

IHF FOCUS: Freedom of expression; detainees' rights; protection of asylum seekers and immigrants; religious intolerance; intolerance, xenophobia and racial discrimination.

In 2000, the five-year Plan of Action on Human Rights, introduced by the Government in December 1999, was at the centre of the human rights debate in Norway. The Plan was a response to an appeal made to Governments at the 1993 United Nations World Conference on Human Rights, and contains more than 300 measures aimed at improving human rights protection in Norway and abroad. The initiative was well received by Norwegian NGOs, and the Norwegian Parliament adopted the Plan in November 2000. There is, however, no budget included in the Plan, and the implementation of many of the measures will depend on the allocation of resources in the coming years. The decision made by the new Government (in office since March 2000) to allocate the responsibility for human rights to the Minister of Foreign Affairs, instead of continuing to appoint a Minister of Human Rights, also caused some uncertainty concerning the responsibility to implement the part of the Plan that deals with human rights protection in Norway.

Freedom of Expression

Protection Against Racism

The potential conflict between freedom of speech and Norway's legal obligations to fight racism remained a topic of a discussion in 2000. A government-appointed committee established to clarify the balance between freedom of expression and other rights and freedoms concluded its work in September 1999. The commission presented an extensive analysis and proposal for legislative reform. With regard to racism, however, the focus of the commission was more on how to ensure the participation of all groups in the public debate, rather than on the need to clarify the balance between freedom of expression and racism.

◆ The issue received much media coverage in August 2000 when a neo-nazi group asked the police for permission to march through the streets of Oslo to honour the memory of Rudolf Hess. The Norwegian Helsinki Committee argued that allowing this march would be a violation of Norway's international obligations under the UN Convention for the Elimination of Racial Discrimination. The neo-nazi group was not given permission to carry out the march. According to the police, the decision was not based on principle, but was made because other assemblies were going to take place on the same day.

Detainees' Rights

Detainees' rights have been one of the human rights issues to receive the most public attention in the past few years. International monitoring bodies have repeatedly criticized the Government for several aspects of the treatment of persons in pre-trial detention.

The most severe criticism has been directed at the use of police cells for remand purposes and the use of solitary confinement for remand prisoners. The United Nations Committee on Human Rights and Norwegian NGOs have also expressed concern about prolonged periods of detention in some cases.²

The Government has implemented several measures in response to this criticism. According to new guidelines issued in 1998, all remand prisoners were to be transferred to an ordinary prison within 24 hours following a court order that they be remanded in custody. In a report on its visit to Norway in September 1999, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted a significant reduction in the time that remand prisoners

spent on police premises, but that the target of 24 hours was not met in all cases. The CPT repeated critiques concerning the isolation of remand prisoners subject to restrictions on their right to correspondence and to receive visitors. The CPT found that prisoners subject to restrictions were virtually never allowed to associate with each other, and gathered evidence of harmful psychological effects upon prisoners who had been subject to restrictions for prolonged periods. The CPT also expressed concern about allegations that police officers routinely used restrictions as a means of obtaining confessions from inmates.

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

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

The proposal also included measures aimed at reducing the time prisoners spend in remand custody. The Minister of Justice acknowledged this problem, and the proposal was based on the conclusions of two working groups appointed in order to suggest measures to make police investigations and court procedures more efficient. The Minister proposed to increase the maximum time a person can be held in police detention without a court decision from 24 to 72 hours, arguing that giving the police more time to investigate a case before a decision on the need for further pre-trial detention is made would reduce the

number of court decisions ordering pre-trial detention. The Minister also proposed to reduce the time a person can be kept in remand custody without a renewed court decision from four to two weeks. These proposals will be discussed in the Parliament in 2001.

Freedom of Religion

In a report from June 2000 the UN Committee on the Rights of the Child expressed concern that the approach taken by the Government to changes in religious education in primary and secondary school may be discriminatory.

Changes in religious education were introduced in 1997. Instead of having the option to choose between a curriculum with an emphasis on Christianity and a more religiously neutral curriculum, one unified plan for all pupils was introduced. The fact that this curriculum became compulsory for all pupils and that it gave priority to Christianity raised criticism from humanist and non-Christian religious groups. Critics of the new curriculum argued that since it was impossible to guarantee the instruction of religious matters in a neutral manner in a school that is dominated by persons of Christian belief, the denial of the right to exemption violated the rights of parents to control the religious education of their children.

Parents and a humanist organization that sued the State on this basis lost a case in the Court of Appeal in 2000. The case was appealed to the Supreme Court.

Protection of Asylum Seekers and Immigrants

The United Nations High Commissioner for Refugees (UNHCR) and Norwegian NGOs continued to criticize the Government for interpreting the 1951 UN Convention on Refugees restrictively when assessing applications for asylum. The number of persons granted asylum in Norway was low in 2000 compared to many other

European countries. 83,594 persons applied for asylum in Norway between 1989 and November 2000. Only 2,080 were granted asylum, while 45,020 were granted residence permits on humanitarian grounds. NGOs providing assistance to asylum seekers claimed that many of them met the requirements for obtaining asylum. An individual granted a residence permit on humanitarian grounds enjoyed fewer extensive rights concerning family reunification, travel documents, and social security benefits than an individual with asylum status.

In 1998, the Government introduced several guidelines aimed at introducing a more liberal interpretation of the 1951 Refugee Convention. One such change was a recognition that persons persecuted not only because of their political activity, but also because of their religion, ethnic origin, gender, sexual orientation or social group should be granted asylum. The Government also extended its definition of refugees to cover individuals persecuted by non-state actors.

Although the percentage of asylum seekers who were granted asylum in Norway increased from 1.7 percent to 3 percent between 1998 and 1999, Norwegian NGOs were concerned that the new guidelines were often not implemented. NGOs assisting asylum seekers claimed that many women who had applied for asylum because of gender-based persecution had had their applications rejected due to unreasonable requirements of proof. According to the aforementioned Plan of Action on Human Rights, the Government will evaluate the implementation of the new guidelines in 2001.

As in previous years, Norwegian NGOs argued in 2000 that visa requirements in some cases made it virtually impossible to seek asylum in Norway, and that this problem needed to be addressed when discussing human trafficking. During the last two years, 150 cases of trafficking in persons were registered in Norway. Another

recurrent issue of concern was the slow processing of asylum applications. Several asylum seekers had to wait more than 15 months, the maximum period set by the Immigrant Directorate for processing an asylum claim. There were expectations that the establishment of a new Appeals Board for Asylum and Immigration Cases in January 2001 would ameliorate this situation.

Nine-hundred-and-eighty-two single minors applied for asylum in Norway in 1999 and the first 10 months of 2000. Norwegian NGOs expressed concern about the fact that these children often spent prolonged periods of time in reception centres waiting for their application to be processed or waiting to be resettled in a municipality. This situation was criticized by the UNHCR in July 2000. At the end of 2000, considerable media attention was given to the fact that criminals claiming to be relatives abused many of these children, and humanitarian and human rights NGOs called for better legal protection for these children.

Norwegian authorities granted temporary protection to about 6,000 refugees from Kosovo in June 1999. Of these, 3,630 had returned voluntarily by the end of 1999. This temporary protection was brought to an end in August 2000. Refugees from Kosovo were only allowed to stay if they applied for, and were granted, asylum on an individual basis. The Government announced that the majority of this group were not likely to obtain asylum, and that people whose applications had been rejected would be forcibly returned. The Norwegian Helsinki Committee and other NGOs protested against this decision and appealed to the Government to show more flexibility and to at least wait until the spring before beginning the forcible return to Kosovo. In October 2000, the Minister for Local Government and Regional Development announced that only families with children would be allowed to stay in Norway until March 2001.

Intolerance, Xenophobia and Racial Discrimination

According to research conducted by Norwegian and international bodies, immigrants and refugees living in Norway were subject to discrimination in different spheres of society, including the housing market and the labour market.

The UN Committee on the Elimination of Racial Discrimination (CERD) and the European Commission against Racism and Intolerance (ECRI) both published reports in 2000 that criticized the Government for not providing sufficient legal protection for ethnic minorities. Both reports expressed concern about the lack of a law prohibiting ethnic discrimination. The Government appointed a working group responsible for developing a proposal for a new law on ethnic discrimination in March 2000. The working-group will finish its work in June 2001.

The international monitoring bodies also pointed out that laws were not working satisfactorily even in areas already covered by provisions against ethnic discrimi-

nation. The ECRI expressed concern that the burden of proof fell heavily on the victim in Norwegian legislation on this issue, and that the police did not follow up most complaints about racism and discrimination. The latter posed particular a problem in cases where persons were denied access to bars and nightclubs because of their ethnic origin.

◆ In a positive development, for the first time, a pub was fined NOK 150,000 (about U.S.\$16,650) for racism and discrimination offences in November 2000.

The CERD noted that despite the establishment of the Centre for Combating Ethnic Discrimination in 1999, little progress had been made in monitoring racial discrimination, and recommended that Norway review its procedures for monitoring racist incidents. In its report, the CERD also reminded the Government that "in its opinion the prohibition of the dissemination of all ideas based on racial superiority or hatred is compatible with the rights to freedom of opinion and expression."

Endnotes

¹ Based on the annual report of the Norwegian Helsinki Committee.

² See IHF, *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2000*.