



Submission by the United Nations High Commissioner for Refugees

**for the Office of the High Commissioner for Human Rights' Compilation Report
- Universal Periodic Review:**

Norway

I. Background:

Norway ratified the 1951 Convention relating to the Status of Refugees on 23 March 1953, and acceded to the 1967 Protocol on 28 November 1967. Although a State Party to the main UN human rights treaties, Norway has made reservations to article 10(2)b and 10(3) of the International Covenant on Civil and Political Rights, which means that Norway does not assume the responsibility, under international law, to keep children and adults separated during detention. Norway occasionally detains children and adults in the same facilities during registration and expulsion procedures in respect of asylum seeker.

Norway ratified the 1954 Convention Relating to the Status of Stateless Persons on 19 November 1956, and acceded to the 1961 Convention on the Reduction of statelessness on 11 August 1971. Norway is not formally bound by EU law, since it is not a member of the European Union, but continues to seek harmonization of its national legislation with the EU *acquis* on asylum. Recently, this was done through the proposed new Asylum Law, which aligns the legislation with, in particular, the EC Procedures Directive (2005/85/EC) and Qualifications Directive (2004/83/EC). Norway has an advanced and well established asylum system in place. Domestic legal provisions are primarily to be found in the Aliens Act and in the Aliens Regulation.

II. Current conditions:

Norway has traditionally received fluctuating numbers of asylum-seekers. Throughout the mid-1990s until today, the numbers have ranged from 12,400 in 1993 to 1,472 in 1995, 17,000 in 2001 to 5,000 in 2004-6. The great variation in figures is due to major influxes e.g. from the former-Yugoslavia but also due to organized smuggling of Bulgarians in 2001. The Government has been flexible in finding solutions for those

arriving, depending on the composition of the caseloads and their perceived needs in the form of emergency shelter, accelerated procedures etc.

During 2008, Norway registered a total of 14,431 asylum applications, more than double the number received in 2007, which was 6,528. Most of the asylum applicants originated from the following countries: Iraq (3,137), Eritrea (1,799), Afghanistan (1,363), Somalia (1,293) and the Russian Federation (1,078). Unaccompanied children made up 9.5 percent (1,374) which constituted an increase of 240 percent compared to 2007. As of 31 March 2009, 3,805 asylum applications have been lodged, which marks a significant increase of 54 percent compared to the same period last year. The reasons for the increase in numbers may be related to the more restrictive asylum policies in neighboring countries and an increased use of smugglers.

A proposal was made in the beginning of 2008 to increase the capacity of the Directorate of Immigration (UDI) to respond more efficiently to the influx. On 3 September 2008, the Ministry for Labour and Social Inclusion announced a set of 13 measures “to reduce the number of arrivals of persons not in need of international protection”. The Ministry justified the introduction of these measures by referring to the need to preserve the integrity of the asylum system. The measures included more restrictive criteria for granting permanent residency permits and restrictions on the previously more liberal asylum policy. Many of the measures were directly targeted towards asylum seekers with a certain profile; those constituting the main caseloads including applicants from Somalia, Iraq and Afghanistan who until then had received complementary forms of protection, mostly based on humanitarian grounds, rather than 1951 Convention refugee status. A number of Instructions were passed and law proposals were made to implement these measures. The law proposals are expected to enter into force in May 2009.¹

Another measure, which was implemented in 2008, was the establishment of a centre specifically for fast-track processing of certain caseloads. The Norwegian system already had fast-track procedures in place for processing manifestly unfounded claims. In this newly established facility at Torshov in Oslo, the various authorities (e.g. police and immigration) co-operate in one location. The model for this measure is the Swedish fast-track facility in Flen for Iraqi applicants - the essential difference being that the Swedish facility was established for fast-track recognitions of refugee status, and not for rejections of asylum applications.

According to the internal review conducted, the procedure corresponds to the regular procedure with regard to interviews and the assessment of the asylum claims. The objective is to shorten the processing time by streamlining the procedure for certain selected groups. By February 2009, 287 decisions were taken in this procedure, out of which only two were positive and 285 negative. All applicants were of Iraqi origin, and reportedly from Northern Iraq in particular. The internal evaluation of the project indicates that Iraq was selected as a suitable country for the project, which is expected

¹ AI-60/08 Instruks om bruk av Dublin II – regelverket overfor enslige mindre-årige asylsøkere, 1 October 2008, AI-65/08 – Instruks om behandling av asylsøknader fra Irak, AI-68/08 Instruks om vurderingen av spørsmålet om opphold på humanitaert grunnlag for personer fra Sor Somalia som har søkt om asyl, Forslag om endring av forskrift 21. desember 1990 nr. 1028 om utlendingers adgang till riket og deras opphold her (utlendingsforskriften.).

to have a deterrent effect on new arrivals, even though there is no re-admission agreement with Iraq and therefore no possibility to effectuate the returns. UDI has announced that it may also continue to process other caseloads of asylum applicants with similar profiles at this centre.

A number of practical challenges have also arisen as a result of the increase in numbers of asylum seekers. Existing reception facilities are insufficient to accommodate the high numbers of asylum seekers, and local communities and municipalities have protested publicly against the establishment of new reception centers. This has led to a heated political debate at local and national level. In 2008, 45 additional reception centres were established, providing 7,600 additional places. In the first three months of 2009, six additional reception centres have been established. By January 2009, there were 106 reception centres (16,300 places in total) compared to 61 reception centres (8,700 places) in January 2008. By April 2009, there were 112 reception centres. The lack of specialized facilities for unaccompanied children has proven to be a particular challenge. The arrival of higher numbers of unaccompanied children has also resulted in a need to identify more specialists on age assessments; the authorities have therefore approached other European countries for assistance in identifying suitable experts.

Furthermore, it is noteworthy that the political climate and public opinion has changed towards immigrants and foreigners in recent years.² The three-party coalition government was divided on whether to make the asylum policy more restrictive and introduce the 13-point measures. The Minister of Finance and the leader of the Socialist Left Party declared it was impossible for the Socialist Left to agree with the policy of the treatment of children and on how to respond to advice from UNHCR. Strong objections to the measures were also voiced by civil society, youth movements, the Church and the Bar Association. In 2009, which is an election year, there continues to be a heated public debate around asylum and immigration issues with increasingly xenophobic tendencies. The main proponent for more restrictive immigration and asylum policies - the opposition Progress Party - continues to challenge the Labour Party, as Norway's strongest party in the polls. The Government coalition has announced its intention to further tighten the asylum policy in the near future. Asylum is expected to be an important issue in the forthcoming parliamentary elections.

III. Concluding comments:

UNHCR recognizes the challenges faced by Norway in responding to the high number of asylum applicants, and continues to offer its services and support in finding acceptable solutions without lowering Norway's high standards of protection. The Office is, however, concerned that high numbers of asylum seekers, coupled with the increasingly xenophobic and hostile atmosphere towards foreigners in the political discourse may have a detrimental effect on the previously liberal asylum policy.

² C.f. the Council of Europe's European Commission against Racism and Intolerance (ECRI) on Norway (in English, French and Norwegian), adopted on 20 June 2008 and published on 24 February 2009.

The right to seek and enjoy asylum, and the right not to be subjected to torture, inhuman or degrading treatment are at risk of being jeopardized due to the introduction of a more restrictive asylum policy, based on which international protection may not be granted to all those in need. There are also concerns that refugees' enjoyment of their right to family life may be jeopardized due to more restrictive family reunification policies. Furthermore, rejected asylum seekers who cannot be returned to their countries of origin, and who are kept in centres for indefinite periods may risk having their right to liberty and security of person violated. Finally, the need to ensure adequate protection of the unaccompanied children seeking asylum should be highlighted, particularly in regard to their need for specialized care and reception conditions.

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