

## Norway<sup>1</sup>

**IHF FOCUS: fair trial and detainees' rights; freedom of religion; national and ethnic minorities; intolerance, xenophobia, racial discrimination and hate speech; asylum seekers and immigrants; women's rights; rights of the mentally ill; trafficking in human beings.**

The government introduced controversial initiatives to accelerate processing of so-called “manifestly unfounded” applications of asylum and to reduce the number of asylum and family reunification cases. The Norwegian Helsinki Committee (NHC) and other human rights organizations expressed concern that some of these measures did not contain sufficient human rights safeguards.

There was criticism that Norway is risking “chain-refoulement” by returning asylum seekers to countries where proper processing of their applications of asylum is not guaranteed. Of special concern to the NHC was the deportation of Chechen asylum seekers to third countries with reference to the principle of “first country of asylum,” as prescribed by the Dublin Convention. The government also introduced a moratorium on handling applications of asylum from Chechens and signaled that it considers not granting asylum to Chechen refugees, arguing that they may be safely returned to parts of Russia other than Chechnya or Ingushetia. Human rights organizations, in line with recommendations of the UN High Commissioner for Refugees (UNHCR), strongly opposed this view. The NHC was aware of several cases of Chechens who became victims of grave human rights violations upon return to Russia.

In its third report on Norway, the European Commission against Racism and Intolerance (ECRI) criticized Norwegian authorities for not providing adequate protection against racist expressions. It concluded that much remains to be done to ensure that foreigners enjoy equal opportunities in employment and housing as the rest of the population.<sup>2</sup> Norwegian authorities did not comment publicly on the ECRI report, except for the minister of local government and regional development. She stated that the government would not follow up on recommendations to establish procedures to legalize the situation of persons who are in Norway without legal status.

On a more positive note, in 2003 there were several initiatives by the government to strengthen human rights protection. On 1 August the parliament incorporated the Convention on the Rights of the Child (1989) into Norwegian legislation with an amendment to the Human Rights Act. Provisions contained in the convention prevail over any conflicting statutory provisions. Government proposals and considerations were underway to incorporate UN conventions on women, torture and racial discrimination.

### **Fair Trial and Detainees' Rights**

On 11 February 2003, the European Court of Human Rights (ECtHR) issued judgments in four cases against Norway. In three of the four judgments, the court held that there had been a violation of article 6(2) (presumption of innocence) of the European Convention for the

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<sup>1</sup> The report was written by Gunnar M. Karlsen of the Norwegian Helsinki Committee, with the assistance of Silja Nordahl. It was edited by Bjørn Engesland and the IHF.

<sup>2</sup> European Commission against Racism and Intolerance (ECRI), *Third Report on Norway*, 27 June 2003, page 28 (paragraph 99).

Protection of Human Rights and Fundamental Freedoms (ECHR).<sup>3</sup> In a fifth judgment dated 3 June 2003, the ECtHR held that Norway had violated article 6(1), i.e., the right to a fair hearing by an independent and impartial tribunal.<sup>4</sup>

The 11 February 2003 judgments concerned three cases brought by Norwegian nationals who had been acquitted of sexual abuse of minors. In the fourth case, the applicant had been acquitted of violent sexual assault and manslaughter. Following the acquittal, the applicants in two of the cases brought compensation claims for inconvenience suffered as a result of the criminal proceedings. In the two other cases the victim and the victim's parents lodged civil compensation claims against the applicants.

The applicants all complained that decisions taken by the Norwegian courts concerning the compensation claims in question were based on reasoning which contained assumptions of criminal guilt despite their acquittal and that this constituted a violation of article 6(2) of the ECHR.<sup>5</sup>

In its 3 June judgment, the ECtHR held that Norway had violated article 6(1). The case was brought by a Norwegian and a US national both of whom had defaulted on loan repayments. They challenged the banks application to sell their properties at auction in Norwegian courts. The ECtHR held that the appeal court's failure to transmit a copy of their opponent's observations to the couple or their representative constituted a violation of article 6(1).

Over the last few years, international monitoring bodies and human rights organizations have expressed concern about Norway's treatment of persons in pre-trial detention. The criticism has been directed at three main areas: long duration of police detention without a court decision; long duration of remand custody; and extensive use of solitary confinement in relation to remand prisoners.

According to the Ministry of Justice and police, 3,565 persons were held in remand custody in 2003 for an average of 64 days each. Eighty-two persons spent more than 365 days in remand custody. Six persons spent more than 730 days.

Until June 2002, the maximum time limit for police detention without a court decision was 24 hours. On several occasions, however, detainees were arrested before weekends to allow more time to investigate the cases before a court decision on further detention. Therefore, in order to allow sufficient time to conduct preliminary investigations, the time limit was extended to 72 hours in June 2002. The extended time limit was expected to result in fewer decisions ordering further investigation and pre-trial detention.

Statistics showed that in 2003 the number of persons in remand custody was reduced by 9% compared to 2002, while average time spent in remand custody increased by more than 10%. According to some commentators, these numbers indicate that the 72-hour rule has been a success. Innocent persons are sifted out before court decisions, while persons with more complicated cases go on to remand custody.

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<sup>3</sup> The cases of *O. v. Norway*, *Hammern v. Norway*, *Ringvold v. Norway* and *Y. v. Norway*. In *Ringvold v. Norway*, the court held that article 6(2) was not applicable and that there had therefore been no violation.

<sup>4</sup> The case of *Walston v. Norway*.

<sup>5</sup> Article 6(2): "Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law."

In 2003, 64 children (persons under the age of 18) were held in remand custody for an average of 45 days. Two children spent more than 365 days in pre-trial detention, one more than 730 days. After the 1 August 2003 incorporation of the UN Convention on the Rights of the Child into Norwegian legislation, a court decision referred to this convention when sentencing a 17-year-old boy to community service instead of prison. The decision constituted the first example of a Norwegian court referring directly to the convention and letting it prevail over other legislation. In 2003, the Ministry of Justice initiated an inter-ministerial cooperation project in order to reduce juvenile delinquency.

Following a 1999 recommendation of the UN Human Rights Committee, legislation put a 24-hour limit on the amount of time persons could be detained in police cells after a court had ordered remand custody. Combined, a person may legally spend an absolute maximum of 96 hours (72+24 hours) in police detention. Any further pre-trial detention should be spent in ordinary remand custody prison cells.

In 2003, the 24-hour rule was violated in 436 of 3,528 cases (12.4%). This was a high number as compared to 2002 statistics, when the rule was violated on 382 occasions. The Norwegian Bar Association notified the European Committee for the Prevention of Torture (CPT) of these incidents. Forty-three persons were detained in police cells more than five days after court decision. Lawyers reported that some clients spent up to one week in solitary confinement.

According to the Norwegian Correctional Service, many police officers did not report the exact time detainees were initially arrested. Therefore, the overall time detainees spent in police cells, counting hours before a court hearing and after, could not be reliably accounted for. The lack of such statistics is a matter of concern.

Norwegian lawyers have also expressed concern about the health care of persons in police detention. Responsibility has previously been given to the police to decide if intoxicated persons should undergo medical examination before imprisonment. In January 2003, the Norwegian Police Directorate introduced new rules, requiring that intoxicated, ill, hurt or mentally unstable persons undergo examination by a physician before imprisonment.

## **Freedom of Religion**

In a June 2000 report, the UN Committee on the Rights of the Child expressed concern that changes in the religious education curriculum of primary and secondary schools may be discriminatory. The changes were introduced in 1997. Instead of offering students the possibility to choose between a Christian curriculum and a religiously neutral curriculum, one unified plan for all pupils was introduced with limited possibility to be exempted.

Critics of the new curriculum argued that it was impossible to guarantee neutral instruction of religious matters, and therefore the removal of the right to exemption was a violation of the right of parents to control the religious education of their children. In 2000, Norwegian parents and a humanist organization started legal proceedings to get a right to exemption. In August 2001, the Supreme Court unanimously rejected the appeal and in 2002 the case was submitted to the ECtHR, which was considering the case as of the end of 2003.

## **National and Ethnic Minorities**

### *Sami Minority*

The number of Sami in Norway is estimated to be between 40,000 and 45,000 people. Norway ratified the ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent States in 1990. It was the first state with an indigenous population to ratify this convention. The main principle of the convention is the right of indigenous peoples to preserve and develop their own culture, including maintaining control of the natural resources necessary for this purpose. It also includes an obligation by state authorities to support these endeavors.

The legal status of the Sami people has improved considerably over the last decades. A deputy minister in the Norwegian Ministry of Local Government and Regional Affairs deals specifically with Sami issues. In addition to participating freely in the national political processes, the Norwegian Sami elect their own constituent assembly, the Sameting, first opened in 1989. The sixth of February was announced in 1993 as the official Sami day in Norway. On 1 September 2003, a Resource Center for the Rights of Indigenous Peoples was established to increase information about the rights of Sami and other indigenous peoples.

The Sami peoples' right to ownership of land and water resources remained controversial. In 2003, the minister of justice presented a draft act, the Finnmark Act, to regulate management of resources in Sami areas (Finnmark county). The act would transfer ownership of 96% of Sami areas from the state to an independent body. Decisions on issues related to Sami areas would be taken by a council consisting of three representatives from the Sameting, three representatives from the elected assembly of Finnmark County and one representative from the central state authorities.

The draft was heatedly disputed. Samis were concerned that their representatives in the council would be in the minority and that the new legislation would limit Sami control of natural resources. Two independent experts were engaged to examine the draft law and concluded that it was not fully in compliance with Norway's international obligations.

A December report on Norway by the UN Committee on the Elimination of Racial Discrimination (CERD)<sup>6</sup> also voiced concern about the draft Finnmark Act and recommended that the "State party find an adequate solution concerning the control and decision-making powers over the right to land and natural resources in Finnmark County in agreement with the Sami people."

As of early 2004, the draft was under parliamentary consideration.

### *Roma Minority*

Government consideration continued on establishing a system of reparation for past human rights violations of the Romani communities in Norway. These violations comprised the forced sterilization of women, lobotomies and the forced separation of children, among others.

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<sup>6</sup> CERD, *Concluding Observations of the Committee : Norway*10/12/2003. CERD/C/63/CO/8. (*Concluding Comments*, 10 December 2003, at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/6d0c649c07f99ba3c1256e26004babfe?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/6d0c649c07f99ba3c1256e26004babfe?Opendocument)).

Representatives of the Romani communities pointed out that any system of reparation should take all violations of human rights into account. They also underlined that recent legislation makes exercise by Romani people of certain professions in the craft industry difficult. Qualifications or equipment that they do not possess have now been made compulsory for these professions. Another area of concern was the survival of the Romani language.

### **Intolerance, Xenophobia, Racial Discrimination and Hate Speech**

There was limited data available in Norway documenting how much racial discrimination occurred in 2003. However, reports from the Center Against Ethnic Discrimination suggested that such discrimination was widespread in the labor market and in the housing market, as well as in some other spheres of society. The center received an increasing number of complaints about discrimination in family reunification cases. According to the complaints, persons of different nationalities were not treated equally in these cases.

Several government plans of action in the last ten years have been aimed at increasing the proportion of immigrants in both the public and the private sector.<sup>7</sup> Recent statistics show that these efforts have led to limited progress. In the period 1998-2002, the proportion of non-Western immigrants in state bureaucracy and in state owned institutions increased by only 0.5 %. The increase in municipal and provincial bureaucracy and in institutions was 0.71 %. The proportion of immigrants was higher in the private sector (6.78 % at the end of 2002), and this sector can also pointed to a higher increase (1.22 % from 1998 to 2002). But the overall picture remained dark. While unemployment among the whole population was at 3.7 %, the proportion of unemployed immigrants was 9.6 %.

Norwegian authorities have acknowledged the need for accurate and comprehensive data on the situation of minority groups of Norway. In the 2002-2006 Plan of Action to Combat Racial Discrimination, they have committed themselves to conduct surveys on the living conditions of people of immigrant backgrounds.

In its 2003 report on Norway, CERD expressed concern about an amendment to the Aliens Act, which included provisions for the expulsion of persons charged with terrorist acts or where there were serious reasons to suspect a person of participating in such an act. CERD recommended that Norway balance concerns of state security “with its human rights obligations.”

CERD was also concerned that Norwegian legislation prohibiting racist expressions was not fully in accordance with article 4 (a) of the Convention on the Elimination of All Forms of Racial Discrimination. Legislation should also be adopted to ensure compliance with article 4 (b), which obligates state parties to “declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination...”

Other areas of concern were the shortage of well-qualified interpreters in court proceedings, which may result in violations of the right to equal treatment before the courts, and the lack of courses focusing on racism in the basic curriculum of the Police Academy.

In a 2003 report, the ECRI recommended that specialized legal assistance be available to alleged victims of racial discrimination. Such assistance exists in Norway and a government

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<sup>7</sup> According to Statistics Norway, there were 330,000 immigrants in Norway at the beginning of 2003. This constitutes 7.3 % of the population. 70 % of the immigrants are of non-Western origin.

proposal to remove it has been met by criticism from non-governmental organizations (NGOs). According to the proposal, legal aid to victims of discrimination could be taken care of by the ordinary system of legal aid. NGOs and the ECRI maintain that specialized legal assistance will continue to be necessary even though the government plans to establish a separate administrative enforcement mechanism.

The government launched some initiatives to strengthen protection against discrimination and hate speech in 2003. It drafted a new law against ethnic and religious discrimination, which will be considered by parliament in 2004. According to the draft, the ECRI convention will be incorporated into Norwegian legislation, discrimination on grounds of religion, color, language, ethnic or national origin will be prohibited and violations will be met by a system of sanctions. There will be a general duty for public and private companies to ensure equal employment opportunities. The draft also proposes to prohibit discrimination in the housing market.

The government proposed to establish an ombudsperson for gender equality and discrimination as an enforcement mechanism of both the new law against ethnic discrimination and the 1979 Gender Equality Act.

The conflict between freedom of speech and Norway's obligation to fight racism has remained a hot topic of discussion for many years.

- In December 2002, the Supreme Court found a former leader of a neo-nazi group not guilty of charges of racist propaganda. During a march in remembrance of Rudolf Hess, the accused stated: "Every day immigrants rob, rape and kill Norwegians; every day our people and our country are plundered and destroyed by Jews, who are sucking the resources out of our country and replacing them with immorality and un-Norwegian thought." In its decision to acquit the defendant the majority of the Supreme Court held that his statement concerning the Jewish community did not involve a direct call for discriminatory acts or violence and that mere expressions of nazi sentiment must be tolerated since Norwegian law does not prohibit the functioning of nazi organizations.

NGOs working against discrimination characterized the verdict as "deeply unfortunate" and as a violation of the right to protection from hate speech. Both the ECRI and CERD had criticized the strict scope of section 135 (a) of the Penal Code, which prohibited public expressions of racist ideas. The ECRI commented on the 2003 report and directly on the Supreme Court decision, stating that it "deeply regrets that statements such as those uttered in the circumstances and in the case in question may go unpunished."

At the end of the year, parliament was considering several legislative proposals, which might affect the balance between freedom of expression and the right of individuals to be protected from racist speech. The NHC argued in favor of effective protection against racist propaganda, and supported inclusion of prohibitions against racial discrimination in the Constitution, as recommended by the CERD and the ECRI.

### **Asylum Seekers and Immigrants**

A survey undertaken by Statistics Norway in September 2003 showed no significant changes in Norwegian attitudes towards immigration and immigration policies. A majority said immigrants enriched Norwegian cultural life and should enjoy equal right to employment. A marginal

majority said immigrants made a positive contribution to the Norwegian labor market. Also, a marginal majority said immigrants should strive to assimilate into Norwegian culture and way of living. A marginal minority believed most immigrants were a source of insecurity in society. Forty percent believed immigrants exploited the Norwegian welfare system. Fifty-six percent thought that it should be harder for refugees to obtain a residence permit, an increase of 3 % compared to 2002. Thirty-seven percent did not see any need for changes in current policies. Only 5% of the population thought it should be easier to obtain residence permits.

In 2003, 15,600 people applied for asylum in Norway. This marked a decrease of 11% in comparison with 2002. It was the first time the number has dropped since 1995. The prognosis for 2004 is 10,000 asylum seekers, another decrease of 36%. Six-hundred-ninety-eight unaccompanied minors applied for asylum in 2003, a decrease of 22% compared to 2002.

In 2003, 600 asylum seekers were granted asylum, the highest number ever. It constituted 3.8% of applicants, compared to 1.9% in 2002. An additional 2,200 (14%) were permitted to stay in Norway on grounds of protection, and 750 (4.8%) on humanitarian grounds. In addition, Norway gave protection to 1,150 refugees in the annual UNHCR resettlement quota.

The 2003 ECRI report addressed, among other issues, the low rate of recognition of asylum seekers as refugees. Concern has also been expressed that asylum seekers granted refugee status often spend prolonged periods of time in reception centers waiting to be resettled into a municipality. According to the Norwegian Directorate of Immigration, a waiting period of 9-12 months was not uncommon. As a result, centers were often filled to overflowing. The government aimed at resettling 6,800 refugees in 2003. At the end of the year, 5,250 had been successfully resettled, while 2,000 were still waiting in reception centers.

In 2003, the Ministry of Local Government and Regional Development introduced an accelerated 48-hour procedure for processing asylum applications from certain countries. Persons receiving refusals could be transported out of the country within 72 hours. The new procedure, which was aimed at discouraging unfounded applications and accelerating deportation, received strong criticism from NGOs and the Bar Association. They stated that it may prove difficult for people to provide necessary documentation or proof supporting their need for and right to asylum within a period of 48 hours; that this type of rationalization may result in standardized procedures, which do not sufficiently guarantee individual treatment; that asylum seekers lose the right to the stay of execution of negative decisions, and lose the right to have refusals tried by court.

The NHC argued that there was a considerable risk that the accelerated procedure undermines human rights safeguards as has been the case in the Netherlands. As documented in a report by Human Rights Watch, accelerated procedures in the Netherlands have led to several incidents where *bona fide* asylum seekers were denied thorough and individual treatment of their applications.<sup>8</sup>

The government opened a prison for asylum seekers with so-called unfounded applications or with criminal records. The new prison, surrounded by barbed wire and situated near the capital airport, was part of a plan to make deportation more efficient. The ECRI has addressed the issue of detention of asylum seekers in previous reports and has stressed that they

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<sup>8</sup> Human Rights Watch, *The Netherlands Fleeting Refuge: The Triumph of Efficiency over Protection in Dutch Asylum Policy* (April 2003).

should not be treated as criminals, even if their claims are not considered valid by the authorities. The 2003 report expressed concern that detention is not always restricted to last resort use.

The ECRI also addressed the issue of asylum seekers who, for various reasons, cannot be returned to their home countries. A number of such “non-returnable” asylum seekers lived in Norway for a considerable length of time without legal status and without the right to work or to marry. The ECRI recommended that Norwegian authorities establish procedures to legalize their situation. In response, the minister of local government and regional development concluded that she would not follow up on these recommendations. As of January 2004, non-returnable asylum seekers who have been rejected will lose the right to shelter in reception centers and will be transferred to the asylum prison.

In May 2003, the Norwegian government decided that family reunification for persons granted residence permits on humanitarian grounds should be a conditional right. Reunification with people below the age of 24 would only be granted if the receiving families were able to provide for them. In 2003, 9,842 persons received residence permits under the right to family reunification with a person granted residence in Norway, a decrease of 30% compared to 2002. The ECRI report expressed concern that restrictions on the right to family reunification may not sufficiently secure the right to privacy and family life of all persons residing in Norway.

The ombudsperson for children criticized that applications for family reunification of minors were rejected because they were sent from Norway and not from their country of origin. According to immigration authorities, the original reason for these regulations was fear of contributing to kidnapping. The practice has proved unfortunate on occasion, as children of foreign mothers married in Norway have been denied the right to family reunification, or risked being returned to their home countries to wait for the processing of their applications. Referring to the UN Convention on the Rights of the Child, the ombudsperson called for a change of this practice.

In order to accelerate integration, the government made it compulsory for all refugees to partake in a so-called “introductory program.” Over a two-year period, on a full-time basis and for an annual salary, refugees must follow a course combining language education with internship employment. Refugees who refuse to partake in the program will not receive the financial allowance.

## **Women’s Rights**

Violence against women, including domestic violence, continued to constitute a problem in Norway in 2003. In some spheres of society, women continued to be discriminated against. Reportedly, the difference between the salaries of men and women employed in similar occupations increased in 2003. Although Norway prided itself on being one of the world’s most egalitarian societies, women constituted a small fraction of the boardroom elite of private companies.

When considering Norway’s fifth and sixth report, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) expressed concern that a predominant and growing number of women who sought refuge in shelters for battered women were migrants and that migrant, refugee and minority women faced multiple discrimination in access to education, employment, health care and exposure to violence.



A 2004 Report of the Police Directorate shows that the number of cases of violence or threats of violence against women has tripled during the last ten years. In the majority of cases, the women have been partners of the violator. In police cases of violence against women, 90% of the violators are men.

There was increased media focus on cases of women being murdered by their former husbands or partners. According to the secretariat of the shelters for battered women, more than 1,000 women are on the run from relationships characterized by violence and brutality.

In its 2003 report, CEDAW expressed concern that a low percentage of rapes reported to the police resulted in trials and convictions. CEDAW also noted that Norwegian police and public prosecutors dismissed an increasing number of such cases. Every year, 8,000-9,000 women are subject to rape, but only 600-700 cases are reported to the police.<sup>9</sup> According to the public prosecutor, up to 80% of the cases are dismissed because of lack of evidence and because of the poor quality of police investigation.

Norwegian authorities have introduced several initiatives to strengthen protection of women. Since 2000, the Norwegian government has introduced plans of action against domestic violence, female genital mutilation and forced marriages. In 2002, the Norwegian government issued a directive, ordering firms to ensure that at least 40% of board members were women.

In November 2003, a new plan of action was introduced that focuses on treatment opportunities for males with an inclination toward violent actions, children suffering from domestic violence, and women (particularly with minority backgrounds) subjected to violent actions. The government also continued its action against female genital mutilations, mainly through informational activities.

Some legal changes have been adopted. In December 2003, legislation was amended explicitly forbidding parents and other adults to make marital arrangements on behalf of children.

A new paragraph in the Gender Equality Act came into force and obliged all public and private employers to account for the current state of gender equality in their enterprises. This information is a compulsory item in the annual report.

The Ministry of Children and Family Affairs was preparing a proposal on incorporating of the Convention on the Elimination of All Forms of Discrimination against Women into Norwegian legislation. A proposal will be submitted to parliament in the spring 2004.

### **Rights of the Mentally Ill**

The number of involuntary psychiatric hospitalizations in Norway was high compared with other European states.<sup>10</sup> It was often contended that the underlying reason was a serious lack of resources in the Norwegian health care system for mentally ill persons. Many people were refused treatment in early phases of illness, only to be hospitalized involuntarily when their condition had deteriorated.

<sup>9</sup> Amnesty International Norway, "Stop violence against women in Norway," 5 March 2004.

<sup>10</sup> According to SINTEF, the Foundation for Scientific and Industrial Research at the Norwegian Institute for Technology, the proportion of involuntary psychiatric hospitalizations remained relative stable at 40 %.

In some cases patients who sought treatment were hospitalized involuntarily because it was the only way in which the overcrowded psychiatric hospitals would accept them. It was also contended that the high number of involuntary hospitalizations was due to cultural factors and to legal provisions that allowed hospitalization even when the people were not an imminent threat to themselves or to others.

Frequent use of coercive treatment in Norwegian psychiatric facilities, reliance on chemical drugs, reliance on mechanical means of coercion and the frequent resort to isolation continued to be criticized in 2003. Recent laws to regulate the use of force against mentally ill and dementia patients were more detailed but were still not restrictive enough according to critics.

The government introduced several initiatives to increase quality and resources in psychiatric health care. An eight-year plan started in 1999 to increase resources in psychiatric health care has yielded some positive results. But the plan has not yet led to a decrease in coercive treatment and resources available for providing aid to children are still too scarce.

### **Trafficking in Human Beings**

Norway was known to be a destination country for victims of trafficking, mainly for sexual exploitation. However, statistical and systematic knowledge about the scope of the problem was lacking. In 2003 Norway ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol), and introduced legislation penalizing all aspects of trafficking. The government launched a Plan of Action against trafficking which aims to strengthen police capacity to investigate cases of trafficking.

The NHC was comfortable that the government adopted a human rights approach to the problem and that it considered trafficked women or children as victims of abuse and not as criminals. Concerns remained, however, that this approach did not prevail in all cases. There were several media reports claiming that immigration authorities did not grant residence permits to witnesses or victims of trafficking thereby obstructing prosecution.