



International Alliance for Peace and Development

Report of the International Alliance for Peace and Development on the Universal Periodic Review of Norway

The International Alliance for Peace and Development (IAPD) has submitted a report to the Working Group on the Universal Periodic Review, evaluating Norway's progress in implementing recommendations from its human rights review in May 2019. This report also monitors the country's compliance with its international human rights obligations that were pledged during the third cycle of human rights review. Norway accepted 176 out of 241 recommendations fully, partially accepted 22, and rejected 42. One recommendation about unemployment among minorities and migrants was considered beyond the scope of the review, which was expressing Qatar's concern about the high rates of unemployment among minorities and people of migrant descent.

The human rights reality in Norway indicates that although the Norwegian government has accepted around 82% of all recommendations received during the latest periodic review and pledged to implement them, International Alliance for Peace and Development has noted that Norway has failed to implement the majority of accepted recommendations, demonstrating a lack of political determination to enhance the domestic human rights situation. Additionally, over recent years, Norway has been unable to adequately address significant human rights violations, including violations related to the forced return of refugees, discrimination against individuals of migrant origins in accessing employment and healthcare services, racial profiling, and violence against individuals of racial or ethnic minorities, violations related to separating children from their parents and placing them in alternative care that violates the best interests of the child, discrimination in employment and profession, exacerbation of rape and sexual violence against women. In light of the above, IAPD reviews the most important human rights developments that have occurred in Norway's human rights record since the last periodic review cycle, **focusing on the most pressing issues as follows:**

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

During the third periodic review cycle, Norway received recommendations to broaden its international human rights obligations. However, Norway has not become a party to a number of international human rights conventions, instruments, and covenants, including 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; as well as the Optional Protocol to the Convention on the Rights of Persons with Disabilities. Norway has also not withdrawn its reservations to Article 10 of the International Covenant on Civil and Political Rights, which requires the separation of juvenile defendants from adults. While the International Alliance for Peace and Development recognizes Norway's lack of action in response to recommendations urging the ratification of human rights-related international agreements during the reporting period, it praises Norway for adopting the International Convention for the Protection of All Persons from Enforced Disappearance on 21 September 2019.

In terms of cooperation with international human rights mechanisms, despite Norway's continuous invitation to special procedures mandate holders in March 1999, it postponed the visit of several

special rapporteurs during the reporting period. This included delaying the visit of the Working Group on Business, Trade, and Human Rights planned for the third quarter of 2022, as well as the visit of the Special Rapporteur on truth, justice, reparation, and guarantees of non-recurrence which was scheduled for 2023. However, The International Alliance for Peace and Development praises Norway for hosting the Special Rapporteur on rights of persons with disabilities from October 2 to 11, 2019. The Alliance also commends Norway's commitment to submitting various national reports to treaty committees timely, including the combined report of the twenty-fifth to twenty-seventh periodic reports submitted in November 2023 to combat all forms of racial discrimination.

Recommendations

- Ratifying international instruments, treaties, and protocols relevant to promoting and implementing human rights to which it is not yet a party.
- Removing all reservations to ratified treaties, and ensuring the importance of international human rights standards in case of any conflict with national legislation.
- Accepting visit requests submitted by special rapporteurs and allowing them to visit the country as soon as possible.

2. Forced return of refugees

Norway is obligated, under a wide range of international human rights conventions, including the United Nations Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights, the Convention against Torture, and the Convention for the Protection of All Persons from Enforced Disappearance, is obligated not to expel or return individuals to a country where they may face persecution.

During the reporting period, the International Alliance for Peace and Development received credible information indicating that refugees and asylum seekers in Norway faced the threat of deportation or forced return. In 2020, there were reports that Norwegian authorities returned 7 rejected asylum-seekers to Afghanistan despite the worsening security conditions, raising concerns about potential persecution¹. While the International Alliance applauds the temporary suspension imposed by the Norwegian government in July 2021 on the deportation of rejected asylum seekers to Afghanistan due to the deteriorating security situation, it is concerned about the current end of this suspension². The Alliance has also conveyed its concerns to the United Nations High Commissioner for Human Affairs about proposed changes to the Norwegian Migration Act that would lead to deporting refugees who have committed serious crimes and sentenced to imprisonment for two years or more back to their home countries. It believes that implementing these changes could impact refugee rights and the non-refoulement principle, exposing hundreds of targeted refugees to the risks of persecution and other human rights violations³.

Recommendations

- Stopping to take any measures that would expose refugees and asylum seekers to risks of expulsion or forcible return to countries where they are likely to be exposed to risks of persecution.

¹ 2020 Country Reports on Human Rights Practices: Norway, US Department of State, April 2021, link: <https://tiny1.io/AY1a>

² 2022 Country Reports on Human Rights Practices: Norway, US Department of State, April 2023, link: <https://tiny1.io/AY1b>

³ UNHCR Observations on the Proposal for amendments to the Norwegian migration Act (Deportation of refugees due to imposed punishment), UNHCR, 28 November 2022, link: <https://tiny1.io/AY1d>

- Conducting individual assessments in cases of deportation or return, considering factors such as the risk of persecution in the country of origin.
- Reinstating the temporary suspension imposed by the Norwegian government on the deportation of rejected asylum seekers to Afghanistan until security conditions become more stable.
- Cooperating with other countries and international organizations to ensure the safe and orderly resettlement of rejected asylum seekers.

3. Discrimination against people of migrant origins

People of migrant origins, especially people of African descent, in Norway face unfair discrimination in the enjoyment of human rights and access to basic services, including health care services and employment. According to reliable reports seen by the Alliance, people of migrant origins face extreme difficulties in obtaining services, they are exposed to unfair discrimination in obtaining employment likewise other residents. According to a survey conducted in Norway in 2022, more than 50 % of migrants in Norway admitted that they were exposed to discrimination in society, and nearly 50 % of the general population also admitted that migrants in Norway face discrimination⁴. Reliable reports reviewed by the Alliance also highlighted that over 50 illegal migrants in Norway were deprived of access to healthcare and other basic human rights in 2022. The same reports also pointed out that migrants face greater difficulties in finding employment compared to non-migrants, resulting in a higher unemployment rate among migrants than other residents. According to statistics issued by the Norwegian Department of Labor and Social Welfare, the unemployment rate among migrants reached 4 %, compared to only about 1.6 percent among non-migrants. In Norway, African migrants had the highest unemployment rate at 7.1 percent, followed by Asians at 4.7 percent, migrants from Eastern European Union countries at 3.2 percent, and South and Central America at 3 percent⁵.

Recommendations

- Strengthening the enforcement of laws prohibiting discrimination against individuals of migrant background and those of African descent in accessing human rights and basic services such as healthcare and employment, ensuring effective implementation, and imposing appropriate penalties on employers engaging in discriminatory practices.
- Establishing an independent body to investigate and address complaints of discrimination.
- Conducting large-scale awareness campaigns and educational programs aimed at challenging stereotypes, prejudices and biases in the workplace.

4. Forced placement of children in alternative care services

Norway is obligated, under the Convention on the Rights of the Child, not to separate children from their parents unless such separation is necessary to safeguard the best interests of the child, and if they are not receiving adequate care. It is also obligated to enable children to maintain continuous communication with their parents if they are separated from them and do not live together. However, the Alliance has observed that Norwegian authorities have violated the rights of children from

⁴ Share of migrants in Norway agreeing/disagreeing that migrants are discriminated in 2022, by background, statista, link: <https://tinyt.io/AYKI>

⁵ 2022 Country Reports on Human Rights Practices: Norway, US Department of State, April 2023, link: <https://tinyt.io/AYIb>

minority, migrant, and African descent communities by separating them from their families and placing them in childcare services without considering their cultural background and their families' preferences⁶. According to reports seen by the Alliance, migrant children are more likely to be separated from their families and placed in alternative care services at a rate over three times higher than native Norwegian children. The reports also mention that around 3% of all children with migrant backgrounds in Norway are currently thought to be placed in alternative care services away from their families⁷.

During the reporting period, the Alliance noted that the European Court of Human Rights had convicted Norway of violating the right to respect for private and family life in 9 cases related to placing children in alternative care services⁸. For instance, on 10 December 2021, the European Court of Human Rights found that Norwegian authorities violated the family life rights of a Somali child, neglecting the child's religious and cultural heritage when Norwegian child welfare services forcibly separated him from his mother, placing him with a Christian family under allegations of neglect and abuse. Despite the Somali mother's request to place the child with her relatives or with another Somali Muslim family to preserve family connections and the child's cultural and religious roots, all her efforts were in vain. The Norwegian court rejected the mother's request and insisted on placing the child with a Norwegian couple who are members of the Evangelical Lutheran Covenant Church, who severed all ties between the child and his mother⁹.

Recommendations

- Reducing the use of alternative care measures giving priority to family reunification, and providing adequate support and resources to help families address the problems that led to the removal of their children and work toward their timely reunification.
- Ensuring that alternative care policies and practices respect and honor the child's connections, identity, religious beliefs, and cultural heritage, particularly in selecting alternative families responsible for the child's upbringing.

5. Violence against women

Violence against women in Norway is escalating widely, especially sexual violence including rape. According to reliable reports reviewed by the Alliance, violence against women and girls, which includes murder and rape, constitutes a critical and serious social problem in Norway. In this context, official statistics from the Ministry of Justice in Norway indicate that 25% of the victims of murders

⁶ Norway: UN experts deeply concerned about racial discrimination against people of African descent, United Nations, March 18, 2024, link: <https://tinyt.io/AYTy>

⁷ In Norway, 'unjust' social services target immigrant families, children, Anadolu, October 30, 2023, link: <https://tinyt.io/AYSG>

⁸ Decision on admissibility concerning Norway, European Court of Human Rights, September 14, 2023, link: <https://tinyt.io/AYSn>

⁹ Somali refugee wins second case against Norway over forced adoption, Court House News Service, December 10, 2021, link: <https://tinyt.io/AYTt>

that occurred in Norway in 2021 were women killed by their current or former partners¹⁰. A study commissioned by the Ministry of Justice in Norway in February 2023 discovered that at least 23% of Norwegian women have experienced rape at some point in their lives, with 5% of them being under 13 years old. This study means that almost one in every four Norwegian women has been raped at least once in her lifetime¹¹.

Despite the escalation of violence against women and girls in Norway, especially sexual violence including rape in recent years, the International Alliance for Peace has observed that Norway has not taken adequate steps to tackle sexual violence against women. This includes investigating incidents, prosecuting offenders, and providing restitution. In this regard, the Alliance noted that Norwegian authorities have not introduced any measures to ensure judges receive proper training to address gender stereotypes and biases in the judicial process, despite recommendations from the United Nations Committee on the Elimination of Discrimination against Women. This includes suggestions made by the Committee in 2017, which called for Norway to systematically implement gender training and capacity building for judges presiding over criminal cases involving gender-based violence¹². Furthermore, the Norwegian authorities have not addressed the legal obstacles and barriers that rape survivors face in seeking justice. The current definition of rape in Article 291 of the Norwegian Penal Code still focuses on the use of force or threat by the perpetrator as the basis for proving the crime of rape, rather than focusing on the absence of free consent as outlined in the legal definition of rape in the Council of Europe Convention on preventing and combating violence against women and domestic violence, to which Norway is a party. This limits the ability of rape survivors to access justice and compensation¹³.

Recommendations

- Taking appropriate measures to address gender-based violence against women, including sexual violence.
- Amending the definition of rape contained in Article 291 of the Norwegian Penal Code to ensure that emphasis is placed on the absence of free consent as a basis for proving the crime of rape aligning with global and regional standards.
- Providing specialized training for judges dealing with sexual crimes.

¹⁰ 2022 Country Reports on Human Rights Practices: Norway, US Department of State, April 2023, link: <https://tinyt.io/AYIb>

¹¹ Almost one in four Norwegian women have experienced rape during their lifetime, Sciencenorway, March 1, 2023, link: <https://tinyt.io/AYXq>

¹² CEDAW Committee, Concluding observations on the ninth periodic report of Norway 2017, Article 25 (c). link: <https://tinyt.io/AYYK>

¹³ The Norwegian Penal Code, link: <https://tinyt.io/AYYJ>