



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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27 October 2022

Excellency,

In our capacity as Chair and co-Rapporteurs for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights, respectively, we have the honour to refer to the examination of the sixth periodic report of Norway at the Committee's sixty-seventh session held in 2020. In the concluding observations,<sup>1</sup> the Committee requested Norway to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 29, 37 and 39 of the concluding observations.

The Committee welcomes the follow-up report<sup>2</sup> received in March 2022 under its follow-up procedure. The Committee examined the report at its seventy-second session, held from 26 September to 14 October 2022, and wishes to communicate the following assessment:

**Paragraph 29: Unaccompanied asylum-seeking children – Assessment: No Progress.** While acknowledging that the Child Welfare Act covers all children in Norway, including unaccompanied asylum-seeking children aged between 15 and 18 years, the State party's follow up report indicates that all unaccompanied asylum-seeking minors need a level of care and accommodation designated for their needs. It further indicates that Norway accordingly has an age-adjusted reception system designed to meet the needs of age group.

Her Excellency

Mrs. Tine Mørch Smith

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<sup>1</sup> [E/C.12/NOR/CO/6](#)

<sup>2</sup> [E/C.12/NOR/FCO/6](#)

However, the Committee notes with concern that the Directorate of Immigration (UDI) continues to be responsible for the unaccompanied asylum-seeking children aged between 15 and 18. These children do not benefit from the same treatment and level of care provided to other children under the responsibility of the child welfare services, in conformity with the Child Welfare Act. The State party has not taken steps to ensure that the Child Welfare Act applies equally to all unaccompanied asylum-seeking children, regardless of their age, with a view to providing indiscriminately an equivalent level of protection and services to all children by the child welfare services. Other treaty bodies, including the Committee against Torture (2018), the Committee on the Elimination of Racial Discrimination (2019) as well as the Human Rights Committee (2018), have also recommended this measure. Furthermore, the State has failed to provide detailed information on the concrete measures undertaken to ensure the timely identification of unaccompanied asylum-seeking children with mental health conditions in order to provide them with the necessary mental health care.

The Committee thus assesses that there has been no progress in regards to this recommendation and requests the State party to provide in its next periodic report detailed information on measures taken to implement the recommendations and the progress made thereby.

**Paragraph 37: Older persons – Assessment: Partial progress.** The Committee notes with appreciation the various initiatives taken by the State Party to improve the care services to older persons. The State party’s follow up report in regard to this recommendation indicates a series of measures undertaken for its implementation, such as the allocation of a sum of NOK 2.5 billion to the Municipalities, which are responsible under the Health and Care Services Act for the care services for older persons. Health and social care programmes and guidelines, which integrate the subject of care services to older persons and address the issue of violence and abuse, are being designed. As of July 1, 2019, the notification scheme to the Norwegian Board of Health Supervision was extended to apply to all companies providing health and care services. The Norwegian Directorates of Health has also been asked to assess the introduction of comprehensive measures based on the findings of its 2021 report on violence in nursing homes.

Regarding nutrition, the State party’s follow up report indicates that it is following up on the national strategy for healthy nutrition and nourishment for older persons in institutions and home services, issued in 2021. The Government has also initiated a grant scheme for a three-year programme to develop a model for use of clinical nutrition physiologists as a resource in the care services.

The Committee welcomes the various measures taken by the State party for the provision of adequate nutrition and care services to older persons. Nonetheless, there is no indication of sufficient efforts to prevent violence against, and abuse of, older persons by (1) identifying and addressing the root causes of such abuse and violence, (2) the strengthening of the reporting system, and (3) the effective investigation, followed by remedial action, of reported cases of abuse of older persons. The Committee thus assesses that there has been partial progress in response to the recommendations and requests the

State party to provide information in its next periodic report on the measures further taken to implement the recommendations and the progress made thereby.

**Paragraph 38: Access to health-care services – Assessment: No progress.** The State’s party follow up report in regards to this recommendation indicates that everyone residing in Norway has the right to immediate help and health care that is absolutely necessary. It further indicates that irregular migrant children have almost the same rights to health services as children who live in Norway, with the exception of the right to be on a General Practitioner’s patient lists.

The Committee notes with concern, however, that no steps have been taken to withdraw the regressive measures embodied in Regulation No. 1255 of 2011, which limit access by irregular migrants to primary health care services. Irregular migrant children are not considered eligible to be placed on general practitioner’s patient lists and this effectively hinders them from having access to health-care services to which all children in the State party are entitled.

The Committee accordingly assesses that there has been no progress in response to the Committee’s recommendation and requests the State party to provide its next periodic report detailed information on measures taken to implement the recommendations and the progress made thereby.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurance of our highest consideration



Asraf Caunhye

Co-Rapporteurs for follow-up

Committee on Economic, Social and Cultural Rights



Mikel Mancisor

Mohamed Ezzeldin Abdel-Moneim

Chair

Committee on Economic, Social and Cultural Rights

