

## UPR pre-session for Norway 2024

Geneva 30 August 2024

### Slide 1 (title)

Thank you for the opportunity to speak. I will present recommendations in the NGO Forum for Human Rights report to the UPR, which thirteen organisations drafted. The report includes parts on the legal framework, specific rights, groups, and human rights in Norway's foreign policies.

I appreciate the Norwegian government's invitation to civil society organisations to consult and submit proposals in an inclusive process for drafting its national report.

The government is generally open to dialogue with civil society on implementing UPR and treaty body recommendations.

### Slide 2 (framework)

Norway is a party to the central UN and Council of Europe human rights treaties, six of which have been incorporated into national legislation.

However, Norway's reservations to ICCPR art. 10 2(b) and 3 allow the state to place juveniles in ordinary prisons.

Norway interprets Article 12 of the CRPD to allow for "the withdrawal of legal capacity or support in exercising legal capacity, and/or compulsory guardianship, in cases where such measures are necessary, as a last resort and subject to safeguards." This may not follow the shift from "the substitute decision-making paradigm to one based on supported decision-making".

The Parliament has decided against Norway accepting individual complaints under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD).

The Constitution includes a chapter on human rights, but freedom of religion or belief is placed elsewhere. It emphasises Christian values and gives the Lutheran Church a privileged position.

The Government has signalled that it is reviewing whether to ratify the Kampala Amendments to the ICC Statute on the crime of aggression.

### Recommendations

- Withdraw reservations to the ICCPR and the declaration of interpretation of CRPD Article 12.
- Ratify Optional Protocols allowing for individual complaints under ICESCR, CRC and CRPD.
- Include freedom of religion or belief in the Constitution's human rights chapter.
- Ratify the Kampala Amendment to the ICC Statute and incorporate the crime of aggression into the Criminal Code.

### **Slide 3 (prison conditions)**

Despite overall good standards of Norwegian prisons and their rehabilitation approach, there are serious problems:

- Since 2008, there have been at least 79 suicides in prisons, most of them in pre-trial detention.
- The Council of Europe's (CPT) 2019 recommendation that prisoners should be allowed to spend a minimum of eight hours per day outside their cells has yet to be implemented.
  - o In 2022, on average, 664 inmates in Norwegian prisons spent less than 8 hours outside their cells.
  - o In 2023, the government proposed new legislation on solitary confinement, but without granting the right to eight hours a day outside of the cell.
- Prisons and police cells are understaffed and unable to deal effectively with challenging situations.

### **Slide 4 (need for more funding)**

Scientific research shows that prisons can rehabilitate criminals if it increases their likelihood of getting a job. Norwegian prisons offer programs that improve inmates' labour market opportunities.

However, the prison population has changed significantly during the last decade as they are increasingly convicted of more serious crimes and for longer sentences. Many have psychological issues. This creates a demanding situation for the prisons.

According to Oslo Economics (2023), a think-tank, prisoners in 24 wards spread over 17 prisons were not allowed to spend at least eight hours outside of the cell each day.

It is estimated that these prisons require one-off investments in buildings equivalent to NOK 195 million (appr. Euro 18 million) and an increase in staffing costing NOK 145 million (appr. Euro 13 million) annually to fix this problem.

### **Slide 5 (recommendations)**

- Provide sufficient resources for specialist health care, adequate prison buildings, and increasing prison staff to secure prisoners' rights.
- Ensure that mentally ill prisoners have access to adequate health care.
- Amend legislation to grant all prisoners a minimum of eight hours a day outside the cell.
- Provide resources to ensure prisoners, including disabled prisoners, are not excluded from the company with others due to building and/or staff conditions.

### **Slide 6 (hate speech and other hate crimes)**

Research indicates that hate speech remains a serious issue for the Sámi, Jews, Kvens/Norwegian Finns, Roma people ('gypsies'), and the Romani people/travellers. A particular problem for the Jews is that hate crimes increase with the level of conflict between Israel and the Palestinian authorities and organisations. The war following Hamas's attack on Israel on 7 October 2023 has had severe negative consequences.

The Penal Code prohibits hate speech, and the Government has implemented strategies and funded projects to combat hate crimes. Human rights groups, however, advocate for further measures to strengthen the legal status of minorities and better protection against hate crimes.

### **Slide 7 (recommendations)**

- Ensure that all police districts prioritise hate speech and other hate crimes.
- Strengthen minority rights at all levels in the Norwegian government structure.
- Adopt a separate law on national minorities in accordance with the Council of Europe Framework Convention for the Protection of National Minorities.
- Establish a low-threshold online service to report on experienced or observed hate speech.

### **Slide 8 (Land Rights and Indigenous Peoples)**

Land encroachments connected to the energy transition are increasingly infringing on Sámi traditional livelihoods, already challenged by climate change.

#### **Recommendation**

- To prevent further human rights violations, Norway should strengthen the implementation of *the principle of Indigenous Peoples' right to free, prior, and informed consent* in energy production and mining licensing processes in Sámi areas by, i.a.,
  - Ensuring independent impact assessment investigations.
  - Making resources available for Sámi rightsholders' genuine and effective participation.
  - Repealing the practice of allowing business projects before the validity of the license has been legally approved.

### **Slide 9 (Visas to human rights defenders)**

Norway recognises human rights defenders as people who take peaceful action to promote and protect the human rights of others. It has led the advocacy in the UN to recognise their positive role.

Still, HRDs experience refusals from Norway when applying for visas, particularly multi-entry Schengen visas. Such visas enable HRDs to travel to a safe country on short notice if their security conditions deteriorate. The result is a discord between Norway's human rights and visa policies.

#### **Recommendations**

- Provide visas to HRDs from all countries, particularly countries that do not respect the right to promote and protect human rights.
- Develop and strengthen programs to provide visas and temporary stays to HRDs facing deteriorating conditions in their home country.