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**STATUS OF HUMAN RIGHTS IN THE KINGDOM OF NORWAY  
FOR THE 47<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

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## Status of Human Rights in Norway for the 47<sup>th</sup> Session of the Universal Periodic Review

### Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Kingdom of Norway (Norway) for the 47th session of the Universal Periodic Review (UPR).

### Background

2. Norway is a country in Northern Europe and has a population of approximately 5.5 million people.<sup>1</sup> The country is predominately Christian with approximately 67.5% of the population belonging to the Church of Norway, 3.1% identify as Muslim, 3.1% as Roman Catholic, and 2.8% belong to other denominations of Christianity.<sup>2</sup> Further, 19% of the population is unspecified.<sup>3</sup>

3. Norway's last UPR was held on May 6, 2019.<sup>4</sup> As a result of the review, Norway received 241 recommendations, 176 of which it supported.<sup>5</sup> Despite Norway's rising rates of aborting preborn babies with Down syndrome, no recommendations were made regarding abortion. On the issue of human trafficking, it was recommended by Nigeria, and supported by Norway, that the government "[c]ontinue with its efforts in combating human trafficking, and in the protection of the rights of victims of human trafficking."<sup>6</sup> There were no recommendations made regarding religious freedom.

### Legal Framework

4. Under Article 93 of the Constitution of Norway, "[e]very human has the right to life."<sup>7</sup> However, in Norway, abortion is permitted on demand during the first twelve weeks of gestation.<sup>8</sup> Under Article 2 of the Abortion Act, "[a]fter the end of the twelfth week of

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<sup>1</sup> Norway, THE WORLD FACTBOOK (Nov. 1, 2023), <https://www.cia.gov/the-world-factbook/countries/norway/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Universal Periodic Review – Norway*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/no-index> (last visited Nov. 7, 2023).

<sup>5</sup> *Norway Infographic*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/NO/Infographic\\_Norway.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/NO/Infographic_Norway.pdf) (last visited Nov. 7, 2023).

<sup>6</sup> OHCHR, UPR of Norway (3rd Cycle – 33rd Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/NO/MatriceRecommendationsNorway.docx> (last visited Nov. 7, 2023).

<sup>7</sup> CONSTITUTION OF NORWAY art. 93, [https://www.constituteproject.org/constitution/Norway\\_2014](https://www.constituteproject.org/constitution/Norway_2014).

<sup>8</sup> *Information About Applying for Termination (abortion) After Pregnancy Week 12*, NORWEGIAN DIRECTORATE OF HEALTH, [https://www.helsedirektoratet.no/tema/abort/Applying%20for%20termination%20\(abortion\).pdf/\\_attachment/inline/81de817e-3be9-4457-acc0-ab011e128647:a128f498d08c72f1953b29834a16842fef66768c/Applying%20for%20termination%20\(abortion\).pdf](https://www.helsedirektoratet.no/tema/abort/Applying%20for%20termination%20(abortion).pdf/_attachment/inline/81de817e-3be9-4457-acc0-ab011e128647:a128f498d08c72f1953b29834a16842fef66768c/Applying%20for%20termination%20(abortion).pdf) (last visited Nov. 7, 2023).

pregnancy, termination of pregnancy can occur when . . . pregnancy, childbirth or caring for the child can put the woman in a difficult life situation; there is a great risk that the child may develop a serious illness, as a result of hereditary predisposition, illness or harmful influences during pregnancy.”<sup>9</sup>

6. Norway is a party to the Convention on the Rights of Persons with Disabilities (CRPD),<sup>10</sup> which recognizes

the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty.<sup>11</sup>

7. Furthermore, under Article 10 of the CRPD:

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.<sup>12</sup>

8. Similarly, Article 6 of the International Covenant on Civil and Political Rights (ICCPR), to which Norway is also a party, states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>13</sup> In addition, Norway has a responsibility to uphold pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

### *Human Trafficking*

9. Under Article 93 of the Constitution of Norway, “[n]o one shall be held in slavery or forced labour. The authorities of the State shall protect the right to life and oppose torture, slavery, forced labour and other forms of inhuman or degrading treatment.”<sup>14</sup>

10. Under Section 257 of Norway’s Penal Code:

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<sup>9</sup> Termination of Pregnancy Act § 2, <https://lovdata.no/dokument/NL/lov/1975-06-13-50> (unofficial internal translation).

<sup>10</sup> *Ratification Status for Norway*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=129&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=129&Lang=EN) (last visited Nov. 16, 2023).

<sup>11</sup> Convention on the Rights of Persons with Disabilities pmb., *adopted* Dec. 13, 2006, 2515 U.N.T.S. 3, <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

<sup>12</sup> *Id.* art. 10.

<sup>13</sup> International Covenant on Civil and Political Rights art. 6, Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

<sup>14</sup> CONSTITUTION OF NORWAY art. 93, *supra* note 7.

Any person who by violence, threats, taking advantage of a vulnerable situation or other improper conduct forces, exploits or deceives another person into/for

- a) prostitution or other sexual services,
- b) labour or services, including begging,
- c) active military service in a foreign country, or
- d) consenting to the removal of one of the person's internal organs,

shall be punished for human trafficking with imprisonment for a term not exceeding six years.<sup>15</sup>

11. Furthermore, according to Article 8 of the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”<sup>16</sup>

12. Norway is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>17</sup> Under Article 9 section 1 of this protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

- (a) To prevent and combat trafficking in persons; and
- (b) To protect victims of trafficking in persons, especially women and children, from revictimization.<sup>18</sup>

## Abortion

13. Norway’s laws on abortion resulted in the deaths of 11,967 preborn babies in 2022.<sup>19</sup> Out of these abortions, approximately 4% were carried out after the twelfth week of pregnancy.<sup>20</sup> The main reasons these abortions were approved after the twelfth week of pregnancy were because of fetal abnormalities, social factors, or to protect the health of the mother,<sup>21</sup> all very generic reasons.

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<sup>15</sup> Penal Code [Amended] 2017 § 257, <https://antislaverylaw.ac.uk/country/norway/>.

<sup>16</sup> ICCPR art. 8, *supra* note 13.

<sup>17</sup> *Chapter XVIII Penal Matters: 12. a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-a&chapter=18&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&clang=_en) (Nov. 16, 2023, 9:15 AM).

<sup>18</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9, § 1, adopted on Nov. 15, 2000, 2237 U.N.T.S. 319, [https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch\\_xviii\\_12\\_ap.pdf](https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch_xviii_12_ap.pdf).

<sup>19</sup> Mette Løkeland-Stai, *Induced Abortion in Norway – Fact Sheet*, NORWEGIAN INSTITUTE OF PUBLIC HEALTH (Aug. 3, 2023), <https://www.fhi.no/en/ch/registry-of-pregnancy-termination/induced-abortion-in-norway/>.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

14. These generic and vague reasons permitting abortion beyond the twelfth week of pregnancy can be used as a pass for on demand abortion at any point of pregnancy. For example, having too many children or a lack of money could result in a situation where “caring for the child can put the woman in a difficult life situation.”<sup>22</sup> Under this provision, Norway is essentially saying that the preborn child is better off dead than being born into a difficult life situation. Further, this provision is also in contravention to the 1994 Cairo Conference on Population and Development, which requires U.N. Member States to “reduce the recourse to abortion” and to “take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning.”<sup>23</sup>

15. Although a fetal abnormality may not be readily identified as generic, prenatal tests that are used to detect fetal abnormalities have led to an increase in the number of abortions being carried out in Norway on preborn babies who are shown to *potentially* have Down syndrome.<sup>24</sup> From 2000 to 2020, the number of registered pregnancies with Down syndrome has nearly doubled, and tragically the number of babies born with Down syndrome has decreased.<sup>25</sup> One political activist, who has Down syndrome, stated that “[a]ccording to Norway, we are dirty. That is not how I think it should be” and that “I have an extra chromosome, and I want to live.”<sup>26</sup>

16. Using prenatal tests to determine whether a preborn baby is allowed to live discriminates against persons with disabilities, as these individuals are perfectly capable of living long and fulfilling lives. Additionally, these prenatal tests are often faulty. In fact, United States Food and Drug Administration (FDA) has even warned people against using prenatal tests to make decisions regarding their pregnancy and that health care providers “should not use the results from these tests alone to diagnose chromosomal (genetic) abnormalities or disorders.”<sup>27</sup>

17. Furthermore, aborting preborn children because they may have Down syndrome is in direct contravention of the CPRD, which requires that “States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”<sup>28</sup> These prenatal tests should not be used to determine whether the child lives or dies, but rather to provide information for expectant parents to prepare for the birth of their child. Children born with Down syndrome can in fact live long and healthy lives.<sup>29</sup> In fact, the average life expectancy

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<sup>22</sup> Termination of Pregnancy Act § 2, *supra* note 9.

<sup>23</sup> *Report on the International Conference on Population and Development*, U.N. Doc. A/CONF/F.171/13/Rev/1 at 58 (5-13 Sept. 1994).

<sup>24</sup> *Pregnancies with Down Baby on the Rise, so are the Abortions*, CNE (Nov. 11, 2021), <https://cne.news/article/257-pregnancies-with-down-baby-on-the-rise-so-are-the-abortions>.

<sup>25</sup> *Id.*

<sup>26</sup> *We are not Dirty, Says Norwegian Down Activist*, CNE NEWS (Nov. 11, 2021), <https://cne.news/article/318-we-are-not-dirty-says-norwegian-down-activist>.

<sup>27</sup> *Genetic Non-Invasive Prenatal Screening Tests May Have False Results: FDA Safety Communication*, FDA (Apr. 19, 2022), <https://www.fda.gov/medical-devices/safety-communications/genetic-non-invasive-prenatal-screening-tests-may-have-false-results-fda-safety-communication>.

<sup>28</sup> Convention on the Rights of Persons with Disabilities art. 10, *supra* note 11.

<sup>29</sup> *5 Things People with Down Syndrome Want You to Know*, HEALTH DIRECT (Mar. 15, 2019), <https://www.healthdirect.gov.au/blog/5-things-people-with-down-syndrome-want-you-to-know#:~:text=People%20with%20Down%20syndrome%20can%20expect%20to%20live%20to%2060,line%20with%20the%20general%20population>.

of someone with Down syndrome is 60 years with many living well into their 70s and even 80s.<sup>30</sup>

18. Abortion is also problematic because, in addition to taking the life of a preborn baby, the procedure itself can result in long-lasting and devastating effects on the mother. In Norway, approximately 90% of abortions are considered “medical abortions” meaning medication is taken to carry out the abortion.<sup>31</sup> This method of abortion involves taking Mifepristone in conjunction with Misoprostol.<sup>32</sup> Mifepristone is taken first and prevents the womb from reacting to a hormone that plays a major part in maintaining the early stages of pregnancy.<sup>33</sup> The second pill, Misoprostol, is then taken to contract the womb and expel the dead preborn baby.<sup>34</sup> This regimen has been noted to result in harmful side effects for the mother such as: “vaginal bleeding or spotting; cramps; pelvic pain; vaginal burning, itching, or discharge; headache; tiredness; difficulty falling asleep or staying asleep; anxiety; and/or back or leg pain.”<sup>35</sup>

19. Further, abortion can also result in serious negative psychological effects, ranging from drug abuse to suicidal thoughts.<sup>36</sup> All of these reasons shown above demonstrate why Norway must protect the lives of both women and preborn children from the devastating effects of abortion.

20. Moreover, there is no such thing as a right to abortion. Many U.N. Member States have upheld protections for the life of mothers and preborn children by implementing and maintaining strict limits on abortion. In fact, out of 193 U.N. Member States, 108 of them maintain strict limits on abortion.<sup>37</sup> U.N. Member States are correct in maintaining strict limitations on abortion, as recognizing the inherent dignity of human life and ensuring that everyone has the right to life has been enshrined in numerous fundamental human rights documents. For example, the UDHR requires “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family [as] the foundation of freedom, justice and peace in the world,” and provides that “[e]veryone has the right to life.”<sup>38</sup> These rights are guaranteed for all human beings. The law does not distinguish between healthy individuals and ones with abnormalities.

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<sup>30</sup> *Id.*

<sup>31</sup> *Methods of Abortion*, HELSE NORGE, <https://www.helsenorge.no/en/undersokelse-og-behandling/methods-of-abortion/> (last visited Nov. 17, 2023).

<sup>32</sup> Ida Irene Bergstrøm, *Shorter Waiting Time and Earlier Abortions Due to Abortion Pill*, KILDEN (June 29, 2015), <https://kjonnsforskning.no/en/2015/08/shorter-waiting-time-and-earlier-abortions-due-abortion-pill>.

<sup>33</sup> *Methods of Abortion*, *supra* note 31.

<sup>34</sup> *Id.*

<sup>35</sup> *Methods & Medical Risks*, LOUISIANA DEPARTMENT OF HEALTH, <https://ldh.la.gov/page/abortion-methods-medical-risks> (last visited Feb. 15, 2024).

<sup>36</sup> Priscilla K. Coleman et. al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.

<sup>37</sup> *The World’s Abortion Laws*, CTR. FOR REPROD. RTS. (June. 9, 2023), [https://reproductiverights.org/wp-content/uploads/2023/07/CRR\\_WALM\\_2023\\_FINAL-1.pdf](https://reproductiverights.org/wp-content/uploads/2023/07/CRR_WALM_2023_FINAL-1.pdf).

<sup>38</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmbl. art. 3 (Dec. 10, 1948).

## Human Trafficking

21. Norway predominately serves as a destination country for victims of human trafficking.<sup>39</sup> The majority of these victims are women who are being exploited in sex trafficking from Eastern European countries such as Albania, Bulgaria, Romania, and Ukraine.<sup>40</sup> Recently, there has been an expansion of victims also coming from South America, Africa, and Thailand.<sup>41</sup> The war in Ukraine has further exacerbated this problem, as Ukrainian women fleeing the war are being trafficked through Poland and Sweden before reaching Norway.<sup>42</sup>

22. In November 2023, a criminal network was dismantled, which resulted in the arrests of eight individuals.<sup>43</sup> During the arrests, authorities seized cellphones, forged passports, and €200,000 in cash.<sup>44</sup> The criminal network had been operating since January 2022 to smuggle individuals from Greece to Scandinavia, with most of the victims being taken to Norway.<sup>45</sup>

23. In another case, Norwegian authorities uncovered a human trafficking network that was trafficking women from Nigeria, Spain, and other European countries.<sup>46</sup> As a result, authorities arrested two individuals who were trafficking these women to be sexually exploited in Bergen, Norway.<sup>47</sup>

24. Since Norway's last UPR, the government has established anti-trafficking units in all twelve police districts across the country.<sup>48</sup> However, these units lack the funding required to properly carry out anti-trafficking operations.<sup>49</sup> Further, the authorities are not properly equipped to identify victims of human trafficking.<sup>50</sup> This means that in some cases victims are not identified as being victims of human trafficking and are therefore just deported to their home country.<sup>51</sup>

25. This lack of proper identification methods and a national referral mechanism is especially problematic given the fact that a majority of human trafficking victims are foreigners. This means that the victims are often just sent home without any investigation, which allows human traffickers to further operate while avoiding suspicion. This fear of

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<sup>39</sup> Norway, ORGANIZED CRIME INDEX, <https://ocindex.net/country/norway> (last visited Nov. 17, 2023), <https://ocindex.net/country/norway>.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Europol Arrests 11 Suspected Smugglers*, INFO MIGRANTS (Nov. 16, 2023), <https://www.infomigrants.net/en/post/53266/europol-arrests-11-suspected-smugglers>.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Sex Trafficking Network Revealed in Norway*, THE NORDIC PAGE, <https://www.tnp.no/norway/panorama/4462-sex-trafficking-network-revealed-in-norway/> (last visited Nov. 17, 2023).

<sup>47</sup> *Id.*

<sup>48</sup> *Human Trafficking in Norway: Progress on Legislative Reforms, but Should Avoid Rapid Deportations of Foreigners Without Screening Them*, COUNCIL OF EUROPE (June 8, 2022), <https://www.coe.int/en/web/portal/-/human-trafficking-in-norway-progress-on-legislative-reforms-but-should-avoid-rapid-deportations-of-foreigners-without-screening-them>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

deportation also leads to victims being afraid to report abuses to the police.<sup>52</sup> All of these factors have resulted in Norway having low numbers of both indictments and convictions for human trafficking.<sup>53</sup>

26. However, Norway has implemented policies to help victims of human trafficking by providing varying residence permits depending on their situation.<sup>54</sup> For instance, someone can get a “period of reflection” residence permit for a non-renewable six-month period in order to try and get back on one’s feet and escape the influence of the traffickers.<sup>55</sup> Additionally, individuals that are identified as human trafficking victims can acquire a “limited residence permit” if it is necessary for the individual to stay in the country during an ongoing investigation or court case, or be granted asylum for similar reasons, especially if that person is testifying in a case.<sup>56</sup> This is extremely important as it can help investigators and prosecutors effectively investigate and prosecute cases of human trafficking.

## Recommendations

27. Norway must recognize the inherent dignity of human life and protect life at all stages, i.e., from conception to death. All life has inherent value and faulty prenatal tests that show the possibility of birth defects do not change that fact. We request that Norway reform its laws to protect the life of the mother and the preborn child, regardless of medical diagnosis or a vague hardship to the mother.

28. While Norway has taken some steps to combat human trafficking since the last UPR, authorities still lack the necessary training, resources, and funding to effectively combat human trafficking. Further, Norway must implement standard operating procedures for victim identification to ensure that victims of human trafficking are properly identified instead of the victims just being deported to their home countries. This is essential in ensuring that human trafficking cases are properly investigated and prosecuted.

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<sup>52</sup> *Record Number of Human Trafficking in Norway*, THE NORDIC PAGE, <https://www.tnp.no/norway/panorama/5012-record-number-of-human-trafficking-in-norway/> (last visited Nov. 17, 2023).

<sup>53</sup> *Hope for Justice Contributes to Major Report on Human Trafficking in Norway*, HOPE FOR JUSTICE (June 24, 2022), <https://hopeforjustice.org/news/hope-for-justice-contributes-to-major-report-on-human-trafficking-in-norway/>.

<sup>54</sup> *Human Trafficking*, THE NORWEGIAN DIRECTORATE OF INFORMATION, <https://www.udi.no/en/word-definitions/human-trafficking/> (last visited Dec. 1, 2023).

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*