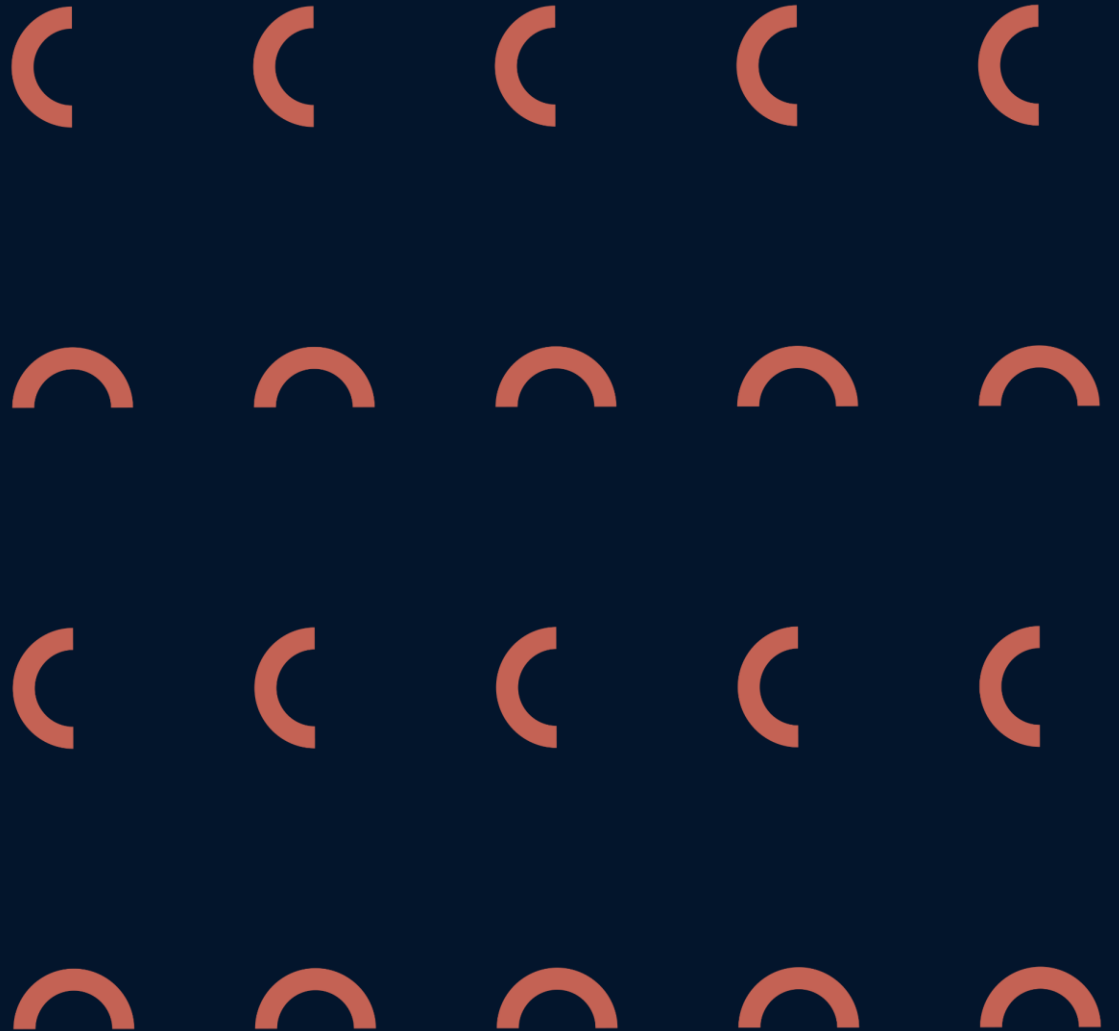




Norwegian
Helsinki Committee

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1. Human rights and the constitution

Last review:

- The Russian Federation recommended to “review legislation to ensure full freedom of belief, conscience and religion”
- Several recommendations: ensure non-discrimination, including on religious grounds

New developments

- The Constitution amended in 2014, introducing a chapter on human rights. Freedom of religion or belief, however, is not included in this chapter, but remains in the chapter on government
- The Constitution emphasizes Christian values, gives the Church of Norway privileged position
- 2017 Government draft law on religious and belief communities favoured Church of Norway economically



Recommendations

The government should:

- (1) Propose to the Parliament that the right to freedom of religion or belief should be included in the human rights chapter of the Constitution
- (2) Ensure de facto equal treatment of all religious and life stance communities
- (3) Propose to amend Article 2, 4 and 16 of the Constitution to ensure non-discrimination and equality

2. Solitary confinement in police and pre-trial detention

Last review:

- Italy, Netherlands and Switzerland: strengthen assessment of the need for using solitary confinement in police and pre-trial detention

New developments

- There has been a reduction, but 11-16% of pretrial detainees are still subject to solitary confinement
- Norway's Parliamentary Ombudsman established a national preventive mechanism (NPM) at its office in 2014. The NPM has through its reporting substantiated the criticism of widespread use of solitary confinement. There is lack of systematic individual assessment





Recommendations

The government should:

- (1) Introduce individual assessment of the need for solitary confinement as an absolute requirement in all cases
- (2) Amend the legal framework to ensure that solitary confinement is only used when it is, “strictly necessary” and only “in exceptional circumstances” and when it is “absolutely essential for the administration of justice”



3. Violence against women

- Several delegations addressed the need to strengthen protection of women's rights, including against violence

Recommendations

The government should:

- (1) Adopt a legal definition of rape in the Penal Code which places the absence of consent at its centre
- (2) Train judges, prosecutors and lawyers about gender-based violence, including rape and other sexual violence
- (3) Strengthen the investigative capacity of police and prosecutors in all forms of gender-based violence



4. Hate speech and other hate crimes

- Several delegations addressed the need to strengthen protection against discrimination of immigrants and to effectively address hate speech and other hate crimes in legislation and policies
 - The Penal Code and specialised legislation prohibit discrimination, hate speech and other hate crimes. The Anti-Discrimination and Equality Ombud provides an easily accessible complaints mechanism

New developments

- While the Oslo Police district is prioritizing hate crime, other police districts have failed to do so
- In 2014 Oslo Police District established a special investigation unit for hate crimes to increase competence, improve investigation and provide guidance to other police districts. The unit has been instrumental in more hate crime incidents being brought to court and follow-up of perpetrators



Recommendations

The government should ensure that:

- (1) All police districts prioritize hate crime
- (2) All measures are taken to prevent hate crimes and providing support to victims of such crimes including in accessing justice
- (3) The hate crime unit in Oslo is strengthened and made permanent, providing it with capacity to give guidance to other police districts
- (4) Resources should be allocated to ensure the establishment of hate crime units throughout the country
- (5) Gender, gender identity and gender expressions as grounds of discrimination must be included in Penal Code articles protecting against hate crime



5. Asylum

- The rights of asylum seekers not to be returned to a situation where they risk gross violations of human rights were not in focus in the previous review

Recommendations

The government should:

- (1) Put in place stronger safeguards to ensure that asylum seekers are not returned to countries where they may be at risk of torture or other ill-treatment
- (2) Not return asylum seekers to so-called 'safe third countries', if these countries do not have a functioning asylum system that handle applications in accordance with international standards and have legislation that prohibits refoulement
- (3) Not return applicants to internal flight in their country of origin without a thorough assessment in accordance with UNHCR Guidelines, including a 'reasonableness analysis'