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Extract from the IHF report

***Human Rights in the OSCE Region: Europe, Central Asia and North America,
Report 2005 (Events of 2004)***

Norway¹

IHF FOCUS: fair trial and detainees' rights; torture and ill-treatment; freedom of religion and religious tolerance; ethnic and national minorities (indigenous peoples); racism, intolerance and xenophobia; asylum seekers and immigrants; equal right of women and men; rights of persons with disabilities; trafficking in human beings.

Norwegian refugee policies remained the most controversial human rights issue in 2004. As a result of more efficient handling of asylum applications and information campaigns on Norwegian refugee policies in Eastern European countries, the number of applicants dropped from 15,600 persons in 2003, to less than 8,000 in 2004.

In particular, two issues stirred criticism of government policies. The first was decisions by the government not to follow guidelines by the UN High Commissioner for Refugees (UNHCR) to provide protection for certain categories of persons coming from Chechnya, Southern Somalia, Afghanistan, Iraq, and Eritrea. The second issue was a new policy as of 1 January 2004 that persons who had received a final rejection of their asylum application were no longer entitled to stay at Norwegian refugee reception centers. On 10 January 2005, the Interlocutory Appeals Committee of the Supreme Court accepted this policy on the precondition that forcing an applicant to leave a refugee center would not lead to a violation of article 3 of the European Convention on Human Rights (ECHR, prohibition of torture and other inhuman or degrading treatment. The policy was criticized by human rights groups for forcing persons who could neither return to their home country nor take care of themselves in Norway (having no work permit) to live on the streets.

On 3 November 2004, the UN Human Rights Committee found that the mandatory religious subject in the Norwegian school system entitled "Christian Knowledge and Religious and Ethical Education" (CKREE), violated the International Covenant on Civil and Political Rights (ICCPR). The government initiated a review of the subject in order to redesign it in line with the UN criticism.

On a more positive note, in 2004 there were several initiatives by the government to strengthen human rights protection. On 25 June, the parliament adopted a provision prohibiting torture into the Norwegian

¹ As reported by the Norwegian Helsinki Committee. Written by Gunnar M. Karlsen, edited by Bjørn Engesland.

Penal Code.² Government proposals and considerations were presented to the parliament to incorporate the UN conventions on women and racial discrimination into Norwegian law. The parliament also decided to establish a foundation to support Romani culture and continued to debate individual reparation for past human rights violations of the Romani communities in Norway. Furthermore, the government proposed a law against discrimination on ethnic or religious grounds.

Fair Trial and Detainees' Rights

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

According to the Ministry of Justice and Police, 3,198 persons were held in remand custody in 2004 for an average of 65 days each. Sixty-six persons spent more than 365 days in remand custody, and seven persons 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 2004 the number of persons in remand custody was reduced by 7.6 % compared to 2003, while average time spent in remand custody increased by 3 %. In 2004, sixty-one children (persons under the age of 18) were held in remand custody. Two children spent more than 183 days in pre-trial detention.

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 prison cells.

However, there were several violations of the 24-hour limit in 2004. A total of 224 persons remained in police cells for more than 24 hours; 94 for more than 48 hours; 44 for more than 72 hours; 24 for more than 96 hours; 16 for more than 5 days; three for more than 6 days, and one for more than 7 days. There were, in total, violations in 406 cases.

Norwegian lawyers have also expressed concern about the health care of those 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.

A 29 July 2004 letter from the Central Criminal Ward Authorities at the Ministry of Justice to prison directors became the target of considerable criticism from lawyers and human rights groups. The main

² Section 117a of the Penal Code.

focus of the letter was to provide guidelines on how to treat detainees and prisoners who have taken part in organized criminal activity or persons constituting a serious security risk.³

The legal basis for operating Norwegian prisons is the Law on Enforcement of Punishments (Law 2001-05-18 nr 21). The above-mentioned letter draws mainly on this law, applying it to persons belonging to organized crime.

The Norwegian Helsinki Committee (NHC) together with Amnesty International Norway raised concerns about the letter to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). According to the two organizations, the first concern was that the letter annulled ordinary criteria for easing restrictions and granting benefits to prison inmates. According to the letter, “good behavior” should, in these cases, not be seen as an argument for ranking prisoners as “less dangerous.” Instead, according to the prison authorities, the nature of the crime, the number of convictions, and with whom the person has been convicted should be seen as the determining factors in deciding on restrictions. This is in breach of a fundamental principle of the Law on Enforcement of Punishments, article 3 of which states that punishment should “promote the sentenced persons adaptation to society,” and that the person should have the possibility to make his/her own efforts to avoid new criminal behavior.

Another major concern was that the letter contained a long list of restrictive measures local prison authorities may apply if they deem it necessary for reasons of security or to prevent new crimes. Among others, it included the complete control of communication, frequent ransacking, isolation, and the frequent change of cell department or prison. Due to security and investigative concerns in a specific case, the lawyers of the prisoner may have no access to information from the police or the prosecutor.

In addition, the NHC voiced concern about the fact that local prison authorities were given discretion to apply restrictions that could lead to inhuman treatment. Although national control mechanisms are in place and some safeguards are built in, whereby local authorities should inform or consult with regional or national authorities if they apply some of the restrictions over long periods of time, there is a concern that this is not sufficient to ensure compliance with international standards against inhuman treatment and torture.

The NHC also raised several issues on Norway’s role internationally to ensure respect for basic human rights of detainees and prisoners. On 19 August, it proposed in a letter to the Norwegian prime minister that Norway initiate proceedings under the UN Convention Against Torture to have a review of an 11 August 2004 ruling by Britain’s second-highest court, the Court of Appeal. The ruling held that evidence obtained under torture in third countries could be used in terrorism cases, provided that the British government has “neither procured the torture nor connived at it.”

The prime minister answered that Norway would not raise the issue with British authorities as long as a final decision by the highest British court (the Law Lords) was not reached. He referred to a decision by the Norwegian prosecutor general that evidence obtained by torture may not be used in any criminal case in Norway.

Human rights groups in Norway insisted that Norwegian authorities put forward preconditions on safeguards against torture before accepting to take part in international military operations. The debate was triggered by the reports of abuses by American, British, and allied forces in the prisons of Abu Ghraib, Guantánamo as well as in Afghanistan.

³ The title of the letter was: “Implementation of punishment or pre-trial detention for persons taking part in organized crime.”

Norway was taking part in international military operations i.a. in the Balkans, in Afghanistan, and in Iraq. Norwegian authorities responded that they were taking up the issue on precautions against torture and other forms of abuse of detainees with their counterparts in international operations, in particular with American and British authorities. They would, however, not put the existence of specific safeguards as a precondition for taking part in the operations.

In a positive development, on 25 June, the parliament incorporated a prohibition against torture into section 117a of the Norwegian Penal Code. Previously, Norway, as well as other Nordic countries, held the view that existing provisions of the Penal Code already penalize any conceivable act of torture or inhuman treatment. It was therefore deemed unnecessary to adopt a specific provision prohibiting torture, according to this argument.

Norwegian authorities maintained that by adopting a specific provision prohibiting torture, Norway complied with recommendations by the UN Committee against Torture. According to authorities, it gives a clear signal internationally that Norway does not accept torture under any circumstances.

Human rights organizations welcomed the adoption, but maintained that Norwegian authorities should have gone further. They should have incorporated the UN Convention against Torture as a whole into Norwegian law, as has been done with several other human rights conventions.

In another positive development, after years of criticism for lack of efficiency and independence of the system for investigating police abuses, the government launched a new institution on 25 January 2005 that will be in charge of such cases. The special unit for police cases will be completely independent from the police.

Freedom of Religion and Religious Tolerance

On 3 November, the UN Human Rights Committee found that the mandatory religious subject in the Norwegian school system entitled “Christian Knowledge and Religious and Ethical Education” (CKREE), violated article 18(14) of the ICCPR. This paragraph obliges state parties “to have respect for the liberty of parents ... to ensure the religious and moral education of their children in conformity with their own convictions.”

In August 1997, the Norwegian government introduced a new religious subject in the Norwegian school system, replacing the previous subject dealing with Christianity and philosophy of life. This new subject only provides for exemption from certain limited segments of the teaching. Section 2 of the new Education Act stipulates that education provided in the CKREE subject be based on the schools’ Christian object clause. CKREE is an ordinary school subject that is normally attended by all pupils. Teaching in the subject is not supposed to be partisan.

Before introducing the subject in 1997, Norwegian authorities engaged independent legal review to ensure that it was compatible with international human rights. However, non-Christian religious groups and humanists criticized the subject from the moment it was introduced, maintaining that it was impossible to guarantee neutral instruction of religious matters. 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, some parents started legal proceedings to get a right to exemption. In August 2001, the Supreme Court unanimously rejected the appeal.

The view of the UN Human Rights Committee came as an important turning point in the fight over the controversial school subject. In a June 2000 report on Norway, the UN Committee on the Rights of the Child had expressed concern that the subject may be discriminatory. The 3 November 2004 opinion by the UN Human Rights Committee was, however, the first thorough review of the subject by an international expert body on human rights.

The UN Human Rights Committee found that the existing normative framework relating to the teaching of the subject contains internal contradictions. The committee stated: “On the one hand, the Constitution and the object clause in the Education Act contain a clear preference for Christianity as compared to the role of other religions and worldviews in the educational system. On the other hand, the specific clause on exemptions in Section 2-4 of the Education Act is formulated in a way that it in theory appears to give a full right of exemption from any part of the CKREE subject that individual pupils or parents perceive as being the practice of another religion or adherence to another philosophy of life.”⁴

The Human Rights Committee found that the present system of partial exemption “imposes a considerable burden” on parents, requiring them to acquaint themselves with all aspects of the subject to determine which aspects they feel a need to seek exemption from. A regime of partial exemption could also “create problems for children which are different from those that may be present in a total exemption scheme.” Children may end up in difficult loyalty conflicts, stated the UN committee.

The government initiated a review of the subject in order to redesign it in line with the UN criticism.

Ethnic and National Minorities

Indigenous Peoples: Sami Minority

The number of Sami in Norway is estimated to be approximately 45,000 people. Norway ratified the ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent States in 1990. 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 over the last decades. A deputy minister of the 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.

However, the Sami people’s 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 in the 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 from the central state authorities.

⁴ UN Human Rights Committee, Views on Communication No. 1155/2003, Adopted 3 November 2004, Paragraph 14.5.

The draft remained controversial throughout 2004, and as of early 2005 it was not clear when the parliament would adopt the law. Samis were concerned that Sami representation in the council would be in the minority and that the new legislation would limit Sami control of natural resources. Independent experts maintained that the draft falls short of Norway's international obligations to respect the rights of the Sami to control land and water resources in the area they live in.

The Roma Minority

Government consideration continued on establishing a system of reparation for past human rights violations of the Romani communities in Norway. Furthermore, a decision was made by the parliament to establish a foundation to support Romani culture.

Past human rights violations of the Roma in Norway comprised forced sterilization of women, lobotomies and forced separation of children from their parents, among others. 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 the 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 is the survival of the Romani language.

Racism, Intolerance and Xenophobia

There was limited data available in Norway documenting how much racial discrimination occurred in 2004. However, reports from the Centre against Ethnic Discrimination suggested that such discrimination was widespread in the labor and housing markets, as well as in some other spheres of society.

According to Statistics Norway, there were 349,000 immigrants in Norway at the beginning of 2004. This constitutes 7.6 % of the population. Some 72 % of the immigrants were of "non-Western" origin. The registered unemployment among immigrants at the end of 2004 was 10.8 %, while in the population as a whole it was 4.1 %. Among some immigrant groups, the unemployment rate was much higher. For instance, among persons of African origin the unemployment rate was 20.1 %.⁵ There was also indication that the levels of salaries were lower among immigrants than among ethnic Norwegians.⁶

Several government plans of action in the last ten years have been aimed at increasing the proportion of immigrant employment in both the public and the private sector. Recent statistics show that these efforts have led to limited progress. In the period 1998-2002, the proportion of "non-Western" immigrants in state administration and in state-owned institutions increased by only 0.5 %. The increase in municipal and provincial administration 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 point to a higher increase (1.22 % from 1998 to 2002), but the overall picture remained bleak.

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

⁵ As of August 2004, the unemployment rate among immigrants from Asia was 14.4 %; among immigrants from Eastern Europe 11.6 %; and among those coming from South and Central America 11.5 %. Only 4.5% of immigrants from the Nordic Countries were unemployed, and 4.7% of those coming from the rest of Western Europe. Among immigrants from North America and Oceania, 5.6 % were unemployed.

⁶ See Kristian Rose Tronstad, "Martin Luther King – fortsatt en drøm," *Aftenposten*, 28 August 2003. The article refers to research carried out by in the framework of a Norwegian project looking into the distribution of power and influence in the Norwegian society ("Maktutredningen").

have committed themselves to conducting surveys on the living conditions of people of immigrant backgrounds.

On 17 December 2004, the government proposed on, a new law prohibiting discrimination on the grounds of ethnicity and religion in all spheres of society. The government also proposed to strengthen the prohibition in the Penal Code against expressions of racism. A new ombudsman for equality is to ensure that the new law is respected.

According to the proposal, racist harassment, discrimination and incitement of others to discriminate or harass is forbidden. It is also forbidden to contribute to discrimination, and persons subject to discrimination may be entitled to reparations. The UN Convention on the Elimination of All Forms of Racial Discrimination will be incorporated into Norwegian legislation through the new law. According to the government, the new law will bring Norway in line with EU regulations against ethnic discrimination.

The Centre against Ethnic Discrimination viewed the proposal positively and underlined the importance of ensuring effective implementation. The centre criticized, however, the fact that there was no provision establishing a positive duty to work actively in favor of equality among ethnic groups.

Another government initiative also met positive reactions from human rights organizations. On 22 December, the government announced that a new Integration Directorate would be established to help improve conditions for the growing number of immigrants. The directorate will take over tasks currently conducted under the Directorate of Immigration (UDI). It will begin operating in 2006 and be comprised of 100 staff members.

Asylum Seekers and Immigrants

As a result of a series of measures to make the handling of asylum applications more efficient, to reduce support and benefits for certain categories of asylum seekers, and to better inform populations in Eastern European countries of Norwegian refugee policies through information campaigns, the number of asylum applicants dropped from 15,600 persons in 2003 to 7,945 in 2004.⁷ The number of asylum seekers in 2003 marked a decrease of 11% in comparison with 2002. It was the first time the number had dropped since 1995. The number of applicants in 2004 marked another decrease of almost 50 %.

The UDI handled 12,500 applications in 2004, giving 68 % of the cases review on their merits. The majority of cases not reviewed on merits were treated according to the Dublin Convention (26%), and those applicants were returned to the country with primary responsibility according to the convention.

A total of 3,500 asylum seekers were granted permission to stay in Norway in 2004. This amounted to 40% of the applications reviewed on merits, up from 29% in 2003. The applicants who were granted permission came mainly from four countries: Russia (1,000 persons, mainly Chechens), Somalia (824), Iraq (456), and Afghanistan (383).

In addition to the 3,500 persons granted permission to stay on the basis of an asylum application, Norway received 750 refugees on the basis of an agreement with the UNHCR. That made the total number of persons given permission to stay 4,250, approximately the same as in previous years.⁸

⁷ 425 were minors unaccompanied by an adult.

⁸ The statistics are based on information provided by the UDI, www.udi.no.

Norwegian refugee policies remained the most controversial human rights issue in 2004. In particular, two issues stirred criticism of government policies. The first was decisions by the government not to follow guidelines by the UNHCR to provide protection for certain categories of asylum seekers coming from Chechnya, Southern Somalia, Afghanistan, Iraq, and Eritrea.

The second issue was a new policy as of 1 January 2004, which maintains that persons who had received a final rejection of their asylum application were no longer entitled to free board and food. On 10 January 2005, the Interlocutory Appeals Committee of the Supreme Court accepted this policy on preconditions that rejected persons should not risk being tortured or subject to inhuman treatment as a consequence of expulsion from Norway. The policy was criticized by human rights groups for forcing persons who could neither return to their home country nor take care of themselves in Norway (having no work permit) to live on the streets.⁹

In early 2005, some 600 persons had been affected by the new policy. In spite of government assurances that no one should be forced to live on the street and that all persons residing in Norway are entitled to social rights, there were reports that several persons had their applications for social aid rejected. Many had to live with friends or manage by taking temporary and unregistered work.¹⁰

The Centre against Ethnic Discrimination criticized the policy for being in breach of the UN Covenant on Social, Economic and Cultural Rights and the ECHR.¹¹ and stated that illegal aliens have a right to have their basic needs fulfilled on a temporary basis. Norwegian legislation also ensures this right. In addition, the centre criticized the underlying moral tenure of the policy, interpreting it as judging rejected asylum seekers as being unworthy of aid.

Norwegian refugee policy has become increasingly strict and many government decisions have been regarded as controversial by human rights organizations and the public. Against this background, the centre argued, asylum seekers who failed to obtain asylum may still have a strong subjective fear of returning to their country of origin.

Asylum Seekers from Chechnya

The NHC engaged in several asylum cases in which Norwegian authorities did not follow UNHCR guidelines. Some cases related to Chechens who had their permanent residence registration in Chechnya. According to UNHCR, this category of asylum seeker is entitled to international protection.

The case of Toita Asjgirieva and her husband Isa Isayev epitomized the basic problems that Chechen asylum seekers faced in Norway. Toita Asjgirieva, an ethnic Chechen with Russian citizenship and permanent residence registration in Grozny, came to Norway on 9 September 2003 with her husband Isa Isayev, an ethnic Chechen with permanent residence registration in the Naurski district in Chechnya. They applied for asylum in Norway the following day. Asjgirieva had engaged in popular protests against the first Chechen war (1994-1996), collected documentation of abuses both during the first and the second Chechen wars, and co-operated with several human rights organizations, such as Memorial and the

⁹ The UNHCR said: "The UNHCR holds the general view that the Norwegian asylum system is in line with international standards and that the adjudication of single cases is reliable. To apply economic incentives to induce failed asylum seekers to co-operate to obtain a valid travel document is not in breach with international law and UNHCR's guidelines." Press release by the Ministry of Local Government and Regional Affairs, 4 October 2004, <http://odin.dep.no/krd/engelsk/aktuelt/pressem/016081-070267/dok-bn.html>.

¹⁰ Stein Lillevolden, "Dobbeltspill om flyktninger," *Dagbladet* 24 February 2005, <http://www.dagbladet.no/kultur/2005/02/24/424300.html>

¹¹ Centre against Ethnic Discrimination, Heidi Wyller and Marie Nyhus, "Upresist og feilaktig om ulovlige og lovlige asylsøkere," <http://www.smed.no/artikkelID.asp?artikkelID=284>.

Committee for Women. She also worked as a journalist for Chechen media outlets. After a sweep operation by Russian troops in Grozny in 2000, which left many Chechen dead, Asjgirieva collected and documented the abuses and smuggled the material out of Chechnya. Since 1999, Asjgirieva was internally displaced in Ingushetia. Isa Isayev is a former officer of the Chechen resistance army. One of the reasons for the couple to apply for asylum in Norway was that Asjgirieva's former colleague, Tamara Kalaeva, was abducted by unknown assailants in 2003. She allegedly gave information about former colleagues during interrogation.¹²

On 30 September 2004, Asjgirieva and Isayev received a rejection to their asylum application from the UDI on the grounds that the couple was not in need of protection in Norway since they could use the "internal flight alternative" in the Russian Federation in that they would be able to live at their relatives in Ingushetia. Yet, human rights groups active in Russia have clearly documented that Chechens risk persecution any place inside the Russian Federation, either in the form of administrative persecution or racist attacks. According to the UNHCR, ethnic Chechens with permanent residence registration in Chechnya do not have a "genuine internal flight alternative" but are entitled to international protection, and Chechens with permanent residence registration outside Chechnya may also be entitled to international protection.¹³

In addition, Chechens men – such as Isa Isayev – who are able to fight and who are under suspicion by Russian authorities for being involved in resistance constitute a vulnerable group.¹⁴ Further, the NHC knows of several cases in which journalists who have smuggled pictures or documentation of abuses out of Chechnya have been killed, underlining the risks involved in returning Asjgirieva to the region.¹⁵

The NHC and other human rights organizations criticized the UDI decisions in the case of Asjgirieva and Isayev and in similar cases as a clear breach of UNHCR guidelines, and against Norway's own declared asylum policy.

Traditionally, Norwegian refugee and human rights policy has underlined support for and co-operation with the United Nations and its organs as one of its main principles. The decision not to abide by UNHCR guidelines represented an important shift in policy. It may also be a breach of Norway's obligation as a state party to the Convention relating to the Status of Refugees and its Protocol.¹⁶

Another important issue related to this policy is the fact that some of the applicants were human rights defenders despite the fact that Norway was active in the 1990s in promoting international mechanisms to protect human rights defenders.¹⁷

¹² Kalaeva was later released due to a campaign organized by local activists.

¹³ See UNHCR position documents of February 2003 and 22 October 2004. In the first document, the UNHCR warns, in particular, against considering Ingushetia a "reasonable relocation alternative."

¹⁴ The NHC together with the IHF published a report in September 2004 documenting a pattern of abuses against human rights defenders. See, *The Silencing of Human Rights Defenders in Chechnya and Ingushetia*, Report 1/2004, www.nhc.no or http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3965.

¹⁵ Adam Tepsurkaev was killed in 2000 and Viktor Popkov in 2001. See the NHC/IHF report mentioned in previous footnote, which documented that the situation deteriorated in 2003 and 2004.

¹⁶ See Protocol relating to the Status of Refugees, article 2(1): "The States Parties to the present Protocol undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, ..." On 6 January 2005, Minister of Local Government and Regional Affairs Erna Solberg reiterated that the Norwegian policy did not follow UNHCR guidelines with regard to Chechens with permanent residence registration in Chechnya.

¹⁷ This process led the UN General Assembly to adopt on 9 December 1998 the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human

The NHC argued that Norway should establish a coherent policy of giving protection to human rights defenders. The EU has developed a set of guidelines in this respect, and Norwegian authorities should follow suit.

Equal Rights of Women and Men

Violence against women, including domestic violence, continued to constitute a problem in Norway in 2004. In some spheres of society, women continued to be discriminated against. Although Norway prided itself on being one of the world's most egalitarian societies, women continued to constitute a small fraction of the boardroom elite of private companies. A study on domestic violence in Oslo showed that every sixth woman had been subject to domestic violence at least once after turning 16 years old.¹⁸

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 showed that the number of cases of violence or threats of violence against women had tripled during the last ten years. In the majority of cases, the women had been partners of the violator. In police cases of violence against women, 90% of the violators were men.

There was increased media focus on cases of women being murdered by their former husbands partners. According to the secretariat of the shelters for battered women, more than 1,000 women were seeking escape 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.¹⁹ Every year, 8,000-9,000 women are subject to rape, but only 600-700 cases are reported to the police.²⁰ 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.

Amnesty International Norway criticized the government's 2004-2007 plan of action against violence in close relations for lacking concrete actions. The plan of action defines four main goals: to strengthen knowledge and co-operation between health and other institutions dealing with persons subject to

Rights and Fundamental Freedoms, and to the appointment in 2000 of a Special Representative of the Secretary General on Human Rights Defenders.

¹⁸ Hilde Pape og Kari Stefansen (red.), *Den skjulte volden? En undersøkelse av Oslobefolkningens utsatthet for trusler, vold og seksuelle overgrep*, Nova 2004. [The hidden violence? A study of the population of Oslo's vulnerability for threats, violence and sexual abuses]

¹⁹ In its report CEDAW criticised Norwegian authorities for not addressing the problems as human rights violations. It urged "the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of women's human rights."

²⁰ Amnesty International Norway, "Stop violence against women in Norway," 5 March 2004.

violence; to promote new attitudes in the population by making domestic violence more visible; to ensure sufficient assistance to victims of domestic violence; and to end the violence by providing therapeutic treatment to the violator.

The criticism holds that the plan mainly contains a list of measures aimed at establishing more knowledge about the problem of domestic violence. Amnesty International Norway maintained that to address the problem efficiently there is a need for concrete measures to prevent violence, to ensure prosecution of violators, and to give protection and reparations to victims. The plan also fails to address the underlying problem of discriminatory traditions against women.

Rights of Persons with Disabilities

Psychiatric Patients

The number of involuntary psychiatric hospitalizations in Norway was high compared with other European states.²¹ 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.

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.

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. A major policy goal is to increase local capacity to treat and support mentally ill persons.

Media debates during the year focused on cases in which mentally ill persons, often of foreign origin, perpetrated violence. Human rights organizations underlined the need to strengthen treatment of persons with post-traumatic symptoms, coming from conflict areas or having been subject to torture or other forms of inhuman treatment.

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 encouraged that the government adopted a human rights approach to the problem and that it considers 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

²¹ According to the Foundation for Scientific and Industrial Research at the Norwegian Institute for Technology (SINTEF), the proportion of involuntary psychiatric hospitalisations remains relative stable at 40 %.

immigration authorities did not grant residence permits to witnesses or victims of trafficking, thereby obstructing prosecution.