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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF NORWAY
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Unless otherwise indicated, this analysis does not take into account any developments that occurred after 3 February 2023, the date on which the response of the authorities of Norway to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² [CM/Del/Dec\(2018\)1316/4.1; CM\(2018\)62-add10](#).

1. *In its report on Norway (sixth monitoring cycle) published on 23 February 2021, ECRI recommended that the Norwegian authorities develop a new action plan for LGBTI persons with a particularly strong focus on transgender and intersex persons. It should contain measures to (i) raise awareness and empathy among the general population with regard to the situation of LGBTI persons and their families, (ii) train the health nurses in schools on LGBTI issues, (iii) build up counselling services and self-help groups for intersex persons and their parents as well as other measures to provide parents with sound information about options available and dangers of surgical and hormonal treatment at a very young age, (iv) legally defer non-therapeutic medical treatment of intersex persons to an age at which they can participate in the decision and (v) introduce the grounds of gender identity and sex characteristics comprehensively in the anti-discrimination, hate speech and hate crime legislation.*

On 27 January 2023, the Norwegian Government adopted a new Action Plan for Gender and Sexual Diversity for the years 2023-2026.³ The Action Plan comprises measures aimed at protecting rights, improving quality of life for LGBTI persons, and increasing recognition of gender and sexual diversity in society. It also identifies three main areas of focus: LGBTI persons with a minority background and in religious communities, transgender people and people with gender incongruence, and equality in sports. ECRI notes with satisfaction the adoption of this Action Plan and the fact that it attaches particular importance to the challenges faced by transgender persons.

ECRI further notes that the 2023-2026 Action Plan contains a broad range of measures aimed at raising knowledge about the LGBTI experience and creating more positive attitudes towards LGBTI persons among the general population and in the public sector. Notably, it entails a number of actions aimed at enhancing acceptance of gender and sexual diversity within minority/indigenous and religious communities. It also aims at strengthening competence and knowledge about gender and sexual diversity in the police force and establishing dialogue between the police and the LGBTI communities. These are crucial elements in the light of LGBTI-phobic hate incidents recorded in Norway in recent times, including the tragic shooting during the Pride celebrations in Oslo on 25 June 2022. In addition, the Action Plan contains measures aimed at strengthening sexual education in schools, supporting students through minority counsellors, as well as developing skill-building resources and awareness-raising within the health sector.

As concerns intersex persons, the Government decided to undertake a review of the current practice concerning intersex children and assess the need for developing new professional standards or legislation. ECRI notes that this does not explicitly include the goal of legally deferring non-therapeutic treatment of intersex persons to an age at which they can participate in the decision. However, it constitutes an important step in building a comprehensive approach to address the situation of intersex persons. ECRI trusts that such an approach will lead to action aimed at legally deferring medically unnecessary surgeries and other non-therapeutic treatment of an intersex child until the child is able to participate in the decision and the development of counselling services and self-help groups for intersex persons and their parents.

Regarding changes in the anti-discrimination, hate speech and hate crime legislation, gender identity had already been included in prohibited grounds of discrimination in the Equality and Anti-Discrimination Act, and it was introduced into the relevant criminal law provisions on hate speech and hate crime, which took effect as of 1 January 2021.⁴ ECRI further takes note of the Government's objective to make proposals to include gender characteristics as a separate ground for discrimination in the Equality and Anti-Discrimination Act and possibly in other legislation.

In light of the above, ECRI considers that, overall, its recommendation has been implemented.

³ Available at [Regjeringen trapper opp innsatsen for skeive med ny handlingsplan - regjeringen.no](https://www.regjeringen.no/no/nyheter/2023/02/regjeringen-trapper-opp-innsatsen-for-skeive-med-ny-handlingsplan-regjeringen-no) (in Norwegian), published on 17 February 2023 (accessed on 1.3.2023).

⁴ [Act of 4 December 2020, No. 135](#) (in Norwegian), which entered into force on [1 January 2021](#).

2. *In its report on Norway (sixth monitoring cycle), ECRI recommended that all Norwegian child welfare services further develop their intercultural sensitiveness and knowledge, reach out more intensively to minority groups, build up a regular and sustainable exchange with them and continue to promote mutual understanding and trust with minority groups. The child welfare services should furthermore strengthen their focus on assisting families, early intervention and maintaining contact between parents and children in order to avoid the severe measures of placing children in foster care, limiting or even cutting contact between children and their biological parents and adoption without the consent of the biological parents.*

The Norwegian authorities informed ECRI about a number of steps taken in order to ensure that the child's background is taken into account in all activities of the child welfare services. The new Child Welfare Act entered into force on 1 January 2023.⁵ It contains an overreaching provision obliging child welfare services to take into account the child's ethnic, cultural, linguistic and religious background at all stages of the case. It also lays down the principle of applying the least intrusive measures and reiterates the child's right to care and protection preferably in their own family.

ECRI was also informed that the Directorate of Children Youth and Family Affairs had developed guidelines on the determination of the level of contacts between children in foster care and their parents⁶ and was in the process of developing guidelines on the organisation of the contact sessions. The document that has already been adopted stresses the role of the child's linguistic, cultural and religious background in the determination of visitation rights and provides practical guidance.

ECRI welcomes these developments. It also notes with satisfaction that the Government took a number of competency-building measures for child welfare workers, including in the framework of the Competence Strategy for the Municipal Child Welfare Services (2018-2024). The Strategy focuses on strengthening child welfare workers' knowledge on how to safeguard and facilitate the participation of children and parents and includes the development of competencies to work with minority groups. However, recent studies on the practices of child welfare institutions⁷ and reports regarding implementation of the Strategy⁸ suggest that those measures have still had a limited impact on the everyday practice of the municipal child welfare services.

Similarly, ECRI recognises the important efforts made to reach out to minority groups, including attempts to recruit foster families from those groups. It also notes that although there are notable examples of good practices of dialogue and cooperation between organisations representing minority groups/indigenous peoples and the child welfare services,⁹ other minority groups (such as Romani People/Tater and Roma) indicated in their communications with ECRI that they still feel that they are not included in this process.

As a consequence, ECRI concludes that its recommendation has been partially implemented and recognises the significant efforts made and the positive steps taken.

⁵ [Act of 18 June 2021, no. 97](#) (in Norwegian).

⁶ [Samvær – kunnskapsbasert retningslinje for vurdering av samværsordning ved omsorgsovertakelse](#) (in Norwegian), accessed on 1.3.2023.

⁷ Stang E.G., Baugerud G.-A., Backe-Hansen E., Rugkåsa M. (2023), [Samvær i praksis. En forskningsbasert undersøkelse av samværsordninger i barnevernet. Hovedrapport fra prosjektet «Samvær etter omsorgsovertakelse»](#), OsloMet Skriftserie 2023 nr 1 (in Norwegian), accessed on 1.3.2023.

⁸ Riksrevisjonen (2022), [Riksrevisjonens undersøkelse av forvaltningspraksisen i det kommunale barnevernet](#) (in Norwegian), accessed on 1.3.2023.

⁹ See, for instance, [Fagdag om religion med barnevernet i Stavanger](#) (in Norwegian), accessed on 1.3.2023.