

The Parliamentary elections in September 2001 resulted in a new coalition government composed of the Conservative Party, the Christian Democrats and the Liberal Party. The new government continued to implement the 5-year Plan of Action on Human Rights adopted in 2000. The plan contains more than 300 measures to improve human rights protection in Norway and internationally. The human rights portfolio continued to belong to the Minister of Foreign Affairs, but the coordinating responsibility for human rights measures in Norway was transferred to the Minister of Development. The Norwegian Helsinki Committee reactivated a working-group advising the Ministry of Foreign Affairs on human rights issues in Norway. The working group includes representatives from different ministries, academia and NGOs.

Racial discrimination and xenophobia

Racially motivated violence

Racially motivated violence and racial discrimination was at the very center of public debate in the first months of the year.

- 26 January 2001 a 15 year old Norwegian with a father of African and a mother of Norwegian origin, was stabbed to death at a parking lot in a suburb of Oslo. The police arrested five neo-Nazis for the killing, which is believed to have been racially motivated. Their trial began in December 2001 and was ongoing at the end of the year. The killing received considerable attention and debate in the media and a broad based mobilization by civic organizations took place. Several public marches against racism was organized. Politicians from all parties committed themselves to fight against racism.

Although this is the first clear case of killing on purely racist grounds in Norway, there have been several incidents of racist violence in recent years. According to police intelligence, there are less than 150 neo-nazis in Norway. After the killing the Ministry of Justice established a working group to study legislation and measures in other European countries, and to make recommendations on how to strengthen fight against racist violence in Norway. The working group recommended amending article 135 a of the Penal Code, which forbids public dissemination of racist speech, to include prohibition of racist symbols. The working group did not recommend prohibiting racist organizations.

Discrimination

There are no research-based data on the amount of racial discrimination in Norway, but reports from the Center Against Ethnic Discrimination suggest that such discrimination is widespread in the housing market, labor market as well as in some other spheres of society. Lack of data on racial discrimination is considered a problem and in a report from 2000 the UN Committee on the Elimination of Racial Discrimination (CERD) recommended that Norway review its procedure for monitoring racist incidents.

CERD criticized the government for not providing sufficient legal protection for ethnic minorities. In 2000 the government appointed a working-group with the mandate to make a proposal for a law on ethnic discrimination. The working-group will finish its work in June 2002. International monitoring bodies have also pointed out that laws are not working satisfactory even in areas already covered by provisions against ethnic discrimination. The European Commission against Racism and Intolerance (ECRI) expressed concern that the burden of proof lies heavily with the victim in Norwegian legislation on this issue, and that the police do not follow up most complaints about racism and discrimination. The latter is a problem in particular in cases where

persons are denied access to bars and nightclubs because of their ethnic origin. During the last two years some positive developments has been reported in this area.

Attitudes towards refugees and immigrants

Annual surveys undertaken by Statistic Norway (SSB) show that attitudes toward immigration and immigration policy generally have become somewhat more positive throughout the 1990s. A survey published in 2001 showed, however, that the percentage of Norwegians who agree that Norway should accept at least as many refugees as at present, was reduced from 1999 to 2000. This may reflect the extensive media focus on widespread crime among certain groups of asylum seekers. In contrast to the 1999 municipal elections, immigration and integration of minority groups was not on the agenda during the 2001 election campaign. For the first time a person with immigrant background was elected to Parliament.

Protection of Refugees and Immigrants

Norwegian NGOs continued to criticize the government for interpreting the 1951 UN Convention on Refugees restrictively when assessing applications for asylum. In 1998 the government introduced guidelines specifying that persons fleeing persecution based on gender, sexual orientation or religion should get asylum and that the definition of refugees should include individuals persecuted by non-state actors. Concerns were voiced that these guidelines were not always adhered to in practice, especially in relation to female asylum seekers. The number of people granted asylum increased by 1,2 % from 2000 to 2001. Despite this, the number is low compared to many other European countries. Only 2, 2 % of the persons applying for asylum in 2001 were granted asylum, while 30,3 % were granted residence permit on humanitarian grounds.¹ The immigration authorities were criticized for granting subsidiary protection to persons entitled to asylum and for not respecting its obligation to adhere to the principle of non-refoulement.

- In 2001 Amnesty International launched its first global campaign ever against Norway. A Kurdish activist from Syria was denied protection in Norway. Amnesty International protested against this arguing that the asylum seeker risked being tortured if returned to Syria. A representative from the immigration authorities argued on national broadcasting that torture is a relative term and that beating in a police cell not necessarily amounts to torture. After Amnesty launched its campaign the asylum seeker was granted residence permit on humanitarian grounds. The immigration authorities emphasized, however, that this happened because Amnesty had created a need for protection by organizing a campaign, and that no need for protection existed to start with. The immigration authorities did not change its position on this despite a statement from the UNHCR that Kurdish activists from Syria should not be refouled.
- In November 2001 Norwegian immigration authorities sent a female asylum-seeker from Chechnya and her three children from Norway to Greece without having processed her application for asylum. In Greece the family was imprisoned. The asylum seeker came to Norway with a Greek visa and Norwegian authorities argued that she was the responsibility of Greece according to the Dublin Convention. The Norwegian Helsinki Committee

¹ 13 304 applications for asylum were processed in 2001. The number of asylum seekers increased by 39 % from 2000 to 2001.

expressed concern about the processing of the woman's asylum application in Greece and warned about the risk that Norway might be involved in "chain-refoulement". The Norwegian authorities temporarily stopped the deportations to Greece of 200 Chechnians with a Greek visa. After the woman was granted permit residence in Greece, Norwegian authorities stated that they would resume deportations. The Norwegian Helsinki Committee protested against this arguing that the woman was granted permission to stay because of particular humanitarian aspects of her case, not because Greek authorities acknowledged that she had a need for international protection due to persecution in Chechnya.

The Norwegian Helsinki Committee also expressed concern that Norwegian authorities did not pay sufficient attention to UNCHR's recommendations when processing asylum applications from Kosovars. Temporary protection of refugees from Kosovo was ended in August 2000, but all Kosovar Albanian families were granted postponed implementation of deportation until March 2001. At the beginning of the year, 4 500 Kosovar Albanians were awaiting the processing of their asylum applications. 35 % of the asylum seekers from Yugoslavia (mainly Kosovars) were given either asylum or residence permit on humanitarian grounds in 2001.

In 2001 the Norwegian government established accelerated procedures for processing so-called manifestly unfounded asylum applications. The slow processing of applications for asylum was a serious problem – some asylum seekers had to wait more than a year for an answer. However, concern has been expressed that the accelerated procedure in some cases prevented satisfying individual treatment of asylum applications. In 2001, 358 unaccompanied minors applied for asylum in Norway. NGOs expressed concern that these children often spent prolonged periods of time in reception centers waiting for their application to be processed or waiting to be resettled in a municipality.

After 11 September the government proposed anti-terror legislation that was criticized for threatening the rights of refugees and immigrants.

Establishment of an Immigrant Board

In January 2001 an Immigration Board was established to deal with appeals against rejection of asylum and other immigration cases. One of the reasons for the establishment of the Board was the desire to strengthen the legal safeguards of asylum-seekers and other foreign nationals, and to increase confidence in the decisions made by the immigration authorities. The board includes representatives appointed by NGOs and the asylum-seeker may appear in person. If there is no doubt about a case, the case may be decided without a board meeting, by either the board chairman or by the secretariat. The board has been criticized for not strengthening the legal safeguards of asylum-seekers and other immigrants. Personal appearances took place in only 5, 8 % of the cases examined by the board in 2001. More than 80 % of the cases were examined only by head of the board or by the secretariat.

Detainees' rights

Detainees' rights have received considerable attention during the last years, partly due to criticism from international monitoring bodies concerning several aspects of the treatment of persons in pre-trial detention.

The most severe criticism has been directed at the use of police cells for remand purposes and the use of solitary confinement of remand prisoners. The United Nations Committee on Human Rights and Norwegian NGOs have also expressed concern about prolonged periods of time of detention in some cases. (See previous annual reports for details on these issues).

The government has implemented several measures to answer this criticism. According to new guidelines in 1998 all remand prisoners were to be transferred to an ordinary prison within 24 hours following a court order to be remanded in custody. In 2001 it was reported that in 201 cases this rule was not respected.

In its report from its visit to Norway in September 1999 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) repeated critique concerning isolation of remand prisoners subject to restrictions on their rights to correspondence and to receive visitors. The CPT found that prisoners subject to restrictions were virtually never allowed to associate with each other, and gathered evidence of harmful psychological effects upon prisoners who had been subject to restrictions for prolonged periods. The CPT also expressed concern about allegations that police officers routinely use restrictions as a means to obtain confessions from inmates.

In response to this critique the Director General of Public Prosecutions in November 1999 issued new guidelines aimed at limiting the use of restrictions. According to these guidelines restrictions must not be used as a means to obtain confessions, the public prosecutor must not apply for restrictions for more than four weeks at a time and specific reasons must be given for applying for restrictions.

In December 2000 the Minister of Justice proposed legislative changes introducing maximum time limits for the use of solitary confinement. According to the proposal the limits will vary according to the maximum possible term of imprisonment for the crime the person has been charged for, with an absolute limit of 12 weeks.

The proposal also includes measures aimed at reducing the time prisoners spend in remand custody. The Minister of Justice has acknowledged this problem, and the proposal is based on the conclusions of two working groups appointed in order to suggest measures to make police investigations and court procedures more efficient. The Minister has proposed to increase the maximum time a person can be held in police detention without a court decision from 24 to 72 hours. The Minister is arguing that giving the police more time to investigate cases before decisions about the need for further pre-trial detention is made will reduce the number of court decisions ordering pre-trial detention. The Minister has also proposed to reduce the time a person can be kept in remand custody without a renewed court decision from four to two weeks. These proposals will be discussed in the parliament in 2002.

There are mentally ill persons in Norwegian prisons. Almost no national statistics exist on the topic, but Norwegian authorities have recognized that it is a problem that many prisoners do not get the psychiatric care they are in need of. Only the most seriously ill are transferred to mental hospitals for treatment. Due to lack of resources they are often returned to prison immaturely and as a result develop serious illness repetitively.

Use of coercion in health care

It was reported that 45 % of hospitalizations in psychiatric institutions in Norway were involuntary.² This number is very high compared with other European states. It has been argued that the underlying reason for this is lack of resources for mentally ill persons in the health care system. Many people are rejected treatment in an early phase of their illness, only to be hospitalized involuntarily when their condition has deteriorated. In some cases patients that wanted treatment were hospitalized involuntarily because this was the only way to have

² The number is provided by SINTEF, The Foundation for Scientific and Industrial Research at the Norwegian Institute for Technology.

overcrowded psychiatric hospitals accept them. It has also been argued that the high number of involuntary hospitalizations in Norway is due to cultural factors and legal provisions allowing the hospitalization of a person who does not constitute an imminent threat to themselves or other. According to the so-called “treatment criterion” in Norwegian legislation, forced admission is justified if the prospect of healing, or improving, a person’s mental conditions may otherwise be forfeited. This is in contradiction with international standards, which restrict compulsory admission to cases characterized by a “serious danger to the patient or to the persons” or “where the absence of placement could lead to a deterioration or prevent the patient from receiving appropriate treatment”.

The frequent use of coercive treatment, the reliance on chemical drugs, mechanical means of coercion, and isolation were also criticized. Despite insufficient statistics about this topic, there is general consensus that coercive treatment is used excessively in Norwegian mental hospitals. In 2001 a new law regulating the coercive treatment and compulsory admission of mentally ill persons entered into force. The new law permits the use of coercive treatment outside of hospitals. In contradiction with Council of Europe recommendations it does not require that “in the event of compulsory admission, the decision regarding placement in a psychiatric institution must be taken by a judge.” The law was criticized for weakening legal protection, and limiting the rights of patients to receive visitors, and send and receive mail.

Coercion in care of dementia patients is also frequent. In 2001 it was reported that coercive treatment was used against every third patient in Norwegian nursing homes, and that there is a need for laws that regulate this practice.³

Freedom of religion

In a report from June 2000 the UN Committee on the Rights of the Child expressed concern that the approach taken by the government to changes in religious education in primary and secondary school may be discriminatory. Changes in religious education were introduced in 1997. Instead of having the possibility to choose between a curriculum with an emphasis on Christianity and a religiously more neutral curriculum, one unified plan for all pupils was introduced. The fact that this curriculum became compulsory for all pupils and that it gave priority to Christianity raised criticism from humanist and non-Christian religious groups. Critics of the new curriculum argued that since it was impossible to guarantee the instruction of religious matters in a neutral manner in a school that is dominated by those of Christian belief, the removal of the right to exemption was a violation of the rights of parents to control the religious education of their children. In 2000 parents and a humanist organization that sued the state on this basis lost a case in the Court of Appeal. The case was appealed to the Supreme Court. In August 2001 the Supreme Court unanimously rejected the claims from the association. The case will be appealed to the European Court of Human Rights in 2002.

Violence against women

Violence against women, including domestic violence, was a problem. During the year 635 rapes were reported as compared to 555 in 2000. In 2000 there were 25 convictions for rape. In 2000 a plan of action comprising measures to prevent domestic violence against women entered into force. In 2001 the country’s shelters for battered women registered 41 361 overnight stays. A majority of women that stayed at shelters belonged to minority groups. In 2000 and 2001 the media brought to light cases of young girls in Norway who live in fear of female genital

³ Report by the National Centre of Expertise for Age-related Dementia

mutilation. The government responded by presenting a plan of action to combat female genital mutilation in December 2000.