

Human rights were an integral part of Norwegian legislation, with the constitution and the 1999 Human Rights Act explicitly requiring the authorities to respect and safeguard human rights.¹ The red-green coalition government, which took office in 2005, stated that it would ensure that Norway fulfills its international human rights obligations and follows up on recommendations and guidelines from international treaty bodies.

Among the deficiencies in the existing level of human rights protection were shortcomings with regard 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, in particular child asylum seekers; and protection of women against violence.

The promotion of human rights worldwide remained a priority in Norwegian foreign policy. 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.

Norway played an important role in supporting the work of the International Criminal Court (ICC), as well as the ad hoc tribunals for the former Yugoslavia and Rwanda. There were, however, not yet any effective avenues for prosecuting serious international crimes in domestic courts. There was a national authority for prosecution of organized and other serious crimes, including war crimes, crimes against humanity and genocide, and a special investigative unit for international crimes was established within the national police in 2005. This unit was, however, seriously understaffed, and Norway had yet to adopt a sufficient legal framework for prosecuting international crimes in its courts.

Conditions in prisons and detention facilities and detainees' rights

As in previous years, main concerns regarding pre-trial detention were the long duration of such detention (up to 96 hours), as well as breaches of the so-called 24-hour rule, which required that remand prisoners be transferred from police custody to prison cells within 24 hours following a court decision sanctioning detention. The use of solitary confinement of remand prisoners also remained a concern.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report on Norway in April, documenting its findings from an October 2005 visit to the country. The CPT emphasized that the objective should be to put an end to the practice of accommodating remand prisoners in police establishments.² It also criticized the fact that those held in police custody were only allowed to exercise the right to have access to a lawyer after being questioned by police or even later, when brought before a judge.³

The CPT criticized the practice of placing remand prisoners in solitary confinement merely on the basis of a decision by prison authorities, and noted that many of those subject to such confinement displayed symptoms such as anxiety, sleeping problems and depression. It recommended that the Criminal Procedure Act should stipulate an absolute upper limit on the duration of solitary confinement of remand prisoners by court order.⁴

The Norwegian Helsinki Committee (NHC) and other human rights organizations criticized the fact that the quality of health care services varied between prisons depending on the economic situation of the municipality in charge of providing the services. In particular, inmates with mental diseases often received insufficient treatment in less well-to-do municipalities.

Conditions at the Trandum Aliens Holding Centre gave reason to particular concern. This center, which was a closed institution,⁵ was intended for short-term accommodation of foreign nationals lacking residence permit who were due to be deported. The CPT noted that the center was sparsely equipped and offered few activities for inmates, and concluded that its conditions could only be considered satisfactory for short stays (of up to three or four days), while in practice individuals could be held there for extended periods of time.⁶ A joint NHC/IHF delegation that visited the centre in May and made similar observations as the CPT.⁷

Freedom of religion and religious tolerance

The state church system, which grants the Lutheran State Church a privileged position in relation to other religious communities in the country, was debated during the year. A government commission proposed loosening the ties between the state and the church, without abolishing the system entirely, and ensuring equal treatment of different religious communities.⁸

When commenting on the reform proposals, the Norwegian Centre for Human Rights concluded that the current state church system violated international human rights standards on several accounts. It noted, for example, that the constitutional requirement that half of the government members belong to the state-church violates the prohibition of discrimination, and can be considered a prohibited means of influencing individual faith. As another example it mentioned the constitutional requirement that the king of Norway adheres to the Lutheran faith, which it found restricted the freedom of religion of the monarch and conveyed a discriminatory attitude towards other religions. The centre also asserted that other elements relating to the state church system – such as the

organization of religious education and prayer time in schools, the designation of public holidays and existing restrictions on *halal*- and *kosher*-slaughter – reflect de facto discrimination based on faith or view of life.⁹

At the end of the year, the proposals made by the government commission had yet to be considered by the government as a whole.

Racism, intolerance, and xenophobia

In August, the UN Committee on the Elimination of Racial Discrimination (CERD) considered the 17th and 18th periodic reports submitted by Norway under the corresponding convention.

In its concluding observations, CERD criticized, *inter alia*, the lack of any explicit penal provision criminalizing or punishing organizations promoting and inciting racial discrimination; the failure to adequately address the special needs of the East Sami people; and the practice of detaining non-citizens suspected of providing a false identity. CERD was also concerned about the high rate of unemployment among immigrants, and recommended that the authorities take more effective measures to ensure full implementation of legislation prohibiting discrimination in the labor market as well as to reduce unemployment among immigrants.¹⁰

Asylum seekers and immigrants

Human rights and refugee organizations, including the NHC, remained concerned that Norwegian authorities disregarded UN protection guidelines with respect to asylum seekers from a number of regions, including Kosovo and Chechnya.¹¹ The government stated that it considered giving increased attention to guidelines of the UN Office of the United Nations High Commissioner for Refugees (UNHCR), but there were no visible policy changes during the year.

In a concerted move, eleven human rights and refugee NGOs appealed to the Minister of Labour and Social Inclusion Bjarne Håkon Hanssen to reform the working methods of the Norwegian Immigration Appeals Board (UNE), arguing that the process in place for considering asylum ap-

peals was inadequate and unfair. According to the organizations, only few appeal cases were heard by the entire board, and sometimes documentation relating to individual cases was handed out to board members at such a late stage that they did not have sufficient time to familiarize themselves with it.¹²

SOURCES FOR FURTHER INFORMATION:

- ◆ Norwegian Helsinki Committee (NHC), at www.nhc.no

Other organizations and bodies:

- ◆ Amnesty International Norway, at www.amnesty.no/web.nsf/pages/index
- ◆ Anti-racist Centre, at www.antirasistisk-senter.no
- ◆ Institution Against Public Discrimination, at www.omod.no
- ◆ Norwegian Organisation for Asylum Seekers (NOAS), at www.noas.org
- ◆ Norwegian Centre for Human Rights, at www.humanrights.uio.no

Publications:

- ◆ *Report to the Norwegian Government on the visit to Norway carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 10 October 2005*, Strasbourg 11 April 2006, p. 12, at www.cpt.coe.int/en/states/nor.htm
- ◆ *Concluding observations of the Committee on the Elimination of Racial Discrimination: Norway*, October 2006, at [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/2e9f0e60602995c0c1257214005c73a2?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/2e9f0e60602995c0c1257214005c73a2?Opendocument)
- ◆ *Staten og Den norske kirke*, NOU 2006:2 ("The state and the Norwegian Church," in Norwegian only), January 2006, at www.regjeringen.no/Rpub/NOU/20062006/002/PDFS/NOU200620060002000D DDPDFS.pdf
- ◆ *Høringsuttalelse*, NOU 2006: 2 Staten og Den norske kirke ("Comment to The State and The Norwegian Church," Norwegian only), Oslo, 1 December 2006, at http://odin.dep.no/kkd/norsk/dok/andre_dok/nou/043001-020003/dok-bn.html

Endnotes

- ¹ The 1999 Human Rights Acts incorporates the following human rights treaties into Norwegian legislation and gives them a semi-constitutional status: the International Covenant on Social, Economic and Cultural Rights; the International Covenant on Civil and Political Rights(ICCPR); the Optional Protocols to the ICCPR; the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); Protocol of 20 March 1952 to the ECHR; Fourth, Sixth, and Seventh Protocols to the ECHR; the Convention on the Rights of the Child (CRC); and the Optional Protocols to

the CRC. Several other core international human rights conventions have also been incorporated into Norwegian legislation.

² *Report to the Norwegian Government on the visit to Norway carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 10 October 2005.*

³ *Ibid.*, p. 15-16.

⁴ *Ibid.*, p. 28.

⁵ As defined in Section 37d of the Immigration Act of 24 June 1998, amended 28 July 2000.

⁶ CPT op.cit., page 21.

⁷ A mission report will be included in the forthcoming 2007 NHC report on human rights developments in Norway 2006 (due to be published in March-April 2007).

⁸ *Staten og Den norske kirke.*

⁹ *Høringsuttalelse* - NOU 2006: 2 Staten og Den norske kirke.

¹⁰ *Concluding observations of the Committee on the Elimination of Racial Discrimination: Norway.*

¹¹ See the chapter on Norway in IHF, *Human Rights in the OSCE Region. Report 2006 (Events of 2005)*, at www.ihf-hr.org/cms/cms.php?sec_id=71.

¹² The appeal (in Norwegian) is available at http://odin.dep.no/kkd/norsk/dok/andre_dok/nou/043001-020003/dok-bn.html.