



ROYAL NORWEGIAN
MINISTRY OF JUSTICE AND PUBLIC SECURITY

The United Nations Human Rights Committee
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva

Your ref.

Our ref.
17/295 - LMK

Date
12.05.2023

Information on measures undertaken to give effect to the Views, adopted by the Human Rights Committee on 14 November 2022, concerning communication 2926/2017

We refer to your letter 14 November 2022. Norway is requested to inform the Committee, within 180 days of the transmittal of the Views of all measures undertaken to give effect to the Views.

Please find below an outline of the relevant measures. In particular, please pay attention to subsection 2. As can be seen there, major changes have been made in the recent years regarding detention of minors.

1. Publication of the Views of the Human Rights Committee

The Views of the Human Rights Committee are made public through the Norwegian government's own homepage (www.regjeringen.no) and through Lovdata (www.lovdata.no). The Lovdata web site is the principal Internet source for legal information in Norway, and is widely used by all legal practitioners, including lawyers, civil servants and judges. During the autumn of 2022, the Views in this particular case were also referred to in Norwegian mass media.

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2. Changes in legislation and practice regarding detention of minors

The Committee has stated that the State party should prevent the recurrence of such violations in the future. The Norwegian government emphasizes that there has been a significant change in regulations as well as the conditions for the arrest and detention of minors in recent years. Thus, a similar situation as in the case for the Committee would not have occurred today.

Changes in the Immigration Act

In 2014, there were no *specific* regulations on the arrest and detention of minors. It was nevertheless assumed in the preparatory works of the Immigration Act that the arrest and detention of minors was possible.

In March 2018, the Norwegian Parliament (Stortinget) adopted new legislation regarding detention of minors. The enactment entered into force 15 May 2018, and laid down specific rules regarding the arrest and detention of minors. The new legislation codifies *inter alia* that deprivation of the liberty of children is only to be used as a measure of last resort, and contains new limits for the duration of the detention of children. A minor foreigner who is arrested should not normally be held for longer than 24 hours. If the police wish to keep an arrested minor, he or she must be brought before court as soon as possible, and no later than the day after arrest. The total detention period must not exceed 3 days unless “special and strong reasons (Norwegian: “særlige og sterke grunner”) apply, and the overall period of detention must in all cases not exceed 9 days.

New place of detention for minors

In December 2017, the family unit at the Police immigration center in Trandum was moved to Haraldvangen in Hurdal municipality. All families with children who are detained are placed here. The family unit has a civilian character with no bars or fences around the building, and the staff does not use uniforms. The families can move freely inside the building, but the doors and windows are locked so that the unit is still defined as closed.

The family unit has capacity for two families with children, a total of ten people, at the same time. Each family has two rooms. There is also a large living room with activities and toys for children and the possibility to watch TV. A large terrace serves as an outdoor area. There is also the opportunity for the employees to take the children out on a football field and a nearby playground, or possibly use the immediate area for other activities.

The employees at the family center have specialized expertise with minors and are tasked to prepare the child's family for the upcoming course of events. Emphasis is placed on providing good information and follow-up, based on the specific needs of the case, and achieving cooperation with the parents. The employees also aspire to motivate the family to be transported to their home country as best they can within the

available time period, so that the return is carried out in as gentle and calm a manner as possible.

The Norwegian government has carefully considered the Committee's statement concerning compensation to the author's son. However, in the view of the Norwegian government, the state does not have a legal obligation under the Covenant in this regard. In addition, the Norwegian government respectfully submits that it does not fall within the competence of the Committee to order specific measures of reparation of violations of the Covenant.

Nevertheless, it should be noted that the Norwegian authorities have already awarded the child NOK 70,000 in 2018, regardless that no obligation to award monetary compensation in this case follows from the Convention.

Please do not hesitate to contact us should you have further questions or need for additional information.

Yours sincerely

Fredrik Bøckman Finstad
Director General

The document is approved electronically, as such no handwritten signatures are required.