

REFERENCE: GH/fup-134

6 April 2022

Excellency,


In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 15, 33 and 37 of the concluding observations on the report submitted by Norway ([CCPR/C/NOR/CO/7](#)), adopted by the Committee at its 122nd session held from 12 March to 6 April 2018.

On 30 April 2020, the Committee received the reply of the State party. At its 134th session (28 February to 25 March 2022), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 1 (see [CCPR/C/134/3/Add.4](#)) to the Report on follow-up to concluding observations (see [CCPR/C/134/3](#)). I hereby include a copy of the Addendum 4 (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure, the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the seventh periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

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



Vasilka SANCIN

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Human Rights Committee

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Evaluation of the information on follow-up to the concluding observations on Norway

Concluding observations (122nd session): [CCPR/C/NOR/CO/7](#), 29 March 2018

Follow-up paragraphs: 15, 33 and 37

Information received from State party: [CCPR/C/NOR/FCO/7](#), 30 April 2020

Committee's evaluation: 15[B], 33[C] and 37[A][B][C]

The text of the follow-up paragraphs, containing the Committee's recommendations, is not reproduced due to the word limit.¹

Paragraph 15: Violence against women and girls²

Summary of information received from the State party

(a) In March 2019, the Government launched the Action Plan against Rape (2019–2022) and in June 2019, decided to develop a sixth plan of action to combat domestic violence, including a part on violence and abuse in Sami communities, which will be launched in 2020 and was prepared in close cooperation with the Sami Parliament.

In October 2018, the Government appointed a committee to review homicide cases where the perpetrator was a current or former partner, which will make recommendations in 2020 that may prevent such cases in the future.

(b) The definition of sexual assault in the Penal Code is intended to apply to sexual activity without consent. While the definition of rape does not include the wording “without consent”, the provision describes circumstances that imply a lack of consent. The current regulation is in accordance with Norway's international obligations. Nonetheless, it could be the case that a re-examination and possible revision of the legislation pertaining to sexual offences should be considered. The Action Plan against Rape (2019–2022) states that the Ministry of Justice and Public Security will consider whether to revise the chapter on sexual offences in the Penal Code, including the wording of the penal provision on rape.

(c) The Action Plan against Rape contains specific measures for victim support and assistance for victims who need to report rape and other sexual violence to the police. General schemes like free legal aid, witness support and the appointment by court of defence counsel and counsel for aggrieved persons to assist and safeguard the rights of offenders or survivors in criminal cases provide support for all and are of particular importance for vulnerable persons and those with fewer resources.

(d) Several awareness-raising campaigns have been launched on the adverse impact of sexual and gender-based violence, including the “How little should one tolerate?”, “Good guy” and “not okay” (#notokay) campaigns.

The training of judges is based on an initial training module (one four-day session covers human rights with a focus on the European Convention on Human Rights) and continuous training by way of seminars, applying a practical approach, focusing on how to deal with human rights issues in both civil and criminal cases. Both the national legal training common for all judges, as well as ad hoc seminars, cover national law related to the Covenant, and include focus on gender equality, multicultural society, family law and children's rights.

Police efforts to combat domestic violence have been strengthened substantially. All police districts in Norway have specialist teams and domestic violence coordinators. The principal instruments for increased awareness and quality within the public prosecution authority are

¹ [A/RES/68/268, para. 15.](#)

² [CCPR/C/NOR/CO/7, para. 15.](#)



general directives from the Director General of Public Prosecutions, specific directives and feedback in individual cases or groups of cases, general meetings and inspections. All forms of violence in close relationships and grave sexual offences are given the highest priority.

The first methodical national quality review examined cases of violence in close relationships and aggravated sexual assaults of adults. A national report with the results was presented to and discussed within the entire public prosecution authority. The quality review of cases of aggravated sexual assaults is being repeated in 2020. An annual national seminar on violence in close relationships is held by the National Criminal Investigation Service in cooperation with the National Police Directorate and the Director General of Public Prosecutions.

A person who has suffered bodily injury or impairment of health as the result of a violent crime that infringes upon life, health or freedom may be entitled to criminal injuries compensation under the Compensation for Victims of Violent Crime Act. A government-appointed committee published a report on the criminal injuries compensation scheme in 2016 and proposed several changes, which are currently assessed by the Ministry of Justice and Public Security.

(e) The Government is aware that Sami women are more exposed to violence than ethnic Norwegian women. In March 2017, the Norwegian Centre for Violence and Traumatic Stress Studies issued a report on domestic violence in Sami communities, indicating that Sami persons experience special challenges and barriers in interactions with the police and support services. This will be of special concern in the upcoming action plan. The research on violence and abuse in Sami communities will form part of a five-year research programme (2019–2024) on domestic violence.

Committee's evaluation

[B]

The Committee welcomes the launch of the national Action Plan against Rape (2019–2022), the development of a sixth plan of action to combat domestic violence and the establishment of a committee to review homicide cases where the perpetrator is a current or former partner. It requests further information on: (i) consultations and cooperation with the Sami Parliament in the preparation of the sixth plan of action to combat domestic violence, and whether it has now been launched; and (ii) the recommendations made by the committee responsible for the review of cases in which the perpetrator is a current or former partner and information on their implementation.

The Committee welcomes the information that the Ministry of Justice and Public Security might consider whether to revise the chapter on sexual offences in the Penal Code. It requests information on measures taken to amend section 291 of the Penal Code to ensure that the lack of free consent is at the centre of the definition of rape.

The Committee welcomes the adoption of the Action Plan against Rape, but requires information on examples of concrete action taken to inform women and girls of their rights and of the legal avenues through which they can access resources, services, protection and justice. The Committee reiterates its recommendation.

The Committee welcomes the awareness-raising campaigns on the adverse impact of sexual and gender-based violence, the regular training of judges and members of public prosecution authorities, and the efforts of the police to combat domestic violence. Nevertheless, it requests information on: (i) the launch dates of the campaigns to raise awareness of the adverse impact of sexual and gender-based violence; (ii) the dates and number of training courses that have been conducted with judges, prosecutors and law enforcement officials on sexual and gender-based violence since the adoption of the Committee's concluding observations; (iii) the number of investigations, prosecutions and convictions of all reported cases of sexual and gender-based violence during the reporting period; (iv) the methodical national quality review of cases of aggravated sexual assaults which was planned in 2020; and (v) the changes proposed in 2016 by the government-appointed committee on the criminal injuries compensation scheme.



The Committee, in relation to the section on violence and abuse in Sami communities of the sixth plan of action to combat domestic violence, requests information on: (i) the adoption of a research programme (2019–2024) on domestic violence; (ii) the concrete measures taken to address the causes of violence against women in the Sami community; and (iii) the measures taken to overcome the special challenges and barriers highlighted by the Norwegian Centre for Violence and Traumatic Stress Studies in its 2017 report.

Paragraph 33: Asylum seekers and non-refoulement³

Summary of information received from the State party

Norway respects the principle of non-refoulement. The majority of asylum applications are examined on their merits and, asylum seekers have the right to stay in Norway during the appeal procedures. However, that does not apply to cases that fall under Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 (the Dublin III Regulation). An asylum application may also be refused examination on its merits if the applicant has travelled to Norway after having stayed in a safe third country or has been granted asylum or another form of protection in another country. The central point is whether the asylum seeker is considered to be at real risk of treatment contrary to article 7 of the Covenant and article 3 of the European Convention on Human Rights in the third country or of being sent onward to such treatment. If that is the case, the application will be examined on its merits.

Committee's evaluation

[C]

The Committee takes note of the information provided, but regrets that the State party has not amended the Immigration Act to ensure greater protection of asylum seekers from refoulement and chain refoulement nor provided concrete information on measures taken after the adoption of the concluding observations. The Committee reiterates its recommendation.

Paragraph 37: Rights of indigenous people⁴

Summary of information received from the State party

(a) The Equality and Anti-Discrimination Act (in force since January 2018) prohibits discrimination on, inter alia, the ground of ethnicity. Amendments to chapter four of the Act, on active equality efforts (in force since January 2020) strengthen public authorities' duties to make efforts against discrimination in all their activities on the basis of ethnicity and other protected discrimination grounds and they must issue a statement on what they are doing to fulfil their activity duty in the annual report or in another document available to the general public.

The Government's strategy against hate speech (2016–2020) aims to prevent hate speech on the grounds of gender, ethnicity and religion, disability and sexual orientation.

The Sami Pathfinders is an initiative where Sami youth inform Norwegian youth about Sami culture and society. The Government's website contains information on Sami culture and society aimed at youth in Norway.

In December 2019, the action plan against racism and discrimination on the basis of ethnicity and religion (2020–2023) was submitted after consultation with the Sami

³ [CCPR/C/NOR/CO/7, para. 33.](#)

⁴ [CCPR/C/NOR/CO/7, para. 37.](#)



Parliament and broad, positive cooperation with and involvement of civil society organizations.

(b) Reference is made to the sixth periodic report (paras. 263–272),⁵ and previous reports for information on current procedures for consultation between State authorities and Sámediggi.

In September 2018, the Government presented the Storting with a bill on amendments to the Sami Act (Prop. 116 L (2017–2018)) aimed at strengthening and clarifying the Sami people's right to consult in matters that may affect them directly. Sámediggi and the organization for Norwegian reindeer herders were consulted in this process. However, it was submitted for a renewed public consultation, with a deadline 29 February 2020. The Government aims to present the Storting with the bill in 2020. If adopted, it will replace the current procedures for consultations between State authorities and Sámediggi.

(c) Norway, Sweden and Finland concluded negotiations on a Nordic Sami convention and approved its wording in January 2017, which also states that it shall be submitted to the three Sami parliaments, and that ratification is contingent on their endorsement. The Sami Parliamentary Council wishes to make some changes to the text of the convention.

(d) The Government finds no need to further enhance the legal framework on Sami reindeer rights. The Reindeer Husbandry Act of 2007 ensures the Sami's right to land and the use thereof for reindeer husbandry. Reference is made to Sami fishing rights in the seventh report (paras. 182–185).⁶ The existing rules for the regulation of and participation in fisheries comply with international law regarding minorities and indigenous people.

(e) The Government continues to address the Sami Rights Committee's proposal for rights surveying south of Finnmark.

(f) A new framework plan for content and tasks in kindergarten was established in 2017. The Norwegian Directorate for Education and Training collaborates with the Sami Parliament on support for its implementation. The Sami Parliament received additional funds to be able to develop a project increasing the quality of Sami day-care facilities.

Three higher education institutions currently offer education in Sami. While there has been an increase in the credits gained in Sami in recent years, there are still relatively few Sami students. In the period 2016–2018, many students took individual courses in Sami subjects, but few completed a degree in Sami.

Committee's evaluation

[A]: (a)

The Committee welcomes the amendments to the chapter on active equality efforts in the Equality and Anti-Discrimination Act; the Sami Pathfinders website launched in 2019; and the preparation of the action plan against racism and discrimination on the basis of ethnicity and religion (2020–2023). It requests further information on: (i) the concrete measures taken to combat stereotypical and discriminatory attitudes and discriminatory practices towards Sami individuals and the Sami peoples, following the amendment of the Equality and Anti-Discrimination Act; (ii) the results of the research project conducted from 2014 to 2017 by the Norwegian Directorate for Children, Youth and Family Affairs; and (iii) developments regarding the action plan against racism and discrimination on the basis of ethnicity and religion (2020–2023).

[B]: (b) and (c)

The Committee welcomes the information on the bill on amendments to the Sami Act (Prop. 116 L (2017–2018)) concerning consultations, and requests information on its status.

⁵ [CCPR/C/NOR/6](#).

⁶ [CCPR/C/NOR/7](#).



The Committee welcomes the information on the Nordic Sami convention and requests information on the consultation process with the Sami parliaments and on possible changes to the text of the convention.

[C]: (d), (e) and (f)

The Committee regrets the State party's position that there is no need to further enhance the legal framework on Sami reindeer rights and reiterates its recommendation. It requests information on measures taken to enhance the legal framework on Sami reindeer rights and ensure in particular that fishing rights are recognized by law.

The Committee notes that the State party continues to address the Sami Rights Committee's proposal for rights surveying south of Finnmark, but regrets the lack of information on measures taken since the adoption of the Committee's concluding observations.

The Committee regrets the lack of information on measures taken to increase the recruitment and training of Sami language teachers and the availability of Sami language instruction for Sami children in kindergartens in all regions.

The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2028 (country review in 2029, in accordance with the predictable review cycle).
