the Convention and the absolute prohibition of torture, and know that breaches will not be

¹⁶ See also A/HRC/42/3/Add.1, accepting recommendations in paras.140.226-229 in document A/HRC/42/3.

¹⁷ See also A/HRC/WG.6/33/NOR/3; paragraph 52.

¹⁸ See also A/HRC/WG.6/33/NOR/3, para.52.

¹⁹ See also A/HRC/WG.6/33/NOR/3, para.84.

tolerated and will be investigated, and that any offenders will be prosecuted; (b) treat persons in situation of vulnerability appropriately; and (c) are aware of legislation and procedures to guarantee the principle of non-refoulement and of the arrangements for the identification of victims of torture, trafficking in persons and gender-based violence among asylum seekers. Please indicate whether these training courses are mandatory or optional, how often they are run, how many officials have already completed them in relation to the total number of law-enforcement and prison personnel and what measures have been taken to train the remaining officials. Please also indicate whether the State party has developed a methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment, in line with the recommendation in the Committee's previous concluding observations (para. 30 (c)).

13. Please provide detailed information on the training programmes for medical professionals and other public officials involved in work with persons deprived of their liberty, such as law-enforcement officials, prison staff, judges and prosecutors, on detecting and documenting the physical and psychological sequelae of torture, including whether they contain specific training with regard to the Istanbul Protocol. Please indicate whether these training courses are mandatory or optional and how often they are run.

Article 11

14. Bearing in mind the Committee's previous concluding observations (paras. 13-16, CAT/C/NOR/CO/6-7, para. 10), the State party's follow-up report²⁰ and the letter of the Rapporteur for the follow-up to concluding observations of the Committee, please indicate whether the practice of using police detention cells beyond the 48-hour term stipulated in law, and beyond the 24-hour limit for children, has been entirely abolished. If not, please inform the Committee about the number of breaches recorded per year since 2019²¹ and indicate what control measures have been taken, including disciplinary action, to ensure that detainees do not remain in detention cells for longer than the statutory limit.²² Please also indicate the degree of compliance with the 2018 guidelines on pre-trial detention of children and on reduction of isolation in police holding cells.²³

15. Please provide statistical data since 2018, disaggregated by year, place of detention, and sex, age group (minor/adult) and ethnic origin or nationality of the detained person, on the capacity and occupancy rate of all places of detention and the number of pre-trial detainees and convicted prisoners. Please describe the measures taken since 2018 to prevent prison overcrowding, including any measures to increase the use of alternatives to imprisonment, both before and after trial, particularly of minors. Please also provide updated information on the renovations undertaken at police station facilities with inadequate conditions, including Bergen police headquarters, as acknowledged by the State party in its follow-up replies,²⁴ and indicate which of them are still considered substandard.

16. In the light of the Committee's previous concluding observations (paras. 15-16 and 17-18), the State party's follow-up replies²⁵ and the bill presented to Parliament in 2020 containing amendments to the Execution of Sentences Act, which weakens the oversight of prolonged use of solitary confinement, please provide information about:

(a) How the State party will ensure that persons in detention are not subjected to prolonged isolation and are afforded protection by proper oversight mechanisms, in full conformity with the Convention and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), considering the proposed legislative amendment that no superior body will be informed of full exclusion from company of other detainees before it has exceeded 42 days, and there will be no duty of any superior body to decide on the continuation of the measure. Please update the Committee on any legislative amendments envisaged in order to set a maximum number of days a detained person can be

²⁰ CAT/C/NOR/CO/8/Add.1, paras. 2-7.

²¹ CAT/C/NOR/CO/8/Add.1, para. 3.

²² See also A/HRC/WG.6/33/NOR/3, para. 9.

²³ See CAT/C/NOR/CO/8/Add.1, paras. 5-6.

²⁴ CAT/C/NOR/CO/8/Add.1, para. 7.

²⁵ CAT/C/NOR/CO/8/Add.1, paras. 19-35.

kept in full exclusion or court-ordered full isolation, and to further limit the resort to these measures²⁶ in accordance with international standards. Please also provide information on the work of the Commission on the Criminal Procedure Act and whether there are plans to narrow the criteria to impose court-ordered full isolation. Please also indicate the measures envisaged to ensure that excluded and isolated detainees are provided with meaningful human contact on a daily basis, and to review the existing oversight mechanisms and the legal remedies in a way that are compliant with international standards;²⁷

(b) The legislative or other measures taken to prevent prisoners from being completely excluded from the company of other prisoners due to staff absences or layout of buildings, as per Section 37, paragraph 9, of the Execution of Sentences Act. Please indicate how many instances per year were registered since 2018 in which prisoners were excluded on this ground, and the average length of this type of exclusion per year;²⁸

(c) The measures taken or envisaged to extend the deadline for the administrative appeals of prisoners regarding their exclusion or solitary confinement beyond the current 48 hours, as recommended by the Committee (para. 18(f)). Please also clarify if prisoners facing disciplinary charges are heard in person by the decision-maker;

(d) The measures taken to end the practice of *de facto* isolation, acknowledged by the State party,²⁹ and information on the results of the project on isolation and exclusions mentioned in the State party's follow-up replies,³⁰ aimed at evaluating the effects of isolation on the mental health of prisoners and at suggesting different measures. Please clarify if the State party has taken measures to ensure the observation of excluded prisoners by medical personnel on a daily basis;

(e) Progress made in gathering detailed statistics on the use and length of isolation/exclusion for the period under review, as recommended by the Parliamentary Ombudsman, specifying the maximum and average duration per year of complete exclusion as a security measure and of court-ordered full isolation;

(f) The decision of 3 April 2020 to impose routine solitary confinement of all newly arrived inmates for 14 days due to the COVID-19 pandemic - for more than 22 hours alone in their cells each day without meaningful human contact-, regardless of symptoms or suspicion of exposure to infection and without considering less intrusive infection control measures, such as health screening combined with testing of inmates or cohort isolation. Please indicate whether the State party has since adopted new rules for the implementation of infection control measures, such as quarantine and medical isolation, that are to be used only in exceptional cases based on medical necessity and as a last resort, for as short a time as possible and with an assessment of less intrusive measures.

17. Please indicate what preventive measures have been taken to avoid the use of restraint beds in prisons, as recommended by the Parliamentary Ombudsman and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Indicate also how the State party intends to address the special vulnerability of women's prison population in this regard, particularly related to past trauma and mental health. In light of the bill presented to Parliament in 2020 containing amendments to section 38 of the Execution of Sentences Act, please explain the necessity for lowering the threshold for the use of coercive measures in prison and for the introduction of "spit hoods" as a new coercive measure, against the potential health risk it represents. Explain also why other less restrictive measures are deemed insufficient. Please also indicate the measures taken to ensure that procedures for the use of coercive measures, including the placement of minors in security cells, or strip searches of persons detained under criminal and immigration detention,³¹ are subject to strict oversight of the necessity and proportionality of their use, as recommended by the Norwegian Supreme Court and by the Committee in its previous

²⁶ See also CCPR/C/NOR/CO/7, paras.24-25, A/HRC/WG.6/33/NOR/3, para.10, 44, 45.

²⁷ CAT/C/NOR/CO/8/Add.1, para. 23.

²⁸ CAT/C/NOR/CO/8/Add.1, para. 22.

²⁹ CAT/C/NOR/CO/8/Add.1, para. 30.

³⁰ CAT/C/NOR/CO/8/Add.1, para. 29.

³¹ See also A/HRC/WG.6/33/NOR/3, para.20.

concluding observations (paras. 27-28). Please also provide information on the measures taken to ensure that strip searches are always performed by staff members of the same sex as the person being searched, with full respect for the privacy of the individual. Please provide information on the State party's progress in training staff, informing detainees of the rules relating to searches and coercive measures and standardizing systems in all institutions in order to avoid the risk of arbitrariness.

18. Please specify the measures taken to ensure that all detainees, including detained migrants at Trandum Holding Centre, are offered a comprehensive medical examination promptly upon admission, which includes COVID-19 testing, and is conducted by medical staff out of hearing and sight of custodial officers, unless circumstances dictate otherwise, as recommended in the Committee's previous concluding observations (paras. 27-28). Indicate if the State party has taken the necessary measures to ensure that the record of the medical examination contains a full account of objective medical findings, an account of statements made by the person and the doctor's observations evaluating those statements, and that it is made available to the detainee and, upon request, to his/her lawyer. Please also describe the procedure by which medical personnel can document and report signs of ill-treatment without risk of reprisals. Please also provide information on the State party's efforts to increase female prison capacity and meet the special needs of women,³² in particular with regard to healthcare and rehabilitation services, as well as juveniles in detention,³³ ensuring they are always separated from adult prisoners. Indicate also whether protocols are in place to meet the needs of other groups of prisoners, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons.

19. Bearing in mind the Committee's previous concluding observations (paras. 19-20, CAT/C/NOR/CO/6-7, para. 13), the State party's follow-up report³⁴ and the letter of the Rapporteur for the follow-up to concluding observations of the Committee, please clarify the measures taken or envisaged to abolish the use of full isolation of persons with mental and psychosocial disabilities in detention,³⁵ in particular when their conditions would be exacerbated by such measures. Please also indicate how the State party has addressed the concerns about deficiencies in prisoners' access to appropriate mental health care,³⁶ particularly in Ila, Ullersmo and Alna prisons. Clarify if it has taken steps to build new hospitals and increase the capacity of inpatient psychiatric wards, including the security departments, for individuals with serious mental health illness and to update the national guidelines for health care to prisoners, as indicated in its follow-up replies.³⁷

20. With regard to the Committee's previous concluding observations (paras. 27-28), please include annual statistical data for the period under review on the number of persons detained for migration reasons, and the proportion of the total number of cases per year in which alternatives to detention were used. Please also indicate the average period of immigration detention and the longest period recorded per year. Please indicate the measures taken by the State party during the reporting period to ensure that migrants held in Trandum Holding Centre, and prisoners held at Bergen Prison, have sufficient access to outdoor exercise and to educational and recreational activities during a reasonable part of the day.³⁸

21. Please provide statistical data regarding deaths in custody during the period under review, including in mental health institutions, police and immigration detention centres, disaggregated by place of detention, the sex, age and ethnicity or nationality of the deceased and the cause of death (death resulting of violence between or against persons deprived of liberty, suicide, natural death, disease), together with information on the number of deaths attributed to assaults committed or tolerated by public officials, deaths due to the use of excessive force or to lack of timely medical assistance and treatment. Please give details on

³² See also CEDAW/C/NOR/CO/9, para. 46; A/HRC/WG.6/33/NOR/3, para.11.

³³ See also CRC/C/NOR/CO/5-6, para. 35.

³⁴ CAT/C/NOR/CO/8/Add.1, paras. 8-13.

³⁵ See also CCPR/C/NOR/CO/7, paras.26-27, CRPD/C/NOR/CO/1, para. 24 (b).

³⁶ See also E/C.12/NOR/CO/6, paras. 40-41 and CCPR/C/NOR/CO/7, paras.26-27; A/HRC/42/3/Add.1, accepting recommendation in para.140.131 in document A/HRC/42/3.

³⁷ CAT/C/NOR/CO/8/Add.1, paras. 12-13.

³⁸ See also A/HRC/42/3/Add.1, accepting recommendation in para.140.132 in document A/HRC/42/3 .

any cases in which administrative inquiries and/or criminal investigations have been launched to determine whether public officials bore any responsibility for those deaths, the results of those investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether, in any of the cases, relatives of the deceased were awarded compensation.

22. With regard to the Committee's previous concluding observations (paras. 21-22) and the information in the State party's follow-up report,³⁹ please provide:

(a) Updated information on the legislative action taken by the State party in response to the proposals of the Legislation Commission, tasked to review the entire legislation regarding all forms of coercive measures in the field of mental health. Please clarify if the legislation has been amended to (i) abolish the enforced administration of intrusive and irreversible treatments, such as electroconvulsive therapy;⁴⁰ (ii) ensure that persons with psychosocial or intellectual disabilities are fully informed about the treatment and measures to be applied, including shielding from other patients, and are given the opportunity to refuse them;⁴¹ (iii) prescribe any derogations to the principle of free and informed consent, if applied at all, on the basis of exceptional circumstances as measures of last resort, for the shortest possible period of time and when absolutely necessary to protect the health or life of the person concerned, only if he or she is unable to give consent and under independent review;⁴²

(b) Information on the regulations or policies adopted or envisaged on the use of restraints and other coercive measures in psychiatric institutions, if applied at all, with the aim of substantially reducing their use and duration⁴³ and ensuring that every patient is informed about the right to complain, to obtain free legal aid and to be assisted by proxy.⁴⁴ Please clarify if these regulations specify which means of restraint may be used, under what circumstances they may be applied and the supervision required, staff training; recording in a dedicated restraint register;⁴⁵ internal and external reporting mechanisms; debriefing; and complaints procedures;

(c) Statistical information since 2018 on the use of all type of restraints applied in psychiatric health care institutions, disaggregated by year, institution, type of restraint (manual control, mechanical restraint, chemical restraint, electroconvulsive treatment, seclusion or shielding), and sex, age group (minor/adult) and ethnic origin or nationality of the person restrained. Please also add information on the maximum and average duration per year of each of these measures; (d) Information on the promotion of non-coercive interventions and initiatives, such as basalt exposure therapy and medication-free wards,⁴⁶ and of community-based and peer-led support initiatives for persons with psychosocial or intellectual disabilities.⁴⁷

23. Please provide data for each year since 2018 on the number of persons with psychosocial disabilities,⁴⁸ older persons⁴⁹ and children,⁵⁰ confined against their will in psychiatric hospitals, residential care settings and child welfare units.⁵¹ Please explain what procedural and substantive guarantees are applicable to the involuntary confinement of these

³⁹ CAT/C/NOR/CO/8/Add.1, paras. 36-39.

⁴⁰ See also E/C.12/NOR/CO/6, paras. 40-41, CRPD/C/NOR/CO/1, para. 26 (a); A/HRC/WG.6/33/NOR/3, para.41.

⁴¹ See also A/HRC/WG.6/33/NOR/3, para.42.

⁴² See also CCPR/C/NOR/CO/7, paras.22-23.

⁴³ See also A/HRC/WG.6/33/NOR/3, para.6.

⁴⁴ See also E/C.12/NOR/CO/6, paras. 40-41, CRPD/C/NOR/CO/1, paras. 24 (b), 26 (b).

⁴⁵ See also E/C.12/NOR/CO/6, paras. 40-41, A/HRC/WG.6/33/NOR/3, para.40.

⁴⁶ See also A/HRC/43/41/ADD.3, para. 90 (c).

⁴⁷ See also E/C.12/NOR/CO/6, paras. 41 (c) and CRPD/C/NOR/CO/1, para. 24 (b).

⁴⁸ See also CRPD/C/NOR/CO/1, para. 24 (a).

⁴⁹ See also E/C.12/NOR/CO/6, paras. 30-31, 36-37, CRPD/C/NOR/CO/1, paras. 11(b) and 12(b), A/HRC/42/3/Add.1, accepting recommendation in para.140.102 in document A/HRC/42/3.

⁵⁰ See also CRC/C/NOR/CO/5-6, paras. 20-21; A/HRC/WG.6/33/NOR/3, para.69, 71; A/HRC/42/3/Add.1, accepting recommendations in paras.140.150, 140.182-183, 140.185-191 in document A/HRC/42/3.

⁵¹ See also A/HRC/WG.6/33/NOR/3; para. 42.

persons and the alternatives to confinement that exist, such as community-based services and other outpatient treatment programmes.⁵² Please also describe the regulations on the use of coercion and shielding in these settings, what methods may be used, under what circumstances, what are the procedural and substantive guarantees, whether they are recorded in a dedicated register, what are the internal and external reporting mechanisms and the complaints procedures.

Articles 12–13

24. Please provide updated statistical data, disaggregated by the sex, age group (minor/adult) and ethnic origin or nationality of the victim and the service to which the accused person belongs, on complaints of actual or attempted acts of torture, of ill-treatment and excessive use of force,⁵³ as well as of complicity, participation or acquiescence in acts of torture, recorded by the State authorities during the reporting period. Please include information on investigations, disciplinary and criminal proceedings, decisions to stay proceedings, convictions and on the criminal or disciplinary sanctions applied. Please indicate how many *ex officio* investigations have been opened into the above-mentioned offences.

Article 14

25. Please provide information on redress and compensation measures, including the means of rehabilitation ordered by the courts or other State bodies and actually provided to the victims of torture and/or ill-treatment or their families since the consideration of the previous periodic report. This should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided. Please include statistical information since 2018 on the redress and rehabilitation measures ordered by the courts or other State bodies to persons subjected to abusive and arbitrary non-consensual psychiatric treatment without procedural safeguards and independent supervision. Provide also information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning in all parts of the country.

Article 15

26. Please provide information on the concrete measures taken to ensure respect, in practice, for the principle of inadmissibility of evidence obtained through torture or cruel, inhuman or degrading treatment. Please also provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

Article 16

27. Please provide information on any measures taken by the State party to combat racially-motivated violence and hate crimes against persons of minority groups, indigenous peoples and non-citizens,⁵⁴ including against Sami, Roma and Tatars, Muslims, Jews, people of African descent and people from migrant backgrounds, to encourage the reporting of such incidents⁵⁵ and provide support to victims of such crimes.⁵⁶ Please provide information on the measures taken to systematize the regular collection of data on these crimes, including

⁵² See also A/HRC/WG.6/33/NOR/3, para.42.

⁵³ See also A/HRC/42/3/Add.1, accepting recommendation in para.140.101 in document A/HRC/42/3.

⁵⁴ See also A/HRC/42/3/Add.1, accepting recommendations in paras.140.28, 140.38, 140.40, 140.72-75 and 140.83-87 in document A/HRC/42/3.

⁵⁵ See also A/HRC/WG.6/33/NOR/3; para. 33.

⁵⁶ See also CCPR/C/NOR/CO/7, paras.16-17, CERD/C/NOR/CO/23-24, paras. 11-12, A/HRC/WG.6/33/NOR/3, para. 4.

the number of reported cases, investigations launched, prosecutions and convictions, and to strengthen the investigation capacity of law enforcement officials.⁵⁷

28. Please inform the Committee about the measures taken to prohibit forced, involuntary or otherwise coercive or abusive treatments, such as “conversion therapies”, against lesbian, gay, bisexual, transgender and intersex persons. Please also clarify whether non-urgent medical or surgical treatment aimed at determining the sex of an intersex person is permitted and performed on children and adults who are incapable of giving informed consent. Please also indicate what criminal or civil remedies are available against the physical or mental pain and suffering that “conversion therapies” or intersex genital mutilation can inflict, and whether they are subject to any statute of limitations.

Other

29. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the COVID-19 pandemic to ensure that its policies and action comply with its obligations under the Convention. Also, please specify the measures taken in relation to persons deprived of their liberty and in other situations of confinement such as homes for the elderly, hospitals or institutions for persons with mental and psychosocial disabilities.

General information on other measures and developments relating to the implementation of the Convention in the State party

30. Please provide detailed information on any other relevant legislative, administrative, judicial or other measure taken since the consideration of the previous periodic report to implement the provisions of the Convention or the Committee’s recommendations. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and statistical data. Please also provide any other information that the State party may consider relevant.

⁵⁷ See also CCPR/C/NOR/CO/7, paras.16-17 and CERD/C/NOR/CO/23-24, paras. 11-12; A/HRC/WG.6/33/NOR/3, para. 4.