



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the report submitted by Norway under article 29 (1) of the Convention*

1. The Committee on Enforced Disappearances considered the report submitted by Norway under article 29 (1) of the Convention¹ at its 497th and 498th meetings,² held on 25 and 26 September 2024. At its 510th meeting, held on 4 October 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by Norway under article 29 (1) of the Convention. It also thanks the State party for its written replies³ to the list of issues.⁴

3. The Committee expresses appreciation for the constructive dialogue with the delegation of the State party on the measures taken to implement the Convention and welcomes the openness with which the delegation responded to the questions posed. It also thanks the State party for the supplementary written information submitted after the dialogue.

B. Positive aspects

4. The Committee welcomes the State party's ratification of eight of the nine core United Nations human rights treaties⁵ and several of the Optional Protocols thereto and of the Rome Statute of the International Criminal Court.

5. The Committee welcomes the progress made by the State party in areas relevant to the Convention, including:

(a) The introduction of amendments to section 69 of the Armed Forces Act, aimed at ensuring that military arrest is no longer a disciplinary measure, either in times of peace or in times of war, which entered into force on 1 July 2024;

(b) The ongoing progress made in updating the guidelines for the police on the search for disappeared persons in Norway;

(c) The transfer of competence to the ordinary prosecuting authority for cases originating in the armed forces;

* Adopted by the Committee at its twenty-seventh session (23 September–4 October 2024).

¹ [CED/C/NOR/1](#).

² See [CED/C/SR.497](#) and [CED/C/SR.498](#).

³ [CED/C/NOR/RQ/1](#).

⁴ [CED/C/NOR/Q/1](#).

⁵ The State party has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.



(d) The establishment of the committee to investigate international adoptions, on 20 June 2023;

(e) The establishment of the Commission to Investigate the Norwegianization Policy and Injustice against the Sami, Kven/Norwegian Finns and Forest Finns, also known as the Truth and Reconciliation Commission, in 2018, and the publication of its report in June 2023;

(f) The establishment of the Norwegian Human Rights Institution, through Act No. 33 on the Norwegian Human Rights Institution, on 22 May 2015, and its reaccreditation by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, with A status, in October 2022;

(g) The establishment of the Tater/Romani Committee, and the publication of its report, entitled “Norwegian policies towards Tater/Romani people from 1850 to the present”, in 2015;

(h) The ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the designation of the Parliamentary Ombud as the national preventive mechanism thereunder, in June 2013.

C. Principal subjects of concern and recommendations

6. In the present concluding observations, the Committee wishes to note its concerns and recommendations to ensure that the legislation in force in the State party to prevent and punish enforced disappearance and to ensure the rights of victims, the implementation of such legislation and the conduct of the competent authorities fully comply with the Convention. The Committee therefore encourages the State party to implement the recommendations, which have been made in a constructive and cooperative spirit, with a view to ensuring that the normative framework and all measures taken by the State authorities are fully consistent with the State party’s treaty obligations.

1. General information

Applicability of the Convention

7. The Committee takes note of the information provided before and during the dialogue indicating that the Convention is not directly applicable in the domestic legal order, given the State party’s dualistic legal system, which requires international obligations to be incorporated into domestic legislation to be applicable. The Committee also notes that the provisions of the Convention have been incorporated into the legal system by way of active and passive transformation, resulting in protection against enforced disappearance being addressed by various parts of the legal system. Furthermore, it notes that no decisions have been issued by domestic courts in which the provisions of the Convention have been invoked or applied. The Committee expresses concern, however, that the framework for implementing the Convention may affect the consistency and uniformity with which the provisions of the Convention are applied by domestic courts (arts. 1, 4 and 12).

8. The Committee calls upon the State party to ensure the direct and uniform applicability of the provisions of the Convention, clarifying that these provisions can be directly invoked before and applied by the domestic courts.

Stakeholders’ involvement in the preparation of the report

9. While the Committee regrets not having received clear information on the nature and scope of the consultation with civil society organizations that the State party undertook in the preparation of the report and on whether the organizations consulted included organizations advocating for the rights of victims of enforced disappearance, it commends the State party for conducting a consultation process during the preparation of its replies to the list of issues, which, according to the information provided by the delegation, included inputs from various stakeholders, notably the Norwegian Human Rights Institution, the Parliamentary Ombud, the national preventive mechanism, the Norwegian Helsinki Committee for Human Rights,

in its capacity as the coordinating organization for approximately 40 non-governmental organizations, and the tracing service of the Norwegian Red Cross.

10. The Committee recommends that the State party ensure that civil society organizations, in particular those working on enforced disappearance and human rights protection, participate throughout the cycle of reporting to the Committee and be regularly consulted on and informed about all matters relating to the implementation of the Convention.

National human rights institution

11. The Committee welcomes the progress made by the State party in following up on the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in the context of its reviews of the Norwegian Human Rights Institution in 2017 and 2022, in particular the adoption of recommendations related to procedures for the appointment of the board and the director, the initiative by the parliament to review and harmonize practices across its five monitoring institutions, including the Norwegian Human Rights Institution, and the inclusion of reference to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in section 3 of the Act on the Norwegian Human Rights Institution, as amended in January 2023.

12. The Committee encourages the State party to continue its efforts to implement the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in 2017 and 2022 and to ensure that the Norwegian Human Rights Institution is fully in line with the Paris Principles.

Individual and inter-State communications

13. While welcoming the State party's response, in its replies to the list of issues, that it recognizes that the Committee's competence to receive and consider individual and inter-State communications regarding enforced disappearance or acts amounting to enforced disappearance is key, the Committee regrets the State party's interpretation that this competence is key only in States in which such acts take place. The Committee also regrets the position of the State party that making the declarations to recognize the Committee's competence to receive and consider individual and inter-State communications is not a current priority (arts. 31 and 32).⁶

14. The Committee invites the State party to make, at the earliest opportunity, the declarations necessary for recognizing the competence of the Committee to examine individual and inter-State communications under articles 31 and 32 of the Convention, with a view to strengthening efforts to prevent and eradicate enforced disappearance, as provided for in the Convention.

2. Definition and criminalization of enforced disappearance (arts. 1–7)

Statistical information and register of disappeared persons

15. The Committee takes note of the information provided by the State party indicating that Norway has not received reports or alerts of enforced disappearance or acts that amount to enforced disappearance and that no unified and operational register of disappeared persons is used by the competent authorities. While noting the information about the several registers used by the Norwegian Police to search for a person, the Committee is concerned that the information contained in those registers might not allow for a differentiation between cases of enforced disappearance, as defined under article 2 of the Convention, disappearances, as defined in article 3, and other crimes or situations in which persons disappear that do not fall under those articles of the Convention (arts. 1–3, 12 and 24).

⁶ CED/C/NOR/RQ/1, para. 15.

16. **The Committee recommends that the State party:**

(a) **Consider establishing a single register of disappeared persons in order to generate accurate and up-to-date statistical information on those persons, disaggregated by sex, age, gender identity, sexual orientation, nationality and racial or ethnic origin. Such information should include the date of disappearance, the number of disappeared persons who have been located, whether alive or deceased, and the number of cases in which there may have been some form of State involvement in the disappearance within the meaning of article 2 of the Convention;**

(b) **Ensure that, in line with articles 14 and 15 of the Convention, which relate to the obligations of States parties with regard to mutual legal assistance, this register, where necessary, facilitates the exchange of relevant information with other States parties engaged in searches and investigations relating to enforced disappearance.**

Non-derogability of the prohibition of enforced disappearance

17. The Committee expresses appreciation for the information provided by the State party before and during the dialogue on the safeguards in place to protect constitutional rights and on the doctrine of constitutional necessity and its constitutive conditions of “acute crisis”, “extraordinary circumstances” and the strict necessity of the measures that leave the Government with no choice but to derogate from the Constitution to preserve democracy, the rule of law or the existence of the realm.⁷ However, the Committee remains concerned that the exceptional nature of the doctrine of constitutional necessity and the provisions of section 3 (1) of Act No. 7 of 15 December 1950 relating to special measures in times of war or threat of war and similar circumstances do not guarantee the absolute and unqualified prohibition of enforced disappearance as required by article 1 (2) of the Convention (art. 1).

18. **The Committee recommends that the State party explicitly incorporate the absolute prohibition of enforced disappearance into national law, in accordance with article 1 (2) of the Convention, and clearly specify that no exceptional circumstances whatsoever may be invoked as a justification for enforced disappearance.**

Offence of enforced disappearance

19. The Committee welcomes that the State party has decided to make enforced disappearance an autonomous crime under section 175 (a) and (b) of the Penal Code. It also notes the information provided by the State party regarding the scope of the wording “*bidra til*” (“contribute to”), used in the definition of enforced disappearance in domestic legislation, and the forms of participation in the crime of enforced disappearance that fall within that scope. However, the Committee is concerned that the use of the wording “contribute to” may lead to legal interpretations that are not fully consistent with all forms of participation mentioned in article 6 (1) (a) of the Convention, which includes the specific wording “commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance” (arts. 2 and 6).

20. **The Committee encourages the State party to ensure that the wording used in the definition of enforced disappearance unequivocally embraces all the forms of participation specified in article 6 of the Convention.**

Definition of enforced disappearance as a crime against humanity

21. While noting the explanations provided by the State party on the alignment of section 102 (1) (i) of the Penal Code, on crimes against humanity, with article 7 (2) (i) of the Rome Statute of the International Criminal Court, the Committee is concerned that section 102 (1) (i) of the Penal Code does not explicitly refer to enforced disappearance but to “involuntary disappearance”. Moreover, the act defined in the section in question does not explicitly include the constituent elements of enforced disappearance of “arrest, detention, abduction or any other form of deprivation of liberty” and “refusal to acknowledge the

⁷ Ibid., para. 17.

deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person”, as outlined under article 2 of the Convention (arts. 2 and 5).

22. **The Committee recommends that the State party review the definition of enforced disappearance in section 102 (1) (i) of the Penal Code in order to ensure that enforced disappearance is defined in law as any deprivation of liberty followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, regardless of the duration of the deprivation of liberty or concealment.**⁸

Criminal responsibility of superiors and due obedience

23. The Committee notes that section 175 (a) of the Penal Code provides for the criminal responsibility of superiors for enforced disappearance. However, the Committee is concerned that section 175 (a) does not provide for the criminal responsibility of superiors who “exercised effective responsibility for and control over activities which were concerned with the crime of enforced disappearance”, in accordance with article 6 (1) of the Convention. The Committee is also concerned that criminal legislation does not explicitly provide that due obedience may not be invoked to justify enforced disappearance (art. 6).

24. **The Committee recommends that the State party ensure that criminal legislation:**

(a) **Provides for responsibility for any superior who “exercised effective responsibility for and control over activities which were concerned with the crime of enforced disappearance”;**

(b) **Explicitly prohibits the invocation of the orders or instructions of a superior to justify an offence of enforced disappearance.**

Appropriate penalties

25. The Committee notes the information provided by the State party regarding the maximum penalties for the crime of enforced disappearance as set out in section 175 (a) and (b) of the Penal Code, along with the information provided on the applicability of the minimum penalty of 14 days’ imprisonment for the crime of enforced disappearance. The Committee also notes the ongoing discussions mentioned by the State party regarding the possibility of abolishing the specific minimum sentences for certain crimes, inter alia, sexual assault involving sexual intercourse. However, the Committee considers that the minimum sentence set under the criminal law is not an appropriate penalty that takes into account the extreme seriousness of enforced disappearance and is significantly lower than the maximum penalty, which gives the courts a broad margin of discretion (art. 7).

26. **The Committee recommends that the State party ensure that the minimum sentence takes into account the extreme seriousness of enforced disappearance and guarantee that the perpetrators of this crime are always punished with appropriate penalties, in line with article 7 of the Convention. The Committee encourages the State party to reduce the gap between the minimum and maximum penalties for the offence of enforced disappearance.**

3. Judicial procedure and cooperation in relation to enforced disappearance (arts. 8–15)

Investigation of the disappearance of unaccompanied minor asylum-seekers from reception centres

27. In line with the concerns previously raised by the Committee against Torture⁹ and the Committee on the Rights of the Child,¹⁰ the Committee is concerned about the at least 356 asylum-seeking minors who disappeared from designated reception centres between 2015 and 2022 and their particular vulnerability to enforced disappearance, trafficking and

⁸ *Yrusta and Yrusta v. Argentina* (CED/C/10/D/1/2013), para. 10.3.

⁹ CAT/C/NOR/CO/6-7, para. 22; and CAT/C/NOR/CO/8, paras. 25 and 26.

¹⁰ CRC/C/NOR/CO/5-6, paras. 31 (b) and 32 (c).

other crimes. The Committee notes that, according to information provided by the delegation, the National Police Directorate identified the lack of clarity of the procedures for registering the disappearances of these unaccompanied minors and the inclusion of incomplete information in the police statistics. The Committee also notes the position of the State party that some of these minors may have left for other, neighbouring countries and the information received that 13 disappearances of minor asylum-seekers from reception centres were registered from April 2023 to April 2024. In that connection, the Committee is particularly concerned about:

(a) The absence of detailed information regarding the processes conducted by the competent authorities to search for the disappeared minors and to investigate their disappearances, including the registration of their disappearances, the search and investigation strategies deployed, the investigative hypotheses used, the results of the actions taken, the main findings reached and obstacles encountered, prospects for the investigation and other relevant search and investigation processes conducted pursuant to articles 9, 12, 24 and 25 of the Convention and in the light of the Guiding Principles for the Search for Disappeared Persons;¹¹

(b) The absence of disaggregated statistical information on the disappeared unaccompanied minor asylum-seekers and the lack of information on the measures taken to confirm whether their personal data were adequately recorded, including in genetic and forensic databases, to facilitate their identification in full compliance with article 19 of the Convention;

(c) The absence of information on the measures taken by the State party to ensure that all search and investigation strategies that have been implemented have guaranteed a differential approach, considering the specific requirements of disappeared children and adolescents, along with a gender and diversity perspective, in the light of principle 4 of the Guiding Principles for the Search for Disappeared Persons.

28. The Committee recommends that the State party:

(a) **Investigate thoroughly the disappearance of unaccompanied minor asylum-seekers from reception centres and search for and identify those who may have been victims of enforced disappearance, in conformity with articles 9, 12, 24 and 25 (2) of the Convention and in the light of the Guiding Principles for the Search for Disappeared Persons. In this regard, the Committee invites the State party to consider the recommendations included in its general comment No. 1 (2023) on enforced disappearance in the context of migration;**

(b) **Ensure the existence of disaggregated data on disappeared unaccompanied minor asylum-seekers and that their information is adequately recorded, including in genetic and forensic databases, to facilitate their identification in compliance with article 19 of the Convention;**

(c) **Guarantee that all search and investigation strategies are implemented through a differential approach that considers the specific requirements of disappeared children and adolescents, along with a gender and diversity perspective, in the light of principle 4 of the Guiding Principles for the Search for Disappeared Persons.**

Rights of Sami people and the five national minorities of Norway

29. The Committee expresses appreciation for the information provided by the delegation during the dialogue about the mandate, composition and reporting activities of the Tater/Romani Committee and the Truth and Reconciliation Commission and commends the State party for having provided approximately 1,000 Sami persons and approximately 1,400 Tater/Romani persons with compensation for past violations. Having clarified that the Tater/Romani Committee and the Truth and Reconciliation Commission do not have an investigative mandate, and noting that over 750 testimonies were gathered by the Truth and Reconciliation Commission and that personal histories have been analysed,¹² the Committee

¹¹ CED/C/7, annex.

¹² Truth and Reconciliation Commission, Report, Document No. 19 (1 June 2023) (in Norwegian).

remains concerned about the lack of a mechanism for making referrals to the criminal authorities so that they can conduct investigations into reported violations to allow for the determination of criminal responsibility and access to remedies, in particular with regard to the reported practices of the forced removal of children and their placement in institutions and foster homes, the forced resettlement of adults to labour colonies and other practices that may amount to enforced disappearance. The Committee also notes with concern the limited information received regarding existing and planned mechanisms for following up on the recommendations set out in the reports of both the Tater/Romani Committee and the Truth and Reconciliation Commission (arts. 2, 10, 11, 12 and 25).

30. The Committee recommends that the State party:

(a) **Provide for adequate implementation of the recommendations set out in the reports of the Tater/Romani Committee and the Truth and Reconciliation Commission;**

(b) **Establish mechanisms to conduct judicial investigations into practices and acts that may have constituted or led to enforced disappearance or the wrongful removal of children and adopt adequate remedies for the victims.**

International cooperation and mutual legal assistance

31. The Committee welcomes the State party's introduction of regulations on international cooperation in criminal matters. However, it regrets that the State party did not provide details on the way in which international cooperation and mutual legal assistance are implemented in practice and that no information was provided on any international cooperation and mutual legal assistance mechanisms relating to the search for the minor asylum-seekers who have disappeared from reception centres and investigations into those disappearances,¹³ despite the hypothesis put forward by the State party that these minors may have left for other countries. The Committee recalls the importance of these mechanisms in facilitating search and investigation processes, enabling the exchange of relevant information in that regard and assisting victims of enforced disappearance (arts. 14 and 15).

32. The Committee recommends that the State party:

(a) **Implement effective cooperation and mutual legal assistance mechanisms with other States parties, in compliance with articles 14 and 15 of the Convention, in order to facilitate the sharing of information and evidence to support the search for and identification of disappeared persons, investigations and prosecutions in connection with their disappearances and support for victims, including in cases where a national of the State party has disappeared in another country;**

(b) **Ensure the establishment of mechanisms for cooperation and mutual legal assistance with other relevant States to search for, locate and protect unaccompanied minor asylum-seekers who have disappeared from reception centres, in accordance with articles 14 and 15 of the Convention;**

(c) **Ensure that all agreements on mutual legal assistance concluded in the future, including those that are currently being negotiated, contain specific provisions on enforced disappearance.**

4. Measures to prevent enforced disappearances (arts. 16–23)

Non-refoulement

33. The Committee notes the information provided by the State party on the prohibition of extradition or surrender in cases where the person concerned is at risk of being subjected to torture or other inhuman or degrading treatment or punishment or to persecution for reasons of race, religion, nationality, political conviction or other political circumstances, as set out in the Human Rights Act and section 6 of the Norwegian Extradition Act. Nonetheless,

¹³ See also [CAT/C/NOR/CO/6-7](#), para. 22; [CAT/C/NOR/CO/8](#), para. 26; and [CRC/C/NOR/CO/5-6](#), para. 32 (c).

the Committee is concerned about the absence of legal provisions that explicitly refer to the risk of enforced disappearance as a basis for prohibiting the expulsion, return, surrender or extradition of a person to another State. In addition, the Committee notes that, as stated in the Return Strategy 2023–2029, fundamental rights are safeguarded in the return process. However, it remains concerned about:

(a) The fact that the individual risk assessment conducted by the Directorate of Immigration when determining whether to carry out expulsions, as described by the delegation, does not explicitly address the specific characteristics and dynamics of enforced disappearance, either in the contextual analysis of the country of origin or in the analysis of the individual's personal circumstances;

(b) The use of “rapid returns”¹⁴ and accelerated admissibility procedures, which may lead to the expedited or automatic return or expulsion of an asylum-seeker without affording the competent authorities adequate time in which to conduct a thorough assessment and verification of the risks of enforced disappearance in the country of destination pursuant to article 16 of the Convention or to identify other relevant information, such as whether the person is a victim of trafficking. In this regard, the Committee recalls the concern raised by the Office of the United Nations High Commissioner for Refugees that the combined effect of the increased use of accelerated admissibility procedures, weakened procedural safeguards and provisions for automatic rejection at the point of entry in emergency situations would place asylum-seekers and refugees at risk of refoulement;¹⁵

(c) The absence of information on the measures taken to assess the risk of enforced disappearance in the new institutional framework for cooperation on returns established by the State party, such as the joint initiative of the Nordic countries on returning individuals who do not have the right to remain in the European Union and Schengen area to their country of origin, which involves working towards joint Nordic return operations.¹⁶

34. The Committee recommends that the State party consider explicitly prohibiting, in its domestic legislation, any expulsion, refoulement, surrender or extradition where there are substantial grounds to believe that the person concerned may be in danger of being subjected to enforced disappearance. In that context, the Committee recommends that the State party:

(a) **Ensure that there are clear and specific criteria and procedures in place to assess and verify a person's risk of being subjected to enforced disappearance in the country of destination before it proceeds to an expulsion, return or extradition and that, if there is such risk, the person concerned is not expelled, extradited or returned;**

(b) **Ensure that all return and expulsion processes allow adequate time for the competent authorities to conduct a comprehensive and individual assessment of a person's risk of being subjected to enforced disappearance in the country of destination before it proceeds to an expulsion, return or extradition;**

(c) **Guarantee that all return and expulsion processes incorporate mechanisms for the identification of victims of trafficking and adequate mechanisms for referral to protection, assistance and rehabilitation services;**

(d) **Take into account the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration, in particular the recommendations to adopt the measures necessary to prevent the disappearance of migrants, strengthen mutual legal assistance to facilitate the exchange of information and evidence relating to the search for disappeared migrants and the investigation into their disappearances, and provide support services to them and their relatives.**

¹⁴ See <https://www.regjeringen.no/globalassets/departementene/jd/dokumenter/rapporter-planer-og-strategier/return-strategy-2023-2029-eng.pdf>.

¹⁵ See <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2021/11/UNHCR-Recommendations-to-Norway-Nov-21.pdf>.

¹⁶ See <https://uim.dk/media/12365/press-release-3110.pdf>.

Fundamental legal safeguards during conflict

35. The Committee appreciates the information provided by the delegation and the supplementary written clarifications regarding the nature of the declarations and reservations made by the State party to article 17 (2) of the Convention upon ratification. While noting that the manual on the law of armed conflict used by the Norwegian Armed Forces sets out the duty to respect human rights and international obligations, the Committee expresses concern regarding the legal limitations arising from the safeguards being codified through a policy document rather than in domestic legislation in terms of, inter alia, their binding authority, their enforcement, the robustness of the legal protections and their consistency, in accordance with article 17 (2) of the Convention (arts. 1 and 17).

36. The Committee invites the State party to consider withdrawing its declaration to article 17 (2) of the Convention and to ensure that fundamental legal safeguards are provided for under domestic legislation, including in the context of armed conflict, in accordance with article 17 (2) of the Convention and the relevant rules of international humanitarian law.

Registers of persons deprived of liberty and fundamental safeguards

37. The Committee welcomes the information provided by the delegation regarding the new instruction for the police, which regulates roles and procedures concerning the use of registers related to persons deprived of liberty, effective from 1 September 2024. However, the Committee notes with concern the absence of information regarding the available monitoring mechanisms to prevent situations of incomplete entries in the registers, as observed by the national preventive mechanism during its visit to the police holding cells at Oslo District Court in 2023,¹⁷ and to ensure that such situations do not occur in other places of deprivation of liberty. The Committee expresses appreciation for the information provided by the delegation about the interconnectedness of the registers of persons deprived of liberty across the State party's entire territory. However, the Committee regrets not having received information on whether the existing registers of deprivation of liberty ensure interoperability with other relevant registers, inter alia, genetic databases and registers maintained by other countries.

38. The Committee recommends that the State party:

(a) **Guarantee robust monitoring of the application of the new instruction for the police regarding the use of registers of persons deprived of liberty and ensure that information is promptly and accurately added to the registers across the entire territory, that all persons deprived of liberty are registered without exception and from the outset, that the information is regularly updated, that it is subject to periodic checks and that, in the event of irregularities, the officers responsible for updating the registers are held accountable in accordance with article 22 (b) of the Convention;**

(b) **Ensure that all existing and future registers of deprivation of liberty contain, at a minimum, the information required under article 17 (3) of the Convention and are interconnected and interoperable with other relevant registers, including genetic registers, those maintained by other countries and the single register of disappeared persons recommended in paragraph 16 above.**

Access to information

39. The Committee takes note of the information provided by the State party regarding the declaration made to article 20 (1) of the Convention upon ratification. The Committee recognizes the significance of respect for the privacy of persons deprived of their liberty and also takes note of the information provided by the State party that the application of restrictions on the right to information is not systematic, since it is determined by factors such as the age and individual circumstances of the person in question. However, the Committee is concerned that, by limiting the State party's obligation to share the information referred to in article 18 (1) of the Convention, the State party's declaration might affect the right of

¹⁷ CED/C/NOR/RQ/1, para. 8.

relatives, representatives, legal counsel and other persons with a legitimate interest to clarify the fate and whereabouts of that individual. In this regard, the Committee underlines that:

(a) The invocation of the duty of confidentiality does not guarantee that the application of restrictions on the right to information is limited to the “exceptional basis” and strict necessity mentioned in article 20 (1) of the Convention as the only exceptional circumstances under which access to the information referred to in article 18 may be restricted;

(b) While domestic legislation refers to certain circumstances in which information may be shared with individuals with a legitimate interest, even without the consent of the person deprived of liberty, these provisions are framed in broad terms, for example, the existence of “special reasons” as established in section 182 of the Criminal Procedure Act, which may raise challenges for consistent legal interpretation;

(c) The alternative ways mentioned by the State party in which relatives and representatives can obtain information about the deprivation of liberty, such as the possibility of consulting the list of scheduled hearings or attending those hearings,¹⁸ fail to account for the circumstances of cases of enforced disappearance in which the relatives, representatives, legal counsel and other persons with a legitimate interest have no information whatsoever as to the fate and whereabouts of the person concerned, thereby hindering their access to the information provided by the judicial system;

(d) While rules on remedies against refusals to disclose case files and State-held information exist, the Committee notes with concern that no legal provision provides for judicial remedies for persons with a legitimate interest in seeking the information referred to in article 18 (1) of the Convention (arts. 18–20).

40. The Committee recommends that the State party ensure that, in cases in which a person deprived of liberty does not consent to the sharing of information about the deprivation of liberty, the duty of confidentiality and the right to privacy be fulfilled in a manner that respects the conditions set forth in article 20 of the Convention. Furthermore, the Committee urges the State party to guarantee the right to a prompt and effective judicial remedy as a means of obtaining without delay the information referred to in article 18 (1) of the Convention. This right may not be suspended or restricted under any circumstances, as provided for in article 20.

Training on the Convention

41. The Committee notes the information provided concerning the numerous training programmes offered to police and prison officers and health and social service personnel on the general human rights framework, including on standards governing deprivation of liberty. However, the Committee is concerned about the absence of specific training programmes on enforced disappearance and the provisions of the Convention and the position of the State party that the absence of cases of enforced disappearances is a valid reason for not yet introducing such training (art. 23).¹⁹

42. The Committee recommends that the State party:

(a) **Ensure that all law enforcement personnel, whether civilian or military, medical personnel, immigration officers, childcare staff, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officers responsible for the administration of justice, receive specific and regular training on enforced disappearance and the Convention, in accordance with article 23 thereof;**

(b) **Incorporate into training curricula on enforced disappearance other relevant documents, such as the Guiding Principles for the Search for Disappeared**

¹⁸ CED/C/NOR/1, paras. 149–212.

¹⁹ CED/C/NOR/RQ/1, para. 101.

Persons, the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration and the joint statement on illegal intercountry adoption.²⁰

5. Measures to protect and guarantee the rights of victims of enforced disappearance (art. 24)

Definition of victim and rights to the truth and to receive reparation and prompt, fair and adequate compensation

43. While noting the information provided by the State party, the Committee remains concerned that there is no explicit definition of victim in domestic law and that the legal recognition of a person as an "aggrieved party" is subject to the discretionary assessment of the judicial authorities, depending on the degree to which the individual in question was directly affected by the enforced disappearance,²¹ which does not reflect the guarantees established in article 24 of the Convention. The Committee is also concerned that domestic legislation does not explicitly recognize the right of victims to truth regarding the circumstances of enforced disappearance, the progress and the results of the investigations and the fate of the disappeared person. The Committee notes that the reparation mechanisms referenced by the State party concerning non-economic compensation, which are primarily focused on the circumstances of national minorities, have the potential to provide additional forms of non-financial reparation, notably restitution, rehabilitation, satisfaction, including restoration of dignity and reputation, and guarantees of non-repetition. However, the Committee regrets that such reparation schemes are not guaranteed for all victims of enforced disappearance (arts. 2 and 24 (2), (4) and (5)).

44. The Committee recommends that the State party:

- (a) **Adopt a definition of victim that is in line with the definition in article 24 (1) of the Convention;**
- (b) **Explicitly recognize in domestic law the right of victims of enforced disappearance to know the truth, in accordance with article 24 (2) of the Convention;**
- (c) **Ensure that broader access is provided by law to non-economic forms of reparation, in particular restitution, rehabilitation, satisfaction and guarantees of non-repetition, to victims of enforced disappearance, in accordance with article 24 (5) of the Convention.**

6. Measures to protect children from enforced disappearance (art. 25)

Wrongful removal of children

45. The Committee notes the legal safeguard regarding the unlawful removal of a minor from care provided for under section 261 (1) of the Penal Code. Nevertheless, the Committee is concerned that this provision does not address circumstances in which the children or caregivers are placed outside the protection of the law and, consequently, outside the scope of care, thereby not ensuring the criminalization of the wrongful removal of children, as provided for in article 25 (1) of the Convention. It also regrets the absence of information on existing measures for locating children who have been victims of wrongful removal or enforced disappearance, including measures of cooperation with other States parties and for prosecuting those responsible (arts. 14, 15 and 25).

46. The Committee recommends that the State party:

- (a) **Incorporate all the acts described in article 25 (1) of the Convention as specific offences, establishing appropriate penalties that take into account the extreme seriousness of the crime. The State party should prevent the disappearance of children, search for and identify children who may have been victims of wrongful removal within**

²⁰ CED/C/9.

²¹ CED/C/NOR/RQ/1, para. 104.

the meaning of article 25 (1) (a) of the Convention and establish specific procedures for returning such children to their families of origin;

(b) Implement cooperation and mutual legal assistance mechanisms for searching for and identifying any children who may have been victims of removal or enforced disappearance and for supporting the victims, in conformity with articles 14 and 15 of the Convention.

Unaccompanied minor asylum-seekers in reception and care centres

47. The Committee welcomes the information provided by the delegation regarding the new guidelines to enhance the procedures for the search for disappeared persons, including minor asylum-seekers, and to prevent disappearances. In that connection, the Committee notes the information regarding the special oversight mechanism established by the Directorate of Immigration in 2022, which is aimed at improving the management of reception centres. The Committee is, however, concerned about:

(a) The insufficient measures to protect young asylum-seekers, both those who remain in reception and care centres and those who have disappeared from them, from the risk of enforced disappearance and other, related crimes, such as trafficking;

(b) The ambiguity surrounding the protection and care obligations assumed in practice by the State party towards unaccompanied minor asylum-seekers who disappear from reception centres;

(c) The absence of information regarding the measures taken to prevent minor asylum-seekers from disappearing from reception centres and to protect them against enforced disappearance or related crimes, such as trafficking;

(d) The fact that the protection afforded to children in reception centres²² under the authority of the Directorate of Immigration is not equal in standard and quality to that provided to children in care facilities under the authority of the child welfare services (arts. 2, 3 and 25).

48. **The Committee recommends that the State party:**

(a) Take all measures necessary to protect young asylum-seekers, both those in reception and care centres and those who have disappeared from them, from the risk of enforced disappearance and other, related crimes, such as trafficking;

(b) Ensure that measures to search for disappeared persons, including the police guidelines that are currently being developed, address the risk of enforced disappearance in compliance with the Convention and in the light of the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration;

(c) Pursue all efforts to strengthen the quality of care and protection of unaccompanied asylum-seeking minors aged between 15 and 18 years;

(d) Establish all measures necessary to prevent the disappearance of minor asylum-seekers from reception centres, including through the identification of the reasons for their disappearance and the establishment of periodic follow-up visits to and inspections of such centres;

(e) Take measures to ensure that protection mechanisms contemplate the situation of unaccompanied minor asylum-seekers who have disappeared from reception centres and are easily accessible to them.

Illegal intercountry adoptions

49. The Committee welcomes the establishment, in June 2023, of the committee to investigate international adoptions. While the Committee notes that the committee is expected to deliver its report by the end of 2025, it is concerned about:

²² CAT/C/NOR/CO/8, para. 25.

(a) The absence of information on the measures implemented by the State party to address past and current allegations of illegal intercountry adoptions originating in the enforced disappearance of children;

(b) The limited information provided on measures taken by the State party to review and monitor intercountry adoptions that will be processed prior to the publication of the report of the committee to investigate international adoptions, while noting that mediation licences for eight countries have been revoked.

50. **The Committee recommends that the State party:**

(a) **Establish specific procedures for reviewing and, where appropriate, annulling any adoption, placement or guardianship of children that originated in an enforced disappearance and for re-establishing the true identity of the children concerned, taking into account the best interests of the child, in accordance with article 25 of the Convention and in the light of the joint statement on illegal intercountry adoption;**

(b) **Ensure that robust review and monitoring mechanisms are implemented to address ongoing intercountry adoption processes and that the forthcoming recommendations of the committee to investigate international adoptions are implemented.**

D. Fulfilment of the rights and obligations under the Convention, dissemination and follow-up

51. The Committee wishes to recall the obligations undertaken by States when becoming parties to the Convention and, in this connection, urges the State party to ensure that all the measures that it adopts, irrespective of their nature or the authority from which they emanate, are in full accordance with the Convention and other relevant international instruments.

52. The Committee also wishes to emphasize the particularly cruel effect of enforced disappearance on women and children. Women who are subjected to enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women who are relatives of a disappeared person are particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisal as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves were subjected to disappearance or because they suffer the consequences of the disappearance of their relatives, are especially vulnerable to numerous human rights violations, including identity substitution. In this context, the Committee places special emphasis on the need for the State party to ensure that gender issues and the specific needs of women and children are systematically taken into account in implementing the recommendations contained in the present concluding observations and all the rights and obligations set out in the Convention.

53. The State party is encouraged to widely disseminate the Convention, its report submitted under article 29 (1) of the Convention, the written replies to the list of issues drawn up by the Committee and the present concluding observations, in order to raise awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the State party and the general public. The Committee also encourages the State party to promote the participation of civil society, in particular organizations of relatives of victims, in the process of implementing the recommendations contained in the present concluding observations.

54. Under article 29 (3) of the Convention, the Committee requests the State party to submit, by no later than 4 October 2028, specific and updated information on the implementation of all its recommendations and any other new information on the fulfilment of the obligations contained in the Convention. The Committee encourages the State party to consult civil society, in particular organizations of victims, when preparing this information, on the basis of which the Committee will determine whether it will request additional information under article 29 (4) of the Convention.
