

**IHF FOCUS: elections; torture and ill treatment; conditions in prisons and detention facilities and detainees' rights; freedom of religion and religious tolerance; national and ethnic minorities (indigenous peoples); equal rights of women and men; racism, xenophobia and hate speech; migrants, asylum seekers and refugees; trafficking in human beings.**

The Constitution of Norway (section 110 c) and the 1999 Human Rights Act oblige the authorities to respect and safeguard human rights. Norway has ratified major international human rights instruments and established important mechanisms to protect human rights such as ombudsmen institutions and free legal aid schemes. In 2005, a new ombudsman for equality and anti-discrimination was established and new anti-discrimination legislation entered into force.

Promotion of human rights worldwide was a main priority of Norwegian foreign policies. The Ministry of Foreign Affairs conducted human rights dialogues with countries with poor human rights records such as China, Vietnam and Indonesia, and was actively involved in efforts to strengthen human rights mechanisms within the UN and other intergovernmental organizations.

Overall human rights were an integral part of Norwegian legislation and policies. However, media and NGOs devoted considerable attention to deficiencies in the existing level of protection, such as shortcomings related to detainees' rights; freedom of religion and religious tolerance; protection of ethnic and national minorities; protection against racism, intolerance and xenophobia; protection of asylum seekers and immigrants; and equal rights of women and men.

The Norwegian Helsinki Committee (NHC) and other human rights organizations expressed particular concern about the lengthy duration of solitary confinement in remand custody, inhuman conditions in police cells, inadequate treatment of particularly vulnerable individuals in remand custody, and inadequate health care of mental-

ly ill prisoners.<sup>1</sup> The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT) visited Norway from 3 to 10 October 2005. Among other things, it criticized the fact that many prisoners were held in solitary confinement without court approval.<sup>2</sup>

The number of persons filing asylum applications continued to decrease, while the number of persons granted protection remained relatively stable. Human rights and refugee organizations criticized the authorities for restrictive practices with regards to granting asylum and other forms of protection, and for certain aspects of the treatment of asylum seekers and rejected asylum seekers.

Elections to the Norwegian parliament (*Storting*) were held on 12 September 2005. A red-green coalition consisting of the Labor Party, the Socialist Left Party and the Center Party won the elections, defeating a coalition of center-right parties. It subsequently formed a new government. An international election observation team invited by the NHC and the Norwegian Institute of International Affairs concluded that the elections were free and fair.

## Elections

For the first time ever, an international monitoring team observed the conduct of elections in Norway during the September parliamentary elections. A total of 29 election experts and human rights activists from nine countries of the Commonwealth of Independent States (CIS) monitored the voting in a total of 106 polling stations in six different municipalities and the vote count in 14 polling stations or municipal election boards. The observation was

\* As reported by the Norwegian Helsinki Committee (NHC, IHF member) to the IHF, March 2006.

based on the methodology and standards of the Organization for Security and Co-operation in Europe (OSCE).

As the monitoring team was relatively small and only observed proceedings on election day, its conclusions cannot be considered comprehensive. According to the observers, the elections were conducted in an atmosphere of trust between the voters and the authorities and against the background of a long tradition of democratic elections in the country. However, certain elements of the voting process were criticized, such as an unclear procedure for identifying voters, ballot boxes that were not always sealed and incomplete regulations concerning the storage of ballots. The observers concluded that although no attempts at abuse were observed, a clarification of the election legislation would serve to enhance the security of the election process and set a good example for other OSCE states.<sup>3</sup>

### **Torture and Ill-Treatment<sup>4</sup>**

#### *Norway's International Role in Fighting Torture and Ill-treatment*

Human rights NGOs continued to call on the Norwegian government to step up its efforts to ensure respect for the prohibition against torture and ill-treatment, as well as for the rights of detainees, at the international level.

In 2004, the NHC asked Norwegian authorities to file an interstate complaint with the UN Committee against Torture for a review of a British Court of Appeal ruling, which maintained that evidence obtained under torture in third countries could be used in terrorism cases, provided that the UK government had neither procured the torture nor connived at it. The then Norwegian prime minister responded that Norway would not file a complaint until the highest UK court had dealt with the case, and referred to a decision by the Norwegian prosecutor general that prohibited the

use of evidence obtained under torture in criminal cases in Norway. On 8 December 2005, the UK House of Lords overturned the court of appeal ruling and determined that evidence obtained through torture was not be admissible in British courts.<sup>5</sup>

The new center-left government that took office in October 2005 announced plans to intensify its international efforts to counteract erosion of the prohibition against torture. According to Foreign Minister Jonas Gahr Støre, the fight against terrorism cannot legitimize use of interrogation methods amounting to inhuman treatment or torture. The government also supported calls for the closure of the US prison camp at Guantánamo Bay.

Human rights groups advocated that safeguards against torture be made a precondition for Norwegian participation in international military operations. According to the government, issues related to the prevention of torture and other forms of abuse of detainees were addressed in contacts with counterparts in international operations, in particular the US and the UK. It did, however, not deem it appropriate to impose requirements as to specific safeguards. In a statement published in September, Amnesty International Norway claimed that Norwegian authorities accepted US violations of international human rights and humanitarian law, as well as contributions by Norwegian forces to such violations, within the framework of the "Operation Enduring Freedom" in Afghanistan.<sup>6</sup> In November, the new government stated that it would withdraw all Norwegian troops participating in this operation and limit Norwegian presence in Afghanistan to the NATO led stabilization force (ISAF).<sup>7</sup>

### **Conditions in Prisons and Detention Facilities and Detainees' Rights**

#### *Pre-Trial Detention*

According to official information, 3,169 persons were held in remand cus-

tody in 2005 for an average of 63 days. Among those released from remand custody during the year, there were 52 persons who had been detained for more than 365 days and five persons who had been detained for 730 days.<sup>8</sup>

The maximum time limit for police detention without a court decision was 72 hours, and after a court had sanctioned remand detention a person could be held another 24 hours in police custody before being transferred to a remand custody facility (the so-called 24 hour rule). Hence, a person could legally spend a maximum of 96 hours in police detention.

The 24-hour rule was considered important to prevent detainees from being subject to pressure. According to the Norwegian Bar Association, detention in police custody for several days often influenced statements made during interrogation. For example, detainees made statements that they thought would please the police officers interrogating them in the hope that this would result in their release or improvement of their detention conditions. When later confronted with such statements during court hearings, remand prisoners often retracted their claims.

In practice, the 24-hour rule was frequently violated and a substantial number of detainees were held in police cells for many days. Statistics provided by the Ministry of Justice and the police showed, however, that the number of violations of the 24-hour-rule decreased substantially in 2005. Thus, while 406 violations of the rule were registered in 2004, this number had decreased to 251 in 2005. Out of those held for more than 24 hours, 18 were held for more than five days, four for more than six days and one for more than seven days. In the preliminary observations published following its October visit, the CPT noted "some improvement" regarding implementation of the 24-hour rule.<sup>9</sup>

However, the CPT criticized the fact that those held in police custody were only allowed to have access to a lawyer after being questioned by police or even later, when brought before a judge. The CPT found material conditions in police custody to be "generally adequate," but criticized the fact that no food was served during the first eight hours of police custody and that detainees held overnight were not always given blankets. It also expressed concern that agitated detainees were sometimes shackled to cell walls with metal rings.<sup>10</sup>

Moreover, the CPT voiced serious concern that many detainees – both remand detainees and inmates serving prison sentences – were held in solitary confinement merely on the basis of a decision by prison authorities. During its visit to Norway, the CPT met several detainees who had been held in isolation for more than 18 months, some of whom displayed symptoms such as anxiety, sleeping problems and depression.<sup>11</sup>

A total of 39 minors were held in remand custody during the year, and nine minors spent more than 60 days in pre-trial detention. In a March letter to the CPT, the Ombudsman for Children expressed concern that imprisonment substitutes were rarely employed in the cases of juvenile offenders, and that juveniles were typically remanded together with adults. The ombudsman questioned whether current practice was in accordance with the UN Convention of the Rights of the Child. The ombudsman pointed in particular to a case where a 15 year-old boy was remanded in custody from 30 August 2004 until the commencement of his trial on 5 January 2005. In this case, the judge had stated that "persons of such a young age" should not be remanded in prison facilities. However, he still sanctioned the boy's detention, arguing that there were "no suitable, secure alternatives."<sup>12</sup>

Foreign nationals could be remanded in custody on suspicion that they had pro-

vided false information about their identity, and there was no maximum time limit as to the period they could be detained. At least one foreign national had been remanded for more than one year, which gave rise to concerns about violation of article 5 of the European Convention on Human Rights (ECHR), which protects the liberty and security of a person. The CPT expressed concern about the treatment of foreign inmates who did not speak Norwegian or English, in particular with regard to their contacts with the outside world and the information they received.<sup>13</sup>

### **Health Care**

The NHC and other human rights organizations voiced concern about inadequate health care of detainees, in particular mentally ill persons.<sup>14</sup> A 2004 research report concluded that the health of prisoners was worse than that of the rest of the population, both in terms of physical and mental health. It showed that the occurrence of mental problems was three times higher among male prisoners (27% of all prisoners) than among the population at large, and four times higher among female prisoners (39% of all prisoners).<sup>15</sup>

The NHC considered it a case of concern that no systematic study of the conditions of prisoners with mental health problems had been undertaken and emphasized that accurate information was needed to ensure that this category of prisoners received the treatment they needed.

The CPT expressed serious misgivings about the treatment of prisoners with mental problems at Trondheim prison. It noted that the high prevalence of mental disorders within the prison population – more than 50% of all inmates were on psychotropic medication – would call for the regular presence of a psychiatrist, in particular since restraint methods were occasionally used. It also expressed concern that no nurses were present in the prison on weekends and at night.<sup>16</sup>

Moreover, human rights organizations voiced concern that the quality of health care services varied between prisons depending on the economic situation of the municipality in charge of providing the services. Generally health care services were of higher quality in high security prisons than in regular prisons and larger prisons often had a higher proportion of health care staff than smaller prisons. Prisons with a high security level often had health care personnel available 24 hours a day, which was not the case in other prisons.

Regarding health care for people held in police custody, the CPT criticized the fact that police officers occasionally rejected requests from detained persons to have access to a doctor and that persons arrested for short periods of time (for up to four hours) did not have access to a doctor at all.<sup>17</sup>

The authorities sought to implement a zero tolerance policy regarding the use of drugs in prisons. An often-used sanction was to deny convicts who were found to use drugs of the opportunity to engage in leisure activities during their spare time. The policy of Oslo prison, where 80% of all prisoners reportedly used narcotics, was to gradually introduce harsher sanctions if a prisoner continued to violate drug regulations after first being caught doing so. For example, as a second step, a convict could lose the right to have a TV set in his or her cell. The NHC expressed concern that health aspects typically were neglected when prison rules on drug abuse were enforced. It pointed out that many prisoners who were drug addicts also had mental problems and that these problems were likely to deteriorate if the prisoners were denied the right to engage in leisure activities. Experts on drug addiction also criticized the fact that detainees were deprived of drugs without receiving proper treatment.

An especially strict prison regime, involving a considerable degree of isolation,

continued to be enforced for persons convicted of involvement in organized crime. As a result, the prevalence of mental problems among such prisoners reportedly grew. While acknowledging that it may be warranted to limit certain rights of those convicted for organized crime, the NHC and other human rights organizations emphasized the importance of developing prison regimes so as to ensure that they did not contribute to mental health problems.

### *Detention in Psychiatric Institutions*

The number of involuntary psychiatric hospitalizations in Norway was high compared to other European states.<sup>18</sup> A major underlying reason was lack of resources for voluntary treatment of mentally ill persons within the health care system. Hence, many people were denied treatment in early phases of illness, only to be hospitalized involuntarily when their condition had deteriorated.

Research indicated that a considerable part of those involuntarily hospitalized were people from a difficult socio-economic background, and great differences between hospitals in terms of the number of involuntarily hospitalized patients suggested that attitudes among local health care personnel played an important role in the resort to this form of treatment. Experts voiced concern that local governments did not provide adequate support, including in terms of housing, to persons released from involuntary hospitalization.

The CPT criticized the fact that Norwegian police officers routinely handcuffed, and even ankle-cuffed, persons who were due to be forcibly treated in psychiatric institutions, even when the persons in question did not offer any resistance. The committee concluded that this practice "criminalizes and stigmatizes the patient, and is often unnecessary from a security point of view."<sup>19</sup>

### **Freedom of Religion and Religious Tolerance**

In 2004 the UN Human Rights Committee criticized the mandatory school subject of "Christian Knowledge and Religious and Ethical Education" (CKREE) for violating article 18 (14) of the International Covenant on Civil and Political Rights (ICCPR), which protects the right of parents to ensure the religious and moral education of their children in conformity with their own convictions. CKREE, which was introduced in 1997, had a Christian orientation but was supposed to be non-partisan. Non-Christian students were only allowed exemption from certain parts of the education.

In response to the criticism expressed by the UN Human Rights Committee, the Norwegian government initiated a review of the controversial subject. New rules that entered into force in August 2005 abolished the previous requirement that teaching of CKREE be based on the so-called Christian object clause, which is laid down by article 1(2) of the Norwegian Education Act and provides that education shall be carried out in accordance with the basic values of Christianity. Under the new rules, Christianity was to remain the primary focus of the instruction, but more attention was to be given to non-Christian religions and ideologies. New guidelines for teaching methods were introduced to limit the possibility that the education be perceived to be confessional, and teachers were told to exercise care when employing teaching methods that resemble preaching or religious practice. The new rules also made it easier for parents to file applications for exemption from CKREE for their children.

The government was criticized for failing to address all the points made by the UN Human Rights Committee when introducing the new rules. The Norwegian Humanist Association concluded that the changes were "mainly cosmetic" and ex-

pressed particular disappointment about the fact that the right to exemption from CKREE remained limited. In an alternative report submitted to the UN Human Rights Committee in September 2005, a number of human rights organizations noted that although the specific requirement to teach CKREE in compliance with the Christian object clause of the Education Act had been abolished, the fact that this clause remained in force meant that there was a continued requirement for schools to ensure that the teaching of all compulsory subjects – including CKREE – had the aim of ensuring a Christian upbringing of students. The organizations therefore advocated that the Christian object clause be abolished, along with a similar provision included in the Norwegian Preschool Act.<sup>20</sup>

Following the September parliamentary elections, the NHC engaged in a debate in the media concerning a constitutional requirement that more than half of the cabinet members belong to the Lutheran State Church.<sup>21</sup> The committee called for a revision of this provision, arguing that it was not in line with the internationally protected right to freedom of religion. The Norwegian Centre for Human Rights at the University of Oslo supported this position.

### National and Ethnic Minorities

The following groups had been officially recognized as national minorities in Norway: Jews, Kven (people of Finnish descent living in northern Norway), Roma/Gypsies, Romani people/Travelers and Skogfinn (people of Finnish descent living in southern Norway). The Sámi people have the status of an indigenous people.

Norway ratified the Council of Europe Framework Convention for the Protection of National Minorities in 1999 and the ILO Convention concerning indigenous and trib-

al peoples in independent countries (ILO Convention No. 169 of 1989) in 1990.

### *The Sámi*

An estimated 45,000 Sámi lived in Norway. Norway's international obligations toward the Sámi were based on ILO Convention No. 169. Also, section 110a of the Constitution stated that: "it is the responsibility of the authorities of the State to create conditions enabling the Sámi people to preserve and develop its language, culture and way of life."

The Sámi population participated freely in national political processes and since 1989 have elected their own constituent assembly, the Sámeting. A deputy minister of the ministry of local government and regional affairs was in charge of Sámi issues and a Resource Centre for the Rights of Indigenous Peoples worked to increase information about the rights of the Sámi and other indigenous peoples.

The right to ownership of land and water resources of the Sámi people remained controversial. This was particularly due to the mixed population of the Finnmark County, where the Sámi primarily resided. In June, the parliament adopted the Finnmark Act to regulate the management of resources in the county. The act transferred ownership of 96% of the territory of the county from the state to an independent council, the Finnmark Commission, consisting of representatives from the Sámeting, the elected assembly of the Finnmark County, and the state. This commission was to handle controversial issues regarding resource ownership. When considering Norway's fifth periodic report under the ICCPR, the UN Human Rights Committee pointed to a number of deficiencies of the Finnmark Act and asked the Norwegian government to clarify these. The UN Human Rights Committee also asked the Norwegian authorities to provide more information on the situation of the

East Sámi people,<sup>22</sup> who according to an alternative report submitted by a number of human rights NGOs were not able to enjoy their culture in accordance with article 27 of the ICCPR.<sup>23</sup>

The government proposed to grant NOK 7 million (approximately EUR 1 million) in support of Sámi culture in 2006. However, no special funding was made available to support East Sámi culture.

### *The Roma Minority*

On 4 April, the parliament adopted a system of reparations for past human rights violations of persons belonging to the Romani people in Norway. The system provided for reparations also in cases when a violation was in agreement with existing law, or regarded as an acceptable policy, at the time when it took place. In cases where the applicant experiences difficulty providing the necessary documentation of the violation, emphasis will be given to personal statements.<sup>24</sup> Past human rights violations of the Romani community in Norway include forced sterilization of women, lobotomies and forced separation of children from their parents.

The government also allocated NOK 75 million (about EUR 9.5 million) to a foundation to support Romani culture.

According to a report commissioned by the Ministry of Children and Equality, the Roma was the national minority group that was the least integrated into Norwegian society and the one that most frequently experienced racism.<sup>25</sup>

The government decided to allocate NOK 2 millions (approximately EUR 250,000) to improve the situation of schoolchildren of Roma background in 2006. These funds were intended to support Roma children with particular needs.

## **Equal Rights of Women and Men**

### *Women's Representation*

As of the end of 2005, 18% of all board members in Norwegian companies

were women. This figure had increased from 9% in 2003, when the issue of under-representation of women on boards first became the subject of media focus. There was, however, still a long way to go to reach the level of 40% of women, which will be required as of 2008 under a new law on gender equality that entered into force on 1 January 2006. As of early 2006, 244 companies still had no female board members at all.<sup>26</sup>

Women's representation in the Norwegian Parliament (*Storting*) remained high also after the September elections, or 37.9%.<sup>27</sup>

### *Domestic Violence*

During the year, the results of a survey about the use of physical violence in couple relationships were published. One fourth of the women surveyed, and one fifth of men, reported that they had been subject to physical force by their partners since the age of 15. About 5% had had such an experience in the past 12 months.<sup>28</sup>

According to a study published by Amnesty International Norway, insufficient measures were taken to prevent domestic violence, and to assist victims of such violence, at the local level. The organization called on all local authorities to document the extent of the problem of domestic violence within their territories, to elaborate action plans to combat the problem and to ensure that victims of domestic violence have access to adequate assistance.<sup>29</sup>

In recent years, Norwegian authorities have sought to strengthen protection of women through several initiatives, including a 2004-2007 plan of action to counter domestic violence, female genital mutilation and forced marriages. Human rights organizations, however, voiced concern about the lack of concrete measures to prevent violence in close relationships in this plan.

### Racism, Xenophobia and Hate Speech

There was limited systematic data about racial discrimination in Norway. However, available reports indicated that such discrimination remained widespread, in particular in the labor and housing market. At the end of the year, the unemployment rate among immigrants residing in the country was 9.9% compared to 3.7% among the population as a whole. The unemployment rate for immigrants of African origin was the highest, or 19.3%.

Complaints related to the labor market constituted the largest category of complaints filed with the Centre against Ethnic Discrimination (SMED), an independent but government funded institution, and approximately half of these complaints were considered on grounds of discrimination.

On a positive note, the parliament adopted new legislation prohibiting discrimination based on ethnicity and religion. Also, amendments to section 135 a of the penal code and section 100 of the constitution were adopted in order to bring Norwegian law in compliance with international standards in terms of hate speech and freedom of expression.<sup>30</sup> A new ombudsman for equality and anti-discrimination was established to promote equality and combat discrimination on the basis of gender, ethnic origin, sexual orientation, disability and age. This office replaced SMED as of 2006.

It was expected that an August decision by the UN Committee on the Elimination of Racial Discrimination (CERD) in the so-called "Sjoelie case" would have important implications for state policies on hate speech.<sup>31</sup>

◆ A Supreme Court ruling of 17 December 2002 acquitted neo-Nazi leader Terje Sjoelie of violating penal code section 135a, which prohibits racist expressions.<sup>32</sup> Sjoelie had been brought to court for a speech held in 2000, in which he commemorated Nazi leader Rudolf Hess. A nar-

row majority of the Supreme Court judges held that penalizing public approval of Nazism would be incompatible with the right to freedom of speech. The majority of judges acknowledged that Sjoelie's speech contained derogatory and offensive remarks, but noted that he did not make any actual threats or give any instructions to carry out any particular actions. The Supreme Court's decision was criticized by human rights and anti-racist organizations. The Jewish community of Oslo and Trondheim and the Norwegian Antiracist Centre communicated the case to CERD in June 2003. For the first time, SMED chose to support such a complaint.<sup>33</sup> SMED argued that there had been an imbalance between two fundamental rights in the Supreme Court's decision, namely freedom of speech and the right to protection against racist expressions. By raising the Sjoelie case before CERD, it sought to "contribute to the strengthening of the protection against hate speech – and the responsibility freedom of speech entails – in Norwegian law."<sup>34</sup> In its decision of 15 August 2005, CERD concluded that the Supreme Court ruling violated article 4 (prohibition against racist propaganda) and 6 (the right to effective protection and remedies) of the UN Convention on the Elimination of All Forms of Racial Discrimination.<sup>35</sup> It recommended Norway to take measures to ensure that safeguards for freedom of speech included in Norwegian law do not protect statements such as those made by Sjoelie.

### Migrants, Asylum Seekers and Refugees

A total of 5,366 asylum applications were registered in 2005, which represented a decrease of 33% from 2004 (7,950 applications) and 66% from 2003 (15,613).<sup>36</sup> The largest numbers of asylum seekers originated from Iraq (661), Somalia (661), the Russian Federation



(542), Serbia and Montenegro (466) and Afghanistan (461).

A total of 2,480 persons were granted asylum or a residence permit on protection grounds or for humanitarian reasons. This represented a recognition rate of 45%, which was an increase of 5% compared to 2004, and 16% compared to 2003. Out of the total number of applicants, 10% were granted asylum, 16% protection status, and 19% residence permits for humanitarian reasons. In addition, Norway received 898 refugees on the basis of a special quota agreement with the UN High Commissioner for Refugees (UNHCR). The total number of persons granted protection in Norway in 2005 was thus 3,378, which was slightly lower than in 2004.

The Directorate of Immigration (UDI) claimed that the major reasons for the substantial decrease in the number of asylum seekers registered in Norway included fewer armed conflicts near Europe, a more rapid processing of asylum applications as well as cooperation with other European countries on the basis of the Dublin Convention.<sup>37</sup> The decrease was also attributed to information campaigns targeted at so-called “unfounded asylum applicants” in Eastern Europe.<sup>38</sup>

Moreover, according to the Norwegian immigration authorities, the fact that the rate of recognized asylum applications had increased reflected a trend in which a growing number of applicants were in need of protection and showed that implementation of the new asylum system introduced in 2003 was successful.<sup>39</sup> However, the Norwegian Organization for Asylum Seekers (NOAS) found that asylum policies had become increasingly restrictive in recent years.

Human rights and refugee organizations, including the NHC, were particularly concerned that Norwegian authorities disregarded UN protection guidelines with respect to asylum seekers from a number of

regions. Hence, the Norwegian government disregarded a request from the UNHCR to refrain from returning persons to Southern Somalia<sup>40</sup> and rejected asylum seekers from Southern Iraq and Afghanistan contrary to UNHCR recommendations. A number of applicants belonging to ethnic minorities in Kosovo were rejected with reference to the so-called internal protection alternative in Serbia and in several cases ethnic Chechen asylum seekers were rejected on the grounds that they could re-settle in other regions of the Russian Federation. However, according to the UNHCR, both of these groups should be considered in need of international protection. The NHC also criticized Norwegian authorities for deporting Chechen asylum seekers to other parties of the Dublin Convention with weak or over-burdened asylum systems.

In one case disregard of UN recommendations had fatal consequences:

◆ In early 2005, a six-year-old, seriously handicapped and sick child died after being returned from Norway to Kosovo. Norwegian health personnel had warned that returning the child may have grave consequences for her health. Upon the child's return to Kosovo, the UN Administration in Kosovo (UNMIK) appealed to the Norwegian authorities to take her back to Norway due to lack of proper treatment opportunities in Kosovo. This request was, however, dismissed and the child died shortly thereafter.

In another case involving two Chechen asylum seekers, there was, however, a positive development:

◆ The Norwegian Immigration Appeals Board (UNE) granted protection to Toita Asjgirieva and her husband Isa Isayev,<sup>41</sup> whose applications were rejected by UDI in 2004. The NHC and other human rights organization had criticized the decision by the UDI for violating UNHCR guidelines as well as Norway's asylum principles.

It remained of concern that only scarce resources were allocated to the care of unaccompanied asylum-seeking children. The UN Committee on Economic, Social and Cultural Rights and the UN Committee for the Rights of the Child both expressed concern about the lack of adequate treatment of minor asylum seekers suffering from trauma or disease.<sup>42</sup> The latter also expressed concern that many asylum-seeking children disappeared from reception centers, rendering them vulnerable to exploitation and abuse. According to Save the Children Norway, about a hundred children had disappeared from reception centers in the last three to four years.

In a positive development, the new government reversed a decision by the previous government to deprive asylum seekers whose applications had been rejected in the last instance of free accommodation and food. The previous policy had been strongly criticized by human rights organizations and the Norwegian Lutheran Church for forcing persons who could neither return to their country of origin nor legally work in Norway to live on the street. However, while NOAS welcomed the decision to provide rejected asylum seekers with shelter, it also called for granting the right to residence permits to rejected asylum seekers who have resided in Norway for a longer period of time.

Health personnel warned that the level of assistance provided to traumatized refugees was insufficient.<sup>43</sup> While asylum seekers with psychological problems had been accommodated in regular centers in previous years, a first separate reception center for this category of asylum seekers was established in 2005. Four more such centers were planned.

Amnesty International/Norway, the Norwegian Bar Association, and the Norwegian Helsinki Committee raised concern about conditions at Trandum Aliens Holding Centre.<sup>44</sup> Following its October visit

to Norway, the CPT also expressed concern about the conditions at this center, including the lack of activities for those held at the center for prolonged periods of times.<sup>45</sup>

A new law on foreigners was prepared during the year and was the subject of public discussion. The NHC called for a reference to be included in the law about the right to protection of persons fleeing internal armed conflicts. It also demanded that clear criteria be developed for the use of the so-called internal protection alternative and that immigration authorities be required to give strong weight to recommendations by the UNHCR and NGOs regarding this alternative. Further, it proposed obliging Norwegian authorities to follow-up on the treatment of asylum seekers deported from Norway to another state party of the Dublin Convention. The NHC also called for a provision establishing Norway's obligations to investigate the cases of asylum seekers suspected of committing serious international crimes.

### **Trafficking in Human Beings**

Norway was primarily a country of destination for women trafficked for the purpose of sexual exploitation. The number of foreign women engaged in prostitution had increased dramatically in the past years. While only 19% of the women registered by the Pro Centre, an organization providing assistance to prostitutes, were of foreign origin in 2001, this figure had increased to 63% in 2004. Statistical and systematic knowledge about the scope of trafficking was lacking, but the Pro Centre estimated that there were roughly 500 potential trafficking victims in Oslo in 2004. By the end of 2005, the main countries of departure of trafficking victims were Nigeria and countries in Eastern Europe and the Baltic region.

Increased attention was given to trafficking in children via the asylum system. In November 2005, the police reported

that four unaccompanied asylum-seeking children from China who had disappeared from reception centers in Norway had been found in the hands of persons suspected of trafficking in Sweden.

The government launched a second Plan of Action to Combat Trafficking in Women and Children, and the first conviction under the new anti-trafficking statute introduced in the Norwegian penal code in 2003 was handed down. At the beginning of the year, a government-sponsored emergency and information hotline offering help and information to victims of trafficking was established. By the end of the year, 18 women had been provided safe accommodation through this program.

Despite such improvements, there were concerns that protection of and assistance to victims of trafficking remained unsatisfactory and possibly in breach of the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002). In particular, human rights organizations and experts criticized the government for not putting enough effort into developing routines and criteria for identifying trafficking victims, and for making the issuance of residence permits to

trafficking victims conditional on willingness to cooperate with the police.

According to regulations in place in those cases when persons due to be expelled claimed to be victims of trafficking, they were to be offered a reflection period of up to 45 days. During this period, their expulsion was to be suspended and they were to be provided safe places to stay while they had the opportunity to consider whether they wished to cooperate with police for the purpose of prosecuting those behind their trafficking. In 2005, only one person applied for a reflection period. NGOs found it problematic that the prospects for trafficking victims to obtain protection after the elapse of the 45-day reflection period were uncertain; victims who chose to cooperate with police could be given temporary residence permits, but they did not have any automatic right to such permits.

According to the NOAS, Norwegian asylum practice with regard to victims of trafficking remained unpredictable. Information received by the NHC indicated that around 15 trafficking victims were granted asylum or humanitarian protection status in Norway in 2002-2005.

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## Endnotes

- <sup>1</sup> The NHC, Amnesty International Norway, the Norwegian Bar Association and the Ombudsman for Children raised these concerns prior to the fourth visit to Norway (on 3-10 October 2005) of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The letters sent to the CPT in 2005 with the participation of the Norwegian Helsinki Committee are available at [www.nhc.no](http://www.nhc.no).
- <sup>2</sup> The preliminary observations about the CPT visit were made available on 16 December 2005. They are available at [www.cpt.coe.int/documents/nor/2005-20-inf-eng.pdf](http://www.cpt.coe.int/documents/nor/2005-20-inf-eng.pdf).
- <sup>3</sup> A detailed report of the election observation is available at [www.nhc.no](http://www.nhc.no) (in the section on Norway).
- <sup>4</sup> See also the section on "Conditions in Prisons and Detention Facilities and Detainees' Rights."
- <sup>5</sup> See Liberty, "House of Lords rule that torture evidence is not admissible in UK courts," 8 December 2005, at [www.liberty-human-rights.org.uk/press/2005/lords-rule-torture-inadmissible.shtml](http://www.liberty-human-rights.org.uk/press/2005/lords-rule-torture-inadmissible.shtml).

- <sup>6</sup> See [www.amnesty.no/web.nsf/pages/167EB2AE39951A89C125707B0033F95E](http://www.amnesty.no/web.nsf/pages/167EB2AE39951A89C125707B0033F95E).
- <sup>7</sup> Statement available at [http://odin.dep.no/ud/norsk/aktuelt/taler/minister\\_a/032191-090016/dok-bn.html](http://odin.dep.no/ud/norsk/aktuelt/taler/minister_a/032191-090016/dok-bn.html).
- <sup>8</sup> All numbers refer to persons who were released from remand custody during the year.
- <sup>9</sup> *Preliminary Observations Made by the Delegation of the CPT which visited Norway from 3 to 10 October 2005*, 16 December 2005, at [www.cpt.coe.int/documents/nor/2005-20-inf-eng.htm](http://www.cpt.coe.int/documents/nor/2005-20-inf-eng.htm).
- <sup>10</sup> *Ibid.*
- <sup>11</sup> *Ibid.*
- <sup>12</sup> The letter was not made public.
- <sup>13</sup> *Preliminary Observations Made by the Delegation of the CPT which visited Norway from 3 to 10 October 2005*, 16 December 2005, at [www.cpt.coe.int/documents/nor/2005-20-inf-eng.htm](http://www.cpt.coe.int/documents/nor/2005-20-inf-eng.htm).
- <sup>14</sup> These concerns were expressed in a 1 April 2005 letter to the CPT.
- <sup>15</sup> Christine Friestad and Inger Lise Skog Hansen, *Levekår blant innsatte* ("Conditions of life among inmates"), Oslo 2004, FAFO report 429, page 48.
- <sup>16</sup> *Preliminary Observations Made by the Delegation of the CPT which visited Norway from 3 to 10 October 2005*, 16 December 2005, at [www.cpt.coe.int/documents/nor/2005-20-inf-eng.htm](http://www.cpt.coe.int/documents/nor/2005-20-inf-eng.htm).
- <sup>17</sup> *Ibid.*
- <sup>18</sup> In Norway, there were 253 involuntary hospitalizations per 100,000 inhabitants, but in, for example, Portugal there were only six. Twenty-five percent of the patients in Norwegian psychiatric hospitals had been hospitalized involuntarily.
- <sup>19</sup> *Preliminary Observations Made by the Delegation of the CPT which visited Norway from 3 to 10 October 2005*, 16 December 2005, at [www.cpt.coe.int/documents/nor/2005-20-inf-eng.htm](http://www.cpt.coe.int/documents/nor/2005-20-inf-eng.htm).
- <sup>20</sup> A working group consisting of representatives from the NHC and six other organizations produced the NGO Supplementary report, at [www.nhc.no](http://www.nhc.no).
- <sup>21</sup> Section 12 of the constitution states that: "The King himself chooses a Council from among Norwegian citizens who are entitled to vote. This Council shall consist of a Prime Minister and at least seven other Members. More than half the number of the Members of the Council of State shall profess the official religion of the State. ..."
- <sup>22</sup> The concluding observations of the Human Rights Committee were yet to be made public as of this writing.
- <sup>23</sup> Article 27 of the ICCPR provides: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." The alternative report is available at [www.nhc.no](http://www.nhc.no).
- <sup>24</sup> For more information, see <http://odin.dep.no/krd/norsk/tema/nasjonale/016091-990219/dok-bn.html>.
- <sup>25</sup> For more information about this report, please contact the NHC.
- <sup>26</sup> See *Aftenposten*, "Trenger 600 kvinner," 18 January 2006, at [www.aftenposten.no/nyheter/okonomi/article1200471.ece?service=print](http://www.aftenposten.no/nyheter/okonomi/article1200471.ece?service=print).
- <sup>27</sup> Statistics available at the website of the Norwegian parliament, at [www.stortinget.no/representantene/navn\\_tall/2005/kvinner\\_2005.html](http://www.stortinget.no/representantene/navn_tall/2005/kvinner_2005.html).
- <sup>28</sup> Thomas Haaland, Sten-Erik Clausen and Berit Schei, *Couple Violence – different perspective: Results from the first national survey in Norway*, (Oslo: NIBR report 2005: 3).

A total of 4,618 people between the ages of 20-54 were surveyed.

- <sup>29</sup> Amnesty International Norway, *Vold mot kvinner et ikke-tema* ("Violence against women a non-issue"), Oslo 15 September 2005.
- <sup>30</sup> Law on prohibition of discrimination based on religion, ethnicity etc., adopted on 3 June 2005. Available only in Norwegian, at [www.lovdata.no/all/nl-20050603-033.html](http://www.lovdata.no/all/nl-20050603-033.html).
- <sup>31</sup> CERD/C/67/D/30/2003.
- <sup>32</sup> This penal code provision was originally introduced to comply with the obligation of state parties of the CERD to prohibit racist expressions and dissemination of racist ideas.
- <sup>33</sup> As of 2006, SMED was replaced by a new system of protection under the ombudsman for equality and anti-discrimination.
- <sup>34</sup> See "Ytringsfrihet bør finde Sted" ("There should be Freedom of Speech"), written by the then SMED head Guro Fjellanger and the then legal advisor Guri Hestflått. 23 August 2003, at [www.smed.no/artikkelID.asp?artikkelID=224](http://www.smed.no/artikkelID.asp?artikkelID=224)
- <sup>35</sup> "Høyesteretts frifinnelse av Terje Sjølie klages inn for FN's Rasediskrimineringskomité" ("The Supreme Court's acquittal of Terje Sjoelie is communicated to CERD"), 2 July 2003, at [www.smed.no/artikkelID.asp?artikkelID=216](http://www.smed.no/artikkelID.asp?artikkelID=216). Article 4 of convention obliges Norway to prohibit propaganda for racial hatred and superiority, as well as promotion of racial discrimination and racially motivated violence. It follows from article 6 of the convention that the state is obliged to provide individual protection against racist discrimination. The Supreme Court acquittal of Terje Sjoelie did not uphold these obligations, according to SMED.
- <sup>36</sup> Statistics presented by the Directorate of Immigration (UDI), [www.udi.no](http://www.udi.no).
- <sup>37</sup> UDI, "Asylordingen fungerer etter hensikten" ("The administration of the asylum institute is functioning according to the intentions"), 17 January 2006, at [www.udi.no](http://www.udi.no).
- <sup>38</sup> Paula Tollonen, Head of the Asylum Section of the UDI, statement to the daily *Dagsavisen*, 30 October 2005.
- <sup>39</sup> Ibid.
- <sup>40</sup> NOAS, "Challenges in Norwegian Refugee Policy 2005-2009", at [www.noas.org](http://www.noas.org).
- <sup>41</sup> Their case is outlined in the NHC 2005 report on human rights developments in Norway (covering events of 2004), at [www.nhc.no](http://www.nhc.no); and IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 (Events of 2004)*, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4057](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4057).
- <sup>42</sup> *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Norway*, 23 June 2005; *Concluding Observations of the Committee on the Rights of the Child*, 03 June 2005.
- <sup>43</sup> According to Professor of Psychiatry Edvard Hauff in a statement to the Norwegian Broadcasting Company, 10 June 2005.
- <sup>44</sup> Letter of 1 April 2005 to the CPT, at [www.nhc.no](http://www.nhc.no).
- <sup>45</sup> *Preliminary Observations Made by the Delegation of the CPT which visited Norway from 3 to 10 October 2005*.