

Annual Report

Human Rights 2002

Annual Report on Norway's efforts to promote human rights



MINISTRY OF FOREIGN AFFAIRS

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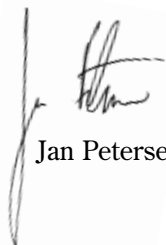
“It devolves upon the authorities of the State to respect and protect human rights.” This fundamental principle underlying Norway’s efforts to promote human rights is laid down in the Norwegian Constitution, and follows from a number of human rights conventions. Norway has a long-standing tradition of active and targeted efforts to promote human rights, not only within its own borders but also in other parts of the world. Human rights concern us all in a great many areas of life.

Human rights have been given a pivotal place in the Sem Declaration issued by the coalition government on 8 October 2001. The goals of Norway’s human rights efforts are clearly defined in the Action Plan for Human Rights, a comprehensive document that was presented by the first Bondevik Government. The Sem Declaration commits the present government to following up the Action Plan.

This annual report gives an account of Norway’s efforts to promote human rights, nationally and internationally, and covers all aspects of the authorities’ efforts to realise human rights, whether by means of legislation, financial support, political cooperation, information, education, monitoring activities or other methods. The report shows that a great deal of progress has been made in implementing the Action Plan, and documents and explains the work that has been done. It also discussed the new challenges and tasks that have emerged, and how the Government has sought to deal with them.

The report focuses on the content and goals set out in the Action Plan, and is organized on the basis of the various rights and international implementation mechanisms. Therefore, national and international measures are generally discussed in relation to each other, rather than separately. This structure reflects the increased interest in the various aspects of human rights, and will make it easier for the reader to find specific subject areas.

Our government gives high priority to enhancing awareness of the importance of human rights in our international efforts. At the same time, we realize that more insight and debate will uncover new areas in which action is called for. Thus, this annual report is intended to provide information on human rights and inspire renewed, strengthened efforts in this field.



Jan Petersen



Hilde Frafjord Johnson



3

Introduction

3.1. Growth of human rights

Human rights have developed tremendously since the Universal Declaration of Human Rights was adopted in 1948. The two main International Covenants of 1966 cover what we call civil and political rights on the one hand, and economic, social and cultural rights on the other. These two Covenants have in turn been amplified and further developed through new special conventions, particularly relating to children, women, torture and racial discrimination. The Universal Declaration of Human Rights has also been followed up at the regional level. In Norway, we are most familiar with the Council of Europe's conventions, of which there are now a large number, and in particular its main convention of 1950.

The rights enshrined in the conventions have been interpreted and developed by implementation bodies specified in the conventions. The International Covenant on Civil and Political Rights is monitored and interpreted by the UN Human Rights Committee, while the UN Committee for Economic, Social and Cultural Rights monitors the other International Covenant adopted in 1966. The European Court of Human Rights decides cases that come under the European Human Rights Convention of 1950.

As a result of the gradual rise in the number of conventions and the increasingly extensive application of these instruments in practice, human rights now cover an extremely broad field.

Classic rights, such as freedom from torture and freedom of expression, are underpinned by newer rights, such as the right to education or health care. The right to a clean natural environment and the right to development are examples of rights that are still in the melting pot.

Documents and institutions do not necessarily bring any improvement in the human rights situation of individuals. Official policies and priorities will play a crucial role in this respect. In order to ensure openness as regards the efforts of government authorities, and to strengthen these efforts, the World Conference on Human Rights in Vienna in 1993 recommended that all countries draw up action plans and annual reports on human rights. Norway was one of the first countries in the world to follow this recommendation. Both the Action Plan and the Annual Reports have been translated into English, and have been received with great interest internationally.

Each ministry is responsible for promoting human rights in its own sphere of activity. This Annual Report is based on information provided by all these ministries. Minister of International Development Hilde Frafjord Johnson is responsible for coordinating the national implementation of the measures in the Action Plans.

3.2. Summary of the contents

The Annual Report on Norway's Efforts to Promote Human Rights reflects the broad range of

activity and the many institutions that work to safeguard human rights. The report is organized by groups of rights, which comprise many of the better known rights and freedoms. Furthermore, special chapters are devoted to institutions, such as the UN and the mechanisms that focus more specifically on human rights. Norway's national and international efforts are thus dealt with in parallel. This makes it easier to form a picture of the many different instruments that can be used in human rights work, and to gain an understanding of the need to focus efforts, here as elsewhere, on meeting specific needs. For instance, capital punishment is fortunately not a human rights issue in Norway, whereas efforts to promote the rights of the Sami people are largely limited to Norway.

The first part of the Annual Report describes measures aimed at promoting democracy, development and civil society. These form the foundation of societies that are grounded on the protection of human rights, and are thus building blocks for many of the efforts in other areas. Chapter 4 discusses democracy and elections, and key civil and political rights such as freedom of expression, freedom of opinion, freedom of religion and the right to education. More structural measures related to the development of civil society are also described before the chapter concludes with a section on the right to development and rights-based development.

Chapter 5 concerns life and health, and focuses on economic and social rights. The chapter begins with measures relating to social security and mental health, followed by measures related to vulnerable groups, such as the elderly, persons with disabilities and HIV/AIDS patients. It ends with an account of measures related to the environment, food and culture and science. Tolerance and equality are the main topics covered in Chapter 6. Measures targeting discrimination and racism, and special efforts in respect of such groups as national minorities, the Sami and indigenous peoples are described here. This chapter concludes with an account of measures in the field of asylum and immigration. Economics and working life are the subject of Chapter 7, with particular focus on corporate social

responsibility (CSR) and on the prohibition against child labour.

The eighth chapter of the Annual Report concerns women, children and family life. It contains a description of measures to combat trafficking in persons, female genital mutilation and forced marriage, as well as various measures to promote gender equality. Efforts to promote the rights of the child are discussed broadly. The last part of the chapter deals with measures relating to family life.

War and conflict are discussed in Chapter 9. The measures described are all international, and relate to the protection of civilians and children, refugees and internally displaced persons. Special mention is made of efforts in connection with the International Criminal Court, and Norway's role in the peace processes in Sri Lanka, Sudan and Colombia.

Chapter 10 on the principles of the rule of law concludes the part of the Annual Report that is devoted to specific human rights. This chapter covers principles of due process, capital punishment and torture.

The part of the Annual Report that deals with mechanisms and bodies established to help develop and monitor human rights begins with a description of the UN system. The UN General Assembly and the UN Security Council play important roles in this connection, as in so many other fields of international activity, and are discussed at some length. This is followed by a description of the institutions that focus specifically on human rights, such as the UN Commission on Human Rights and the UN High Commissioner for Human Rights. Norway's efforts in relation to the treaty bodies, the banks and the ILO are described in the last part of Chapter 11.

The chapter on the UN is followed by an account of Norway's efforts in relation to regional systems. The Council of Europe plays a decisive role, but the Organization for Security and Cooperation in Europe (OSCE), the Council of the Baltic Sea States and the Barents Cooperation are also key players.

The Annual Report's description of international mechanisms concludes with a presentation of Norway's human rights dialogues, in particular Norway's efforts in relation to China and Indonesia.

The Annual Report ends with a number of appendices. The first group of appendices is a collection of reports from the various Ombudsmen and the Centre for Combating Ethnic Discrimination. These are followed by a summary of the financial contributions made by Norway in the field of human rights at the international level.

3.3. Terrorism and human rights

Efforts to promote human rights in 2002 were marked by the after-effects of the terrorist attacks on the USA on 11 September 2001. Norway has considered it important to emphasize that the battle against international terrorism must not have the effect of undermining respect for human rights. In Norway's view, it must be possible to implement necessary, effective measures to combat international terrorism without prejudicing human rights. The war on terrorism and the promotion of human rights both spring from the same fundamental values. The goal of a free, democratic and pluralistic society is pivotal to human rights work.

Norway participated in the processes that took place in 2002 in the UN system concerning the issue of human rights and terrorism. After long and difficult negotiations, the UN General Assembly (Third Committee) adopted a new resolution that places this issue on the UN agenda, thereby sending an important political signal to the effect that human rights must not suffer due to the war on terrorism. Although the negotiations clearly showed that this topic is still sensitive in the UN context, and the resolution, as far as it goes, is "weaker" than many people had hoped, the UN High Commissioner for Human Rights has now been given an explicit mandate to address this issue. The Government will follow up this matter in international forums, such as the UN Commission on Human Rights and the UN General Assembly.

Specific attention has been focused on the link between human rights and anti-terrorism efforts in the discussion of the USA's treatment of prisoners at the Guantanamo base in Cuba. Norway takes the view that, irrespective of the prisoners' status and the actions with which they are charged, they must be treated humanely and be given a fair trial. Norway has advocated treating those who were captured as prisoners of war until their status has been finally decided by a US court of law, and has made this view clear to the US authorities. Norway has emphasized that fundamental legal principles must apply, also in cases that are tried by US military tribunals.

The difficult balance between efforts to combat terrorism and respect for human rights has also been tested in situations in Norway. Norway has demonstrated great willingness to follow up international efforts with legislation and other legal measures. In Proposition No. 61 (2001-2002) to the Odelsting, the Government presented draft Bills that implement in Norwegian law the UN Convention of 9 December 1999 for the Suppression of the Financing of Terrorism and the UN Security Council's Resolution No. 1373 of 28 September 2001. These draft Bills will increase the effectiveness of anti-terrorism efforts. At the same time, particular importance has been attached to the fact that the UN order cannot be interpreted in such a way as to give rise to any conflict with fundamental human rights. The draft Bill is formulated so as to be in conformity with Norway's human rights commitments. In these national processes, a great deal of valuable input has been provided by legal and human rights experts in Norway.

There is reason to believe that there will be a continued need in the future to evaluate existing legal measures to combat terrorism and to develop new measures. Norway regards it as important that future anti-terrorism measures ensure due process of law for individuals and safeguard fundamental human rights in the best possible way. At the meeting of the Nordic Council of Ministers on Svalbard on 25 June 2002, the Justice Ministers resolved to appoint a special Nordic



working group to consider how fundamental human rights and legal safeguards for individuals can best be protected in future national and international efforts to combat terrorism.

The Working Group is to issue instructions as to how fundamental human rights and legal safeguards for individuals can best be protected at the national and international level in connection with legal measures against terrorism, while also ensuring that society is protected. The Working Group, which is chaired by Norway and consists of representatives from each of the Nordic Ministries of Justice, is to present its report by 1 May 2004.

3.4. Implementation of conventions

The first Bondevik government presented the Human Rights Act to the Storting. This Act establishes that the UN's two International Covenants on human rights adopted in 1966 and the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 are to apply as Norwegian law. Since then, the process of implementing other main conventions has continued at various levels. The Government has laid the foundation for presenting a proposal to the Storting on the incorporation and implementation of the Convention on the Rights of the Child in spring 2003, and an inter-ministerial committee was appointed in 2002 to consider the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment will be considered in conjunction with a major reform of the General Civil Penal Code. The implementation of the Convention on the Elimination of All Forms of Racial Discrimination is dealt with in Official Norwegian Report 2002:12 Legal Protection against Ethnic Discrimination

(the Holgersen Committee). The committee's report was submitted on 14 June 2002 and was circulated for consultative comment by the Ministry of Local Government and Regional Development with a deadline for comment of 1 February 2003.

3.5. Norway's accession to new human rights instruments

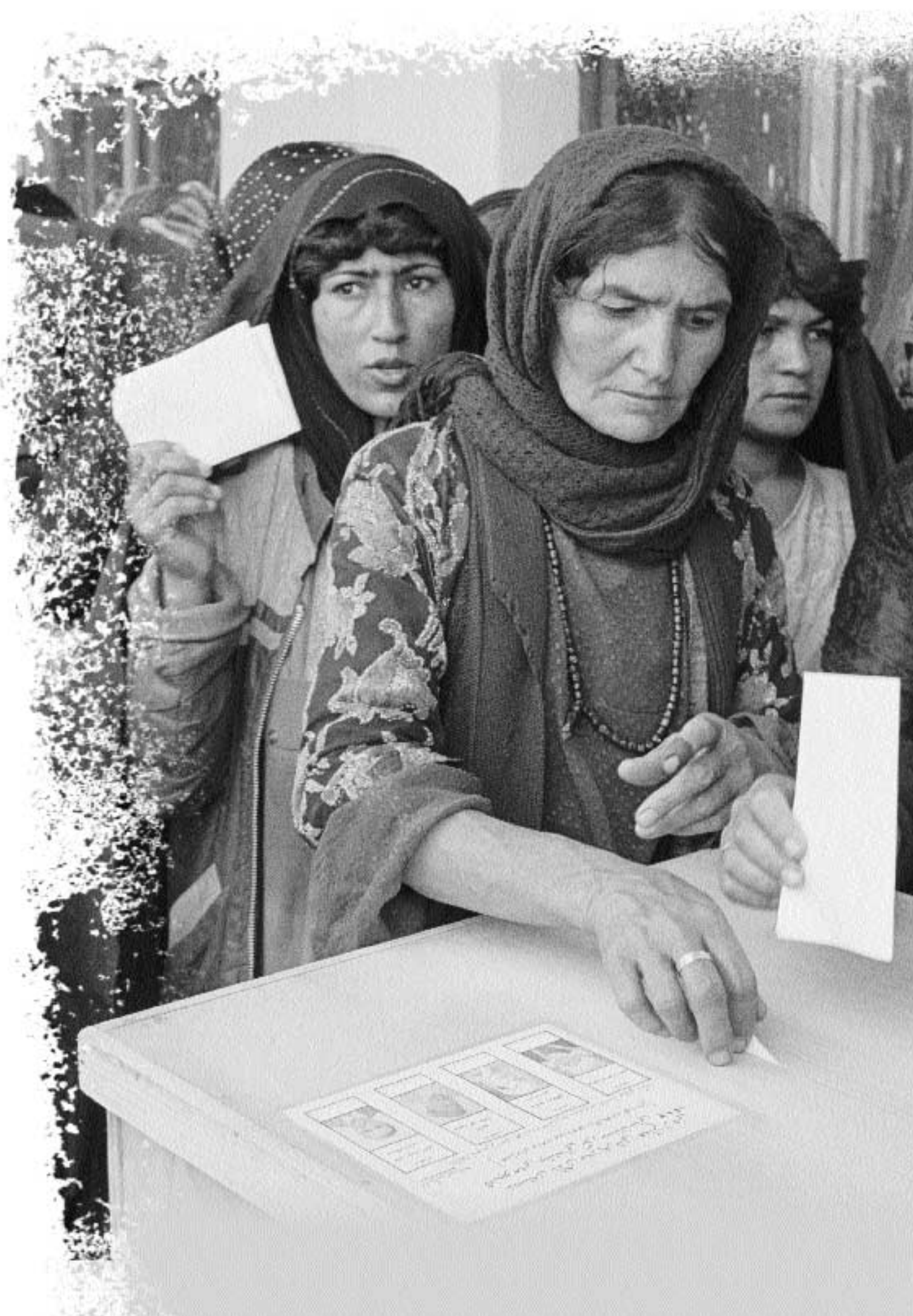
Norway ratified the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 5 March 2002. The protocol authorizes the CEDAW Committee, on specific conditions, to receive and consider complaints from women who claim that their rights pursuant to CEDAW have been violated.

Norway signed Protocol No. 13 to the European Convention on Human Rights on 3 May 2002, the day the protocol was opened for signature. This protocol prohibits the use of the death penalty in any circumstances, including in times of war.

The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Pornography and Child Prostitution, which was ratified by Norway on 2 October 2001, entered into force in Norway in January 2002.

The Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) was adopted by the UN General Assembly in December 2002.

The first round of negotiations to draw up a holistic convention on the rights of persons with disabilities was carried out in summer 2002. Representatives from the Norwegian Ministry of Social Affairs participated in the negotiations.



4

Democracy, development and civil society

Democracy, development and civil society are closely interwoven. All of them may be seen as an aspect of human rights, or as preconditions for respect for and observance of human rights. Civil society is a necessary prerequisite for a functioning democracy, in addition to which civil society functions best in countries with a sound democratic system. They are also key elements of development policy, particularly with a view to achieving stable development over time that will benefit all groups in society.

The Government has initiated numerous measures to strengthen democracy, development and civil society, both nationally and internationally. Such measures are described in the following chapter.

Classic civil and political rights, such as co-determination, freedom of expression and freedom of religion are discussed in the following chapters. The right to education is also important in this context. This chapter concludes with a description of efforts to build up civil society and of the “newer” rights related to development.

4.1. Democracy and elections

The holding of elections is a precondition for democracy. Election campaigns, advertising material, demonstrations and public debates are one aspect of this process, while the technical implementation of the elections is another. Both require lengthy preparations and the development of rules and support schemes. In 2002 the

Government took the initiative in establishing the Norwegian Centre for Democracy Support. The centre was established in October 2002 and consists of a secretariat and a council. The council comprises representatives of the political parties and three independent members (from the Norwegian Institute of International Affairs, the Christian Michelsen Institute and the Norwegian Centre for Human Rights). The centre is a politically neutral, non-profit-making body, and its overriding goal is to promote the growth of representative, multi-party democracies and free elections in developing countries.

The centre, which has been established in consultation with the Norwegian political parties, gives priority to projects carried out in Norway's main partner countries under the auspices of Norwegian political parties. Projects in other partner countries will also be eligible for support. Priority will be given to measures that focus on capacity-building and organizational and institutional development. Particular emphasis is placed on projects that promote the participation of women and young people in political work. The council considers project applications submitted by the parties, recommends and discusses strategies for future cooperation, and reviews reports on completed projects. Decisions on financial assistance are made by the Ministry of Foreign Affairs. The Norwegian Centre for Democracy Support has been established as a pilot project, and will be evaluated after three years in order to determine whether it should be a permanent institution.

Promoting democratization is one of the main goals of Norway's international project support. In the assistance provided for projects in Russia, for instance, emphasis is placed on transfers of knowledge and exchanges of lessons learned through projects jointly run by Norwegian and Russian organizations. Priority areas include the development of non-governmental organizations and parties, the development of free media, institutional development in the education sector and raising awareness of human rights. Another example is the establishment of contact with five states in Central Asia, all of which have weak human rights traditions. The region shares a border with Afghanistan and international interest in involvement in this region soared following the terrorist attacks on the USA on 11 September 2001. Increased cooperation on security issues has been carried out hand in hand with greater involvement in efforts to promote human rights and development of democracy in the region. A third example is Norway's stated concern regarding the situation in Belarus, where the undemocratic elections in recent years and widespread media censorship have affected the development of democracy. Norway has no direct contact with the Belarus regime at a high political level, and has therefore used international organizations, particularly the OSCE, as a forum to call attention to human rights violations in that country.

Assistance has been provided for several projects aimed at increasing voter participation, ensuring that elections are conducted in a democratic manner, strengthening the media and increasing confidence in political parties. The assistance provided to Guatemala is one example of such support. With assistance from Norway, the Organization of American States (OAS) and the Tribunal Supremo Electoral (TSE) carried out a programme to improve voter registration and increase participation in the 2003 elections. The population has little confidence in the political parties in Guatemala, a situation that affects the work of the Congress. Norway has therefore entered into an agreement with the OAS on a programme aimed at strengthening Guatemalan political parties. The parties themselves have

helped to design the programme, which primarily aims at strengthening Guatemalan democracy by promoting democratic values and practices within the political parties, fostering inter-party dialogue and establishing mechanisms to increase the participation of young people, women and indigenous peoples in political life.

In 2002, Norway provided assistance for several projects in Africa targeting democracy and elections. For instance, Norway sent observers to elections in Lesotho and assisted in the holding of presidential and parliamentary elections in Mali in 2002. The assistance for Mali focused primarily on building up the capacity of the civil service in order to ensure free and fair elections. In Ethiopia, Norway provided support for programmes to promote democratization and the holding of elections. These programmes include ongoing voter education, the development of the parliamentary system (in cooperation with the UN) and support for the electoral commission. During the presidential elections in Zimbabwe, Norway had its own group of election observers due to the fact that the EU withdrew its observers. The Norwegian group concluded that the elections had not been conducted in accordance with international standards, and the group's report consequently attracted considerable attention.

Norwegian efforts in Kenya have primarily focused on promoting democracy and elections. Support for a comprehensive, national voter education programme run by Kenyan non-governmental organizations is presumed to have contributed towards the democratic transfer of power in Kenya in December 2002.

4.2. Freedom of expression and freedom of opinion

Freedom of expression and freedom of opinion are two of the classic civil rights, protected by the International Covenant on Civil and Political Rights of 1966 and the European Convention on Human Rights of 1950. Freedom of expression must often be harmonized with other rights, such as the individual's right to protection against racial discrimination. Freedom of expression plays a

particularly important role in ideological debate. The proposed amendment to the Article of the Constitution regarding freedom of expression is considered by many to be the most fundamentally important work being done in this field in Norway today.

4.2.1. Article 100 of the Constitution of Norway

In Official Norwegian Report 1997: 27, the Norwegian Governmental Commission on Freedom of Expression proposed a new wording for Article 100 of the Constitution of Norway on freedom of expression. The Ministry of Justice circulated the Commission's report for consultative comment in November 1999.

The deadline pursuant to Article 112 of the Constitution for presenting proposals for constitutional amendments for debate during the next Storting term expired when the Storting was dissolved on 28 September 2000. The Stoltenberg Government therefore presented Report No. 42 (1999-2000) to the Storting on amending Article 100 of the Constitution in September 2000. The Report to the Storting presents the proposal of the Commission on Freedom of Expression for a new constitutional provision on freedom of expression based on the report of the Commission. The purpose of the Report was to give the Storting members an opportunity to consider the proposals and, if appropriate, put forward alternative proposals for constitutional amendments.

On the basis of the Commission's report and Report No. 42 (1999-2000) to the Storting, in 2002 the Ministry of Justice worked on preparing a new report to the Storting that will contain a more detailed analysis and assessment of the issues raised in the Commission's report. In the new report, the various proposals and alternatives that were presented in the previous Report to the Storting will also be examined in greater depth, so as to provide the Storting with a better basis for choosing between the various alternatives. The aim is to present the report in the last half of 2003.

4.2.2. Section 135a of the General Civil Penal Code on hateful statements

In Proposition No. 109 (2001-2002) the Government presented a proposal to amend section 135a of the General Civil Penal Code on racist statements. The proposal is an amplification of current law to the effect that the provision may also apply to statements made through the use of symbols. The proposal was adopted by the Storting on 12 December 2002 and came into force on 10 January 2003.

In a plenary session on 17 December 2002, the Supreme Court pronounced judgment concerning the scope of section 135a of the Penal Code, in which the relationship to Article 100 of the Constitution was one of the issues discussed. The judgment pronounced was not unanimous, and has been the topic of extensive public debate.

4.2.3. Media policy

The issues of goals and means in media policy in relation to freedom of expression are discussed in Report No. 57 (2000-2001) to the Storting, *Serving Freedom of Expression*. The report was debated by the Storting, which essentially endorsed the proposals in the report, on 25 April 2002.

Media policy aims to safeguard freedom of expression as a precondition for a living democracy, ensure cultural diversity and Norwegian-language media services, and protect children and young people against harmful media content. The authorities have a positive responsibility for providing the necessary conditions for freedom of expression and free communication in society. Policy instruments such as the regulation of media ownership, support for the press and public broadcasting services are designed to promote a diversity of media and media content. At the same time, the media must play a proactive role through self-regulation in order to maintain a high level of ethical standards and safeguard freedom of expression and information.

4.2.4. Sami media

In Report No. 33 (2001-2002) to the Storting, a Supplementary Report to Report No. 55 (2000-2001) to the Storting on Sami policy, the Government proposes to increase the subsidy rate for Sami-language content under the support scheme for Sami newspapers. The report states, *inter alia*:

“The Government refers to the fact that the maintenance and development of Sami languages are essential to the well-functioning communication of information and social debate in Sami society. Sami newspapers play an important role both as sources of information and channels of expression and as a means of preserving Sami languages. The Government is therefore in favour of targeting the subsidy to a somewhat greater degree towards Sami-language newspapers. This will be done by adjusting the subsidy rates for Sami languages in the Regulations governing subsidies for Sami newspapers.

The subsidy scheme for Sami newspapers, like other press subsidy schemes, is currently administered by the Norwegian Mass Media Authority. The question of whether responsibility for administering the scheme should be transferred to the Sami Parliament has been raised on several occasions. The Government is open to discussing this possibility. Such a transfer would have to be conditional upon the authority that administers the scheme ensuring that the Sami press have the necessary distance and autonomy from the Sami political authorities.”

4.2.5. Children and the media

In connection with the debate on Report No. 57 (2000-2001) to the Storting, Serving Freedom of Expression, the Storting requested that the Ministry of Culture and Church Affairs initiate research on the Internet habits of children and young people in order to acquire more information about this field.

Until 2003, the Ministry of Culture and Church Affairs and the Ministry of Industry and Trade,

the Ministry of Justice, the Ministry of Education and Research, the Ministry of Transport and Communications and the Ministry of Children and Family Affairs participated in the EU's Internet Action Plan (IAP) for safer use of the Internet. The Action Plan is planned to be extended for a further two years with the same annual budget as before.

Through the IAP, a project group from the Norwegian Board of Film Classification has received funding for a project aimed at charting young people's use of the Internet in the Nordic region. The project, which has been named Safety Awareness For Teens (SAFT), also receives funding from ICT-Norway and the Marketing and Media Institute (MMI). The other partners in the project are the Media Council for Children and Young People in Denmark, the Council on Media Violence in Sweden, Heimili og Skoli in Iceland and the National Centre for Technology in Education in Ireland.

The SAFT project consists of two main components: a broad European survey of children's risky online behaviour and parents' knowledge of children's use of the Internet, and information activities based on the findings of the survey. In Norway the work will be coordinated with the Action Plan on Children, Young People and the Internet presented by the Ministry of Children and Family Affairs.

The Norwegian Board of Film Classification also commissioned a report on the Internet habits of young people. The report is entitled “Netsvermere” (Netswarmers) and is available at <http://www.filmtilsynet.no/Publikasjoner>.

4.2.6. Persons with disabilities and the media

Culture Net Norway offers cultural experiences and services on the Internet, making them available to groups of persons who have not previously been able to benefit from them to the same extent. As a service for blind and sight-impaired persons, Culture Net Norway has developed a specially adapted text version of the entire website with subnetworks for various



cultural sectors. Museum Net's museum guide indicates which museums are adapted to the needs of disabled persons.

Since 2002 the Norwegian Sign Language Theatre has received a fixed annual grant from the budget of the Ministry of Culture and Church Affairs. In 2002 the grant totalled NOK 6.7 million. The Sign Language Theatre is placed under the administration of the Norwegian Touring Theatre. Funding is also provided for sign language interpretation of selected performances at permanent theatres.

4.2.7. *International activities*

Norway's efforts at the international level may be illustrated by two initiatives in Africa. The Government wishes to present a bibliographical database on freedom of expression and historical and present-day censorship of literature and newspapers throughout the world, to Bibliotheca Alexandrina in Egypt. The former Ministry of Church and Cultural Affairs has been the main

source of financing for work on the database. Minister of Culture and Church Affairs Valgerd Svarstad Haugland is scheduled to present the database to the library in May 2003. The database, which has been developed by the former Norwegian Forum for Freedom of Expression, is divided into two main sections. One section provides information regarding publications on censorship and freedom of expression (approximately 6000 entries), while the other contains documentation of censored books and newspapers around the world, stating the reason for and nature of censorship.

Through the regional media organization, the Media Institute of Southern Africa (MISA), Norway has provided substantial assistance for efforts to promote freedom of expression in southern Africa. This has been done by supporting reforms of media legislation in various countries, defending freedom of the press where it has been under pressure and providing assistance for imprisoned journalists.

4.3. Freedom of religion and freedom of belief

Freedom of religion is of crucial importance to a great many individuals all over the world, not only to ensure protection of their own faith, but also to be able to profess this faith publicly and together with other people. Freedom of belief encompasses humanist views or the right not to have any belief or religion. Freedom of religion and belief is referred to in a number of international instruments, beginning with Article 18 of the Universal Declaration of Human Rights, which has since been followed up by such treaties as the International Covenant on Civil and Political Rights, the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, and Article 9 of the European Convention on Human Rights of 1950. In Norway there has been considerable debate regarding the proposal to reorganize the relationship between church and state. In March 2002, an ecclesiastical commission appointed by the National Council of the Church of Norway to examine the relationship between church and state presented its final report. It was apparent from the report that a majority of the members of the committee were in favour of reorganizing the relationship between church and state. In 2002, the National Council of the Church of Norway adopted a resolution to the effect that an official committee should be appointed to further study the relationship between church and state.

In spring 2001 the Storting adopted a resolution to maintain the controversial subject of Christian Knowledge and Religious and Ethical Education as a compulsory subject under the name of Christianity and Other Religious and Ethical Education. The resolution also emphasizes that the subject is to be taught in an objective, critical and pluralistic manner, with no confessional elements. A statutory amendment made the new name of the subject effective from 1 August 2002. With effect from the same date, the Ministry of Education and Research established a new syllabus for the subject. The purpose of revising the syllabus is to give all pupils in Norway a common foundation of knowledge, culture and values. In parallel with this

process, the Norwegian Board of Education has drawn up new teaching guidelines for the subject, based on past experience and the revised syllabus. All information relevant to the subject (syllabus, teaching guidelines, circulars and other information) was compiled in a handbook that was sent to all Norwegian primary and lower secondary schools at the start of the school year. Among other things, the handbook contained a circular to pupils' parents or guardians with the standard exemption form translated into a large number of languages in addition to the two forms of Norwegian: Sami, Albanian, Arabic, Bosnian, Dari, English, Finnish, Kurdish, Somali, Spanish, Tamil, Turkish, Urdu and Vietnamese. On 1 January 2002 the Ministry of Culture and Church Affairs took over responsibility for administering the Act on Religious and Belief Communities. The Ministry will follow up the report entitled "Religion and Belief as a Basis for Grants and Public Functions" on the administration of the scheme with a view to safeguarding minority rights.

At the international level, efforts to promote freedom of religion and belief and mutual respect have had high priority. This is not only because the right to freedom of religion, belief and philosophy of life is a key human right, but equally because tolerance and understanding between different religions and beliefs are perhaps more important now than ever before. Norway seeks to ensure that religious freedom is high on the international agenda by making interventions in the UN Commission on Human Rights and in talks with individual countries. Norway has provided financial assistance to international agencies and non-governmental organizations that work to strengthen freedom of religion and belief and promote understanding and cooperation between different religions. For instance, the Oslo Coalition on Freedom of Religion or Belief received substantial assistance in 2002 for various activities, including the visit of the Oslo Coalition to China (including Tibet) in November 2002 in order to study the conditions for the practice of religion there.



4.4. Education

The right to education is important, not only for individuals but also for society as a whole. In a way, the level of human rights protection is reflected in the level of education of a society, besides which the population's awareness of their own rights often increases as their level of education rises. Key social institutions such as courts of law, ombudsmen and the civil service are dependent on highly qualified employees. The right to education is established in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Convention on the Rights of the Child gives an even more detailed definition of what this right implies. Furthermore, one of the UN Millennium Goals is to provide everyone with basic education by 2015. In 2002 the Government initiated several measures related to education in Norway, and education is one of the main areas of focus in Norway's international efforts. Work on developing a special strategy for focusing on education in development cooperation progressed in 2002.

4.4.1. Efforts to combat racism and discrimination in the education sector

Anti-racism efforts were intensified in 2002, in part

through preparations for the first marking of the Day of Remembrance of the Holocaust on 27 January 2003 in all Norwegian schools. The marking of this day in Norway and a number of other countries is based on a declaration issued by the Council of Europe's Conference of Education Ministers in Krakow in 2001. The date was chosen to commemorate the allied liberation of the Auschwitz concentration camp in 1945, and has acquired a special symbolic significance in Norway because it has been linked to the presentation of a special "Benjamin" award aimed at encouraging activities to combat racism and discrimination in schools.

4.4.2. Survey of national curricula

In 2002 the Norwegian Board of Education carried out a survey of the national curricula for primary and secondary schools. The survey showed that the human rights aspect is an important component of both the general section of the curricula and of more specific subject syllabuses. As far as primary and lower secondary schools are concerned, the survey showed that special attention is focused on the Convention on the Rights of the Child and the Universal Declaration of Human Rights in the Social Studies syllabus. The exercise of democracy and freedom of expression in practice is an integral part of every

subject and is specifically addressed in the curriculum for the Class and Pupils' Council Work subject.

In upper secondary schools, there is special focus on the issue of human rights in the syllabus for Social Studies, Advanced Course I, and in the syllabus for Sociology, Advanced Course I and II. Social Studies is a general subject that is compulsory for all pupils, while Sociology is a specialized subject that is optional for pupils who have chosen General Studies. Furthermore, a national optional subject on human rights has been introduced as from the 2002/2003 school year.

As a follow-up of the survey of the focus on human rights in the national curricula, the Norwegian Board of Education has also initiated a survey of the way the curricula are implemented in practice in schools. The Centre for Peacebuilding and Conflict Management (CCM) has been commissioned to carry out this survey in a limited number of schools in 2003. More specifically, the Centre is to assess 1) the practical implementation in schools of the national curricula, 2) the contributions of various players in this field and their impact on the teaching, and 3) how the marking of various occasions in schools contributes to the focus on human rights. The survey is to be completed by 1 July 2003.

4.4.3. Human rights website

In 2002 the Board of Education also began work on developing a human rights website on the Norwegian School Net. A website of this nature will serve as a collective site for a variety of existing Internet-based teaching resources that target teachers and pupils in primary and secondary schools and will present these in a holistic context. This work will be completed in 2003.

4.4.4. The human rights perspective in teacher training programmes

New draft framework plans for teacher training programmes are currently being circulated for consultative comment. The consultative draft of

the framework plan for the general teacher training programme proposes that the multicultural and gender equality perspectives should be incorporated into each individual curriculum, and interdisciplinary topics such as bullying and children in crisis should be addressed in the overall curricula. For the subject of Christian Knowledge with Religious and Ethical Education (a compulsory subject in the General Studies teacher training programme), under the target area of "Ethics and Philosophy", the proposed goal is that the student should have knowledge of and be able to discuss the importance of the Universal Declaration of Human Rights. Educational institutions are expected to continue to apply the framework plans in their curricula. Definitive framework plans will be established in the course of spring 2003.

4.4.5. In-service training course for teacher training staff

In order to ensure that educational institutions possess the necessary expertise on human rights, the Ministry will provide resources for programmes to train and update teacher training staff in this field. The Ministry has therefore allocated NOK 200,000-300,000 per year to the University of Oslo for human rights courses for teacher training staff.

4.4.6. National Database for the Recognition of Foreign Higher Education Qualifications

The National Database for the Recognition of Foreign Higher Education Qualifications has been operational since spring 2002. The database is a follow-up of the Lisbon Convention on Recognition of Qualifications concerning Higher Education in the European Region, which Norway ratified in 1999. The purpose of the database is to promote more efficient administrative routines for evaluating foreign higher education (more equal treatment, better information for applicants and administrative staff, etc.).

4.4.7. International activities

Some 120 million children do not attend school. At the same time, we know that education is one of

the most important paths out of poverty. Norway has repeatedly emphasized the importance of education in various international forums, such as the UN General Assembly and the UN Commission on Human Rights, and education remained one of the priority areas for Norwegian development cooperation in 2002. Work on drawing up a special strategy for education in development cooperation has been a key task in 2002. The education sector is the field of development cooperation in which Norway has made the most progress in establishing a rights-based approach, linking development cooperation to current human rights conventions and applying political commitments (such as those undertaken at the Jomtien, Dakar and Millennium Summits). The rights-based approach can be applied, for instance, in the design of school infrastructure and adaptation of teaching materials and course content (to promote equality between girls and boys), in improving the working conditions of teachers (to promote the right to join a trade union) and in promoting the principle of participation and openness (to facilitate access for children and parents to information regarding school decisions). Furthermore, the rights-based approach can be applied through school curricula, in the form of specific courses on human rights, or by ensuring that textbooks are sensitive to various human rights issues, such as discrimination.

A large number of projects have been initiated and followed up in 2002. Norway provided assistance for education at several levels, both primary and lower secondary education and general human rights education. Realizing the right of children, particularly girls, to basic education has been and remains a primary goal. Norway has given extensive support to projects in a number of partner countries and to Norwegian, international and local non-governmental organizations. For instance, Norway provided assistance for the Back to School Programme in Afghanistan in connection with the start of the first school year after the fall of the Taliban regime. Girls were once again given access to education, which they were denied under the Taliban regime from 1996-2001. Norway also provided substantial funding to UNICEF for an

educational project in Malawi. The project aims at increasing the capacity and quality of 40 primary schools with special emphasis on the education of girls and particularly vulnerable groups.

In Venezuela, Statoil, the UN Development Programme (UNDP), Amnesty International and the Supreme Court initiated a project in 1999 to provide judges with training in human rights issues. Twenty-four judges from all areas of Venezuela participated in the first phase of the project, which took place in Caracas. The second phase began in 2002 in the states of Anzoátegui and Zulia, where Statoil is participating in oil projects. At a later stage of the project, the judges who have taken the course will become instructors for other judges. The Government and the courts in Venezuela and the UNDP in Caracas are all very pleased with the programme.

Mention should also be made of a major cooperative project in China. Norway financed cooperation between the Norwegian Centre for Human Rights and two Chinese universities on the publication of a textbook on human rights. This project has been in progress for four years, and was concluded in December 2002 with the launch of two books, a textbook and a collection of texts in an edition of 3,000. This book is the first of its kind in Chinese. Norway also provided assistance for a project to train social workers in China through the Oslo University College.

In 2002 NORAD arranged a regional workshop on human rights and education in Zambia, with the participation of both bilateral and multilateral stakeholders, non-governmental organizations, researchers and government authorities. The purpose was to gain a greater understanding of the way in which human rights can strengthen efforts to promote education. The workshop culminated in concrete recommendations regarding both official policy and a more practical approach to basic education. Norway has provided assistance for educational projects in Angola for several years, with particular focus on education for groups who are not covered by the normal school system and special teaching programmes adapted

to post-war situations. The projects have been run in cooperation with UNICEF, non-governmental organizations and the Angolan Ministry of Education. In southern Africa, Norway has provided support for human rights education for the police forces in the individual countries. This has taken place through regional organizations with focus on integrating the human rights perspective into police training programmes.

4.5. Building up civil society

Central government responsibility for and commitment to promoting human rights are supplemented by the activities of non-governmental organizations, the media and free research institutions. A strong, vigilant civil society and free media are essential preconditions for defending democratic and human rights. Independent, active NGOs help to expose human rights violations, disseminate information and influence authorities, both in Norway and in other countries. Norwegian human rights organizations provide Norwegian authorities with input and contribute towards the formulation of Norwegian policy, both nationally and internationally.

Cooperation with civil society was again a key element of Norwegian human rights policy in 2002. Good contact networks have been established between NGOs and the Norwegian authorities, and substantial assistance has been channelled through Norwegian NGOs to specific projects to promote human rights in Norway and abroad. Local partners often carry out projects in cooperation with the Norwegian organization.

Furthermore, considerable support has been provided to international organizations that work in certain countries and regions, or that address specific topics such as children's rights, freedom of expression, etc. Assistance has also been granted directly to national human rights organizations, usually through the Norwegian embassy in the country concerned.

4.5.1. The Norwegian Human Rights Fund

The Norwegian Human Rights Fund is an important channel for the promotion of human rights internationally. The Fund is owned by Norwegian Church Relief, Norwegian People's Aid, the Norwegian Centre for Human Rights, the Church of Norway Council on Foreign Relations, the Norwegian Federation of Trade Unions and Amnesty International Norway. The Norwegian Ministry of Foreign Affairs is represented on the Board of the Fund by an observer. The purpose of the Fund is to provide support for projects and organizations in developing countries that are not eligible for other Norwegian support schemes, and often for projects with a significant element of risk.

The Ministry of Foreign Affairs normally contributes about two-thirds of the capital for the Fund. A transfer of NOK 1 million was also granted in 2002 for projects to promote human rights in Nigeria.

In 2002, in line with the findings of an evaluation, the Fund restructured the work of the Board so as to focus more strongly on the strategic development of the Fund's activities. It also decided to give priority to selected countries, currently Peru, Colombia, Nigeria, Zimbabwe, India, Pakistan and Liberia.

4.5.2. The Human Rights House Foundation

The Human Rights House Foundation is another important partner in the implementation of Norwegian human rights policy. The Foundation's basic concept is to bring strong, recognized local human rights organizations together in one location. This will both strengthen civil society and provide an anchor for the human rights work of non-governmental organizations in the individual countries.

At present there are human rights houses in Bergen, Oslo, Sarajevo and Warsaw, in addition to a human rights centre in Tirana, and work is currently in progress on establishing human rights houses in Kenya, Croatia, Turkey and Belarus. The role of the foundation is to act as initiator, midwife

and advisor in the start-up phase. The foundation is also building up an international network of ties between the individual human rights houses in order to promote the dissemination of information and development of expertise.

In 2002 the Ministry of Foreign Affairs provided a total of NOK 2.6 million in funding for preliminary work in connection with the establishment of human rights houses in Kenya, Uganda and Croatia, as well as grants for network-building and joint projects in Moscow and Sarajevo.

4.5.3. *Relief organizations*

Traditional Norwegian relief organizations such as the Red Cross, Norwegian People's Aid, Norwegian Church Relief and Save the Children Norway have acquired a generally high level of expertise on human rights, and to a significant degree human rights have become an integral part of the ordinary activities of these organizations.

Cooperation with non-governmental organizations is increasing. At present, for instance, more development assistance and humanitarian aid are being channelled through NGOs than through ordinary government-to-government cooperation with Norway's partner countries. This shows how much importance is attached to the role of the NGOs, and illustrates the great responsibility placed on these organizations.

4.5.4. *The Norwegian Resource Bank for Democracy and Human Rights (NORDEM)*

Democratic development and free elections are important prerequisites for the fulfilment of human rights. Popular participation and influence on the political decision-making process results in greater accountability on the part of politicians and the public administration, and a functioning democracy also plays a key role in the fight against corruption and poverty.

Support for democracy-building activities is therefore an extremely important element of Norway's development and human rights policies.

Such support is provided within the framework of development cooperation programmes that target Norway's established partner countries, usually under "Good Governance" programmes, and through a number of diverse activities such as extensive election observation, voter education, technical election support, etc. Much of this type of development assistance is provided in cooperation with the UN Development Programme.

The Norwegian Resource Bank for Democracy and Human Rights (NORDEM) is a programme under the Norwegian Centre for Human Rights (CHR) that seeks to actively promote democracy and the realization of human rights. NORDEM's Stand-by Force meets the need of international organizations such as the UN and the OSCE for qualified personnel who can be made available at short notice for assignments related to the promotion of democracy and respect for human rights. The CHR administers the project, which is carried out in close cooperation with the Norwegian Refugee Council. Most of the assignments are channelled through the Ministry of Foreign Affairs, which also contributes funding.

In 2002 NORDEM focused on responding to applications for personnel assistance, training and courses, and developing contacts with international partners. In 2002 a total of 39 projects were carried out, involving the deployment of 101 persons on assignment for a total of 240 work-months. The majority of the assignments were carried out in the Balkans under the auspices of the OSCE.

In 2002 NORDEM also sent election observers under the auspices of the OSCE to Ukraine, Montenegro, Kosovo, Bosnia and Serbia, as well as maintaining experts deployed at the OSCE Election Observation Mission.

Observation of the presidential election in Zimbabwe was a major assignment for NORDEM, which was carried out with great professionalism. A total of 21 Norwegian observers took part. The large number of observers must be seen in the light of the EU's cancellation of its election observation mission for political reasons, and of the fact that

Norway eventually assumed the role of the main independent observer group during the election. Norway's election observation was given considerable media coverage in Norway and internationally.

NORDEM also recruited long-term observers for Sierra Leone, Madagascar and Kenya, all of whom participated in EU's observation operations.

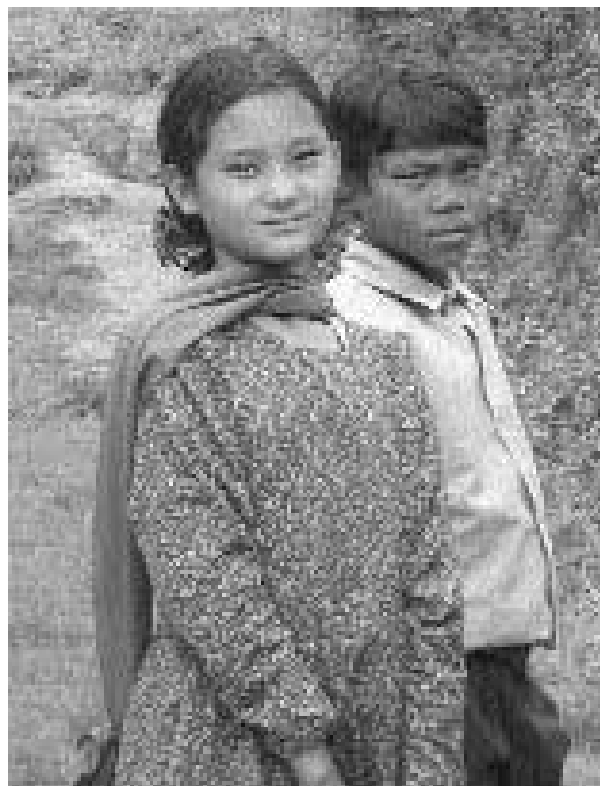
4.5.5. *The International Institute for Democracy and Electoral Assistance (IDEA)*

Norway participates actively in the work of International IDEA to strengthen democracy and democratic development on a global basis. International IDEA was established in 1995 as an intergovernmental organization headquartered in Stockholm. Nineteen countries are currently members of IDEA, in addition to which four international NGOs are associate members. Thorvald Stoltenberg is Chairman of the Board of IDEA and the organization's new Secretary-General, Karen Fogg, is British. The members of the Board include former president of Finland Martti Ahtisaari, former president of Mauritius Cassam Uteem and Aung San Suu Kyi, Burma.

In December 2002 IDEA held a board meeting and council meeting in Oslo at which the organization's work programme for the next few years was adopted. Germany was accepted as a new member at the meeting. The organization is particularly active in Nigeria, Burkina Faso, Indonesia and Peru. IDEA has also initiated a major democratization project encompassing Egypt, Jordan and Yemen.

4.5.6. *Other international activities*

Efforts to promote human rights in development cooperation have largely consisted of support for stakeholders in civil society. This was also the case in 2002. A possible new development is stronger recognition of the fact that the realization of human rights cannot be achieved merely by delivering services, but must include efforts aimed at changing operating parameters, i.e. advocacy efforts related to a specific topic or the rights of



groups. This perspective emphasizes that it is primarily the responsibility of the authorities to promote and protect human rights. In Bangladesh and Pakistan there are good examples of successful efforts to strike such a balance. In Bangladesh, the embassy has focused on designing a programme in which the organizations that receive support represent "agents of change", i.e. stakeholders who can play a proactive role in promoting the rights of marginalized groups vis-à-vis the authorities.

A special category of stakeholder consists of national human rights institutions. These may be national human rights commissions or ombudsman agencies, or be more in the nature of academic institutions. Even though they are supposed to be established in accordance with the "Paris principles", which particularly emphasize independence from national authorities, their real function varies to a great degree. In 2002, Norway provided assistance for this type of institution in countries such as Ethiopia, Malawi, South Africa, Nepal, Uganda, Zambia, Nigeria, Yugoslavia, Honduras and Nicaragua.

In Nicaragua Norway supported the Centro Juridico Popular (CJP) in Matagalpa Province. The centre provides legal counselling and psychological assistance to victims of intrafamily violence, and its services particularly target children and women. 4,000 persons contacted the centre in 2002. Two groups of persons who are actively involved in defending human rights were established, one in the city of Matagalpa and the other in the village of San Ramon. CENIDH is another institution that defends human rights throughout the country. Norwegian funds were spent on organizing and upgrading the expertise of voluntary human rights defenders, particularly in rural areas. Through the Chamorro Foundation, 700 women from three provinces received training in political rights so as to be able to strengthen efforts within the public administration.

In Afghanistan, Norway provided assistance for preparations for and organization of the Loya Jirga (a broad-based, partly popularly elected assembly in which there are women representatives) in June 2002, when Hamid Karzai was elected president and a transitional government was appointed. Holding Loya Jirga was an important element of the Bonn agreement, signed in December 2001, which regulates the political process in Afghanistan until national elections are held in mid-2004. Norway also provided assistance for the Afghan Human Rights Commission, which is also part of the Bonn agreement. Mention should also be made of Norway's support for Thailand, where many important regional human rights organizations are headquartered. For instance, Norway provides assistance for the work of FORUM Asia to promote freedom of expression in the ASEAN region, and media education for ethnic minorities. Norway also has a comprehensive programme of support for human rights projects in Ethiopia. Most of the support is channelled to local organizations and clearly aims at building up civil society. In Rwanda, assistance was provided through Norwegian People's Aid to develop civil society, in part by strengthening trade unions, cooperatives and students' and academicians' organizations.

4.6. The right to development

The Declaration on the Right to Development, which was adopted by the UN General Assembly in 1986, forms the basis for international discussions on the right to development. The declaration affirms that every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Even if the right to development is recognized as an integral part of fundamental human rights, there is nonetheless uncertainty and considerable disagreement as to how the right to development should be interpreted and implemented in practice. A number of countries attach most weight to states' own responsibility for implementing this right, while others, particularly developing countries, primarily wish to focus on the responsibility of the international community. It has also been important for many countries, including Norway, to emphasize that civil and political rights are an integral part of the right to development.

Efforts to realize the right to development are on the agenda of the UN Commission on Human Rights, which has appointed a special Working Group on the Right to Development. The debate within the Working Group has reflected significant differences of opinion and a great deal of time has been spent on theoretical discussions. Developing countries have wished to focus work within the Group on macroeconomic issues and international cooperation. Many other countries are of the opinion that other types of forum are more relevant in this context and wish to focus on human rights aspects and states' own responsibility for implementing the right to development.

In 2002 the discussions in the Working Group on the Right to Development were somewhat more constructive than in previous years. However, no consensus was reached on this issue in either the UN Commission on Human Rights or the UN General Assembly that year. An independent expert on the right to development, Arjun Sengupta, has also been appointed, and his reports provide an important basis for the Working Group's

discussions. The report submitted by Mr Sengupta at the Working Group's meeting in 2002 gave an analysis of poverty and development that corresponds closely with the Norwegian Government's Action Plan for Combating Poverty in the South.

Mr Sengupta's report to last year's meeting of the Working Group on the Right to Development emphasized that efforts to realize the right to development at national level in developing countries must take the form of a development programme to combat poverty. The goals of such a programme must be linked to the Millennium Development Goals (for 2015). In the Working Group's discussions, there has also been growing emphasis in the past two years on the necessity of moving away from general analyses of the right to development, which usually lead to fruitless debate, and orienting discussions towards the concrete implementation of the right to development at national level, with focus on certain specific rights.

4.7. Rights-based development

There are clear connections between development cooperation and the promotion of human rights. The realization of civil and political rights can liberate forces in society that foster development. The realization of economic, social and cultural rights improves people's quality of life and their ability to contribute to the development of society. Development cooperation is largely a question of providing assistance to realize the rights enshrined in international human rights conventions.

There are several angles in the rights-based approach to development. The concept is a simple construct based on the notion of a change from seeing development and development cooperation as charity to seeing development as a framework of cooperation aimed at realizing the rights of individuals or groups. Thus rights are seen as both conditions for and goals of development that is based on more than economic growth. The development cooperation community has chosen to attach importance to the concepts of "accountability" (whereby responsibility is placed

with and duties assigned to the nation state), "empowerment" (authorization in the sense that individuals or groups are given information about and the possibility of asserting their rights), the participation principle (the principle that individuals also have a responsibility, but are given genuine opportunities and the necessary framework conditions to shape their future and take part in decisions that concern them) and equality and non-discrimination (the principle that development and human rights apply to all human beings with no room for pragmatism or cultural interpretation). The key inherent in a human rights-based approach to development lies in a combination of pressure (in the form of legal and financial instruments) and effective argumentation.

In March 2002, the Government published an Action Plan for Combating Poverty in the South towards 2015, in which the fight against poverty is defined as the absolutely pivotal goal of development policy and in operative development cooperation. At the same time, the Action Plan contains an analysis of poverty and poverty reduction that underscores the link between development and human rights. The Action Plan provides a foundation for basing Norwegian development cooperation to a stronger degree on rights.

The Action Plan for Combating Poverty emphasizes that poverty is not merely related to the lack of access to productive resources and social services. Poverty is also a question of the absence of freedom and rights. Thus the fight against poverty becomes an issue that also encompasses the expansion of people's options and freedoms, along with the realization of fundamental human rights. Rights-based development and efforts to reduce poverty constitute a holistic approach designed to help realize the fundamental human rights of poor people.

In bilateral development cooperation, NORAD's Handbook on Human Rights Assessment (2001) is an important tool in efforts to achieve a rights-based approach, as regards both the analytical framework and practical approaches. In 2002 courses based on the handbook were arranged in

several of Norway's partner countries, including Bangladesh and Pakistan, for Norwegian embassy personnel and local development assistance partners. Bangladesh is leading the way in adopting a rights-based approach to Norwegian bilateral development cooperation, based on a special plan for Norwegian support for human rights and democracy in Bangladesh.

Basing development cooperation to a stronger degree on the promotion of human rights is also an important element of the work Norway does through multilateral development and financing institutions, both within the UN system and in relation to the development banks.

The Office of the UN High Commissioner for Human Rights (UNHCHR) has initiated a joint project with the UN Development Programme (UNDP) that links human rights and development policy. The Human Rights Strengthening (HURIST) programme, which was established in 1999, has received funding from Norway. In 2002 the UNDP and the UNHCHR entered into talks with donors on continuing the programme's efforts to base UNDP strategies and operative activities up to 2005 on human rights. In 2002 the UNDP drew up a special Policy Note on human rights and poverty reduction.

The UNHCHR initiated further action in 2002 to analyse the relationship between human rights and national poverty strategies, and drew up Draft Guidelines: A Human Rights Approach to Poverty

Reduction Strategies. The organization will continue this work in 2003 through consultations with recipient countries, donors and civil society and by testing the draft guidelines at national level.

The World Bank and the regional development banks are placing increasing emphasis on the connection between human rights and economic and social development. In 2002, the relationship between distribution of wealth, human rights and social justice was an important topic in the speech held by World Bank President James Wolfenson at the Bank's annual assembly. In its work on poverty reduction strategies, the World Bank has underscored the importance of giving the poor better opportunities of being heard and taken into account in the development process (empowerment). The World Bank promotes the principle of rights-based development both by incorporating human rights into poverty reduction strategies and by providing financial support for efforts to strengthen good governance, particularly as regards reforms of the judicial systems of recipient countries. The regional development banks actively address the same human rights issues as the World Bank.



Human rights encompass a great many aspects, including issues relating to social conditions and health. The best protection in this respect is provided by the International Covenant on Economic, Social and Cultural Rights of 1966, and the special UN conventions relating to women (1979) and children (1989). It is difficult to draw any exact distinction between general welfare policy and the requirements imposed by human rights conventions in this field. Practice varies strongly from one country to another, as well as within individual countries as government regimes and attitudes change. This makes it difficult to establish any common international norm. The measures described below address the issues of social security, mental health and HIV/AIDS, and the special situation of the elderly and disabled. Other, more indirect factors can also affect life and health, such as environmental protection, food safety, culture and science. This chapter concludes with a description of measures in these fields.

5.1. Social security

In 2002 the Government presented an Action Plan for Combating Poverty, Report No. 6 (2002-2003) to the Storting. The action plan contains targeted measures to prevent persons from ending up in, and helping them to escape from, a situation of persistent low income and difficult living conditions. The goal is to enable as many people of working age as possible to manage through their own efforts and to ensure that those who do not have an income have welfare benefits to cover their living costs. Priority is given to measures

designed to help more people to work to support themselves. Concrete measures will be implemented during the 2002-2005 plan period. Prioritized target groups are immigrants and refugees, long-term social welfare recipients, recipients of disability benefit, sole supporters and other disadvantaged families with children, children and young people, drug abusers, persons with mental health problems and the homeless.

In 2002 the supplement for children for recipients of an old age or disability pension was increased to 40% of the basic amount. In total, over 17,500 people receive a supplement for children. This is a group of families with children who have a clearly lower income and poorer standard of living than the average for the population and other families with children. This measure is important in order to ensure that the children in these families grow up in satisfactory conditions.

A special scheme has been introduced to provide rehabilitation benefit for young students (under the age of 26) who fall seriously ill, whereby the benefit is disbursed immediately after the period in which their student loan is converted to a grant expires (after 20 weeks). The benefit is fixed at 160% of the basic amount.

To improve the financial situation of long-term, institutionalized psychiatric patients, the rules have been changed so that the pension is not reduced during stays in an institution of less than one year. Furthermore, the minimum amount has been increased to 45% of the basic amount.

In connection with the agreement between the authorities and the social partners on an inclusive working life, several measures have been implemented with a view to reducing sickness absence and preventing disabled persons and older employees from being excluded from working life. The measures in question are grants to adapt workplaces to special needs, greater use of purchased health services, refunds for absence from work in connection with pregnancy and a reduction in the employer's National Insurance contribution for older employees.

The central government authorities, represented by the Ministry of Health, took over ownership of specialist health services on 1 January 2002. Five regional health enterprises have been established to ensure that the population in their region receive the health services they require. The regional health enterprises own and run the specialist health services in the region in the form of local enterprises.

In November 2002, the Ministry of Health circulated for consultation draft amendments to sections 2-1 and 2-4 of the Act of 2 July 1999 No. 63 on Patients' Rights. The proposed amendments will strengthen the legal status of patients and increase their possibilities of making their own health care decisions. The aim is to present a draft legislative amendment to the Storting in spring 2003.

New Regulations of 21 June 2002 No. 567 on the control of tuberculosis entered into force on 1 January 2003. These regulations apply to everyone residing in Norway. A new element in the regulations is the introduction of directly observed treatment (DOT), whereby patients take every dose of tuberculosis medication under the direct observation of health care personnel. The treatment must be carried out in accordance with recommended international rules for tuberculosis control. In November 2002 the National Institute of Public Health published guidelines for the prevention and control of tuberculosis that are in line with the new regulations. At the international level, Norway participates in the EU programme to combat poverty and social

exclusion. This programme comprises measures to reduce poverty and integrate economically and socially disadvantaged groups into society. The programme funds, which total EUR 70 million, will be used to finance research, seminars and conferences, measures run by non-governmental organizations, and measures to promote the exchange of effective models between European countries. The programme includes the EU strategy for integrating the gender perspective and gender equality. Norway's participation in the programme underpins the Government's own Action Plan for Combating Poverty.

A large and important portion of development assistance is targeted towards social security and poverty reduction (read more about this under the section on rights-based development above). Norway also provides assistance for a large number of international health-related projects. One of many examples is Norway's support for the Barents Health Programme, through which NOK 15 million was disbursed in 2002 for cooperation between Norwegian and Russian health institutions on projects to combat communicable diseases, support mother-child health services, prevent lifestyle-related health problems and improve health services for indigenous peoples. Another example is the assistance provided for health services for refugees and internally displaced persons in the Balkans. Norway also contributed funds to rebuild national health services in the Balkan countries. Special emphasis has been placed on support for psychosocial measures and programmes for disabled children, and special assistance is provided for elderly refugees who wish to return to their home countries.

5.2. Mental health care

Efforts to improve mental health care in Norway are largely related to the National Programme for Mental Health, which covers the period 1999-2006. The programme focuses both on preventive services and on improving treatment and care in various fields of mental health care. Through the programme, continued efforts were made in 2002 to improve measures to prevent violence and

traumas, combat sexualized violence and provide assistance for victims of violence and other persons suffering from mental trauma. The Ministry of Health, the Ministry of Justice and the Ministry of Children and Family Affairs have worked in close cooperation for some time in this field in order to combat violence more effectively. The aim is to establish a national centre for trauma and violence with a view to strengthening research, development work, education and counselling in the field of violence and traumas.

The Norwegian Directorate for Health and Social Welfare has also been commissioned to prepare an action plan to reduce the use of coercion in mental health care (see page 173 of Proposition No. 1 (2002-2003) to the Storting). This action plan must be seen in conjunction with the new Mental Health Care Act, which entered into force on 1 January 2001.

5.3. The elderly

No special human rights convention has been elaborated for the elderly, but certain international documents focus on the situation of the elderly, particularly in relation to health care and stays in an institution. Legal safeguards for dementia patients are a key focus of the Government's efforts on behalf of the elderly. Dementia is a disease characterized by the gradual decline of intellectual, emotional and motor functions, with the result that the patient gradually becomes unable to take care of himself or herself and to recognize his or her own need for assistance. To a great degree, dementia patients are helped by measures to which they consent, but to prevent injury it is sometimes necessary to take action without the consent of the patient and even against his or her will. This requires legal authorization. Current legislation is both unclear and inadequate. In spring 2002, the Ministry of Social Affairs circulated a consultation paper on the rights of persons suffering from dementia and the limitation and control of the use of coercion, etc. in respect of such persons, with comments to be submitted by 1 December 2002. On the basis of the consultative comments, the Ministry will continue its work on following up the consultation paper in 2003.



The Ministry of Social Affairs circulated a draft of regulations relating to the quality of public care for consultative comment in autumn 2002. To strengthen the right to privacy, the Ministry proposes to incorporate into the regulations the responsibility of municipalities to ensure that persons who wish to have a room of their own for long-term stays are offered such accommodation. The regulations are scheduled to be implemented in spring 2003.

The Ministry of Social Affairs has contributed to the UN's new action plan on ageing, adopted in

Madrid in autumn 2002. The Madrid International Plan of Action on Ageing 2002 addresses such issues as human rights and discrimination.

5.4. Disabled persons

The special situation of disabled persons has made it necessary to establish a separate international instrument, the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities, to provide guidelines as to how their rights can best be safeguarded. This document is not legally binding, but work is in progress on developing a special convention on the human rights of persons with disabilities. In Norway, particular attention has been focused on limitations on the use of coercion in respect of mentally disabled persons and the Action Plan for Disabled Persons.

Chapter 6A of the Social Services Act covers rights for and the limitation and control of the use of coercion in respect of the mentally disabled. These provisions entered into force on 1 January 1999. On the basis of the experience acquired in implementing these rules so far, a report from a council appointed to assess how the rules were practiced, research projects and other sources of information, in November 2002 the Ministry of Social Affairs circulated a draft of permanent rules for consultative comment, the consultation paper on legal safeguards in connection with the use of coercion in respect of certain mentally disabled persons. The Ministry aims to present a Proposition to the Odelsting in spring 2003.

A number of measures have been initiated under the Action Plan for People with Disabilities (1998-2001), which was extended by one year. The action plan is to be evaluated in 2003. Relevant measures include projects related to Culture Net Norway and the Norwegian Sign Language Theatre. Another type of follow-up is taking place through the Programme of Action for Universal Design, which was launched in 2002. There is emphasis in the programme on promoting solutions that integrate the interests of disabled persons into general and universal measures.

On the basis of Official Norwegian Report 2001:2 From User to Citizen - A Strategy for the Dismantling of Disabling Barriers, the Ministry of Social Affairs has begun work on preparing a Report to the Storting on government policy goals, strategies and measures for persons whose ability to function is reduced. The report is to be presented to the Storting in spring 2003.

In autumn 2002 the Government appointed a committee to examine ways of improving legal safeguards against discrimination of disabled persons. The committee will spend up to two years on this work.

At the global level, the rights of disabled persons have been a priority area of focus in several international forums in 2002. Within its spheres of responsibility, the Ministry of Foreign Affairs will follow up Report No. 8 (1998-99) to the Storting on the Action Plan for Persons with Disabilities 1998-2001, in part by actively encouraging international organizations to strengthen their efforts for disabled persons. Through development cooperation, Norway will seek to improve the situation of persons with disabilities and protect their rights in relation to public services, accessibility, health, education, employment, organization, culture, democratization and co-determination.

The UN General Assembly has appointed an Ad Hoc Committee to study the question of an international convention on the protection and promotion of the rights and dignity of persons with disabilities. The committee held its first meeting in summer 2002. Norway has adopted a positive stance as regards the elaboration of a special convention, and has participated actively in the committee. Norway made significant contributions to a number of UN organizations that actively promote the rights of disabled persons, including the ILO, UNICEF, WHO, HABITAT and UNESCO. Funding was also provided for the Special Rapporteur for the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities. The rights of disabled persons have also been a priority area of focus in the EU and the

Council of Europe, as well as within the framework of Nordic cooperation. In development cooperation, one of the goals has been to incorporate promotion of the rights of persons with disabilities as a natural part of the dialogue with partner countries. In 2002 support was provided to Norwegian organizations that work in cooperation with local organizations in partner countries, and assistance was given directly to NGOs, including the Atlas Alliance.

5.5. HIV/AIDS

The Government's efforts to combat HIV/AIDS in Norway are linked to human rights to a certain extent. The fourth national action plan for the prevention of HIV/AIDS, Responsibility and Consideration - A Strategy for the Prevention of HIV and Sexually Transmitted Diseases, became effective in 2002. Among other things, the plan emphasizes the importance of the UN Commission on Human Rights' resolution 1999/49 on the protection of human rights in the context of HIV and AIDS. The plan has been translated into English.

The dimensions of the HIV/AIDS epidemic at the international level are hard to comprehend. It has profound economic and social impacts, and more than 11 million children have been orphaned in Africa alone. In South Africa, the number of deaths among persons aged 15-34 is 17 times higher than normal. Norway considers it important to continue to focus strongly on combating HIV/AIDS, and underscores the significance of seeing the battle against AIDS in conjunction with respect for human rights. This means, for instance, strengthening the position of women and young girls, combating stigmatization and protecting the rights of people infected with HIV/AIDS. This approach is also reflected in the Government's Action Plan for Combating Poverty. In several of the countries that are hardest hit by the epidemic, Norway provides support for the national programmes run by local authorities. This applies in particular to Malawi, Tanzania, Ethiopia and Mozambique. Other countries, such as South Africa, Zambia, Uganda and Angola, primarily receive assistance through non-governmental

organizations. Furthermore, the HIV/AIDS perspective is to be integrated into all sectors.

In 2002 the Ministry of Foreign Affairs contributed funding for a new initiative, the International Partnership for Microbicides (IPM), which is an international partnership for research on and development of microbicides. IPM also seeks to ensure that poor countries will have access to future microbicide products. Microbicides are chemical substances with the ability to prevent the transfer of sexually transmitted diseases. A microbicide can be produced in the form of a sponge, gel, cream or the like, and it should be possible to use it without the knowledge of the sexual partner. This last factor is an important objective, since many women are not in a position to demand that a condom be used in sexual relations. No effective microbicides have been developed as yet, but should such a product come on the market, it will strengthen women's possibilities of protecting themselves against HIV infection.

Zambia can be singled out as an example of how deeply HIV/AIDS affects the entire society. Over one million children are orphans as a result of AIDS. In cooperation with the Zambian authorities, attention has been focused on the vulnerability of children living in such circumstances and their risk of being victims of human rights violations. A rights-based approach would help to strengthen the legal status of children. With reference to the UNAIDS guidelines for human rights and HIV/AIDS, a draft strategy was presented with a view to protecting these children and their rights under the national primary education programme.

In Nicaragua, Norway provided medical assistance to those who are living with the virus and helped the families of infected persons to help themselves. Training programmes and courses have also been arranged and support has been provided for the coordination of these efforts between civil society and the Ministry of Health. Funding was also provided for studies and surveillance of health status. In 2002, assistance was also provided to produce a TV series that will focus on the HIV/AIDS problem and other topics related to

human rights, including domestic violence, gender, discrimination on the basis of ethnicity and disabled persons. The project is co-financed by several donors.

In Russia Norway supported the Action Group for Communicable Diseases in the Baltic Region, which runs projects to combat HIV/AIDS, tuberculosis and other communicable diseases. In the Balkans, Norwegian assistance has focused more on efforts to raise awareness of and focus attention on HIV/AIDS, for instance through programmes to provide information on and combat HIV/AIDS.

5.6. The environment

The right to a clean, sustainable natural environment is not directly laid down in human rights conventions, but may often be inferred from the more established rights, such as the right to life, the right to privacy and the right to receive information. More precise protection is provided by the many international environmental treaties. In the past year, there has been special focus on the right to access to environmental information, as reported in the following section. It must not be forgotten that the Government also provides support for a large number of more traditional measures to promote a sound environment, both nationally and internationally. In a measure more specifically related to human rights, assistance is provided to the University of Beijing for courses for Chinese judges on environmental legislation, with the objective of helping environmental victims in China.

5.6.1. *The right to access to environmental information*

The right to information is a fundamental, democratic right that is protected both directly and indirectly through the human rights conventions. In a number of contexts, particular emphasis has been placed on the right to information about matters that have an impact on the environment and health and the right to participate in decision-making processes relating to such matters, both in the UN and the Council of Europe. A pivotal

instrument in this connection is the Århus Convention of 1998, which is a UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. Rules have also been established through the EEA Agreement regarding the public's right to environmental information. Agreement was recently reached in the EU on a new directive that entails the implementation of the Århus Convention and that goes even further on some points than the commitments under the convention.

The right to environmental information is given special protection in Article 110b of the Constitution of Norway. To strengthen this right, the Ministry of the Environment presented a draft in autumn 2002 of a new combined Bill on the right of access to environmental information and participation in public decision-making processes that have an environmental impact (Proposition No. 116 (2001-2002) to the Odelsting). The Bill is a follow-up of the recommendation of the Expert Committee for Environmental Information (Norwegian Official Report (NOU) 2001:2 Right of access to environmental information). The Bill imposes a duty on both public authorities and public and private actors to make environmental information public. It strengthens the right of access to environmental information held by public authorities and imposes a special responsibility on public authorities to make available overview information on the state of the environment and environmental matters. As regards environmental information held by public and private actors, the Bill proposes entirely new rights and duties. It also strengthens the right to participation in public decision-making processes that have an impact on the environment.

The Bill will bring Norwegian law into conformity with Norway's international commitments, but goes further on a number of points. In parallel with the Proposition to the Odelsting with the draft Bill on access to environmental information, the Ministry of Foreign Affairs presented Proposition No. 81 (2001-2002) to the Storting on consent to ratification of the Århus Convention.

Norway gives priority to international activities that contribute towards implementing the goals of the Århus Convention. The need to build up expertise in this field is particularly pressing in Central and Eastern Europe and Central Asia.

5.6.2. *Environmental information in development cooperation*

A number of development cooperation measures target the dissemination of environmental information. Similarly, there are measures in the field of cultural heritage protection that help to increase minorities' awareness of their own culture. Both types of measure strengthen human rights through increased popular participation and active involvement in respect of the authorities. Two examples from China show how this can be done in practice.

GRID-Arendal has helped to develop a programme for environmental status reports on the situation in China that are accessible on the Internet. The central statistics institutions in Norway and China have worked closely on preparing environmental statistics and analyses that show the link between emissions, economic growth and policy formulation. Along with the publication of a Chinese edition of the Yearbook of International Co-operation on Environment and Development, this has helped to spread and "democratize" environmental information.

The Norwegian Directorate of Cultural Heritage has helped to establish eco-museums among several minority groups in southern China. Traditional houses have been rehabilitated and slightly modernized. This work helps to improve people's knowledge and understanding of the value of their own culture. Minorities also learn that their culture is appreciated by people from other countries.

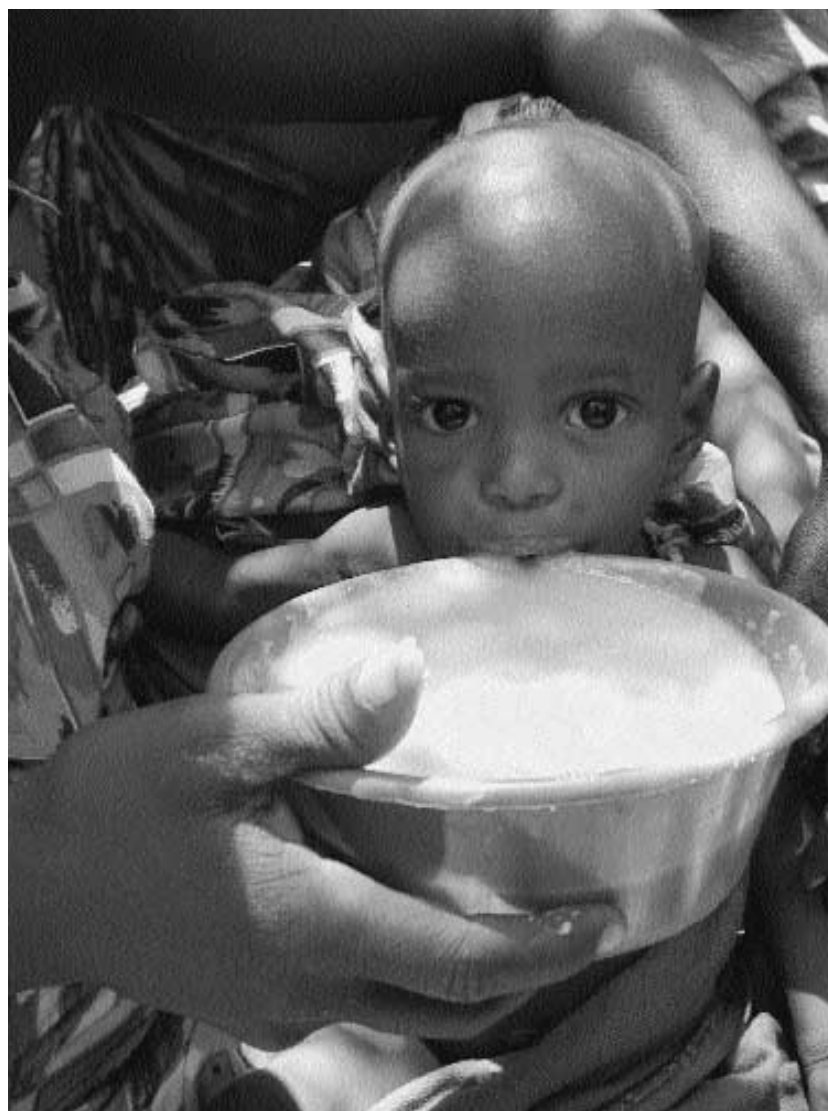
5.7. **The right to food**

The Action Plan for Human Rights emphasizes that "the Government (will) continue to develop a national food and agricultural policy in line with the International Covenant on Economic, Social and

Cultural Rights." Report No. 19 (1999-2000) to the Storting refers to Article 11 regarding the right to food in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

In cooperation with the Ministry of Health and the Ministry of Fisheries, the Ministry of Agriculture is participating in efforts to draft a new Food Production Act that will encompass the entire food production chain, and will therefore cover large parts of the scope of Article 11 of the ICESCR.

The Action Plan for Consumer Orientation of Food and Agricultural Policy is based on respect for consumer rights, such as the right to be able to



choose a diet on the basis of nutritional and health preferences. The right to food, as enshrined in Article 11 of the ICESCR, is an overarching goal of the Action Plan. In accordance with the Plan, consumer panels were established in 2002 that will serve in an advisory capacity in relation to food policy.

The Ministry of Foreign Affairs and the Ministry of Agriculture arranged an international seminar on food as a human right in April 2002 in Oslo. This seminar was followed up by a major event in Berlin hosted by the German government.

In June 2002 the UN, through its Food and Agricultural Organization (FAO), arranged a summit meeting five years after the World Food Summit in 1996 (WFS +5). One of the most controversial items in the final declaration from the Summit has been the item relating to the elaboration of a code of conduct on the right to food. An intergovernmental working group has now been established to draw up voluntary guidelines for implementing the right to food. In cooperation with the Ministry of Foreign Affairs, the Ministry of Agriculture has initiated efforts to follow this up.

In the field of development cooperation, NORAD has provided support for national follow-up conferences to the food summit in South Africa and Uganda. The right to food and access to land are also the focus of research cooperation between the University of the Western Cape (South Africa), the Agricultural University of Norway, NORAGRIC and the Norwegian Centre for Human Rights. The research team has emphasized the legal aspects of access to land, both in relation to property and to use in accordance with customary law, where Norwegian experience of common land issues has proved useful and of relevance to the South African approach.

Food security is a key goal of the work of the Foundation for the Autonomy and Development of the Atlantic Coast of Nicaragua (FADCANIC), which runs projects on the Atlantic coast of Nicaragua and receives funding from Norway. Forestry, biodiversity and the protection of forests, soil and water are of central importance in the

organization's work. The Association for the Diversification and Agricultural Development of the Community (ADDAC) in Nicaragua seeks to promote the sustainable use of natural resources and provides support for small farmers who use organic farming methods. The association has received assistance from Norway for several years.

5.8. Culture and science

Culture and science are linked to human rights through the International Covenant on Economic, Social and Cultural Rights of 1966 and a large number of international treaties that regulate the issue of ownership and other matters.

5.8.1. Evaluation of the Act on the medical use of biotechnology

The Report to the Storting on the evaluation of the Act on the medical use of biotechnology was debated by the Storting in June 2002, cf. Report No. 14 (2001-2002) to the Storting and Recommendation No. 238 (2001-2002) to the Storting. Emphasis is placed on striking a proper balance between the use of technology for research and medical treatment and the protection of human life and respect for human dignity and personal integrity. The main proposals, which will be followed up by proposals for legislative amendments, are as follows:

- The anonymity of semen donors is to be revoked. Children may be informed of the identity of the semen donor after they reach the age of 18 (ref. Article 7 of the Convention on the Rights of the Child).
- The right of the woman or the couple to information and genetic counselling in connection with foetal diagnosis is to be strengthened.
- The ban on the use of genetic data outside the health care system is to be maintained and amplified.
- More stringent conditions are to be imposed for unsolicited genetic counselling without the patient's consent.

A consultation paper with a draft of a new Act on the medical use of biotechnology, etc. was recently circulated for comment, and the Ministry of Health aims to present a draft Bill to the Storting during the spring session of 2003.

5.8.2. Collection, storage and use of biological material from human beings

A new Act on biobanks was adopted by the Storting, cf. Proposition No. 56 (2001-2002) to the Odelsting and Recommendation No. 52 (2002-2003) to the Odelsting. The Act contains provisions governing the collection, storage, processing and destruction of biological material from human beings and information that may be deduced from such material. The purpose of the draft Bill is to ensure the ethical management of the material in biobanks, and to ensure that biobanks are used in the best interests of the individual and society as whole. Account is to be taken of such fundamental principles as protection of the individual, human dignity, human rights and personal integrity.

5.8.3. Compulsory licensing

The UN Commission on Human Rights has adopted texts relating to access to medicines, particularly in connection with HIV/AIDS. These were followed up in the World Trade Organization (WTO) negotiations in Doha in autumn 2001. On that occasion, the TRIPS Council was given until the end of 2002 to negotiate a solution for the compulsory licensing of medicines for epidemic diseases like AIDS for poor countries who cannot produce the medicines in question themselves.

The TRIPS Agreement protects patent and other intellectual property rights. In the above-mentioned round of WTO negotiations, it was determined that TRIPS does not prevent the authorities of a country

from taking various measures to protect the health of the population. This means, for instance, that every country has the right to produce medicines under a so-called compulsory licence. Compulsory licensing means that the public authorities authorize the production or import of patented drugs without the consent of the patent holder (usually the drug manufacturer), but in return for reasonable compensation. However, developing countries usually do not have the possibility of producing their own medicines, and under the TRIPS Agreement the right to import products manufactured under a compulsory licence is limited. The TRIPS Council was therefore ordered to negotiate a solution to enable these countries, too, to benefit from the compulsory licensing system, in practice by allowing other countries to produce reasonably priced pharmaceuticals on their behalf. In the negotiations on the implementation of the Doha Declaration, Norway has advocated that every country should be able to export medicines manufactured under compulsory licence to developing countries and that no limitations should be imposed in relation to the Doha Declaration as regards the diseases for which medicines may be produced. However, the WTO members did not agree on a solution for compulsory licensing within the set time limit.



6

Tolerance and equality

Human rights, as they are expressed in conventions elaborated by organizations such as the UN and the Council of Europe, are a set of rules that aim to protect individuals against injustice. Discrimination and intolerance can hamper the realization of fundamental human rights for minorities and marginalized groups in society. The terrorist attacks on 11 September 2001, and the subsequent anti-terrorism campaign, have added a new dimension to xenophobia and intolerance in many parts of the world. This chapter addresses the topics of discrimination and racism, as well as the protection of national minorities and indigenous peoples. It also deals with asylum and immigration law, and the rights of foreign nationals and unaccompanied minors seeking asylum.

6.1. Discrimination and racism

The prohibition against discrimination and racism is found in many of the human rights conventions, such as the International Covenants of 1966 on Civil and Political Rights and on Economic, Social and Cultural Rights and the UN Convention on the Rights of the Child of 1989. The European Convention on Human Rights of 1950 also contains provisions on discrimination, both in the main convention itself and in a subsequent optional protocol. More detailed rules may be found in the UN Convention on the Elimination of All Forms of Racial Discrimination of 1964 and the UN Convention on the Elimination of All Forms of Discrimination against Women of 1979 (see chapter 8).

The Government has implemented a large number of measures in this field, many of which are related to legislation, and Norway has helped to ensure that discrimination and racism have high priority on the international agenda. The work carried out by the Centre for Combating Ethnic Discrimination is described in an appendix to this Annual Report.

6.1.1. *New Act prohibiting ethnic discrimination*

On 3 March 2000 the first Bondevik Government appointed a legislative committee to prepare a draft Bill prohibiting ethnic discrimination. The committee presented its report to the Minister of Local Government and Regional Development on 14 June 2002. The report proposes a general ban on ethnic discrimination that is to apply to all areas of society. Under the Act, the main sanction for breaching the prohibition is to be compensation for non-pecuniary damage. Other sanctions provided for by the Act include orders to rectify or put a stop to situations that are contrary to the Act. The committee proposes a general rule to divide the burden of proof in cases concerning ethnic discrimination. It also proposes imposing a duty on public authorities and employers in both private and public enterprises to take action to promote equality and avoid ethnic discrimination.

The committee proposes that a special mechanism be established to enforce the Act prohibiting ethnic discrimination, which is to be given decision-making authority and power to impose sanctions in cases concerning ethnic

discrimination. The enforcement mechanism largely corresponds to the gender equality mechanism, i.e. the Gender Equality Ombud, the Gender Equality Appeals Board and the Centre for Gender Equality in Norway. The Government has therefore initiated a study of the possibilities of establishing a common enforcement mechanism for discrimination on the basis of gender and ethnicity. The committee also proposes that the UN Convention on the Elimination of All Forms of Racial Discrimination be incorporated into Norwegian law through the Human Rights Act.

The report was circulated for broad consultative comment in autumn 2002. The Government aims to present a draft Bill prohibiting ethnic discrimination in 2004.

6.1.2. The Plan of Action to Combat Racism and Discrimination (2002-2006)

On 1 July 2002 the Government presented a new Plan of Action to Combat Racism and Discrimination that covers the period 2002-2006. The plan continues the work begun in the previous Plan of Action to Combat Racism and Discrimination (1998-2001). The Government has also focused on following up the final document from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which took place in South Africa in September 2001.

The measures in the Plan of Action particularly target the priority areas of working life, the adaptation of public services, the school and education sector, the police, prosecuting authority and courts of law, documentation and surveillance, the Internet, local communities and efforts to strengthen legal safeguards against ethnic discrimination and racist statements. The Plan of Action covers discrimination against indigenous peoples, national minorities and persons with an immigrant background.

6.1.3. Measures to increase the participation in society of children and young people with an immigrant background

All children and young people in Norway must be guaranteed the same opportunities and rights, and be respected and treated equally regardless of skin colour, ethnic origin or religion. It is important that children and young people with an immigrant background are given the opportunity to contribute their resources and experience. Facilitating the increased participation in society of children and young people is an obligation pursuant to Article 12 of the UN Convention on the Rights of the Child.

In June 2002 the Ministry of Local Government and Regional Development presented its Plan of Action, Measures to Increase the Participation in Society of Children and Young People with an Immigrant Background. The Plan of Action was drawn up in cooperation with the Ministry of Children and Family Affairs, the Ministry of Justice, the Ministry of Culture and Church Affairs and the Ministry of Education and Research. The main emphasis is on strengthening the language skills and knowledge of Norwegian society of both pre-school children and their parents, achieving more cooperation with parents in schools, providing better supervision of unaccompanied minors and increasing the participation of young people with an immigrant background in cultural activities and sports.

A number of children with an immigrant background need to improve their Norwegian language skills before starting school, so that they are better equipped to do well in school. Many parents need instruction in Norwegian and social studies, as well as parental guidance, to enable them to help their children function in school and society. Pilot projects will therefore be carried out in selected municipalities to provide short-term day care, combined with a public health clinic survey of children's language skills and Norwegian language courses for parents. Both in school and in other arenas where children spend time, more favourable conditions must be provided

for cooperation with parents with an immigrant background.

The participation of young people with an immigrant background in cultural activities and sports must be further encouraged in order to create good role models for other young girls and boys. Funding will be provided for the continued operation of the Nordic Black Theatre and the Colourful Football project. There is also a need for various crime prevention measures to prevent the exclusion and marginalization of young people with an immigrant background. Increased use will be made of victim-offender mediation, and more mediators with an immigrant background will be recruited.

Unaccompanied minors seeking asylum are a particularly vulnerable group who need to have contact with adults in order to create a new life for themselves in Norway. An inter-ministerial working group has assessed alternative reception and settlement models for unaccompanied minors, ways in which unaccompanied minors who live with relatives can be followed up more closely, and a guardianship system for unaccompanied minors that can replace, or supplement, the current system. The proposal of the working group was circulated for consultative comment in May 2003.

6.1.4. Proposal for a prohibition against discrimination in new legislation on housing

In December 2002, the Government presented a proposal for new legislation on housing, Proposition No. 30 (2002-2003) to the Odelsting. According to the proposal, a prohibition against discrimination is to be incorporated into all legislation on housing: the Housing Cooperative Act, the House-Building Cooperatives Act, the Tenancy Act and the Owner-Tenant Act. The prohibition will apply in relation to discrimination on the basis of religion, colour, language skills, national or ethnic origin or homosexual orientation, way of life or orientation. According to the draft Bill, such circumstances may not be regarded as objective grounds for refusing to approve the owner of a share in a cooperative or of a building unit or the tenant in a tenancy relationship.

6.1.5. Liaison Committee between Immigrants and the Authorities

The Liaison Committee between Immigrants and the Authorities is an advisory body for the public authorities. The Committee consists of representatives with immigrant backgrounds and representatives of the public authorities and the political parties in the Storting, who are appointed by the Government. The Committee convenes four times a year and the working committee has eight meetings a year. In addition to serving in an advisory capacity, the Committee is intended to be a forum for dialogue and contact between representatives of the immigrant population, the political parties and the authorities. An active organizational life is essential if the members of the Liaison Committee with immigrant backgrounds are to function as spokesmen for the interests and views of immigrants.

A new committee was appointed for the period 2003-2005. The Committee is chaired by Rita Kumar. The Committee's structure was changed at the start of this period, partly on the basis of an external evaluation carried out in 2001 by the Norwegian Institute for Urban and Regional Research. The Committee has been reorganized into two forums: an Immigrant Forum and a Liaison Committee. The Immigrant Forum, which consists of members with an immigrant background, is to serve as the Committee's advisory body and will thus be the body that issues consultative statements. The Liaison Committee comprises members of the Immigrant Forum and representatives of the public authorities and the political parties, and is to be the forum for dialogue, contact and exchanges of information. The new structure helps to clarify the Committee's two functions and strengthens the role of immigrant representatives.

6.1.6. Cultural diversity

The grant to the Norwegian Council for Cultural Affairs includes funding to promote cultural diversity. The purpose of this allocation is to enable the Council to increase its support for existing projects, and to allocate grants for certain new projects in the field of cultural diversity.

Grants are also provided to other multicultural measures from this budget item. In 2002 the Ministry of Culture and Church Affairs and the Norwegian Council for Cultural Affairs, Drammen Municipality and Oslo Municipality jointly arranged a conference on cultural diversity. The conference was intended to involve a wide range of stakeholders in the field and provide them with an opportunity to exchange ideas and views. On the basis of the conference, a working group was appointed to evaluate measures designed to promote cultural diversity.

During the period 1998-2001, the Norwegian Council for Cultural Affairs had a special development programme for cultural diversity entitled Mosaic. The aim of the Mosaic programme was to help promote and integrate multicultural and cross-cultural forms of expression into the established schemes for art and art policy, and improve minorities' opportunity for cultural activity and participation in the spheres of art and culture. It has been decided that as from 2002 the goals of the Mosaic programme are to be incorporated as priority areas of focus in the ordinary fields of work and responsibility of the Council's specialized committees.

6.1.7. Lesbians and homosexuals

Homosexuals and lesbians must have the same rights and quality of life as heterosexuals. This objective does not have sufficient support at the international level to be able to say that there is any form of human rights protection, but at the national level the objective is set out in Report No. 25 (2000-2001) to the Storting on Living Conditions and Quality of Life for Lesbians and Homosexuals in Norway, and the Storting debate on this report. In 2002 the Ministry of Children and Family Affairs was responsible for coordinating the Government's implementation of this report. The process has consisted of following up and initiating the measures proposed in the report.

The measures have targeted young people in particular, and emphasis has been on regional considerations. Organizations play a key role in

this work. Support for the operating costs of the National Organization for Lesbian and Gay Liberation - Norway was increased, on condition that the organization function as a knowledge bank. Under the auspices of the organization, a temporary position was created to focus on anti-discrimination efforts in working and organizational life. Funds for research have been channelled through the Research Council of Norway.

6.1.8. International activities

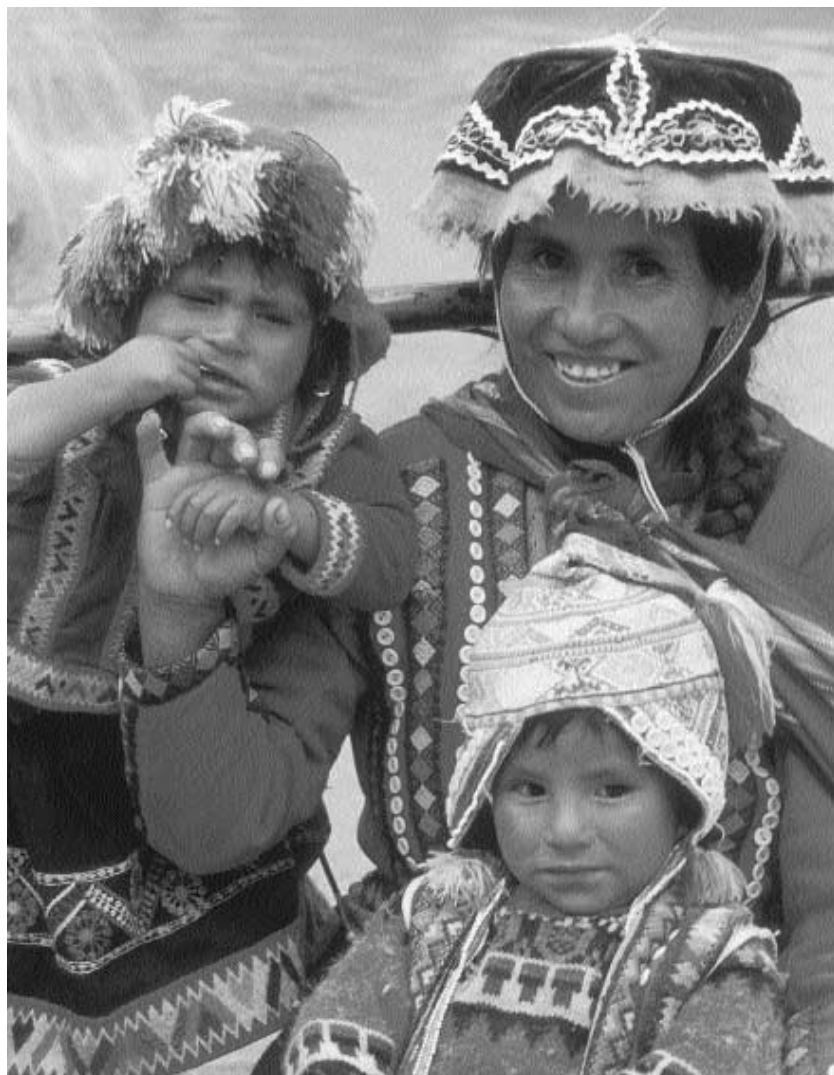
Norway's 16th Periodic Report on the Implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination was submitted to the UN Committee on the Elimination of Racial Discrimination in 2002. The Committee is expected to examine the Norwegian report in 2003.

Norway has participated actively in international discussions on the follow-up of the Declaration and Plan of Action from the World Conference against Racism in Durban in forums such as the UN Commission on Human Rights and the UN General Assembly.

6.2. National minorities

The most fundamental provision in the international instruments that provide protection for minorities is Article 27 of the International Covenant on Civil and Political Rights. This provision establishes that persons belonging to ethnic, religious or linguistic 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.

Minorities with a long-standing connection to the state in which they live are regarded as national minorities, and as such are specially protected by the Council of Europe's Framework Convention for the Protection of National Minorities. Norway ratified this convention on 17 March 1999. In connection with ratification, it was determined that the Sami people, the Kvens (people of Finnish



descent living in northern Norway), the Romani people (Travellers), the Roma (Gypsies), the Skogfinns (people of Finnish descent living in southern Norway) and Jews satisfy the criteria to qualify as national minorities in Norway. However, the Sami Parliament has stated that the Sami people do not stand to gain from being covered by the convention, since Sami rights under ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries are broader in scope than their rights pursuant to the Framework Convention.

Norway submitted its first report on its implementation of the Framework Convention in March 2001. The Council of Europe's Advisory

Committee examined the report and met with the relevant authorities and representatives of national minorities in 2002. The Advisory Committee commented that Norway had made considerable progress in developing its policy on national minorities, but that important points remained to be followed up. These points will be addressed in the follow-up of Report No. 15 (2000-2001) to the Storting on national minorities in Norway.

6.2.1. Follow-up of Report No. 15 (2000-2001) to the Storting on national minorities in Norway.

Report No. 15 (2000-2001) to the Storting on national minorities in Norway was presented to the Storting in 2000 and is the first overall review of the principles that form the basis for government policy relating to Jews, Kvens, the Roma, the Romani people and the Skogfinns. The report makes it clear that there have

been minorities in Norway for a long time. In the report the Government critically reviews the policy of Norwegianization previously pursued by the authorities in relation to all national minorities. The Government strongly condemns the abuses committed against the Romani people.

The Norwegianization policy that was pursued in respect of the Romani people was instrumental in undermining their traditional lifestyle and culture. To make amends for this injustice, a centre for documentation and presentation of the culture and history of the Romani people is being established at the Glomdal Museum in Elverum. In 2002 the Romani people presented proposals concerning the creation of a fund as a form of collective

compensation and the re-evaluation of criteria for the system of ex gratia payments. These proposals are being considered by the Government. Work on proposals for possible alternative compensation schemes for Romani people who were forcibly sterilized will begin in 2003.

In 2002 the Government continued its work on preparing a plan with an overview of measures to follow up the Report to the Storting. This plan will be completed in 2003.

In addition to the fund and forms of compensation, following up research on topics such as the status of the Kven language and the origin of the Romani language and culture is a key area of focus. The living conditions of the Roma people in Oslo is another important topic. The Ministry of Local Government and Regional Development has initiated processes in connection with these issues, in dialogue with the Research Council of Norway, the Ministry of Education and Research and Oslo Municipality.

The dialogue with representatives of national minorities that was established during the preparation of Report No. 15 (2000-2001) to the Storting continued in 2002. The Ministry of Local Government and Regional Development held a conference on research, in which all the national minorities participated, and a meeting to discuss the work on the plan. As from 2003, meetings will be held regularly between national minorities and the authorities. At the request of the various national minorities, bilateral meetings have also been held. Important topics have been representation and participation in processes and issues that concern national minorities. It is a key principle of minority policy and of the Council of Europe's Framework Convention on the Protection of National Minorities that minorities take part in and that their views are heard in matters of importance to them. This principle also applies at the municipal and county levels.

It is important to make minorities more visible. Doing so can help to communicate positive images of minorities, and gives municipalities and other institutions the knowledge they require to adapt

their services and facilities to the needs of these groups. A newsletter on national minorities which the Ministry of Local Government and Regional Development has begun to publish is part of this process. In 2002, the Ministry also began work on preparing additional information material on both government policy relating to national minorities and information on national minorities for the majority society.

6.2.2. The Kvens

In November 2001 the Council of Europe's Committee of Ministers adopted a recommendation in which the Committee asked the Norwegian authorities to clarify the status of the Kvens. A report on this issue will be prepared and is planned to be submitted to the Ministry of Local Government and Regional Development and the Ministry of Culture and Church Affairs in June 2003.

A centre for Kven language and culture, the Kvæntun Centre, is to be established in the rural community of Børselv, Porsanger. The Kvens have strong roots in this area, and the centre is to help document, reconstruct and maintain Kven traditions and culture by motivating the local community to safeguard and develop its own roots and distinctive identity. NOK 12 million were allocated in 2002 from the budget of the Ministry of Culture and Church Affairs for a new administration building at the Kvæntun Centre in Porsanger. Under the new Personal Names Act that has been adopted (see section 6.3.3), Kvens may resume Kven family names that ceased to be used due to the Norwegianization policy.

6.2.3. The Romani people

A centre for documentation and presentation of the culture and history of the Romani people is to be established as a separate department of the Glomdal Museum in Elverum. The aim is to foster understanding of what a minority is, raise awareness of injustices and oppression and promote greater tolerance, in keeping with the Council of Europe's Framework Convention on the Protection of National Minorities. An allocation of

NOK 50 million has been granted from the budget of the Ministry of Culture and Church Affairs to finance this project. The Directorate of Public Construction and Property has begun the planning process and construction will probably begin in spring 2004.

6.2.4. Grants for national minorities

The Ministry of Local Government and Regional Development maintained its grant scheme for national minorities. Four organizations received basic support: the Norwegian Kven Foundation, the Romani People's Association of Norway, the National Society of the Romani People and the Roma Foundation. The purpose of this basic assistance is to encourage minority groups to form their own organizations with a view to improving contact and dialogue between these groups and the public authorities. Funding was also provided for a number of individual projects. The aim of this support is to promote information on the situation of minority groups, document discrimination, foster sound attitudes, encourage self-help activities and promote contacts and cooperation between national minorities across national boundaries.

Strengthening the rights of minorities and improving their living situation are priority areas of focus for the Government. In 2002, therefore, the Ministry of Foreign Affairs therefore again granted financial support for projects in a number of countries aimed at strengthening minority rights.

6.2.5. International activities

The Government's international efforts to promote minority rights have largely taken place within the UN Commission on Human Rights and its Sub-Commission's Working Group on Minorities. The international debate focuses on issues related to the implementation of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992. In 2002 the Ministry of Foreign Affairs allocated an earmarked grant of NOK 750,000 to the UN High Commissioner for Human Rights for activities

aimed at strengthening the protection of minority rights. Several bilateral projects were initiated in 2002. Among the many examples, mention may be made of the assistance provided for the National Minorities University in Yunnan Province, China, where Norway has undertaken to provide educational grants for minority students, and where travel grants were provided for Norwegian researchers. Many of the measures cover several fields, such as Norwegian funding for the work of the Tibet Network, a university network in Norway with particular focus on Tibet, but which also promotes the rights of nomads and women. In autumn 2002, for instance, a special women's centre was opened at the University of Tibet with funding from the Tibet Network.

6.3. The Sami people

The basis for official Norwegian policy in respect of the Sami people is set out in Section 110 a of the Constitution of Norway and in the Sami Act. Norway has also acceded to several international conventions of significance for the Sami people. At present, ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries is the only international, legally binding instrument that directly addresses the protection of indigenous peoples, but the Council of Europe's Charter on National and Regional Languages, the International Covenant on Civil and Political Rights and the UN Convention on the Rights of the Child are all important in relation to the Sami people.

6.3.1. National policy and measures in respect of the Sami people

An important principle in Norwegian legislation that regulates the authorities' obligations in respect of the Sami population is ensuring that the Sami people play an active role in matters affecting Sami interests. This is also in accordance with the provisions of ILO Convention No. 169. Among other things, this means that the authorities must make provision, through legislation and measures, for the Sami people themselves to play the leading role in safeguarding and developing the Sami language, culture and social life. Furthermore, the

authorities must allocate sufficient funds to the Sami Parliament to enable it to determine priorities in matters concerning the Sami people. The authorities must also establish routines for cooperation between the Government and the Sami Parliament on the formulation of Norwegian Sami policy, the budget of the Sami Parliament and the development of general policies that will affect the Sami community.

Every four years, a report on the main principles of Norwegian Sami policy is presented to the Storting. Furthermore, a report on the activities of the Sami Parliament is submitted to the Storting each year, one chapter of which consists of the entire Annual Report of the Sami Parliament. The annual report is an important document in the relationship between the Sami Parliament and the Government, because the Government's report to the Storting contains responses to matters raised in the Sami Parliament's annual report.

The Sami Parliament is the Government's most

important source of information and influence when defining the basic premises for Norwegian Sami policy, and emphasis is placed on ensuring that the Sami Parliament participates in the policy formulation process at the earliest possible stage. This is done, for instance, at meetings between the senior political staff of the respective ministries and the Sami Parliament. There is also contact at the administrative level between the specialized ministries and the Sami Parliament on the follow-up of Sami issues in various policy areas.

One area in which national Sami policy is expressed is in the dialogue with the Sami Parliament on the transfer of authority from government ministries to the Sami Parliament. The focus on Sami languages and the Norwegian authorities' provision of information in Sami and of information on Sami matters to the public at large are another example. In autumn 2001 the Government presented an Action Plan for Health and Social Services for the Sami Population in Norway, which was implemented in 2002. The



Ministry of Justice has begun the process of translating the Public Administration Act and the Freedom of Information Act into Sami. Since 1999 the Reindeer Husbandry Administration in Alta has sought to strengthen measures targeting women and families, and in this connection a permanent position as Executive Officer for Women's Affairs has been established at the Directorate of Reindeer Husbandry in Alta. The measures are to be evaluated in 2003. The resource centre for the rights of indigenous peoples is to begin operating at the start of 2003.

6.3.2. Sami land and water rights

In 1999 the Government commenced work on implementing Official Norwegian Report 1997:4 relating to the natural resource base for Sami culture. As part of the process of drawing up a draft Bill on legal relationships and the management of land and natural resources in Finnmark County, the Government met with the President of the Sami Parliament and the Chairman of the Finnmark County Council in 2002. The purpose of these meetings is to find a balanced solution that ensures compliance with ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Ministry of Justice has formulated the terms of reference and appointed the members of a new Sami Rights Committee, which is to study the use and management of land and natural resources in areas used by the Sami people outside Finnmark County. This primarily means the countries of Troms, Nordland, Nord-Trøndelag, Sør-Trøndelag and Hedmark.

6.3.3. New Act on Personal Names

In 2002 the Government presented a proposal for a new Act on Personal Names, which was adopted by the Storting in spring 2003. The new Act will make it easier for Sami persons to preserve their traditional Sami name customs. Under the new Act, for instance, they will be able to use surnames as first names and vice versa, in the case of names that are traditional in a culture that does not differentiate between first and last names. In the Sami culture, it is also important to be able to use the first names of grandparents with an ending

that indicates kinship as a surname. The Act also authorizes the use of the surnames of great-great-grandparents. This will make it easier for Sami persons who have to go back many generations to find surnames that are rooted in the Sami culture to adopt such names.

6.3.4. Establishment of a new court of law in Indre Finnmark

In 2002 it was decided to establish a separate court of first instance in inner Finnmark. The new court, the Indre Finnmark District Court, will function as from 1 January 2004. A separate court of first instance, which possesses local expertise of the Sami core area, will give the Sami people greater confidence in the courts and make it easier to recruit judges with a Sami background or with a good knowledge of Sami culture, language and social life. Such a court will also help to increase the courts' knowledge of Sami customs and legal traditions, and to develop Sami legal terminology. The Indre Finnmark District Court will serve the five municipalities in Finnmark that currently make up the administrative area for the Sami language.

6.3.5. The East Sami Museum in Neiden

A grant of NOK 30 million has been allocated from the budget of the Ministry of Culture and Church Affairs to establish the East Sami Museum in Neiden, which the Sami Parliament has chosen as the Sami Millennium Site. The Directorate of Public Construction and Property, which is the owner of the building project, has considered alternative locations for the museum.

6.3.6. Nordic Sami cooperation

The Ministers responsible for Sami issues in Finland, Sweden and Norway have established a joint forum on Sami issues linked to the Nordic Council of Ministers. The forum meets regularly with the presidents of the Sami Parliaments in the three countries. The purpose of the joint meetings between the ministers and the presidents of the Sami Parliaments is to debate current Sami issues of common interest to the Nordic countries.

6.3.7. The Group of Experts charged with drafting a Nordic Sami convention

At a joint meeting on 7 November 2001, the ministers and presidents of the Sami Parliaments decided to appoint a group of experts comprising representatives from Finland, Sweden and Norway to prepare a draft of a Nordic Sami convention based on the report entitled "Needs and Basis for a Nordic Sami Convention". The expert group consists of two members from each country, one of whom is appointed by the respective Sami Parliament. Norway is chairman of the group of experts and responsible for the secretariat. The group, which is chaired by former Chief Justice of the Supreme Court Carsten Smith, is to start work in January 2003 and will present its final report in 2005.

6.4. Indigenous peoples

At present there are no universal standards for the rights of indigenous peoples, but a few scattered provisions may provide limited protection for the special situation of such peoples. The UN General Assembly's stated goal is for a UN declaration on the rights of indigenous peoples to be adopted by the end of the International Decade of Indigenous Peoples (2004). Negotiations on the declaration have progressed very slowly due to a number of complex challenges relating to procedural and substantive issues. The declaration is discussed below, immediately following the section on the UN's newly established Permanent Forum for Indigenous Issues, and before the section on the Convention on Biological Diversity, which has special significance for indigenous peoples. In conclusion, examples are given of Norway's other efforts in this field in 2002.

6.4.1. The UN Permanent Forum for Indigenous Issues

The resolution on the establishment of the UN Permanent Forum for Indigenous Issues was adopted in the UN Economic and Social Council (ECOSOC) in July 2000. The first session of the Forum was held in May 2002 in New York, and was attended by some 800 delegates. The session

was very successful and has therefore given rise to great expectations as regards the Forum's future work.

The former president of the Sami Parliament in Norway, Ole Henrik Magga, was elected as the Forum's first chairman. The Forum consists of 16 members, eight of whom are nominated by the Governments and appointed by ECOSOC, while the other eight are nominated by indigenous peoples in the respective regions and appointed by the president of ECOSOC (Mr Magga was appointed as the representative of indigenous peoples from the Arctic region). In addition to the members, governments, UN bodies and agencies and the organizations of indigenous peoples participate in the Forum as observers with the right to speak.

The Forum has a broad mandate encompassing the environment, culture, development, education and human rights. It may also take up any issue concerning indigenous peoples that comes under ECOSOC's mandate. The Forum is directly subsidiary to ECOSOC and serves in an advisory capacity to ECOSOC and other parts of the UN system on indigenous issues.

In December 2002 the UN General Assembly resolved that the Forum is to have its own secretariat in New York. Funds were initially allocated from the UN's regular budget for three positions in the secretariat, with the possibility of establishing another three positions in connection with the General Assembly's budget debate in 2003.

Norway has made active efforts to promote the establishment of the forum for a long time. During the last session of the UN General Assembly, the Government worked very actively, in cooperation with the other Nordic countries and other like-minded countries, to secure minimum funding for the Forum's activities from the UN's regular budget. The Government will continue to participate actively in and support the work of the Forum.

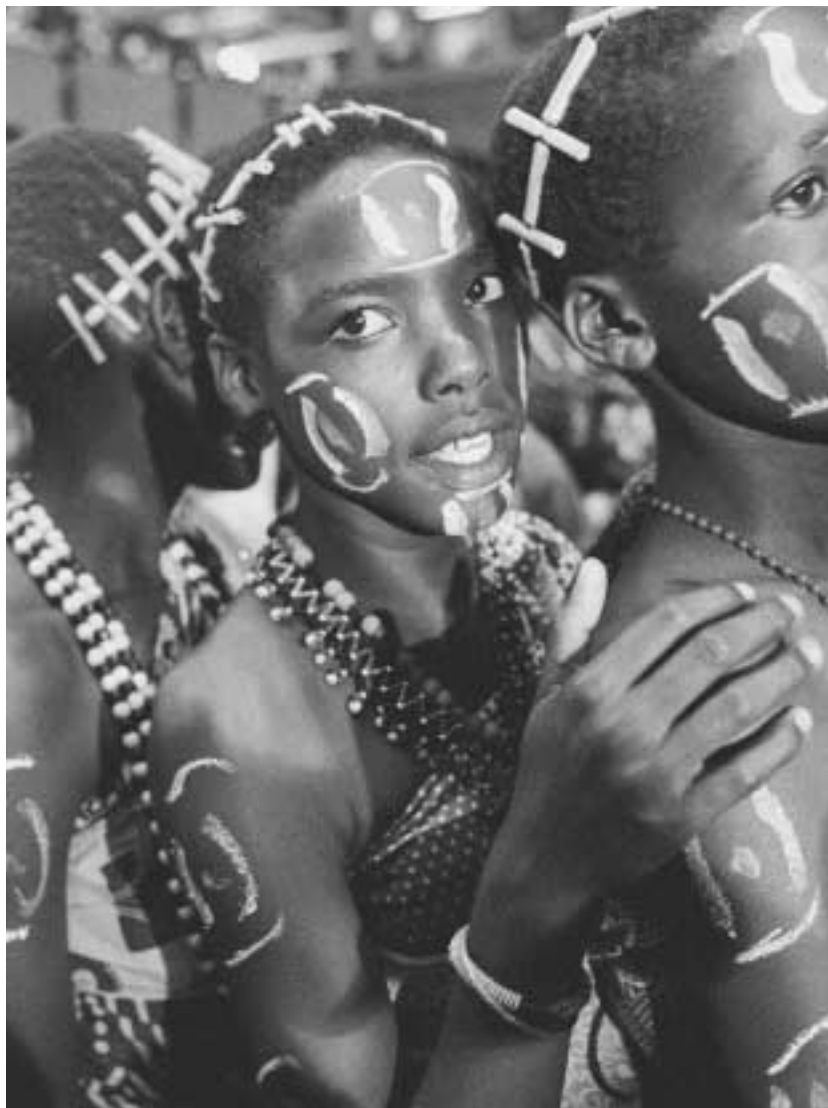
6.4.2. *Work on a UN Declaration on the Rights of Indigenous Peoples*

Work on preparing a UN Declaration on the Rights of Indigenous Peoples has been in progress since 1985, first under the auspices of the Sub-Commission to the UN Commission on Human Rights (1985-94) and then of the UN Commission on Human Rights (1995-2002). The negotiating climate in the Commission's Working Group has improved somewhat, and during the last session of the Working Group (December 2002) broad agreement was reached on the right to self-determination. The right to self-determination has been one of the most difficult issues in this process, and this budding agreement gives grounds for a certain amount of optimism. A growing number of governments and indigenous organizations take the view that an attempt should now be made to find a compromise solution that respects the original draft text prepared by the Sub-Commission to the greatest possible degree. The Norwegian Government endorses this view and is actively seeking to help achieve such a solution.

6.4.3. *Work relating to indigenous issues under the Convention on Biological Diversity (CBD)*

Norway plays an active part in efforts to address indigenous issues under the Convention on Biological Diversity (CBD). The convention has a separate article (8j) relating to indigenous peoples, a special work programme has been established, and a special international working group has been appointed to ensure that this topic is dealt with satisfactorily.

Topics addressed in work relating to indigenous issues in the CBD include various aspects of traditional knowledge, full and effective participation, respect for the religious and cultural values of biological diversity and holistic management of the ecosystem. During the Sixth Conference of the Parties to the Convention, which was held in spring 2002, a revised work programme on forest biodiversity was adopted. Norway made active efforts to ensure that the resolution on the programme included good references to the rights of indigenous peoples.



The Sami Parliament participates in the Norwegian delegation to Conferences of the Parties to the Convention on Biological Diversity, and to meetings of working groups relating to the Indigenous Peoples Programme.

6.4.4. *Other international processes and activities*

The UN Working Group on Indigenous Populations was established in 1982. Norway has participated actively in discussions in the Working Group since its creation. However, the Working Group is expected to be less important in the future and possibly cease to exist as a result of the

establishment of the Permanent Forum for Indigenous Issues.

In April 2001 the UN Commission on Human Rights appointed a Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples. Rudolfo Stavenhagen (Mexico) was appointed Special Rapporteur for a period of three years. In December 2002, the Government sent a report to the Special Rapporteur on Norwegian Sami policy and the most recent developments in the field of Sami rights in Norway.

In 2002 Norway gave NOK 1 million as a voluntary contribution to the UN's two voluntary funds for indigenous peoples. Half of this amount was allocated to the fund for travel grants for indigenous representatives to enable them to participate in various UN processes that are highly relevant for indigenous peoples. The other half was allocated to the fund for the International Decade of the World's Indigenous Peoples, to which indigenous peoples may apply for assistance for projects that promote the rights and improve the living conditions of indigenous peoples. The purpose of the International Decade of the World's Indigenous Peoples (1995-2004) is to promote international cooperation in an attempt to solve some of the problems faced by indigenous peoples in areas such as health, human rights, development, education, language and culture. In 2002 Norway also provided financial assistance for a number of international and regional projects aimed at promoting the rights of indigenous peoples.

Much of Norway's development cooperation focuses on strengthening the rights of indigenous peoples, as is the case for Norwegian assistance for Guatemala. Norway provided a total of NOK 4 million to Guatemala for seven projects: a bilingual literacy project, a bilingual primary school, organizational development, an inter-cultural vocational training school, institutional development and decentralization, and a multi-cultural teacher training programme. Norway also supported UNICEF's programme for bilingual education in Guatemala. This programme

comprises around 400 schools with a total of 166,000 children, where the aim is to adapt and improve instruction to take account of the children's multicultural background, increase pupils' participation in the running of the school through student councils, and generally increase the children's awareness of their own identity. The programme puts particular emphasis on in-service teacher training, teaching materials, educational grants and measures to raise the awareness of the parents of primary school children. The programme also includes a pre-school component that encompasses just over 11,000 children under the age of six.

6.5. Asylum and immigration law

The right to apply for and be granted asylum is laid down in Article 14 of the Universal Declaration of Human Rights. The right to asylum is not addressed in the human rights conventions, although they contain scattered provisions regarding administrative procedures and protection in the event of expulsion. In addition, human rights apply to every person in the territory of a state and hence also to any refugees and asylum seekers who may be in that state. The right to apply for and be granted asylum, on the other hand, is regulated by legislation such as the UN Convention of 28 July 1951 relating to the Status of Refugees, with a protocol dated 31 January 1967. The Government bases its policy on the principle that the Immigration Act must be implemented humanely and fairly in a way that ensures that Norway assumes its share of responsibility for people fleeing their own countries.

6.5.1. Asylum

To obtain asylum in Norway, a person must be a refugee as defined by the UN Convention relating to the Status of Refugees. This means, among other things, that the person must be persecuted on grounds of race, religion, nationality, political opinion or membership of a special social group. Persecution on grounds of gender or sexual orientation is covered by the above-mentioned convention's concept of a refugee and can



constitute grounds for recognition as a refugee. Asylum may be granted regardless of who the persecutor is, whether it be the authorities of the asylum-seeker's home country, groups beyond the control of the authorities or individuals. The decisive criterion for being granted asylum is the fact that the authorities of the home country are unable or unwilling to provide adequate protection against persecution.

In 2002, the Ministry of Local Government and Regional Development worked on drafts of new, supplementary regulatory provisions that define who is to be regarded as a refugee. The draft regulatory provisions in the Immigration Act will be circulated for consultative comment in 2003.

6.5.2. Quota for resettlement refugees

Most of the refugees in the world are given protection in a country in the vicinity of their own. If the country in which they first sought refuge cannot provide them with satisfactory protection, and they cannot return to their home country, the UN High Commissioner for Refugees (UNHCR) requests a third country to resettle the refugees. Norway's quota for resettlement refugees for 2002 was 1,500 places. In assessing which individual refugees should be transferred to Norway, emphasis is primarily placed on their need for protection. The refugees' possibilities of adjusting to Norwegian society are also considered. In consultation with the UNHCR, Norway has adopted a flexible quota system covering a period of three years. Within this period of time, places that are not used one year may be carried forward to the following years. Moreover, places from the following years' quotas may be used in advance, if there should be a need to do so.

6.5.3. The Legislative Committee on the Revision of the Immigration Act

The current Immigration Act was adopted in 1988 and came into force on 1 January 1991. Since its adoption, major changes have taken place in the sphere of immigration. In the light of these changes, there is broad political consensus regarding the need for a comprehensive review of immigration legislation, including an examination of the distinction between asylum and a residence permit on humanitarian grounds. The current statute does not reflect the complex challenges facing society today, nor the need for efficient administrative procedures. New international obligations, increasing cross-border mobility and the growing percentage of the population with an immigrant background are factors that make it necessary to focus attention on how immigration

legislation can serve its purpose in today's society. The need to recruit labour outside the EEA area further underscores the need for new legislation. The Legislative Committee on the Revision of the Immigration Act was appointed by the Council of State on 14 December 2001 and is headed by District Judge Bjørn Solbakken. The committee is to present its recommendation for a new Act by the end of 2003.

6.5.4. Development of knowledge relating to asylum

In February 2002 the Ministry of Local Government and Regional Development advertised a project relating to the provisions of the Immigration Act regarding protection against persecution. The Ministry commissioned the University of Oslo to examine the distinction between asylum and a residence permit granted on humanitarian grounds in Norway. The project consists of two parts and is intended to provide an analysis of Norwegian rules and practice in relation to international conventions and a survey and evaluation of practice based on a review of a number of cases on which decisions have been made by the Directorate of Immigration and the Immigration Board. Reference is to be made in the project to rules and practice in other countries. The project also includes a review of rules and practice as regards asylum seekers who invoke gender-based persecution as grounds for asylum.

Work on the project commenced on 15 August 2002. The report on rules is to be submitted in March 2003 and the project is expected to be completed by 1 June 2003. The report on rules is to be used by the Legislative Committee on the Revision of the Immigration Act, which is to study and prepare a draft of a new Immigration Act by 31 December 2003.

The terms of reference of the Legislative Committee also stipulate that gender equality must be safeguarded in the Immigration Act. The Immigration Act is gender-neutral, but the Legislative Committee will nonetheless examine whether there is a need to strengthen the legal status of women in the field of immigration, for instance in connection with applications for

asylum, or for a residence permit on other grounds.

6.5.5. Domestic violence in cases where the abuser is not a Norwegian national

In spring 2002 the Ministry of Justice and the Police and the Ministry of Local Government and Regional Development appointed a Working Group to assess the rules and practice in cases concerning threats and violence in families where the abuser is not a Norwegian national. This action was prompted by several examples of women who were subjected to violence and threats of violence from foreign nationals in Norway.

The Working Group submitted its report in May 2002, in which it proposes that consideration should be given to amending the rules regarding the expulsion of convicted persons and the way in which these are practiced so as to provide better protection for victims of violence and harassment. Among other things, it proposes that the prescribed penalty limit for expulsion be lowered. It also proposes examining more closely the rules regarding the deferred implementation of orders in cases where the foreign national is a threat to others. Furthermore, it proposed that priority be given to immigration cases in which the result may be significant for those who are victims of violence and harassment.

In following up the proposals of the Working Group, the best interests of the child and the protection of the aggrieved party will be key considerations, while ensuring due process of law for the person who is liable to expulsion. The relationship to the human rights obligations by which Norway is bound will be considered. Amendments to statutes and regulations as a result of the working group's proposals will be circulated for consultative comment in the course of 2003.

6.5.6. Expulsion

When the immigration authorities consider expelling a foreign national from Norway, an assessment must be carried out of whether the expulsion will be a disproportionate measure in

respect of the foreign national himself or herself and his or her closest relatives. Article 8 of the European Convention on Human Rights on the right to family life and the provisions of the Convention on the Rights of the Child are considered in this connection. The immigration authorities have received inquiries concerning the issue of expulsion of foreign nationals who have children in Norway. In order to obtain a better overview and raise awareness of this type of situation, in 2002 the Directorate of Immigration began to register all immigration cases involving foreign nationals with children in Norway.

6.5.7. Expulsion – anti-terrorism measures

In the light of the UN Security Council's Resolution 1373 of 28 September 2001, Norwegian legislation regarding expulsion was amended with effect from 28 June 2002. The Resolution imposes a number of anti-terrorism measures on member countries.

Pursuant to the legislative amendment, foreign nationals who are terrorists or who have connections with terrorism, may be expelled from Norway even if the threat in question is directed towards other countries and the foreign national has not been sentenced for the act.

The concept of terrorism is defined in greater detail in sections 147a and 147b of the General Civil Penal Code. These provisions cover the acts of committing, entering into league to commit or being an accessory to an act of terrorism. They also cover the financing of such acts.

Expulsion on grounds of terrorism applies to all foreign nationals, including those who have a permanent permit to reside in Norway (settlement permit) and foreign nationals who are covered by the EEA Agreement.

6.5.8. Unaccompanied minor refugees and asylum seekers

In Norway the term "unaccompanied minors" is the collective term for all children and young people under the age of 18 who come to Norway

without their parents or other persons with parental responsibility in Norway. This also includes those who come to Norway accompanied by other adults, such as an older brother or sister, aunt, uncle, etc. Another factor common to this group is that they are either seeking asylum, have been granted refugee status, have received a negative decision regarding their application for refugee status or asylum, or have been granted a residence permit on humanitarian grounds. In 2002, 894 unaccompanied minors came to Norway from 61 different nations. This is the highest number to date, and far more than in 2001 when arrivals of unaccompanied minors numbered 561. Most of them came from Iraq, Afghanistan, Somalia, Sri Lanka and Ethiopia. About 80 per cent of them are boys, and most of them are between 16 and 18 years of age.

A number of measures have been initiated to secure the situation of minors who are refugees and asylum seekers. Among other things, the asylum interview must be carried out as soon as possible, and preferably within two weeks after the minor's arrival. The Directorate of Immigration has also appointed a child and youth professional to assist in the process of interviewing children. Professional guidelines have been drawn up for work with unaccompanied minors at reception centres. At the start of 2003, a special reception centre was established for unaccompanied minors under 15 years of age. As far as settlement is concerned, the goal is to settle unaccompanied minors as quickly as possible, and no later than three months after they have been granted a residence permit. There is also greater focus on intensifying efforts to trace parents or other care providers. The Ministry of Justice appointed a legislative committee to revise the Guardianship Act. One of the issues to be considered by the committee is whether there is a need for special rules for unaccompanied minors. The committee is to submit its recommendation by 1 July 2003.

6.5.9. Project to develop models for municipal activities relating to unaccompanied minors

In 1999 the Government initiated a research and development project to develop models for



municipal activities relating to unaccompanied minor refugees and asylum-seekers. The SINTEF/IFIM research institution presented its report in February 2002. The report sums up the experience of six municipalities over a period of two years, and proposes several measures at both local and central government level to improve the childhood environment of unaccompanied minors. Among other things, the researchers recommended that when an unaccompanied minor arrives in a municipality, a child welfare professional should always assess the minor's needs before specific arrangements are made. They also recommend that the central government authorities give clearer signals to local authorities regarding the importance of ensuring that the provisional guardian scheme functions properly. They encourage the involvement of local non-governmental organizations and private individuals to help the minor build a social network. The authorities should also intensify their efforts to contact any parents who may live in the country of

origin, with a view to possible family reunification. The Government will include the proposed measures in its ongoing efforts to improve the situation for unaccompanied minors.

6.5.10. Refugees and the Traumatic Stress Project

Health services for refugees who have been the victims of human rights violations are one of several areas of focus within the framework of the Traumatic Stress Project which is a part of the National Programme for Mental Health. In 2002, the Directorate for Health and Social Welfare sent recommendations to the Ministry of Health regarding the establishment of a national violence and trauma centre. The work of the centre will include research on and the development of knowledge about refugees who have been subjected to human rights violations and the mental and somatic consequences of torture and other abuses. In December 2002, a project group headed by a project manager appointed by the

Ministry of Health began work on defining the mandate, organization and administrative basis of a national centre of this type. At the same time, work began on upgrading regional expertise on violence and trauma. This also includes the acquisition of knowledge and the provision of health services for refugees who have been victims of human rights violations.

6.5.11. Children who have experienced war

Studies show that many children living in reception centres for asylum seekers have experienced war and crises, as a result of which they display various symptoms and ailments. Several of them require professional assistance. The Government intends to provide better trauma treatment for children affected by war who are living in reception centres and municipalities. Support for the Centre for Crisis Psychology was maintained in 2002 to enable the centre to continue its work with therapy groups for children in reception centres for asylum seekers and to provide parental guidance in cooperation with county parental counsellors. Support was also provided for family gatherings for refugees. The centre has initiated a variety of educational programmes for employees in child and youth psychiatric services and in the educational and psychological counselling service on practical emergency relief for children who have experienced war and crisis. In 2002 the Ministry of Children and Family Affairs provided funding for the preparation of a workbook for refugee children, which is an effective method of

communicating painful experiences of war, flight, etc. The workbook, which will be completed in the course of 2003, is to be used by professionals in conversations with children and subsequently by the children's parents in following up the conversations.

6.5.12. Strengthening the role of the child welfare service in work with unaccompanied minor asylum seekers and refugees

The situation of unaccompanied minor asylum seekers and refugees is described in the Ministry of Children and Family Affairs' Report No. 40 (2001-2002) to the Storting on child and youth welfare services, which was presented in July 2002. The report concludes that the financial schemes for the settlement of unaccompanied minors cover the costs incurred by municipalities. It also confirms that the Government wishes to strengthen the role of the child welfare service in work with unaccompanied minors and that each case should be assessed by child welfare professionals before specific measures are implemented. On the basis of the report, work was begun in 2002 on upgrading the expertise of the child welfare service. The Ministry of Children and Family Affairs commenced work on publishing a guideline on routines, procedures and methods for assessing, approving and following up relatives and foster homes with whom unaccompanied minors are settled. Work also began on adapting the training programme for foster parents, PRIDE, for foster parents who belong to an ethnic minority



7.1. Corporate Social Responsibility (CSR)

Corporate social responsibility (CSR) is a topic on the agenda of a growing number of forums in varying contexts. Corporate social responsibility means the business sector's responsibility for and awareness of human rights, workers' rights, environmental protection and good business practices.

The selection mechanism for the Government Petroleum Fund was established in 2001. This mechanism is designed to ensure that the Fund's investments do not conflict with Norway's obligations under international law, which follow from the international conventions to which Norway is a party. It has been assumed that investments in companies with activities that fall within the scope of the UN conventions on anti-personnel landmines and biological and chemical weapons may be contrary to international law. Furthermore, the possibility may not be ruled out that investments in companies with activities that fall within the scope of Articles 34 and 35 of the UN Convention on the Rights of the Child regarding the sexual exploitation of children or ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour may be contrary to international law.

The Ministry of Finance has commissioned the Swedish company, Caring Company, to systematically review the portfolio of the Government Petroleum Fund in order to identify companies with such activities. The first review

will be carried out on the basis of the fund's investments at the end of 2002. On 18 October 2002 the King appointed a committee to propose ethical guidelines for the Government Petroleum fund. The committee is to present its report by 1 June 2003. Partly on the basis of the committee's report and consultative comments, the Government will present the matter to the Storting in its Revised National Budget for 2004.

On 19 December 2002 the Ministry of Petroleum and Energy resolved to amend the Regulations relating to the Government Petroleum Fund, laid down by the Ministry of Industry and Energy on 13 December 1996 pursuant to section 7 of the Act of 30 May 1986 No. 23 on the Government Petroleum Insurance Fund, cf. Royal Decree of 6 September 1996. Section 6 of the Regulations regarding the Government Petroleum Insurance Fund now reads as follows:

“The Fund's capital shall not be invested in securities which the Ministry of Finance has excluded from the Government Petroleum Fund, cf. section 9 of the Regulations of 3 October 1997 No. 1078 on the Management of the Government Petroleum Fund.”

The Ministry of Industry and Trade has participated actively in the Government's efforts to promote human rights whenever such efforts have been relevant to the Ministry's sphere of responsibility. This particularly applies to issues related to corporate social responsibility in connection with investments in other countries.

These efforts include participation in the Consultative Body for Human Rights and Norwegian Economic Involvement Abroad (KOMpakt) and other forums such as the Green Business Network Norway's CSR network, the Norwegian Guarantee Institute for Export Credits (GIEK), the Export Council of Norway and INTSOK (Norwegian Oil and Gas Partners), where issues related to corporate social responsibility have been discussed with business and industry.

The human rights situation is part of the political risk situation in a country and is thus one of many factors included in the risk assessment that is undertaken by GIEK and other institutions. In the light of this, efforts are being made to achieve an optimal integration of human rights considerations into export financing on the basis of, for instance, GIEK's environmental guidelines. GIEK applies its environmental guidelines in such a way that account is taken of social considerations in its environmental assessments. Norway also plays a proactive role in the OECD Export Credit Group to develop common guidelines for export financing that can reduce corruption.

The Ministry of Foreign Affairs identified corporate social responsibility as an important area of focus in the Action Plan for Human Rights. As early as 1998, KOMpakt was established as a consultative body for human rights and Norwegian economic involvement abroad. Under the leadership of the Ministry of Foreign Affairs, KOMpakt continues to gather participants from business and industry, the trade union movement, employers' organizations, human rights organizations and the authorities. While KOMpakt was previously organized into working groups that produced a series of publications on CSR, the Ministry of Foreign Affairs' objective is now to establish KOMpakt as a round table where relevant topics can be debated and examined and where participants keep each other informed of developments in the field of CSR. The focus in KOMpakt is on CSR at the international level. KOMpakt had three meetings in 2002. These have concerned CSR challenges related to operating a

business in China and Angola, and companies' assessment of the consequences that their presence and activity have for society (Human Rights Impact Assessment).

The Ministry of Foreign Affairs wishes to contribute towards improving factual knowledge of CSR. Support has therefore been provided for various research projects on CSR carried out by the Centre for Economic Analysis (ECON), the Institute for Applied Social Science (FAFO) and the Peace Research Institute in Oslo (PRIO).

The Centre for Economic Analysis (ECON) carried out a major pilot project on CSR, which culminated in the following:

- a main report on CSR tools and implementation of corporate social responsibility
- a report on international CSR mechanisms
- a report that discusses the effectiveness of tools for CSR certification and CSR ranking
- a memorandum that examines the motivation of companies to commit to CSR, partly in the light of current criticism of the CSR concept
- a report on CSR instruments in war and conflict (that was prepared in cooperation with FAFO).

The FAFO Institute for Applied Social Science heads a project that seeks to identify links between lawful and unlawful business activities and armed conflict. The research project has concentrated on the topics of diamonds, the banking and finance sector, tropical timber, oil and gas, the sale of arms and privatized security.

In cooperation with the United Nations University in Tokyo, the Peace Research Institute in Oslo (PRIO) has started work on a major project concerning the social responsibility of companies in conflict zones and in areas where human rights abuses occur. The project takes a philosophical approach to the issue of what companies' responsibility consists of and where the limits for such responsibility lie. In cooperation with the Confederation of Norwegian Business and Industry (NHO), PRIO has drawn up a check-list for companies operating in conflict zones.

Social responsibility in working life is based on a voluntary approach. Focusing attention on this area is an important means of persuading companies to work on this issue. The Ministry of Foreign Affairs wishes to help focus such attention through its involvement in this area.

Norway continued to support the UN Global Compact in 2002. The Global Compact, which is intended to persuade companies to take responsibility in the field of human rights, workers' rights and the environment, was established on the initiative of Secretary-General Kofi Annan in 1999.

Workers' rights and corporate social responsibility were among the topics discussed in Norway's human rights dialogue with China. The Norwegian Confederation of Trade Unions (LO) and the Confederation of Norwegian Business and Industry (NHO) were central players at the Human Rights Round Table in Beijing in summer 2002. Corporate social responsibility was also the focus of the Plurilateral Symposium on Human Rights in 2002. This Symposium is arranged jointly by Canada, China and Norway and attracts delegates from many Asian countries. Norway chaired the debate on corporate social responsibility, and representatives of LO and NHO were members of the Norwegian delegation.

In 2002, the Norwegian authorities joined the process relating to the Voluntary Principles on Security and Human Rights. The Voluntary Principles are a set of guidelines for private companies' use of security personnel. They concern companies' risk analyses and their use of both official and private security personnel. The Voluntary Principles were formulated in 2000 by representatives of the British Foreign Ministry and the US State Department, influential human rights organizations, such as Amnesty International and Human Rights Watch, and the extractive industry. The Netherlands and Norway have subsequently joined the authorities' side. From January 2003, the Norwegian companies Norsk Hydro and Statoil are also taking part in the process, which means that they must conform to

these guidelines in their day-to-day operations. At the plenary meeting in January, a decision was also made to review companies' operations in Angola.

In 2002, the British initiated a process, entitled the Extractive Industries Transparency Initiative, which it is hoped will result in an international code of conduct relating to the profits made by the extractive industry in developing countries. Briefly, this is a process whereby public authorities, companies, international organizations, institutions and NGOs will together formulate or establish guidelines for transparency concerning the money paid by the extractive industries to the countries in which they operate. The initiative is also intended to lead to greater transparency in the government accounts of oil-rich or mineral-rich countries. Norway has expressed its support for this effort, which is currently at a very early stage.

The OECD plays an important role in this field and has drawn up a declaration on international investments, which has so far been adopted by 37 countries. The experience gained in implementing these guidelines was discussed at the annual meeting of the National Contact Points (NCP) in June 2002. In connection with the annual meeting, a round table seminar was arranged on the guidelines and the supply chain, which focused on issues relating to companies' responsibility for ensuring that ethical standards are conformed to when they select sub-contractors.

NORAD has entered into cooperation with the NHO to monitor and register cooperation between NGOs and private enterprises, and social responsibility in developing countries. In this connection, a study was carried out by the CMI research institute, which provided an overview over existing cooperation and guidelines and indicated the opportunities and limitations in this area. Norway's support for the work of the Norwegian Confederation of Trade Unions (LO) in China, which included the publication of a book in cooperation with the Chinese trade union confederation on the experiences gained from trade union activities in Norway, can also serve as

an example. The book was published in Chinese and 3,500 copies were printed in November last year. The Government also provided funding for the Norwegian School of Management (BI) to develop cooperation with China on education in the field of good governance/administration. The project was initiated after Prime Minister Bondevik's visit to China in January 2002.

The Ministry of the Environment is also involved in matters relating to the social responsibility of private enterprises, particularly in connection with the effort to combat illegal and non-sustainable logging of tropical timber. In addition to the environmental aspects of this issue, the Ministry's involvement was also based on consideration for the interests of indigenous peoples and other local populations living in and from tropical forests. Norway has followed up this issue in relevant international forums, particularly at the meeting of the parties to the Convention on Biological Diversity in The Hague in 2002. At this meeting, following extremely active efforts by Norway, a new, extended Programme of Work for Forest Biological Diversity was adopted. Consideration for indigenous peoples and other local populations have a prominent place in this programme. The issue also had a high profile during the preparations for and work at the World Summit on Sustainable Development (WSSD) in Johannesburg. At the recent meeting of parties to the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Chile, Norway voted for a proposal to add mahogany to the list of species for which trading is to be subject to stricter controls. Direct initiatives have also been taken vis-à-vis private and public enterprises.

7.2. Child labour

The issue of child labour has had a central place on the international agenda in recent years. Several UN institutions, headed by the ILO and UNICEF, have demonstrated considerable involvement in this area.

In recent years, Norway and many other countries have called for close cooperation between various

international organizations, such as UNICEF, the ILO and the World Bank, to combat child labour. There have recently been concrete results, including a number of cooperative projects.

In 2001 Norway ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The convention requires ratifying countries to take immediate and effective steps to prohibit the worst forms of child labour, which include slavery and other forms of forced labour, commercial sexual exploitation, and work that exposes children to the risk of accident or health hazards. By the end of 2002, more than 150 ILO member states had ratified this convention, which is an important supplement to other conventions, such as the Convention on the Rights of the Child and the ILO Convention concerning Minimum Age for Admission to Employment.

At the conference on child labour that was held in Oslo in 1997, the Government declared that NOK 200 million would be allocated to combat child labour over a period of four years. These funds would be used for measures under UNICEF, the World Bank, UNESCO and the ILO, as well as in bilateral development cooperation. Norway's commitments to UNICEF, UNESCO and the World Bank have been met. In the case of the ILO, the final activities based on the 1997 decision will be financed in 2003.

In 1997, Norway committed itself to provide NOK 66 million for ILO child labour projects over a period of four years. These projects were initiated in 1999. Most of them were completed in 2002, but assistance will continue to be provided for a major statistics project and a trade union project in 2003. The activities under the auspices of the ILO are largely related to education.

In 2002, Norway supported UNICEF's global programme to combat child labour, including an interim evaluation of the programme. The NOK 10 million indicated for 2003 has been allocated for the organization's coherent efforts to protect children from violence, exploitation and discrimination. This includes combating child

labour. The NOK 155 million that has been allocated for girls' education in 2003 can also be related to efforts to combat child labour. Otherwise, most UNICEF's projects include an educational element.

Norway's assistance for the World Bank is also related to education. Moreover, the Institute for Applied Social Science (FAFO) has received NOK 1.5 million over two years to report on the current status in relation to the goals and measures established in the plan of action from the Conference on Child Labour in Oslo in 1997. These funds will also finance a study of trafficking in children in West Africa. The organization Defence for Children International (DCI) received NOK 500,000 in January 2002 for the period 2001-2003.





Women enjoy the same human rights protection as men, at least in theory. In practice, the human rights situation is far worse for women than it is for men. This is the background for the establishment of a special human rights treaty for women, and for a large number of measures implemented by Norway, both nationally and internationally. These measures are often complex and far-reaching.

Activities in Bangladesh, where promoting women's rights is Norway's highest priority, can serve as an example. Other important and more indirect areas of focus in Bangladesh include combating trafficking in women and children, supporting measures to improve the conditions in which street children live and grow up, and working to secure poor people's right to land. Norway is also supporting the establishment of a Human Rights Commission and organizations that use the media as an instrument for promoting human rights.

Norway's assistance for Malawi is another example. In this case, Norway provides support for a Law Commission whose job is to review legislation and present proposals for reforms, modernization and amendments to current legislation. Norway's assistance is linked to the Commission's work on reform of legislation that is important for women's and children's rights. The areas being reviewed are family law, inheritance law and legislation relating to the political representation of women. As one important element of this effort, the Commission is also

analyzing traditional laws and practices that affect women's rights, and presenting proposals for amendments or the strengthening of formal legislation in this field. The Law Commission is also engaged in comprehensive education and awareness-raising programmes relating to understanding, interpretation and enforcement of legislation, which target the general public, the civil service and politicians.

8.1 Trafficking in human beings

Trafficking in women and children entails serious violations of human dignity and abuses of human rights. Each year, hundreds of thousands of women and children become new victims of this modern slave trade. The fight against trafficking in women and children was put firmly on the agenda in 2002, and efforts to provide assistance and support for the victims have begun. High priority was also given to a national plan of action against trafficking in women and children. Norway has played an active role in international forums and has participated in international efforts to prevent, uncover and punish this kind of criminal activity.

In December 2002, the Ministry of Justice circulated a consultation paper concerning a new penal provision relating to human trafficking. The new provision meets Norway's obligations under the UN Protocol to prevent, suppress and punish trafficking in human beings, especially women and children. This Protocol supplements the UN Convention on Transnational Organized Crime. The provision may help to punish the people

behind the exploitation of human beings for purposes such as prostitution or forced labour. The same consultation paper also presents proposals that will enable Norway to ratify the UN Convention on Transnational Organized Crime.

In 2002, several measures were implemented to reduce the demand that creates a market for human traffickers. Among other things, a decision was made to introduce ethical guidelines for civil servants prohibiting the purchase and acceptance of sexual services. The Norwegian Defence Force has prepared similar guidelines for military personnel serving abroad. In autumn 2002, several ministries supported a campaign to prevent tourists and others from purchasing sexual services from minors during time spent abroad. The campaign was implemented by the travel industry and Save the Children Norway/ECPAT Norway.

Norway participates in international forums for cooperation between police and judicial authorities, where human trafficking has especially high priority. They include organizations such as Interpol (the Working Group on Trafficking in Women for Sexual Exploitation and the Working Group on Crimes against Minors), Europol, the Baltic Sea Task Force, the Schengen Cooperation and cooperation with Russia.

Rights-based cooperation on development projects targets the fundamental causes of human trafficking. The rights of women and children to education, land, property and capital are focal points of preventive efforts. Norway has actively supported and initiated measures to prevent trafficking in women and children in the Baltic States, the Balkans, Moldova, Central Europe and Central Asia, including information activities and police training. This work has been taking place through international agencies and non-governmental organizations, the EU, the Nordic Council of Ministers, the Council of the Baltic Sea States, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the Stability Pact for South Eastern Europe and the Norwegian Agency for Development Cooperation

(NORAD). The following are a few examples of project cooperation initiated by Norway in 2002:

- The International Organization on Migration (IOM)'s information campaign against human trafficking in Romania, which targets schoolchildren, police officers and the Romanian church.
- The Institute of Gender Applied Policies' (IPAG) assistance for victims of human trafficking who are on remand in Tirana, Albania.
- UNICEF's psycho-social assistance for repatriated victims of human trafficking, awareness-raising and information campaigns, coordination between government institutions and non-governmental organizations, the operation of an SOS helpline, courses for the Police Unit for Organized Crime and improving educational opportunities for girls in Macedonia.
- IOM's assistance for the victims of human trafficking, which includes legal advice, medical examination, transport to the country of origin, capacity-building for national authorities and local NGOs, and shelters for the victims of human trafficking in Macedonia.
- Interpol's efforts in Moldova to improve communication and cooperation with other countries in combating crime, including human trafficking.

8.2 Gender equality

8.2.1. Amendments to the Gender Equality Act

The Government's proposed amendments to the Gender Equality Act, submitted in Proposition No. 77 to the Odelsting (2000-2001), were adopted on 14 June 2002. These amendments will help strengthen efforts to promote gender equality in future. Protection against discrimination on the grounds of pregnancy and utilization of the right to leave that is reserved for one gender have been strengthened, since the disadvantage to the employer resulting from this right may no longer be taken into account. The provision concerning equal pay has been clarified by specifying more clearly that comparisons of pay across professional borders and between collective agreements are

permitted. Important factors that must be included in the assessment of whether work is of equal value have also been incorporated into the legal text. Objective liability for compensation and a shared burden of proof in the event of contraventions of the provisions of the Act relating to appointments and working conditions have been introduced. Furthermore, a provision has been introduced which requires employers, educational institutions and organizations to prevent sexual harassment within their areas of responsibility. The obligation to promote gender equality has been specified more clearly and expanded so that it applies not only to public authorities but also to private employers and organizations in working life. Public authorities and public and private companies are also required to submit status reports on gender equality within their enterprise. The opening for positive discrimination of women in connection with the admission of students to educational institutions has been expanded to permit radical gender quotas.

The Government decided to present a proposal requiring at least 40 per cent of each gender to be represented on the boards of directors of government-owned enterprises, government limited companies, companies established by special legislation and public limited companies. If private enterprises manage to achieve this goal by 2005, the law will not apply to them.

8.2.2. Violence against and sexual abuse of women and children – the role of the crisis centres

The work of following up the Plan of Action to combat violence and abuse that especially affect women (2000-2002) is ongoing. A decision has been made to continue this process, which is being coordinated by the Ministry of Justice. A Forum on Violence against Women has been established, headed by the Ministry of Justice. As part of the effort to draw attention to violence against women as a serious criminal problem and encourage debate on how the occurrence of such violence can be reduced, a Committee on Violence against Women has also been established.

The Committee is to:

- Clarify how official agencies deal with women who have been the victims of violence and abuse
- Consider the extent to which current services meet this group's overall need for assistance and whether they meet the needs of especially vulnerable groups, i.e. minority women, disabled women and elderly women.
- Consider the need to strengthen practical assistance services and propose changes if necessary
- The role of the crisis centres will be considered separately, with a view to improving the quality of services to users, including children.
- Consider whether there is a need to introduce legislation for crisis centres and whether, in this connection, other problems emerge that should be solved.

8.2.3. The EFTA Court's hearing of a case concerning the earmarking of academic posts

In August 2002 the EFTA Surveillance Authority (ESA) received a complaint against Norway concerning the earmarking of academic posts for women at the University of Oslo. It was maintained that the earmarking arrangement was in contravention of Council Directive 76/207/EEA (known as the Equal Treatment Directive) and thereby in contravention of Norway's obligations under the EEA Agreement.

Since the proportion of women in leading academic posts is small, despite the fact that a large proportion of women have attended institutions of higher education for many years, it was – and is – important to implement various measures to increase the proportion of women in academic posts. One possible measure has been to use quotas and to earmark posts for a certain period of time in order to initiate change.

In ESA's view, this arrangement was in contravention of the EEA Agreement. Norway took the opposite view, claiming that the Act relating to Universities and Colleges and the arrangement for earmarking academic posts for

women were not in contravention of the EEA Agreement. Among other things, the Government referred to previous practice as regards the interpretation of the Equal Treatment Directive, and to the fact that Norway also has treaty obligations under ILO Convention No. 111 and the UN Convention on the Elimination of All Forms of Discrimination Against Women. These conventions require member states to implement effective measures to promote gender equality. Since the earmarking of academic posts has been an important instrument in efforts to promote gender equality in academia, it was important for Norway to have this case tried. Since Norway upheld its view, ESA brought a complaint against Norway before the EFTA Court in April 2002.

8.2.4. The UN Convention on the Elimination of All Forms of Discrimination Against Women in Norwegian law

In 2002 the Ministry of Children and Family Affairs worked on implementing the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in Norwegian law. As a party to the Convention, Norway is obliged to submit regular reports on the measures that have been taken and the progress that has been made in meeting its obligations under the Convention. These reports are submitted to the monitoring body, the CEDAW Committee. Norway's fifth report, which covers the period 1994-1997, was submitted in March 2000, while Norway's sixth report, which covers the period 1998-2001, was submitted in May 2002. Norway was examined on both these reports in January 2003.

The Optional Protocol to CEDAW establishes the right to submit complaints for women who believe that their rights under the Convention have been breached, as well as giving the CEDAW Committee itself a certain amount of authority to initiate investigations to find out whether a party to the Convention is in breach of its obligations. Norway ratified the Optional Protocol on 5 March 2002.

8.2.5. International activities

Efforts to promote women's rights at the international level continued in 2002. At the UN General Assembly, the UN Commission on the Status of Women and the UN Commission on Human Rights, Norway focused on women's human rights in its interventions and in its work on resolutions and other documents.

Cooperation with the Institute of Women's Law at the University of Oslo continued in 2002. The purpose of such cooperation is to build, reinforce and further develop expertise in the field of women's law and human rights at universities and educational institutions in developing countries.

Norway is a significant contributor to the UN Population Fund (UNFPA) and supported its efforts to draw attention to the organization's work to promote reproductive rights. Many other international measures have been implemented, such as in Pakistan, where Norway has financed the process prior to local elections, the Human Rights Commission, and programmes especially aimed at increasing the proportion of women politicians. The law now requires 30 per cent of locally elected representatives to be women. Norway's support for the Ethiopian Women Lawyers Association (EWLA) is another good example. Norway was responsible for the establishment of an international donor consortium to support the EWLA, and this has given the organization a solid foundation to promote the gender equality perspective in Ethiopian society, where there are few egalitarian traditions. The EWLA runs a variety of activities to influence legislative processes, provide legal advice for women, deal with matters relating to female genital mutilation, arrange comprehensive educational programmes on women's rights, etc. This work in Ethiopia is supplemented by providing support for women's rights education at the University of Addis Abeba. A third example is Norway's support for a project in Nicaragua, which provided assistance for almost 30,000 victims of domestic violence. The victims received help at 13 police stations and 41 centres run by NGOs. The project includes measures to raise

awareness and improve the competence of employees. Other examples are Norway's support for a study on women's property rights in Uganda, and support for a Nigerian human rights organization to study the effects on women of the introduction of Sharia law in certain states in Nigeria.

8.3 Female genital mutilation

Two million girls are the victims of genital mutilation every year. In 2002, the Norwegian authorities intensified their efforts to eliminate this serious abuse, which is a gross violation of the fundamental rights of children and women.

The Government's Plan of Action to Combat Female Genital Mutilation was presented in December 2000 and spanned a period of three years. The plan has been published in Norwegian, Somali, English and French. Most measures in the plan are being followed up through the national project OK – Care and Knowledge Against Female Circumcision. In spring 2002, the coalition government presented a 33-point programme to follow up and further develop the Plan of Action.

In 2002 a website was established to provide information about efforts to prevent female genital mutilation. Moreover, an information campaign was carried out in schools and a demonstration was organized at Gardermoen Airport as part of the Say No campaign run by the Fadime Youth Association. Assistance and advice were provided for the campaign run by African Men Against Female Circumcision (AMIKO) and contributions are made on a regular basis to various local measures and for information and measures to gather relevant data. Discussion groups have been established for young people and adult women under the auspices of the OK Project, and the Ministry of Health has established a team to follow up several measures, particularly the implementation of the Norwegian Board of Health's Guide for Medical Personnel. Courses have been arranged for approximately 35 persons from relevant immigrant groups throughout the country who wish to run information campaigns in their own communities. Local networks have also

been established in six counties. NORAD has taken the initiative for the establishment of a network of NGOs in Norway working on this issue in connection with their development cooperation activities. A version of the Danish film *La oss tale sammen* (Let's talk to each other), adapted for a Norwegian audience, was completed in November 2002. The film, which is in the Somali language with Norwegian subtitles, concerns Somalis working to put a halt to the ancient tradition of circumcising girls and provides information about Norwegian law in this area.

Norway is helping to keep this issue on the agenda in international forums and has been active in developing standards and ensuring that they are implemented effectively. In Norway's main intervention at the UN Commission on Human Rights in 2002, Minister of Foreign Affairs Jan Petersen emphasized that honour killing, genital mutilation and forced marriage are practices that must be internationally condemned. This issue was also brought up by Norway at the UN Commission on the Status of Women and was followed up at the UN General Assembly last autumn. NORAD has entered into a collaborative process with Norwegian NGOs and researchers in this field. Assistance has been provided for local organizations in Ethiopia and Uganda, and funding has been channelled through Norwegian NGOs, such as Norwegian Church Aid and Save the Children Norway. By strengthening human rights, supporting local organizations and increasing access to education, Norway wishes to promote cultural change, improved quality of life and better health for girls and women. At the multilateral level, Norway makes substantial contributions to UNICEF and the UNFPA.

8.4. Forced marriage

The Government's Plan of Action Against Forced Marriage was presented in December 1998 and expired on 31 December 2001. An inter-ministerial group has monitored its progress. The plan comprised about 40 measures, most of which have been implemented as planned. Work in this area is long-term, and the Government has followed up the previous measures with a new programme that

was presented in spring 2002. The programme comprises 30 new measures, the most important of which are emergency assistance for young people, changes in regulations, measures in the educational sector, human resource development, information and awareness-raising activities, and international cooperation.

Information materials have been prepared which target young people, parents and public employees. The information materials are free of charge, have been widely distributed and are available upon request. Funding continued to be provided for organizations working on individual cases of young people in crisis in 2002, and funds were also provided for many organizations to support their information and awareness-raising activities, advice and guidance aimed at preventing forced marriages. The forced marriage hotline continued to operate in 2002. Several major towns are in the process of establishing expert teams or advisory groups. Efforts to provide housing for young people in crisis have begun. Courses for public employees have been carried out in Oslo and will be followed up with courses in other major towns in 2003. Six regional conferences on efforts to prevent forced marriage have been held for the employees of state-run asylum centres.

In order to draw attention to the campaign against forced marriage and make it more effective, it is important to have clear, effective criminal legislation. The Ministry of Justice has, therefore, proposed clarifying Section 222 of the Penal Code, which concerns coercion, to make it clear that forcing a person to enter into marriage may come under the penal provision and that the stricter penalty of six years' imprisonment may be applied. It has also proposed making public prosecution unconditional in cases relating to coercion (Section 222) and threats (Section 227). At the same time, the Ministry proposed making it a criminal offence to enter into marriage or partnership with a person under the age of 16. It will also be a criminal offence to be an accessory to such marriage or partnership. The proposed maximum penalty is four years' imprisonment.

In the view of the Ministry of Justice, if at least one of the spouses is younger than 16 years of age this is a strong indication that a forced marriage has taken place. However, in the Ministry's view, it is a punishable offence to arrange such a marriage even if the parties agree. The penal provision is also intended to apply to marriages that are entered into abroad, provided that the person concerned is a Norwegian national or is resident in Norway on other grounds. These proposals follow up the points for which the Ministry of Justice is responsible pursuant to the Plan of Action Against Forced Marriage that was published in April 2002.

8.5. Children

The protection of children's human rights concerns protection pursuant to the general human rights conventions, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and pursuant to the special Convention on the Rights of the Child that was adopted in 1989. To a certain extent, the Convention on the Rights of the Child repeats the rights named in the other two conventions, but in many areas the Convention on the Rights of the Child is more focused on the situation of children and also addresses matters that are not covered by the other conventions. Many of the Government's measures targeting children in 2002 concern children's social situation and health.

In June 2002, the Government submitted Report No. 39 to the Storting (2001-2002) relating to the conditions in which children and young people grow up and live in Norway. The goal is to promote a policy for children and young people that provides a secure, meaningful, developing environment for more children. One of the main perspectives is that children and young people are a resource. Their creativity, ability to think critically, choice of values, commitment and participation are resources for society at large. Another important perspective of the report is to strengthen parental responsibility.



In July 2002, the Government submitted Report No. 40 to the Storting (2001-2002) relating to the protection of children and young people. The Report provides a coherent review of child welfare services in Norway and contains approximately 70 proposals for measures. It is important to provide good assistance for children and families at an early stage in order to prevent anti-social behaviour, abuse and neglect. The Government argues in favour of redirecting child welfare services towards more preventive work with families so that parents and the local community, which provide the most important environment for children growing up, are given an opportunity to solve the problems first. At the same time, however, consideration for the best interests of the child is paramount.

8.5.1. The UN Special Session on Children

Both the Government and many non-governmental organizations participated actively in the preparations for and implementation of the UN Special Session on Children, which took place on 8-10 May 2002. The Government prepared a national report entitled "Policy Relating to

Children and Young People in Norway – Status and Challenges at the Beginning of a New Decade", which was distributed at the Special Session. As part of Norway's preparations, funds were allocated for a participation project under the auspices of the Forum for the Convention on the Rights of the Child, the Norwegian Youth Council and Save the Children Norway. The goal was to collate experiences and shed light on the situation for children and young people in special life situations, including young people in refugee and asylum centres, disabled children, children who have been the victims of sexual abuse and children in contact with the child welfare authorities and outreach services. As a result of this project, a book was published in Norwegian and English entitled "Hallo – is Anyone There?". The project was presented and the book distributed at a fringe event on the participation of children in connection with the UN Special Session in May 2002.

8.5.2. Activities relating to the UN Convention on the Rights of the Child

In 2002, the Ministry of Children and Family Affairs started work on Norway's third periodic

report to the UN on the Convention on the Rights of the Child (to be submitted in 2003). In this connection, there was focus on children and young people taking part in the reporting process. The Ombudsman for Children initiated the project “Life Before 18” (2002) in cooperation with the Forum for the Convention on the Rights of the Child, the Norwegian Youth Council and the Ministry of Children and Family Affairs. One of the purposes of the project was to increase awareness of and generate active interest in the Convention and involve various groups of children and young people in Norway’s reporting to the UN Committee on the Rights of the Child.

8.5.3. Children and the media

The measures contained in the Government’s Programme of Action – Children, Young People and the Internet (2001) are continuously being developed to provide children, young people and families with more up-to-date, broader services that are better adapted to the target group. A secretariat for the Programme of Action was established at the Norwegian Board of Film Classification in 2002. The most important measures in the programme are: the establishment of a central coordinating body, the establishment of a resource centre on the Internet (<http://www.saftonline.org/>), the development and publication of a parents’ guide to the Internet, the preparation of information for Internet and service providers, the development of regulations for Internet services targeting children, the provision of public hotlines to report illegal content on the Internet, legislation and information measures to combat child pornography and to strengthen the knowledge base relating to children, young people and the Internet. (See also the chapter on freedom of expression and freedom of opinion above).

8.5.4. Children and participation

Approximately three quarters of the municipalities in Norway have established bodies through which children and young people can exert influence, for example child and youth councils, youth municipal councils and the like. Eight counties have established youth county councils. In 2002, a

database was established to provide information about these bodies for children and young people, the purpose of which is to encourage network-building. It is still an important task to pass on information and experiences to local authorities in order to encourage them to ensure that children and young people have genuine influence on matters that affect them.

Norway arranged a European conference for youth representatives and national authorities in autumn 2002. The final document from the conference has been presented to Nordic and European ministers responsible for child and youth policies. The slogan from the conference, “Nothing About Us Without Us”, has also become well known in certain international circles.

The Youth Forum for Democracy (1998-2001) presented more than 70 proposals on matters such as increased pupil participation, increased representation of young people in councils and committees, better informed politicians, increased participation in elections and strengthening local democracy. These proposals are contained in Report No. 39 to the Storting (2001-2002) relating to the conditions in which children and young people grow up and live in Norway.

As part of the effort to improve the environment in which children grow up, a development programme was initiated in 1998. The goal is to strengthen and further develop local environments for children by promoting broad cooperation between official and voluntary agencies. The focus is on improving the opportunities for children and young people to participate, exert influence and master their situation. Efforts to prevent violence, bullying, substance abuse, crime and racism among children and young people will also be strengthened.

8.5.5. Children’s right to be heard

Pursuant to Article 12 of Convention on the Rights of the Child, the child’s opinion must be accorded weight appropriate to the age and maturity of the child. In connection with the incorporation of the Convention on the Rights of the Child into Norwegian law, a proposal will be presented to

amend the Child Welfare Act so that the age-limit for a child to express its opinion in child welfare cases is reduced from 12 to 7 years. Younger children will also have the right to express their opinion if their age and maturity so indicate. The same amendment will be proposed for the Adoption Act. Moreover, amendments will be proposed to the Public Administration Act and the Civil Procedure Act which will strengthen children's right to be heard.

In Proposition No. 29 to the Odelsting (2002-2003) relating to amendments to the Children Act, etc., the Government proposes reducing the age-limit for children's unconditional right to state their views in cases that concern them from 12 to 7 years. This reduction in the age-limit is assumed to be particularly important in court cases that concern disputes about where the child will live permanently and visiting rights. The reason for the amendment is that reducing the current age-limit will be a good means of ensuring that more children are heard in practice. The Government proposes that the current rule requiring that considerable weight be given to the opinion of the child from the age of 12 be upheld.

A sense of security and the expertise of welfare workers in connection with interviews with children and young people are important in order to create trust between the interviewer and the child, and to ensure that welfare workers obtain greater insight into the child's life. The Ministry of Children and Family Affairs has provided funding for a research project entitled *Children who are Placed Outside the Home – Risks and Development (1998-2002)*. The project comprises a study of 109 children between the ages of 6 and 12 who were placed outside their homes for a certain period of time. The experience gained from the project will be passed on to other professionals through articles in various journals, an article in a book about child welfare placements, and oral presentations at meetings and conferences. The Ministry will initiate work on a brochure to provide guidelines for interviews with children in 2003.

The Ministry of Children and Family Affairs has also provided funding for the publication of the

brochure entitled "Seeing Children, Listening to Children and Talking with Children" by the Child Welfare Development Centre in North Norway. The brochure was published in autumn 2002.

8.5.6. *Sexual abuse of children*

In 2002, priority measures in efforts to combat sexual abuse of children were the establishment of an inter-disciplinary network in Norway's health regions and a human resource development programme. A project under the leadership of the Norwegian Board of Health had the main responsibility for these activities. The Directorate for Health and Social Affairs took over responsibility for continuing the project in December 2002.

On the initiative of the Ministry of Children and Family Affairs and the Ministry of Education and Research, a guide was prepared for crisis management in cases of suspected sexual abuse of children by employees. The guide was published in December 2002 (Q-1047). The target groups are primarily day-care centres, schools and child welfare institutions.

Sexual exploitation of children is defined as child pornography and child prostitution, and is sometimes linked to trafficking in children or child sex tourism. The relevant ministries continued their efforts to combat this type of exploitation. A status report on current knowledge about young people who sell sexual services in Norway was published in 2002 (Norwegian Social Research (NOVA) Report 5/02). In 2002, the Ministry of Children and Family Affairs also provided support for a Nordic conference on child sex tourism and sexual exploitation of minors. In cooperation with other ministries and the Norwegian Board of Film Classification, funding was provided for a Plan of Action for Safer Use of the Internet, in which combating child pornography is one of the highest priorities. The Norwegian Plan of Action can be viewed in conjunction with a similar project in cooperation with other countries (Sweden, Denmark, Iceland and Ireland), which is coordinated by the Norwegian Board of Film Classification and received a pledge of support from the EU in 2002.

Within the framework of the Council of the Baltic Sea States, the IT Centre for Children at Risk was further developed in 2002. The IT Centre provides a network for authorities, centres of expertise, professional groups, organizations and others involved in these issues. The work of the centre was originally concentrated on sexual exploitation and sexual abuse of children, but has been expanded to cover other categories of children and young people at risk in the region.

8.5.7. Family violence, domestic violence – the situation of children

In 2002, the Ministry of Children and Family Affairs presented a plan entitled Human Resource Development Measures for Family Welfare. One of the specific areas of focus is to improve competence in dealing with families where there is a high level of conflict, particularly as regards arbitration. Human resource development programmes will also be initiated for welfare workers dealing with families exposed to abuse, violence or substance abuse.

8.5.8. International activities

The issue of children's rights has been high on the international agenda in recent years. The Convention on the Rights of the Child was adopted by the UN General Assembly on 20 November 1989 and entered into force on 2 September 1990. With 191 convention partners, it is the UN human rights convention to which the largest number of countries has acceded. The Convention concerns children's civil, political, social and cultural rights. It includes a general provision which states that in all actions concerning children the best interests of the child shall be a primary consideration. Other important principles are non-discrimination and children's right to be heard on matters that concern them. In the Convention, children are defined as persons under the age of 18, unless, under the law applicable to the child, majority is attained earlier.

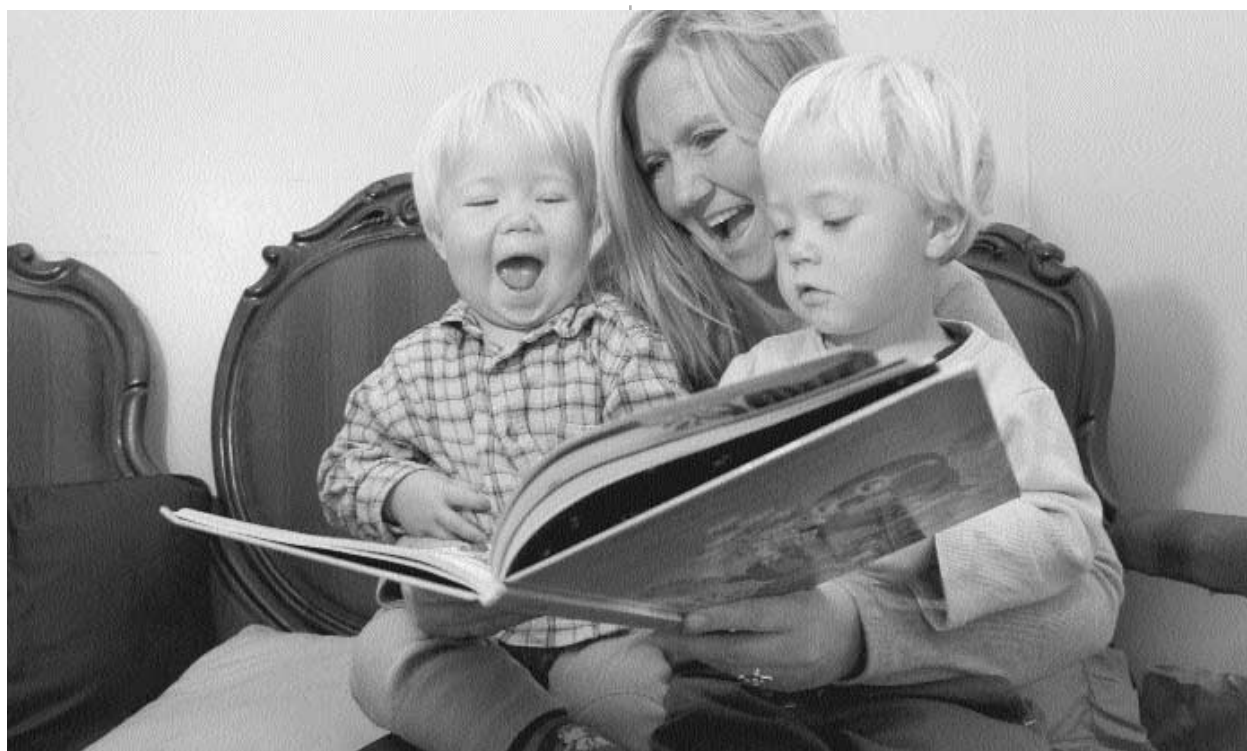
Promoting children's rights is a priority area for Norway. Norway is traditionally a co-mover of

resolutions on children's rights at the UN General Assembly and the Commission on Human Rights, and participates especially actively in negotiations on chapters concerning children's rights, children and armed conflict, and child labour. Norway has participated actively in working groups that have drawn up optional protocols on the use of child soldiers, trafficking in children, child prostitution and child pornography. Norway also participated very actively in the negotiations on the final document from the UN Special Session on Children that was held in New York in May 2002. The purpose of the Special Session was to consider what had been achieved in the 1990s and agree on priorities for children in the coming decade.

Children's rights, and particularly their right to education, are the focus of many Norwegian development cooperation projects. For example, Norway supported a project in Zimbabwe that focuses on children's rights. Efforts were made to persuade local communities to look after orphans in village projects and thereby promote interest in children's rights. Norway also supports a programme in South Africa to monitor how the authorities follow up children's rights. The Institute for Democracy in South Africa (IDASA) receives contributions to produce and publish its review, *The Children's Budget*, which analyses the South African budget to discover its effect on children's rights and living conditions. Norway's efforts in the Balkans are based on a different approach. In this case, Norway provides assistance for projects to build capacity relating to children and children's rights (such as through the Ombudsmen for Children).

8.6. Family life

The right to respect for family life is protected under the UN International Covenant on Civil and Political Rights (1966) and the European Convention on Human Rights (1950), among others. The right to marry and have children is protected in the same conventions, but in separate provisions. Both these aspects were the focus of Norway's human rights efforts in 2002.



8.6.1. Equality between parents as regards transfers of public funds

A new Child Benefit Act was adopted by the Storting in February 2002 and entered into force in January 2003. The new Act is formulated in a more gender-neutral way than the old one, where child benefit was largely presented as a scheme for mothers. Child benefit is granted automatically to the mother, but the new Act does not preclude child benefit from being paid to the father if the parents so wish.

8.6.2. Equality of cohabitants and spouses as regards paternity and parenthood

Official Norwegian Report 1999:25 on Cohabitants and Society proposed amending the Children Act so as to give cohabiting parents joint parental responsibility on the basis of a declaration that the child is their common child and that they will care for him or her jointly. Under the current Act, only married couples automatically have joint parental responsibility for their common children. Moreover, only the man to whom the mother was married at the time of the child's birth is

automatically regarded as being the father of the child. In 2002, the Government worked on a Report to the Storting on the family in which the proposals of the Cohabitant Committee will be examined. There are plans for the Family Report to be submitted to the Storting in the course of the 2003 spring session.

8.6.3. Paternity

The regulations for changing paternity were amended in 2002. The amendment largely concerns the elimination of conditions and time-limits for bringing legal action to change paternity. As a result of this amendment, the child, mother, father or the man who believes he is the child's father will have an unconditional right to bring a suit to change paternity. It will also be possible to re-open a case that was determined without a DNA analysis of the parties having been carried out. The main reason for the amendment is that it is important for a child to know the identity of his or her biological father at as early a stage as possible. The amendment will enter into force on 1 April 2003.



9

War and conflict

Wars and conflicts pose serious challenges for human rights protection. In such situations, it is a matter of both direct human rights violations by the authorities of the country concerned and the abuses inflicted on the population by other parties, which thereby have to do with the authorities' inability to protect individuals. Consequently, measures to safeguard and promote human rights in situations of war and conflict will often have to be implemented in cooperation with different – and competing – parties, and the scope of such measures must be very broad.

The situation in the Palestinian Area can serve as an example. Conditions there worsened dramatically after the outbreak of the intifada in September 2000. The situation deteriorated even further in 2002. Violence on both sides contravenes the most fundamental human right: the right to life. The Israeli re-occupation has created a particularly strong need for security and safety in the Palestinian Area, as well as a greater need for humanitarian assistance. Since 1997, Norway has headed an international observer force in Hebron, which is unfortunately unable to provide sufficient security for the Palestinian people. As well as supporting the Palestinians' own emergency relief programme, Norway provides assistance through the Red Cross, the UN and non-governmental organizations. The Palestinians are the refugee group in the Middle East that has been prevented from returning for the longest period of time. Norway therefore supports the work of the Institute of Applied Social Science

(FAFO) to gather information and data on refugees in preparation for the final status negotiations. Norway is also the donor that provides the largest per capita contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Norway regularly brings up the situation in North Caucasus in bilateral political talks with Russian authorities and in multilateral contexts, such as the OSCE, the UN and the Council of Europe. In addition to human rights violations in connection with violence and abuse in Chechnya, reports indicate that Chechen refugees in the neighbouring republic of Ingushetia are being pressured to return, often to a situation where their safety cannot be guaranteed. In 2002, Norway allocated approximately NOK 20 million to alleviate the humanitarian situation in the region, mainly channelled through Norwegian non-governmental organizations.

Burma is one of the countries in Asia where the human rights situation is the most serious and the civilian population is exposed to gross abuse from the military regime. Two of the projects supported by Norway were the Red Cross's efforts to protect political prisoners and the Shalom Foundation's efforts to build peace between the various ethnic groups.

Reconciliation could be regarded as the opposite of war and conflict and is usually a prerequisite for lasting peace. Norway therefore supports

reconciliation processes all over the world. In Guatemala, Norway contributes to a national reconciliation programme through the Organization of American States (OAS), which is aimed at preventing and managing conflicts through non-violent mechanisms. This project is a direct follow-up to the peace process and has, in the course of its existence, established itself as a central institution in dialogue and conflict resolution processes. In East Timor, Norway supports a special unit for crimes against humanity, the Serious Crimes Unit, established in 2000 under the auspices of the UN, which is responsible for the legal process following the attacks in 1999. The Commission on Reception, Truth and Reconciliation, the purpose of which is to document less serious crimes committed between 1974 and 1999, also receives support from Norway. The Commission also works on integrating refugees who have returned from West Timor and promoting local reconciliation initiatives. Norway's efforts in Nepal might also be mentioned. In the light of the conflict there, Norway has participated actively in the local Peace Support Group run by the UN Development Programme (UNDP). The UNDP manages a fund that provides support for the peace-building efforts of local organizations. Norway has been supporting Nepal's Human Rights Commission since it was established in 2000. Through the UNDP, Norway contributed to human resource development programmes and, in cooperation with other donors, also supported the Commission's monitoring activities. In addition to this, Norway contributed to the Human Rights Yearbook, which documents human rights abuses. We might also mention Norway's support for projects that promote dialogue and reconciliation between various population groups in the western Balkan region. This includes support for the Nansen Dialogue Centre and ecumenical cooperation. Assistance is also provided for human rights education and to strengthen civil society, among other things by supporting local NGOs, national Helsinki Committees and international organizations.

9.1. The Human Security Network (HSN)

The Lysøen Cooperation, which was established by Norway and Canada in 1998, has subsequently been renamed the Human Security Network (HSN). This network is an informal, flexible forum for discussing specific issues relating to human security (individual security, freedom from fear) and comprises thirteen countries.

The Network arranges annual ministerial meetings that usually last one or two days, one part usually being reserved for the ministers and the other part for contributions by recognized experts on relevant topics. The ministers also usually meet for a working breakfast in connection with the UN General Assembly. In 2002, the Network made interventions on relevant topics in the UN Security Council, the UN General Assembly, the UN Commission on Human Rights and the OSCE.

9.2. Protection of civilians in armed conflicts

International humanitarian law contains many provisions concerning the protection of humanitarian personnel, humanitarian assistance shipments and obligations in relation to civilian populations affected by war and conflict. Norway has regarded it as a challenge to remind UN member states about this and, to the greatest possible extent, ensure that these provisions are complied with by all parties in armed conflicts, including internal conflicts. In Norway's view, it is important to ensure that the special needs of particularly vulnerable groups, such as women, children and the elderly, are taken into account when formulating mandates for peace-keeping forces, and explicitly mentioned in all relevant resolutions. Norway has been particularly concerned about the situation of children in armed conflicts.

The protection of civilians in conflict situations has been an important guide for Norway's activities, including in the UN Security Council. During Norway's chairmanship in March 2002, the Security Council adopted a presidential statement (S/PRST/2002/6) to which is appended an Aide Mémoire, initiated by Norway, containing all the

provisions concerning protection and human rights that have already been adopted in resolutions and presidential statements. This document is an important means of jogging the organization's institutional memory, and is a practical instrument to ensure that civilians are taken into account when mandates for peace operations are renewed or new mandates are drawn up.

At the end of 2002 two important reports were published by the UN secretariat concerning the protection of civilians, one on children in armed conflicts and the other the third report on civilians in armed conflicts. These topics are related but not identical. Norway assumed responsibility for leading the preparation of a road-map to the reports which shows who is responsible for doing what in specific situations. Norway gave priority to coordinating the resolutions on follow-up. Norway has had a high profile in the Security Council in connection with the protection of civilians affected by war and conflict and will continue to work actively on this issue.

Norway initiated the establishment of a group of friendly nations in New York where issues relating to protection will be discussed by a group of interested states, among other things to ensure that efforts to protect civilians in armed conflicts remain on the Security Council agenda. Norway's main focus will be further operational follow-up of the provisions concerning protection and human rights that are already laid down in resolutions and presidential statements.

9.3. Children in armed conflict

In preparation for Norway's ratification of an optional protocol to the UN Convention on the Rights of the Child on children in armed conflict (which was adopted in May 2000), certain amendments have been made to the Home Guard Act and the Compulsory Military Service Act and associated regulations. These amendments, which entered into force in July 2002, absolutely prohibit the forced recruitment of children under the age of 18 for military service, whether in peacetime, in

emergency situations or in times of war. The amendments also prohibit the voluntary recruitment of personnel under the age of 18 for training and participation in war-related activities. The purpose of these amendments is to ensure that persons under the age of 18 may under no circumstances participate in armed conflict.

9.4. The economic agenda in war

In a conflict situation, many parties often have an economic agenda which may lead to the conflict gaining its own momentum and being prolonged. Targeted measures against conflict commodities and the financing of conflicts may have a positive effect in connection with international crisis management (the use of sanctions, for example). Norway has wished to increase the number of instruments available to the UN Security Council and make them more effective. Norway has therefore worked to introduce more flexible measures that directly target the economic agenda in war in order to develop strategies to avoid conflicts.

9.5. Refugees and internally displaced persons

Norway's international efforts to improve the human rights situation for refugees in 2002 focused on three main issues: measures to strengthen international protection of refugees, measures to combat abuse of women and girls in refugee camps, and improved measures to meet refugees' basic material needs.

Norway participated actively in the global consultations on international protection under the auspices of the UN High Commissioner for Refugees (UNHCR), which led to a comprehensive programme of action, the Agenda for Protection, to improve the protection of refugees. Through these comprehensive consultations, the continued validity of the UN Convention on Refugees of 1951 (and the associated Optional Protocol of 1967) was confirmed, including the fundamental principle of "non-refoulement", i.e. that no-one can be returned to areas where their life or safety will be endangered. It is important to uphold the right to

seek asylum at a time when additional efforts are required to preserve the integrity of the asylum system in the face of overload and misuse.

The protection of refugees remains at the core of the UNHCR's mandate. However, the programme of action sets the agenda for significantly broader, more offensive efforts, not least to find lasting solutions to refugee situations. Norway has placed great emphasis on the fact that it is intolerable for refugees to live in camps for years on end with little hope of a better future. There is clearly a need for greater attention to be focused on forgotten refugee situations and for broad-based efforts to create the necessary conditions to resolve them. On the basis of its desire to help as many people as possible, Norway supported the High Commissioner's approach to local solutions and expressed its willingness to contribute in this connection.

Accusations of sexual abuse of women and children in refugee camps in West Africa led to greater awareness of the need for special protective measures in 2002. The fact that these accusations were directed at humanitarian personnel, who in principle were there to help and protect refugees, particularly the most vulnerable ones, was extremely serious. Norway was among the first to strongly condemn such "blatantly immoral, totally inexcusable and absolutely intolerable" practices, as it was expressed in Norway's intervention in the UNHCR Permanent Committee on 5 March 2002. Norway helped to ensure that the UNHCR and other humanitarian organizations declared zero tolerance of such acts. Norway arranged an international seminar on the protection of refugee women and children in Oslo in January 2002. Norway wished to draw attention to the important resource women represent, and to their vulnerability in refugee situations. Norway's aim has been to create greater awareness of this issue throughout the humanitarian community, including among the leadership of large, male-dominated organizations such as the UNHCR.

In addition to the challenges in the area of protection, the problems associated with obtaining

sufficient material assistance for refugees in distress was also high on the agenda of international refugee efforts in 2002. Especially in the latter half of the year, the UNHCR suffered from a financial crisis that affected its ability to meet refugees' basic material needs. Consequently, it is essential to provide a sounder financial base for the UNHCR. As one of the UNHCR's biggest contributors in absolute figures, and certainly the biggest in terms of per capita contributions, Norway has provided a good example of international co-responsibility. It has proposed that the UNHCR's financial situation be strengthened through the UN's permanent budget, in accordance with the original assumptions, and that donor countries coordinate their activities better and take more responsibility for financing the budget they have adopted. These will be crucial issues in a necessary reform process.

Internally displaced persons are living in their own countries and consequently, in principle, do not enjoy the international protection afforded to refugees, who are covered by international law. Norway has been working for many years to raise awareness of the many millions of internally displaced persons in order to ensure that their human rights are protected. By providing political and financial support for the Special Representative of the UN Secretary-General on internally displaced persons, the Norwegian Refugee Council's database of internally displaced persons, and educational and information activities, Norway has helped to gain acceptance of the fact that internally displaced persons must not be dependent on the ability and willingness of the authorities of their own country to provide protection and assistance. In 2002 some progress was made in this area, among other things a growing acceptance of the Special Representative's guiding principles concerning internally displaced persons.

9.6. Humanitarian standards

Some human rights conventions are formulated in such a way that states may contravene human rights if the country is at war or affected by some other emergency situation. Certain rights, such as



the right to life or the prohibition against torture, cannot be limited, even under extreme conditions. The possibilities for contravening rights must be viewed in conjunction with other regulations under international law that are intended to protect individuals in times of war and armed conflict. Nevertheless, some cases fall between the two sets of rules, either because states have not acceded to the conventions or because the provisions do not cover the specific situation. This is the background for efforts to identify fundamental humanitarian standards, which must apply in all countries and all situations.

Since 1995, Norway has been the main mover in the UN Commission on Human Rights for the resolution concerning fundamental humanitarian standards. In this way, Norway wishes to focus on the difficult human rights situation in times of war and conflict. Many reports on this matter have been submitted to the Commission on Human

Rights, and Norway is now waiting for a consolidated report, due to be submitted to the meeting of the Commission in 2004. This report will indicate which goals and instruments may be applied in future.

9.7. The International Criminal Court (ICC)

The International Criminal Court (ICC) entered into force on 1 July 2002 after more than 60 states had ratified the Rome Statute. The first meeting of ICC states parties took place in New York on 3-10 September 2002. There can be no doubt about Norway's full support for the Court and its goals. Norway has played a leading role in the negotiations and in the preparations for the practical establishment and development of the Court in The Hague. Norway was the first country to provide financial support for the UN voluntary fund for the ICC. At the meeting of states parties, Norway was the only country to ratify the

agreement on privileges and immunities for the Court. Since the ICC has been established by means of a treaty and is therefore not a UN body, the entry into force of this agreement is essential to the operation of the Court.

The establishment of the ICC is a pioneering step in criminal prosecution of serious war crimes, genocide and crimes against humanity, and is a milestone in international law. In contrast with the system of establishing new tribunals in each case, the reaction time of the international community will be significantly reduced. A shorter reaction time will also provide a more credible deterrent against mass violations and contribute to lasting peace and reconciliation after a conflict. Moreover, a permanent institution will be able to facilitate improved predictability and clarity in relation to individual states.

Many states have incorporated, or are in the process of incorporating, the principles in order to be able to meet the Court's requirements and cooperate with it. The Court concept entails a very limited intrusion into national sovereignty. Individual states will retain the main responsibility for prosecuting the most serious crimes. It is only in cases where states do not take this responsibility seriously or are unable to deal with cases themselves, that the Court can be activated (the complementarity principle). Norway therefore made active efforts to secure support for the Court in 2002. Thirty-seven new states ratified the Rome Statute in 2002.

9.8. The peace process in Sri Lanka

Norway has long experience from peace processes in many parts of the world. In 2002 there was particular focus on the peace negotiations in Sri Lanka between the Tamil Tigers (LTTE) and the Sri Lankan authorities. Norway is a neutral facilitator of the negotiations. Three rounds of negotiations were held in 2002 and more are planned for 2003.

Discussion of human rights issues has a central place in the peace process. In the third round of

negotiations in December 2002, the parties agreed on the basic principles for a political solution. They agreed that human rights will be an important element in a final peace treaty and a new political system. The parties also agreed to discuss protection of human rights during the process.

Both parties recognize that children in northern and eastern Sri Lanka have been especially hard hit by the armed conflict between the LTTE and the Sri Lankan Authorities. In this connection, the LTTE has stated its willingness to work with UNICEF to draw up a plan of action for children affected by the armed conflict in the north and east of the country. The plan will include measures to put a halt to the recruitment of minors to the LTTE's armed forces. The LTTE has promised to cease all recruitment of children under the age of 18 and has begun a process of sending children under the age of 18 back to their parents. The plan also includes offers of rehabilitation, including health services, education and other training.

The parties established a Sub-committee for Women's Issues in December 2002 to ensure that the peace process takes the needs and rights of women into account. The parties have also agreed to work with the International Committee of the Red Cross (ICRC) to develop a verification mechanism for persons missing in combat and for involuntary disappearances.

9.9. The peace process in Sudan

Sudan has suffered from long periods of civil war ever since the country became independent in 1956. More than two million people have lost their lives, and there are more than four million internally displaced persons. Over large areas, particularly in South Sudan, living conditions have been extremely difficult, with unexpected, violent campaigns being carried out by both the regular military forces and the militias. The lack of civil stability has led to serious problems, not least for local food production. Famine and malnutrition have occurred in several regions. Over time, a number of international initiatives have been taken to establish peace in Sudan.

In spring 2002, the Inter-Governmental Authority on Development (IGAD), an East African organization, initiated peace negotiations between the government and the Sudan People's Liberation Movement/Army (SPLM-A) in South Sudan. Norway participated in the negotiations as an observer, alongside the USA, the UK and Italy. Substantial progress has been made. The parties aim to have a peace agreement in place by early autumn 2003. A cease-fire between the parties has been established in practice, in the form of an agreement signed on 15 October 2002. This agreement has subsequently been expanded and extended to 30 June 2003. Among other things, it protects the population from military activity and opens the way for humanitarian assistance throughout the country. Any attacks that are reported will be evaluated by a special international monitoring agency.

Comprehensive human rights violations have taken place in Sudan. The former UN Special Rapporteur for human rights in Sudan, Gerhard Baum, reported at the meeting of the Commission on Human Rights in March 2003 that none of the fundamental freedoms were respected in Sudan. The Special Rapporteur was particularly concerned that the government army and the SPLA have carried out summary executions, in contravention of the right to life. Many of the punishments used in Sudan (e.g. amputations) contravene the conventions that Sudan has ratified. One relevant issue in the peace negotiations is the question of the precedence of Sharia law over international human rights conventions. This issue is relevant in connection with the status of Sudan's capital. The establishment of a Truth and Reconciliation Commission is a topic of discussion that is expected to be clarified in the final phase of

the peace negotiations. Norway provides bilateral support for several reconciliation processes in both North and South Sudan.

9.10. The peace process in Colombia

Norway's involvement in the peace process in Colombia is governed by a desire to foster and support efforts to find a negotiated political solution to the conflict, promote greater respect for human rights and help to alleviate the suffering of the civilian population in this long-drawn-out conflict. Consequently, the political and diplomatic efforts in the peace process are supplemented by financial and practical support for important humanitarian and human rights-related measures (public education programmes for civil society, human rights monitoring, institution-building, the rights of indigenous peoples and humanitarian assistance for internally displaced persons). During the period in which Norway has participated in the two groups of friendly nations that have been mobilized to support a peace process with the FARC-EP and ELN respectively, respect for human rights and international humanitarian law have been central themes of the many meetings and discussions Norway has had with the parties. This has provided an opportunity to focus more attention on human rights and international humanitarian law, and to address the violations that systematically take place (kidnapping, extortion, terrorist activities, attacks on civilian targets, child soldiers). By taking part in meetings and seminars in connection with efforts to resolve the conflict, Norway makes clear its attitudes and positions as regards respect for human rights and conformity with international humanitarian law, which are prerequisites for finding a lasting political solution to the conflict.



10.1. Legal safeguards

Safeguarding the legal status of individual citizens, not least in relation to the authorities of the country in which they live, is the overarching objective of any state that respects the rule of law. This includes issues such as protection against arbitrary deprivation of liberty and ensuring fair legal process in independent courts in both civil and criminal cases. These fundamental principles, in conjunction with other important human rights and fundamental freedoms, are the core of the guarantee of legal safeguards that international human rights conventions seek to establish for individual citizens. These principles also provide the basis for the Norwegian authorities' activities, both nationally and internationally.

Below is a description of some of the measures the Government implemented in 2002 to improve legal safeguards in Norway. They concern the confiscation of driving licences, the speed of processing criminal cases, remand in isolation, and compensation for criminal prosecution. We should also mention that in 2002 the Supreme Court handed down several judgments based on human rights. The European Convention on Human Rights (ECHR) featured strongly in most of them. Four cases aroused particular discussion. They concerned the relationship between administrative sanctions, Article 6 of the ECHR and the prohibition against double punishment pursuant to Article 4 of Protocol No. 7 to the ECHR.

10.1.1. Confiscation of driving licences

On 20 September 2002, the Ministry of Justice circulated for consultation a proposal for legislative amendments whereby the courts of law, rather than the police, will decide the question of whether a driving licence, etc. will be confiscated as a result of a punishable offence. Pursuant to this proposal, the issue would be decided in connection with the criminal trial.

The proposal is based on the desire for a coordinated reaction, and consideration of the need of the convicted person for a more speedy and coordinated decision on the consequences of the punishable offence. In western countries, the most common practice is to deal with the question of confiscation in the courts of law. The bodies that were consulted have mainly responded positively to the proposal and the Ministry of Justice intends to present a proposition to the Storting in spring 2003. Questions have been raised concerning whether the current arrangement is in accordance with Norway's international obligations in this area.

10.1.2. Speedier processing of criminal cases and remand in isolation

On the basis of the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in Proposition No. 66 to the Odelsting (2001-2002), the Government proposed certain amendments to the Criminal Procedure Act

relating to speedier processing of criminal cases and remand in isolation. These proposals were adopted in the Act of 28 June 2002, No. 55. Most of the proposed amendments entered into force on 1 October 2002. The purpose of the amendments is to ensure speedier processing of criminal cases. However, important changes have also been made to the rules concerning remand in isolation, which are partly intended to ensure more satisfactory handling of the question of whether remand prisoners are to be totally or partially isolated, and partly to limit the use and duration of isolation. The previous rules concerning remand in isolation and the way in which they were practised have been criticized by international monitoring agencies. When it drew up the new rules, the Ministry gave considerable weight to the recommendations of these monitoring agencies.

Remand in isolation imposes a special strain and entails a risk to the mental health of the prisoner. The conditions for imposing total isolation should therefore be especially strict. The use of total or partial isolation was not previously determined by the court, but was a consequence of the court's ruling concerning restrictions on letters and visits. The Criminal Procedure Act has now been amended to ensure that the question of total or partial isolation must be explicitly determined by the court. New rules have also been introduced whereby the court must set a specific time-limit for isolation, and which set time-limits for how long a person may be kept in total isolation.

Persons who have been deprived of their liberty in connection with a case, and who are subsequently sentenced, are entitled to a deduction in their sentence equivalent to the number of days they have spent on remand. Since remand in total isolation poses a special strain, an additional deduction in the sentence has been introduced for such isolation. The additional deduction is equivalent to one day for each whole or partial two-day period that the prisoner has been isolated (Section 60 of the Penal Code). A number of legal measures have also been introduced to ensure speedier processing of criminal cases. These include rules concerning deadlines for holding the

main proceedings in the District Court and the High Court.

The main proceedings must be held as soon as possible. Unless there are special reasons for not doing so, the main proceedings must begin within six weeks after a case comes into the District Court, and within eight weeks after an appeal has been lodged with the High Court, if the accused was under the age of 18 when the crime was committed or is on remand when the case is scheduled.

10.1.3. Compensation for wrongful criminal prosecution

Following a proposal from the Government in Proposition No. 77 to the Odelsting (2001-2002), in December 2002 the Storting adopted new compensation rules for wrongful criminal prosecution, cf. the Act of 10 January 2003 No. 10. The purpose of this legislative amendment is to strengthen the rights of innocent persons who have been prosecuted under criminal law and to improve the implementation of the protection provided by the presumption of innocence in the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Among other things, it will no longer be a condition for claiming compensation that the accused is able to prove his or her innocence. Moreover, the law makes it clear that any loss resulting from deprivation of liberty in contravention of human rights during criminal prosecution gives grounds for a claim for compensation.

10.1.4. International activities

The rule of law is also the focus of the Government's international efforts to promote human rights. The principles of the rule of law are an important issue in the Government's bilateral contacts with other countries, including Norway's human rights dialogues.

The protection of human rights is also a vital element of peace-building and reconstruction

efforts after conflicts. Such protection is dependent on developing a well-functioning judicial apparatus and on ensuring that citizens have access to it.

Issues relating to the rule of law are also important topics in multilateral human rights activities. The Government has participated actively in efforts to promote such legal safeguards, including in negotiations on resolutions at the UN on issues such as torture and deprivation of liberty, summary and arbitrary executions, involuntary disappearances, arbitrary deprivation of liberty, the death penalty, human rights and terrorism, the integrity of the judicial system, human rights and the judicial system (especially in relation to minors), the right to compensation for human rights violations, measures to promote and consolidate democracy, and the independence of judges and lawyers.

Norway's assistance for Guatemala can serve as an example. Since 1999, Norway has supported the strengthening of the judicial system through the UNDP, the end users being three public institutions: the prosecuting authority (Ministerio Publico), the courts (Organismo Judicial) and the institute for free legal aid (Instituto de Defensa Publico Penal). Assistance has also been provided for the Foundation for Studies of Application of the Law (FESPAD, Fundación de Estudios para la Aplicación del Derecho). The foundation acts, among other things, as a centre of expertise for human rights education for civil society.

In Malawi, good governance and human rights are among the agreed areas of cooperation. The focus of cooperation with the authorities comprises assistance for three constitutional institutions: the Law Commission, the Commission for Human Rights and the Office of the Ombudsman. Assistance is also provided for the Anti-Corruption Bureau. These institutions are pillars of the democratic constitution that was adopted when the dictatorship fell at the beginning of the 1990s. Malawi is facing serious challenges after several decades of autocracy and gross human rights violations, and Norway's support is an element of a

strategy to help these institutions to develop the necessary expertise and capacity to be able to fill the role they have been given under the Constitution.

Norway has emphasized the importance of supporting the reform of judicial systems and police forces in the Balkans and has seconded police officers to Bosnia-Herzegovina, Serbia-Montenegro, Croatia and Macedonia. Norway has focused on promoting greater understanding of human rights in national police forces and recruiting minorities and women to the police, and has also seconded instructors to the Police Service Schools in Kosovo and Macedonia. Norway has provided comprehensive support for the Independent Judicial Commission in Bosnia-Herzegovina, which has the main responsibility for reforming the country's judicial sector. In Serbia-Montenegro, Norway has provided support for the training of local police forces and for reorganizing one police district. Norway's support for the establishment and strengthening of democratization efforts in the region, such as the Ombudsman institutions, constitutes a slightly different aspect of efforts to promote the rule of law.

10.2. The death penalty

Norway is opposed to all forms of capital punishment because it contravenes the principle of the inviolability of life. This principle is fundamental to Norway's understanding of the law. All Norwegian legislation concerning the death penalty was abolished in 1979.

The death penalty is not prohibited under the European Convention on Human Rights (ECHR) or the International Covenant on Civil and Political Rights, but it is prohibited under the optional protocols to these conventions. In this case, as elsewhere, the optional protocols are only binding on the countries that have acceded to them. Norway is a party to both protocols.

Norway has participated actively in work on the 13th protocol to the ECHR. This protocol goes

further than Protocol No. 6, which was adopted on 28 April 1983, because it also prohibits the death penalty for actions undertaken in time of war or under threat of war. Accession to the protocol is an important political signal that the death penalty is regarded as being unacceptable in principle. The protocol was signed by Norway and 32 other countries on 3 May 2002, but had not been ratified by enough countries to enter into force in 2002.

Norway regularly marks its opposition to use of the death penalty. This issue is raised both bilaterally with states that impose the death penalty and multilaterally in forums such as the UN, the OSCE and the Council of Europe. In the UN, Norway participates actively in efforts to abolish the death penalty. This primarily takes place through the preparation and submission of resolutions to the UN Commission on Human Rights and the UN General Assembly, where this issue is discussed every year. At the UN Commission on Human Rights session in 2002, Norway was co-mover of a resolution on the death penalty. Norway has also supported a number of EU declarations on the death penalty. Joining forces with others in this way increases the relevance of Norway's views.

The USA ratified the UN International Covenant on Civil and Political Rights in 1992, but had reservations concerning the prohibition against imposing the death penalty on minors and pregnant women. Nor has the USA ratified the optional protocol on the death penalty. Norway and most EU countries have protested against the USA's reservation, since in Norway's view the Covenant itself precludes a reservation of the type the USA has made. Norway regularly brings up the use of the death penalty with the US authorities on a general basis, and has also found it necessary to protest to the US authorities in connection with individual cases when the person under sentence of death was below the age of 18 or mentally ill when the crime took place. However, Norway also expresses its support for positive measures, such as the decision of the US Supreme Court to prohibit the use of the death penalty for mentally retarded persons.

10.3. Torture

Torture is prohibited in the International Covenant on Civil and Political Rights, as well as in several special conventions. Special global and regional monitoring mechanisms have also been established, such as complaint procedures, investigating committees and special rapporteurs who work exclusively on torture issues.

Norway has been criticized by the UN Committee Against Torture for not having a special penal provision against torture based on a definition of torture that corresponds to Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 13 June 2002, the Ministry of Justice circulated for consultation a proposal for a special penal provision against torture with Official Norwegian Report 2002:4 on a new Penal Code and certain other issues. Actions that are defined as torture pursuant to Article 4 of the Convention are punishable pursuant to other provisions of the Penal Code, so a special penal provision of this nature is not necessary in order to fulfil Norway's obligations on this issue under international law. However, by introducing a special penal provision Norway will make the prohibition clearer and at the same time make it easier to document the occurrence of torture. On this basis, the Ministry has distributed for consultation the question of whether a special penal provision against torture should be incorporated into the new Penal Code.

At the international level, efforts to achieve the adoption of an optional protocol to the UN Convention against Torture were a priority in 2002. Under the optional protocol, parties would commit themselves to establishing independent, national visiting mechanisms and an international visiting mechanism. Both mechanisms are intended to prevent torture in prisons and other places where people are kept in detention. Work on drafting a protocol of this nature began in 1994. The negotiations have been difficult, not least because the extended authorities for investigation provided for in the optional protocol conflict with many countries' view of national sovereignty. Norway has played a leading role in efforts to get the



optional protocol adopted. At the UN Commission on Human Rights in 2002, with Norway's support, the text of the optional protocol was adopted by a large majority. The draft optional protocol was also discussed at the UN General Assembly. Norway was a member of the core group of countries working to gain support for the proposal, both within the UN system and bilaterally through requests to relevant countries. The USA has not

been positive to the optional protocol and demanded a vote on the proposal at the General Assembly. However, the proposal was also adopted by a clear majority at the General Assembly. The optional protocol has now been presented for signing. Norway is currently considering implementation, with a view to signing and ratifying the optional protocol at an early stage.



The UN plays a leading role in international human rights efforts. Most human rights conventions originated in the UN and, through them, special implementation and monitoring mechanisms have been established. The mechanisms that were established under the UN Charter in 1945, such as the UN General Assembly and the UN Security Council, are also extremely important in connection with international human rights efforts. The former are usually called treaty-based mechanisms, while the latter are called charter-based mechanisms. Below, we shall look more closely at these UN bodies, particularly the UN General Assembly and the UN Commission on Human Rights.

11.1 The Third Committee of the General Assembly

Work in the Third Committee of the General Assembly, which deals with human rights and social issues, must be described as rather more positive than anticipated in 2002. Some important results were achieved, including a resolution on the protection of human rights and the fight against terrorism, a new optional protocol to the Convention against Torture and more constructive processing of issues related to racism. Nevertheless, the discussions on many topics revealed major differences, which occurred along the north-south axis, between western and Islamic values and, not least, between the USA and other western countries. Despite the fact that the most restrictive countries have fewer possibilities to dominate the agenda at the General Assembly

than is the case at the UN Commission on Human Rights, for example, there was a record number of votes on the various resolutions.

During the debate on important issues of principle on which the USA and the other western countries could not agree, such as the statement on the International Criminal Court (ICC) and references to the death penalty, the USA adopted extremely rigid positions during the negotiations and ended by requesting a vote on many resolutions where one would otherwise have expected consensus. For example, the omnibus resolution on children was adopted in the Committee by a 164-1-0 vote, where the USA abstained due to references to the death penalty and the International Criminal Court (ICC). Persuading the USA to become involved in a positive, consensus-oriented dialogue on human rights issues will be one of the greatest challenges the EU and other western countries face in the preparations for next year's General Assembly.

One of the milestones in the history of the General Assembly was the adoption of an optional protocol to the Convention against Torture after ten years of difficult negotiations. Under the protocol, an international visiting mechanism will be established which is intended to prevent the use of torture in prisons and other places where people are kept in detention. The parties also commit themselves to establishing independent, national visiting mechanisms. This was also a matter that met with particularly strong opposition from the USA. The optional protocol was one of the issues to which Norway gave the highest priority and

Norway participated actively in lobbying for this resolution, both in a small “group of friends” in New York and through Norway’s foreign missions.

Another issue of particular prominence in the work of the Third Committee was the protection of human rights in the fight against terrorism. In this case, after difficult negotiations, the Committee adopted a resolution that puts this issue on the UN agenda and sends an important political signal that human rights must not suffer in the fight against terrorism. Although the negotiations clearly showed that this is still a sensitive issue in a UN context, and the resolution is really “weaker” than many people would have wished, the UN High Commissioner for Human Rights has now been given an explicit mandate to work on this issue. This matter will have to be followed up in 2003, both in the Commission on Human Rights and at the General Assembly.

As in previous years, Norway was responsible for coordinating the resolution on human rights activists. In this case, Norway succeeded in both achieving consensus on the text and strengthening last year’s text, among other things with an important reference to the fact that certain fundamental human rights cannot be contravened in any circumstances. This provided a sound basis for further strengthening this Norwegian resolution at the 59th session of the Commission on Human Rights, where the mandate of the UN Special Representative will also be renewed.

The General Assembly once again illustrated that there are many controversial issues, among other things in the negotiations on a Finnish resolution on arbitrary executions, which in the final instance required as many as 14 votes. Various matters to which the western countries gave high priority, including a reference to criminal prosecution for murder on the grounds of sexual orientation (which is otherwise in accordance with the report of the Special Rapporteur) were extremely controversial. Nor was it possible to agree on the reference to the death penalty in this context. It gradually became clear that the underlying problem was a highly critical attitude to the Special

Rapporteur on arbitrary executions, who many countries considered had far exceeded his mandate. In this light, it will be a challenge to get this important mandate extended.

The Third Committee adopted a number of resolutions in 2002 that refer to the human rights situation in individual countries, including Iraq, Burma, DR Congo and Sudan. Many people regretted the fact that the EU did not submit a separate resolution on the human rights situation in Iran. This resolution was voted down at the Commission on Human Rights debate earlier in the year, and the EU apparently decided that it would be unfortunate to submit this resolution and then lose the vote.

The plenary debate on racism largely concerned Islamophobia and the significance of the Internet in the dissemination of racist material. The negotiations on the resolution were primarily affected by issues relating to the follow-up to the World Conference against Racism in Durban. The follow-up to Durban has been highly controversial. At the meeting of the Commission on Human Rights in spring 2002, the developing countries, led by certain African countries, succeeding in getting a resolution adopted which contained elements that went considerably further than the Durban document, which was already controversial. At the General Assembly, after very difficult negotiations, it was possible to regain western support in connection with the processing of the racism resolution, but consensus on this resolution was never within reach. The EU and Norway voted in favour of the text, but did not find it appropriate to be co-movers of the text. The future challenge will be to make a constructive contribution to the work of following up the World Conference. Norway has taken a more pragmatic view than many other western countries with respect to participation in the various follow-up mechanisms and, in the longer term, will hopefully be able to act as a bridge-builder on this issue and help to tone down the negative attitudes that have characterized international efforts to combat racism since Durban.

In 2002, the interventions concerning women once again focused on issues relating to condemnation of honour killing, violence against women, trafficking in women and women in armed conflict. Norway also focused on these topics in its national intervention on women. Norway pointed to the importance of special measures targeting girl children and touched on the topic of reproductive rights, including female genital mutilation. In contrast with two years ago, this year it was possible to reach agreement on a Dutch text condemning honour killing at an early stage. The traditional resolutions relating to the follow-up to the Beijing Conference, the proportion of women in the UN secretariat and the follow up to the CEDAW resolution were also adopted by consensus. Norway emphasized that the traditional texts should not be weakened. There is a tendency for these texts to come under increasing pressure from countries that desire a general weakening of the texts relating to women.

In the debate on indigenous peoples, Norway made a Nordic intervention which, among other things, pointed to the need for the establishment of a secretariat in New York for the new Permanent Forum for Indigenous Issues. The UN Economic and Social Council (ECOSOC) had not succeeded in reaching agreement on this matter, partly because the USA and Japan believed it was unnecessary to provide funding for the secretariat. With Sweden and Canada, Norway helped to ensure (in the Fifth Committee as well) support for the establishment of three out of six posts from 1 January 2003. A further three posts will be discussed in connection with the budget debate next autumn. Norway was also responsible for coordinating the consensus resolution on the International Decade of Indigenous Peoples (1995-2004). Norway will actively follow up the issue of resources for the Permanent Forum for Indigenous Issues in future sessions.

In Norway's intervention on refugee issues, the main emphasis was on the unfortunate effects of the financial crisis in the UNHCR for the world's refugees and the need to put an end to long-lasting refugee situations. Both these issues strongly affect the human dignity of refugees.

11.2. The Security Council

The Security Council exercises its responsibility for upholding international peace and security on behalf of all UN member states pursuant to Article 24 of the UN Charter. The Security Council comprises elected and permanent members, and in practice the five permanent members have a greater influence on the work of the Council than the elected members. Nevertheless, responsibility for the activities and resolutions of the Council is equally divided between the 15 members. Norway was conscious of this responsibility its two-year membership period (2001 and 2002).

The Government's starting point was that a great deal of the Security Council's work concerns political crisis management, and that the Council's agenda is largely governed by international events. Work on current issues would therefore require the most attention. In relation to the more long-term issues, Norway wished to concentrate on three main areas: the underlying causes of war and conflict, the challenges facing Africa, and the follow-up to the Brahimi Report to strengthen the UN's ability to plan and implement peace operations. In pursuing its main priorities, Norway wished to help ensure that the Security Council increasingly seeks to achieve a coherent approach to preventive efforts, conflict management and peace-building. Norway also wished to help ensure that activities in the military, political, humanitarian, resource and development policy areas are coordinated and reinforce each other.

In retrospect, the priorities Norway set for its work in the Security Council have proved to be both relevant and realistic. They are also highly relevant in foreign policy arenas other than the Security Council and will continue to be Norway's priorities within and outside the framework of the UN.

No individual issue affected Norway's work in the Security Council more than Iraq. Norway's interests are best served by an effective, standard-setting UN. Issues that are of importance for international peace and security must be dealt with in the UN Security Council, and resolutions must be based on the UN Charter and current



international law. This has been the fundamental premise for Norway in its handling of the Iraq issue. For Norway, it is of the utmost importance that this principle is upheld, and that the collective security system pursuant to the UN Charter is not undermined. As Chairman of the Sanctions Committee on Iraq, Norway invested substantial resources in obtaining an overview of both the large number of cases and the underlying issues.

The terrorist attack against the USA on 11 September 2001 was a dominant issue on the Security Council agenda in the remaining part of Norway's period on the Council. The recognition that international terrorism and the spread of weapons of mass destruction pose the most immediate threat to international peace and security has led a majority of the countries in the world to join forces in the fight against those who seek to destroy fundamental social values and undermine human dignity and democratic social norms.

Norway has been strongly involved in the Security Council's efforts to combat international terrorism and in all aspects of international peace-building and reconciliation activities. The basic premise is that the fight against international terrorism is most effective when it is a collective effort based in the UN Security Council. The Government has at all times carefully considered the Security

Council's measures to combat international terrorism in relation to Norway's obligations under international law, not least human rights law. In principle, Norway takes the view that there are no grounds for interpreting UN demands or proposed legislative measures in such a way that they conflict with fundamental human rights. At the same time, there is reason to emphasize that terrorist acts themselves represent a serious threat to human rights. In the Government's view, the battle against international terrorism must be fought by building on and strengthening respect for fundamental principles of the rule of law.

Norway has been a major contributor to humanitarian assistance and reconstruction in Afghanistan. As chief coordinator of assistance from donor countries to Afghanistan in 2002, Norway helped to ensure that the Security Council and the entire international community was able to adopt a coherent approach to efforts in Afghanistan. In the Security Council, Norway emphasized that the peace process must be supplemented by humanitarian assistance and long-term reconstruction programmes. This is also important in order to create social conditions that will no longer provide a breeding ground for terrorism.

Norway's prioritization of Africa in the Security Council is prompted by the fact that in recent years African conflicts have accounted for almost two thirds of the issues on the Security Council agenda. Many of these issues do not primarily concern conflicts between nation states but internal conflicts, similar to civil war, in states that function poorly or have broken down entirely. Economic forces linked to the exploitation of natural resources often tend to prolong such conflicts.

Norway's presidency of the Security Council in March 2002 entailed additional efforts. The presidential role is especially important in organizing the work of the Council and moving it forward by encouraging broad support for priority issues. It is when the Security Council is united that practical results are achieved. Painstaking

efforts to find solutions behind which the parties could unite were a guiding principle for Norway throughout its period on the Security Council and were particularly useful during Norway's presidency.

During the month of Norway's presidency, intense work was done on a number of issues, but the single issue that had the strongest effect on the work of the Security Council during that month, and where Norway played a decisive role, was the effort to achieve peace in the Middle East.

During its period as a member of the Security Council, Norway made consistent efforts to strengthen the peace-keeping capacity of the UN and supported the follow-up to the proposals in the Brahimi Report. In 2002, Norway headed the Security Council Working Group on Peacekeeping Issues. The main goal was to bring troop contributors into closer dialogue with the Security Council and the UN secretariat in connection with the preparation and implementation of UN peacekeeping operations. One of Norway's first initiatives in the Security Council was to allocate funds to follow up Security Council Resolution 1308 of July 2000 concerning the prevention and control of HIV/AIDS in connection with peacekeeping operations.

Human security has been a neglected dimension in international efforts to resolve conflicts. By working to integrate this dimension into the work of the Security Council, Norway has achieved concrete results. At Norway's initiative, an Aide Mémoire was prepared, based in the Security Council, which provides a clear overview of all the existing provisions concerning protection and human rights from earlier Security Council resolutions in a single list. This document has become a useful tool for the Security Council in its formulation of mandates for peace operations and a reference document for the UN Office for the Coordination of Humanitarian Affairs (OCHA). Norway has an influential position in international networks in the UN community which focus on human security, including the protection of civilians and vulnerable groups in conflict, child

soldiers, the proliferation of hand guns and humanitarian activities. Norway has initiated and heads a group of friends in New York that is working on issues related to the protection of civilians. Women, peace and security is another topic associated with Norway's work on the Security Council.

Unlawful exploitation of natural resources, such as oil, diamonds, minerals and tropical timber generates substantial revenues which are often used to finance violent conflicts. In the Security Council, Norway therefore made efforts to put the economic forces in conflicts on the international agenda. During Norway's presidential month in March, in cooperation with the research institution the International Peace Academy, Norway arranged an international conference on the Economic Agenda in War. At the conference, which was chaired by Norway's Minister of Foreign Affairs, Jan Petersen, Norwegian and international research on this issue was presented to the members of the Security Council. This kind of information may help to improve the targeting of sanctions so that they affect the instigators and the real decision-makers rather than the civilian population.

Norway has participated in international processes (the Interlaken, Bonn/Berlin and Stockholm processes) to make UN sanctions policies more effective and strengthen the implementation of sanctions. Within the framework of the debate in the Security Council on sanctions reform, Norway has made an active contribution to the introduction of targeted sanctions that are limited in time.

The Security Council dealt with matters relating to international criminal prosecution on many occasions during Norway's period of membership.

Norway has made concerted efforts to find unifying solutions which strengthen the effectiveness of the Security Council. Consensus-oriented efforts support and strengthen the position of the UN as a global organization. Giving priority to this working method and these goals is also in Norway's national interest. Norway seeks

to achieve an international order that binds large and small powers in international cooperation based on the UN Charter and international law, supported by a global system of strong multilateral institutions.

11.3. The UN Commission on Human Rights

The 58th session of the UN Commission on Human Rights must be described as the most difficult for many years. It was characterized by major differences, especially between the western countries and the developing countries, and between Islamic and western norms. These differences were expressed in the plenary debates, the negotiations on resolutions and the votes. The Commission was clearly affected by external events and the global political agenda, primarily the situation in the Middle East and the fight against terrorism, but also the persistent disagreements about the follow-up to the Durban document on racism. The polarization in the Commission was particularly apparent in the discussions on several country situations, the resolutions concerning racism and the right to development, the debate on resolutions on macro-economic situations with dubious human rights content, and issues relating to philosophies of life and the rule of law (honour killing, sexual orientation, the death penalty, etc.). Many countries also used the plenary sessions to bring up bilateral conflicts and, on occasion, strong language was used in the oral exchanges.

Poland was elected Chairman of the Commission. South Africa, Syria and Turkey were elected Deputy Chairmen, while Brazil was elected Rapporteur. Once again, the Asian group tried to limit the participation of non-governmental organizations in the Commission. However, the Western group made active efforts to secure participation of non-governmental organizations on a par with previous years. This helped to ensure that the NGOs' possibilities for participating in the work of the Commission were not further weakened.

The composition of the Commission, with many extremist members from Asia and Africa, made

cooperation difficult. Unfortunately, the majority in the Commission abused their power to force decisions through, often without genuine debate and sometimes without consultations.

At this session there were also attempts to change the focus from individual rights and states' responsibility for promoting and safeguarding such rights to international matters. The opposition against dealing with individual country situations was again considerable and affected all the work of the Commission. The countries that feared resolutions "against" them allied themselves with others in the same situation.

In other words, the Commission was characterized by strong disagreement. In her final speech, the High Commissioner for Human Rights pointed out that she feared that the Commission's protective mandate is in the process of being weakened. Some countries wish to strengthen efforts to improve observance of the conventions that have been agreed on. They try to demonstrate and condemn countries' violations of fundamental human rights and take the view that abuses of individual human rights are not an internal affair. Many of the developing countries regard outside interference as undesirable and often focus on the argument that any deficiencies in relation to respect for human rights are due to external causes (poverty, underdevelopment, occupation, etc.).

These ideological divisions were very apparent during the debate on country situations. The western countries were often accused of being selective in their statements on individual countries and of politicizing the debate. Many developing countries argued that dialogue and cooperation would be more effective instruments in efforts to promote and protect human rights than confrontation and finger-pointing. Several countries just want the item relating to country situations to be struck off the Commission's agenda altogether.

The most important achievement was the adoption of an optional protocol to the Convention against Torture after ten years of work. This protocol,

which is, in practice, a visiting arrangement, provides for improved monitoring of states' compliance with the provisions of the Torture Convention. Not unexpectedly, the countries that are not party to the Convention and the countries that obviously do not intend to accede to the protocol tried to prevent the resolution but did not succeed.

A resolution was adopted to establish working groups to prepare an optional protocol to the International Covenant on Economic, Social and Cultural Rights and a legally binding instrument on disappearances. A Special Rapporteur for human rights and health was also appointed.

Otherwise, a weakening of the important resolutions under the agenda item concerning civil and political rights was avoided. It was also possible to re-establish consensus on the resolutions on torture and freedom of expression, and to ensure that the mandate of the Special Rapporteur on freedom of expression was extended. On the negative side, the debate on human rights in individual countries was more difficult than for many years and the opposition to dealing with country situations was stronger and more coordinated than before. As a result, there was a majority in favour of not dealing with the resolution on the human rights situation in Zimbabwe and the votes on the resolutions on Chechnya and Iran were lost. Resolutions were also adopted to remove several country situations from the agenda in the confidential procedure (a closed meeting for members only). Moreover, the resolution on Equatorial Guinea was weakened and the resolution on Sudan was adopted by a majority of only one vote. Furthermore, it was not possible to adopt a resolution to strengthen human rights in efforts to combat terrorism. The USA felt itself strongly criticized by this resolution and made determined efforts to prevent the resolution from being adopted. As a result, the processing of this resolution was postponed until 2003.

Several resolutions on various topics were adopted without genuine negotiations or a willingness to achieve consensus. This applies to the resolutions

on racism, the right to development, globalization and most of the Cuban resolutions, which had dubious human rights content. Moreover, several working groups were established to follow up the Durban document. The mandates for the working groups are controversial and unclear and sometimes overlap with other mandates. In addition to weakening support for the follow-up to Durban and further international efforts to combat racism, these new groups may also redirect the focus in human rights efforts away from the traditional mechanisms.

At the 58th session, Norway was an observer at the Commission after having been a member for the three preceding years. Nevertheless, Norway participated very actively in the session and sought to promote respect for human rights, including in countries with serious human rights problems. The rights of indigenous peoples, children, women and minorities were issues that Norway focused on, as well as the negotiations on the resolution on civil and political rights and the combined resolution on economic, social and cultural rights. Norway made ten interventions at the plenary session, including the main intervention, which was made by Minister of Foreign Affairs Jan Petersen. In this intervention, the main focus was on respect for human rights and the fight against terrorism. Serious concern was expressed about the situation in the Middle East and developments in Zimbabwe. Women's rights, the right to life and the effort to combat torture were other important issues addressed in the intervention. Norway also made an intervention on the rights of indigenous peoples on behalf of the Nordic countries. Furthermore, Norway was party to a joint Nordic intervention on the rights of disabled persons. Norway was also party to a joint intervention on the treaty bodies made by Canada on behalf of Australia, Canada, Chile, Norway and New Zealand.

Norway participated actively in negotiations on a large number of resolutions and had the main responsibility for the resolution on human rights defenders, which was adopted without a vote. The resolution had 60 co-movers and was strengthened

on several points in relation to the corresponding resolution at the UN General Assembly. The resolution consolidates the mandate of the Secretary-General's Special Representative and provides a good foundation for renewal of this mandate in 2003. Norway also presented a draft resolution on Fundamental Standards of Humanity. This resolution entails the preparation of a consolidated study on this issue, which will be discussed at the Commission in two years' time. The resolution was adopted without a vote.

The session showed that Norway can also play an important role as bridge-builder between different players in the human rights arena when it is an observer. In most circles, Norway is regarded as being a consensus-oriented player who focuses on dialogue rather than confrontation and has a "balanced" human rights agenda. Consequently, Norway is trusted in various negotiating situations and manages to maintain consensus on Norwegian initiatives, even in very difficult contexts.

11.4. The UN High Commissioner for Human Rights

The office of the UN High Commissioner for Human Rights (UNHCR) serves as a secretariat for the Commission on Human Rights and its mechanisms, and for the various treaty bodies. In addition to this, in the past few years the office of the High Commissioner has established several field offices in countries such as Colombia, Burundi, DR Congo and Cambodia. These offices have both advisory and monitoring functions.

In the light of the increasing understanding of and emphasis on the importance of ensuring that greater respect for human rights is a focal point of all UN activities, the office of the High Commissioner has recently further increased its presence as an integral part of the UN's regular country offices. The office of the High Commissioner is also involved in various peace-making and peace-keeping operations under UN auspices, which is also in line with the Secretary-General's desire for human rights to be integrated into all UN activities. The High Commissioner for

Human Rights also provides technical assistance and advice in many countries.

Despite the growing number of tasks and the rising level of activity, the High Commissioner's share of the UN's regular budget is extremely small (approximately 1.5%) and the office is dependent on voluntary contributions. In 2002 Norway was one of the biggest donors to the office of the High Commissioner, contributing approximately USD 4 million.

At the 58th session of the Commission on Human Rights, Mary Robinson stated that she would not seek an extension of her mandate as High Commissioner. In September, Sergio Vieira de Mello from Brazil was appointed as her successor. He visited Norway as early as December 2002 and presented his thoughts and priorities for international human rights efforts. Mr. de Mello will build further on the rationalization of activities for which his predecessor was responsible and will seek to introduce further reforms and improvements. The new High Commissioner particularly wishes to focus on improving the activities and effectiveness of the office at country level and on greater cooperation with other important players in the UN system.

11.5. The treaty bodies

Six of the UN human rights conventions are often spoken of as the main conventions, namely the conventions on civil and political rights, economic, social and cultural rights, torture, racial discrimination, women and children. Common to all six conventions is the fact that they establish independent monitoring or implementation mechanisms. These are also known as the treaty bodies, as opposed to the bodies established under the UN Charter (such as the UN General Assembly, the Security Council and the Commission on Human Rights). The treaty bodies' instruments and expertise vary, but they typically review periodic reports from member states, prepare general commentaries that elaborate on the provisions of the conventions, make decisions on individual complaints and carry out their own investigations in the field.

There is a clear need to reform the work of the committees. Norway supports the reform process and, in parallel with this, seeks to ensure that the committees function as well as possible and that they receive the necessary funding. Norway also supports efforts to establish new instruments under the existing committees. Unfortunately, many parties to the conventions do not believe that effective monitoring committees are in their best interests and oppose all efforts to develop effective monitoring mechanisms.

The UN Committee on Human Rights, which is the treaty body under the International Covenant on Civil and Political Rights, dealt with an individual complaint against Norway in 2002 (Jonassen v. Norway, Communication No. 942/2000). This case concerned Sami grazing rights on private land. The Committee on Human Rights refused to hear the case, referring, among other things, to an ongoing expropriation case. Nevertheless, the Norwegian authorities were urged to ensure that this case is dealt with quickly.

The UN Committee against Torture examined Norway's third periodic report in 2002 and had no special comments to it.

11.6. The International Labour Organization (ILO)

The International Labour Organization (ILO), which is the UN's special organization for working life, was established to improve living standards, working conditions and work opportunities for workers all over the world. The ILO fulfils its mandate through the adoption of international conventions and recommendations on freedom of organization, working conditions, discrimination in working life and social security. In addition to its widespread normative activities, the ILO is engaged in comprehensive global development cooperation to promote democracy and human rights, combat unemployment and poverty, and strengthen the protection of workers. The ILO is a tripartite organization and its governing bodies comprise employees, employers and governments. In 2002, Norway became a member of the ILO Board for a three-year period.

Eight of the ILO conventions are regarded as being the key conventions and concern the right to organization and collective negotiations, equal pay for men and women, non-discrimination in working life and the elimination of forced labour and child labour. By the end of 2002, Convention No. 182 of 1999 concerning elimination of the worst forms of child labour had already been ratified by 132 countries and thereby had the quickest ratification rate in ILO history. Many countries need financial and technical assistance to implement the conventions. Almost all the activities Norway supports through the ILO have a human rights element.

The ILO's overarching goal is to promote decent work all over the world. "Decent work" means equal rights for women and men so that they can participate in decent, productive work based on freedom, justice, safety and human dignity. The ILO links this overarching goal and its mandate to the first Millennium Development Goal, which is to halve the number of people living in extreme poverty by 2015. The ILO also has a special responsibility for goal number 16 under the eighth Millennium Goal; the development and implementation of strategies to provide decent, productive work for young people. Through its membership of this organization and its core contribution, Norway helps to support this agenda. Norway also provides voluntary contributions to programmes and projects in the following areas: child labour, tripartite dialogue and employment.

Norway helps developing countries to implement ratified conventions through programmes and projects, most of which involve trade unions and employers' organizations. Training and raising awareness of rights, including the content and enforcement of national legislation and ILO conventions, are central elements of these projects.

All the projects Norway supports through the ILO have a gender equality dimension, and this is intentional. Especially in the case of a project to train the members of agricultural workers' organizations in Latin America, one of the main goals is to ensure that more women are included in formal decision-making structures.

The area of activity within the ILO that currently receives the most technical assistance is the effort to combat child labour. Norway has been active in this field since 1998 and has provided funding for a comprehensive, multi-faceted programme. The programme has two components in which education is regarded as a means of getting children out of work. Girls are defined as a vulnerable group, and special attention is paid to girls within these programme components. Although more boys than girls are registered in the child labour statistics, in reality girls work just as hard as boys, but they largely work in the home. Low priority has been given to statistics about this group, and girls working in the home are not included in the child labour statistics. Norway is supporting a cooperative project between the World Bank, UNICEF and the ILO that is intended to improve statistical data in this area. The project has helped to generalize and further develop the variables and values that are used in child labour research.

Although the ILO has traditionally concentrated on the formal sector, there is growing interest in the informal economy, where most of the world's poor people are employed. For the first time, the informal economy was a topic addressed by one of the committees at the annual labour conference in 2002. The economic participation of women is often linked to this sector. In 2002 Norway continued to support a project in Asia aimed at developing better strategies for improving women's access to micro health insurance through schemes managed by their own organizations. The need for such approaches is clear in cases where national insurance systems do not cover the informal sector. This approach is helping to make women aware of their rights and is also having a positive impact on women's access to health services.

In a world of increasing globalization and liberalization, there is renewed interest in the ILO's core mandate. As a result of a declaration from a ministerial meeting at the World Trade Organization (WTO) in autumn 2001, which emphasized the ILO's responsibility for issues relating to globalization and workers' rights, the ILO Director General took the initiative for the

establishment of a World Commission on the Social Dimension of Globalization. The purpose of this independent commission is to move the debate on globalization from confrontation to dialogue and propose ways of ensuring that the benefits of globalization reach more people than they do today. The World Commission is expected to present its report at the beginning of 2004. The World Commission has registered the serious unrest about many aspects of globalization, in all regions of the world and in very diverse groups. One of the effects of this situation is that people feel that they lack influence or a voice. It is this unrest that the World Commission is concerned to meet in a sensible way. Norway supports the work of the World Commission, both politically and financially.

11.7. The development banks

Human rights provide the basis for the development strategies pursued by the multilateral development banks, mainly in relation to economic and social rights, which are at the core of the banks' activities. However, the World Bank and the regional development banks do not have their own guidelines or strategies for human rights, and political and civil rights are a sensitive issue, given the differing political views and attitudes of member states. Nevertheless, human rights in the broadest sense govern the banks' activities and lending policies and the development of good governance is a key concept. Clear human rights violations will affect the general opinion of good governance in individual countries and be reflected in lending both directly, through distribution factors, and indirectly. The World Bank (and in some cases the Inter-American Development Bank) also arranges Consultative Group meetings for recipient countries at which the governance situation is reviewed.

Norway is an active player in international debt relief programmes. The most important mechanism is the Heavily Indebted Poor Countries (HIPC) Initiative, which covers both bilateral and multilateral debt and aims to reduce the debt of the 35-40 poorest countries by an average of two thirds. A freeing-up of resources of this nature will provide far greater opportunities to implement

measures to reduce poverty and thereby significantly strengthen recipient countries' ability to safeguard economic and social rights. In connection with the HIPC Initiative, one of the main focuses is on how to increase public expenditure on health, education and other areas that specifically targets the poorest people.

However, there is broad agreement that debt relief alone does not lead to development and that unconditional debt relief is not a viable path to follow. Debt relief must primarily benefit the poorest segments of the population. Consequently, countries must commit themselves to pursuing a policy that does not lead back into a morass of debt and to spending the freed-up resources on development and poverty reduction. The HIPC Initiative is therefore closely linked to the formulation of national Poverty Reduction Strategy Papers (PRSPs), which are the main instrument for achieving these goals.

One very important element of the PRSP process is to ensure that the strategies are owned by the countries themselves and implemented with the active participation of civil society. Norway is an advocate of the view that national parliaments and other popularly elected bodies must play a pivotal role in this effort. Many of the countries concerned do not traditionally encourage popular participation in important social processes. Consequently, the HIPC Initiative and the PRSP approach also concern democratization and strengthening civil and political rights. Furthermore, there is strong emphasis on measures to combat corruption and strengthen the management of public finances. This entails making the authorities more accountable and leads to greater transparency in the management of public resources.



12.1 The Council of Europe

The European Court of Human Rights is the most important instrument in the Council of Europe's efforts to promote human rights. The Court was established pursuant to the European Convention on Human Rights of 1950 (ECHR). Individuals who believe that their rights under the convention have been violated can appeal to this Court. Since November 1998, the Court has functioned in its present form with 41 permanent judges, one from each member state. Judges from the three newest member states, Armenia, Azerbaijan and Bosnia-Herzegovina have not yet been elected. The judges are elected by the parliamentary assembly of the Council of Europe for a six-year period, with the option of re-election.

The effectiveness of the Court has increased significantly in comparison with the previous system. In 2002, the Court handed down 18,000 decisions, 844 of which were judgments. The judgments found violations of the Convention in 630 cases, more than half of which were in Italy (325). Despite its increased efficiency, the Court is unable to keep pace with the growing number of cases that are submitted to it. In 2002, it received almost 31,000 applications, more than 28,000 of which were registered and will thereby be processed by the Court. The growing number of cases has led to a significant capacity problem. The processing time has increased from two to three years, and more in some cases. In the long run, these problems will affect the Court's credibility and status, and member states therefore

agreed that something must be done to improve the situation. On this background, in November 2002, the ministerial meeting adopted a resolution to continue work on considering proposals for reform of the Court system.

On the basis of the report of an evaluation group, the European Steering Committee for Human Rights (CDDH) is working on proposals for changes in the Court system. Some of the proposals entail amendments to the ECHR. The Steering Committee is considering both simplification of case processing by the Court and greater freedom for the Court to reject insignificant cases. Moreover, the CDDH is looking at how the enforcement of judgments can be rationalized. Measures that can be implemented at the national level in member states in order to reduce the number of cases that come before the Court are being discussed. According to the resolution passed at the ministerial meeting in November 2002, the aim is for this process to result in practical proposals that will be discussed at the ministerial meeting in May 2003.

In recent years, the Court has been supplemented by several new control mechanisms in the human rights area. The task of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is to monitor member states to ensure that they do not torture their citizens. The Committee has unlimited access to prisons and other institutions that deprive people of their liberty in all member

states. Other important instruments are the European Commission against Racism and Intolerance (ECRI), the European Committee for Social Rights and the Advisory Committee for the Framework Convention for the Protection of National Minorities. The European Commission against Racism and Intolerance will visit Norway in May 2003. This visit is part of the Commission's regular monitoring of member states.

Since 1999, the Council of Europe has had its own Commissioner for Human Rights. His task is to promote knowledge of and respect for human rights in member states. The responsibilities of the Commissioner include visits to member states, and his reports provide valuable information on the human rights situation in individual countries. The Commissioner last visited Norway in 2001.

The conflict in Chechnya has long been the subject of considerable attention at the Council of Europe. Consequently, since spring 2000 the Council has had three experts at the office of President Putin's human rights representative in the republic. The experts' mandate has been extended until July 2003. The Council of Europe is currently the only international human rights organization that is permitted to be present in Chechnya.

In the aftermath of the terrorist attacks in the USA on 11 September 2000, the Secretary-General of the Council of Europe took the initiative of launching a plan of action for inter-cultural and inter-religious dialogue. The plan of action aims to promote tolerance and understanding between different ethnic and cultural groups in society. As a result of this initiative, several meetings were held in 2002 between the Council of Europe and representatives of various religious and cultural groups.

The European Court of Human Rights handed down no judgments on Norwegian cases in 2002, but several cases were deemed inadmissible. Reasoned decisions were given in four of the cases. Three of them concerned cases that have previously attracted a great deal of attention, at

least in legal circles. They are briefly described below:

The first case (Case no. 45837/99, Kleuver v. Norway) concerned alleged violations of Article 8 and Article 3 in connection with remand in custody and a sentence for narcotics crimes. The main point of the application was related to the fact that the applicant was separated from her newly-born baby when she was on remand for a period of three months in 1990-91. In addition to her separation from the baby, she alleged seven further violations. Five of them concerned the allegation that excessive security requirements to prevent the risk of escape led to the unnecessarily distressing use of personnel – often in uniform – and to the use of handcuffs/transport restraints. The sixth allegation concerned repeated body searches in prison after the applicant had visited her son at an infants' home, and subsequently when the son visited her in prison. The seventh allegation concerned restrictions on the use of a telephone while the applicant was in prison. Rulings on various aspects of the applicant's case were handed down by the Norwegian Supreme Court in decisions reported in Norwegian Supreme Court Reports 1994 p. 1244 and Norwegian Supreme Court Reports 1998 p. 1190. In addition to the alleged violations named above, the applicant maintained that Article 6 had been contravened since one of the judges in the latter case was incompetent. In its decision of 30 April 2002, the Court of Human Rights found that all the points of complaint were manifestly ill-founded, cf. ECHR, Article 35, third sentence.

The second case (Case no. 38190/97, Federation of offshore workers' trade unions (OFS) and others v. Norway) concerned the alleged violation of Article 11 in connection with a decision to impose compulsory arbitration in 1994. During the wage negotiations in 1994, the OFS and the Confederation of Norwegian Business and Industry (NHO)/the Norwegian Oil Industry Association did not reach agreement on a wage settlement. Notice was given of a strike/lockout which would affect the entire continental shelf. A decision was made to impose compulsory

arbitration after the strike/lockout had lasted for approximately 14 hours. The OFS then went to court and maintained that this was an unlawful intervention in their right to strike. The state won in the Supreme Court, cf. Norwegian Supreme Court Reports 1997, page 580. The OFS then appealed the case to the European Court of Human Rights, arguing that Norway had violated Article 11 of the ECHR and referring, among other things, to developments in the ILO conventions and the European Social Pact as regards protection of the right to strike. Norway argued that the application must be dismissed as being manifestly ill-founded. It argued that the right to strike is not protected by Article 11, first paragraph, and that in any case no violation of the trade union's rights under Article 11, first paragraph, had taken place. Alternatively, it argued that any intervention was justified under ECHR Article 11, second paragraph. The Court dismissed the application as being manifestly ill-founded, cf. Article 35, third paragraph. It referred to the three Norwegian arguments without concluding whether a contravention had taken place pursuant to ECHR Article 11, first paragraph.

The third case (Case no. 12750/02, Adele Johansen v. Norway) was based on a case that had previously been brought before the European Court of Human Rights. In 1996, the Court supported Adele Johansen's claim that Norway had not complied with ECHR, Article 8, because contact between her and her daughter was not maintained when the daughter was taken into care in 1989-90. In 2002 Ms Johansen again filed a complaint against Norway for violation of ECHR Article 8. This concerned two matters: firstly, the confirmation of an adoption order by the Borgarting High Court and, secondly, Ms Johansen's claim for parental responsibility and visiting rights with her daughter. Ms Johansen also argued that Norway had violated Article 46 of the ECHR by not complying with the judgment handed down in 1996. The Court rejected the application on two different grounds. Ms Johansen's application concerning the right to parental responsibility and visiting rights with her daughter was rejected because it had not been

submitted in time, cf. ECHR Article 35, first paragraph. The Court also pointed out that this part of the case would in any case be rejected because it was manifestly ill-founded, cf. Article 35, third paragraph. The application concerning the adoption order itself was dismissed as being manifestly ill-founded, cf. Article 35, third paragraph. The Court pointed out that the order was proportionate to the best interests of the child and supported the High Court's arguments. With respect to the complaint that Norway had not conformed to the last judgment, cf. Article 46, the Court pointed out that the current case raised new issues upon which a decision had not been made during the first case. This application was therefore rejected as well.

12.2. The OSCE

The Organization for Security and Cooperation in Europe (OSCE) is an important arena where Norway participates actively in efforts to promote democratic development, the rule of law and respect for human rights. The organization's activities in the Balkans, the rest of Central and Eastern Europe and the CIS are also important for Norway. By far the largest part of Norway's contribution to the work of the OSCE is devoted to measures within what is known as the human dimension.

The OSCE member states have committed themselves to the principle that their observance of and development in the fields of human rights, democracy and the rule of law are a common concern. In practice, the OSCE's work in the human dimension is related to monitoring countries' conformity to these values and promoting improvements by providing advice and cooperating directly on projects. Through its missions, the OSCE has a presence in countries and regions where major challenges still exist in terms of developing democratic institutions, the rule of law and respect for human rights, and where few other international organizations are represented. Political dialogue in the OSCE also ensures that countries which seldom participate directly in international discussions on human

rights and democracy are heard and receive feedback.

In 2002, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) carried out over one hundred projects in more than twenty countries in the OSCE region. The level of activity remained high in the Balkans, while activities in Central Asia are being expanded. The focus in 2002 was on observing elections and developing electoral standards, combating human trafficking, and promoting gender equality and the rights of the Roma and Sinti peoples. Another responsibility was added in autumn 2002; safeguarding human rights in the fight against terrorism. The rights of national minorities, freedom of expression and ownership of the media and the Internet were the main issues of concern for the High Commissioner for National Minorities (HCNM) and the Representative for Free Media (RFM) in 2002.

In recent years, the OSCE has done a great deal of work in the field of human trafficking. This is a growing problem that affects all the countries in the OSCE region. Several hundreds of thousands of people are transported to, from and within the OSCE region each year and exploited in a manner that is similar to slavery. Many women and children are exploited in the commercial sex industry. Human trafficking is a serious violation of the human rights of the victims, it fosters the growth and strength of transnational criminal groups and it undermines stability and security in the broadest sense. An effective, coordinated, interdisciplinary, international response is required. In efforts to combat human trafficking, the OSCE's practical experience in the field gives it an advantage over many other international organizations. The OSCE has established a terminology and a multi-dimensional focus on the problem that dominates the international debate. The OSCE has also drawn up a number of practical recommendations for its member states and has included this issue in training and rules for the conduct of personnel deployed on OSCE assignments. In 2002, human trafficking was the focus of a seminar at the annual Implementation Meeting on the Human Dimension in Warsaw in

September 2002. At the ministerial meeting in Porto in December 2002, a good, substantive declaration against human trafficking was adopted which entails drawing up a plan of action for the OSCE's future activities in this field in 2003.

Norway has contributed to the OSCE's efforts to combat human trafficking, among other things by supporting the Stability Pact for South Eastern Europe's special group and seconding a person to the position of Adviser on Human Trafficking Issues at the OSCE mission in Belgrade. Norway's contribution will increase in 2003 and will include a contribution to the ODIHR Anti-Trafficking Project Fund.

12.3. The Council of the Baltic Sea States (CBSS)

Binding cooperation in the Baltic region was established with the founding of the Council of the Baltic Sea States in 1992. Its members comprise Russia, the Baltic states, Poland, Germany, the Nordic countries and the EU. Cooperation in the Baltic region covers a wide range of issues, one of the most important of which is democratic development.

In the period 2001-2002, Norway chaired the CBSS Working Group for Democratic Institutions. The main issues during Norway's chairmanship were cooperation with civil society and non-governmental organizations, children's rights, gender equality and combating racism and xenophobia. Norway arranged a seminar on racism in Bergen on 8-9 February 2002. The topics discussed included the follow-up to the World Conference Against Racism and the question of national action plans for human rights.

Efforts to combat trafficking in women and children have recently been a priority area in several CBSS institutions. Comprehensive cooperation takes place between police forces and the judiciary within the framework of the Task Force on Organized Crime in the Baltic Sea Region. A Task Force on Children at Risk was established in January 2002 to coordinate regional

cooperation to help child victims of sexual exploitation. The Commissioner of the CBSS, Helle Degn, has helped to focus on this problem, among other things through regional network-building. Commissioner Degn also emphasizes the importance of further developing democratic culture and good legislative practices in member states. She underlines that organized crime, human trafficking and corruption must be combated in order to strengthen the development of stable democracies and legitimate governance.

12.4. The Barents Cooperation

The Barents Cooperation will be ten years old in January 2003. It consists partly of cooperation between governments (through the Euro-Arctic Barents Council, which consists of the Nordic countries, Russia and the EU Commission) and partly of regional cooperation (through the Barents Regional Council, which consists of 13 participant counties in Russia, Finland, Sweden and Norway and representatives of the indigenous peoples). The Barents region covers an area five times the size of Norway and has a population of approximately 6 million.

One of the main goals of the Barents Cooperation is to promote sustainable development in general, which includes strengthening democracy, the rule

of law and good governance in the Russian areas. These goals are achieved by means of comprehensive, wide-ranging cooperation on projects. People-to-people cooperation and regional interaction that are unparalleled in similar types of international cooperation are cornerstones of these efforts.

The increased opportunities for contact under the Barents Cooperation have given many sectors of the Russian population insights into how a democratic society is organized and functions. There is emphasis on freedom of information, transparency in public administration and decision-making processes, the involvement of underprivileged groups and transfers of expertise in many areas. Youth work is a key area. The aim is to spur the emergence of a new generation that is better equipped to take part in reforming and developing Russia.

The Barents Cooperation also provides an important platform for cooperation between indigenous peoples in the region, the Sami people, the Nenets and the Vepsians. The main focus is on protecting and strengthening the cultural identity of indigenous peoples, improving health services and other standards of living and promoting the rights of indigenous peoples as laid down in Agenda 21.



Human rights dialogues are defined as cooperation on human rights with countries where there are human rights problems, but where there is also potential for improvement through dialogue and contact. A genuine, fruitful dialogue requires good contacts between players at different levels. While political contacts are a central element of the dialogue, the network-building that takes place between civil servants, the judiciary, academics and non-governmental organizations are equally important. Through these networks, it is possible to exchange information, concerns and criticism through contacts that are based on trust.

One important principle that is always stressed with dialogue partners is that a human rights dialogue does not preclude Norway's freedom to criticize human rights violations in their country in international forums and elsewhere. A human rights dialogue is only one of several instruments to improve human rights in the country. The working methods, intensity and selection of topics may vary from one dialogue to the next.

In 2002, Norway worked to strengthen dialogues and extend the concept to new countries. Common to all dialogues is Norway's desire to concentrate efforts on fewer topics, to focus on the same topics over a longer period of time, and to link practical projects to the topics that are discussed. Norway also wishes to introduce more aspects into dialogues, such as the country's role in multilateral forums. Thus, it is no longer only the internal human rights situation that is the subject of dialogue.

Since 1997, Norway has been engaged in formal human rights dialogue with China. This dialogue is based on annual round table conferences at political and expert levels, and is reinforced by a number of practical human rights projects in China. In April 2002, human rights dialogue with Indonesia was formally inaugurated at a major conference on human rights in Jakarta. A China Programme and an Indonesia Programme have been established at the Norwegian Centre for Human Rights, and these are one of several components in dialogues with these two countries.

In 2002, Norway continued its efforts to establish dialogue with Vietnam. Norway already supports several projects in the country, the goal of which is to help improve the democracy and human rights situation and promote good governance. The Norwegian Confederation of Trade Unions (LO) is engaged in transferring expertise to trade union representatives and in relation to collective negotiations, in close cooperation with its Vietnamese counterpart, the Vietnam General Confederation of Labour.

In 2002 Norway laid the foundations for entering into human rights dialogue with one country in Africa. Norway is also engaged in comprehensive cooperation on human rights with Turkey (discussions at political and civil-servant level and assistance for Turkish organizations), although this is not defined as being within the concept of human rights dialogue.



14.1 The Ombudsmen and the Centre for Combating Ethnic Discrimination

In Norway there are many mechanisms outside the courts of law to deal with complaints about alleged human rights violations. The results of these complaints are not binding on the authorities or on private individuals, but considerable importance is attached to them. The most important of these monitoring and appeal mechanisms is the Parliamentary Ombudsman (the Storting's Ombudsman for Public Administration). The report of the Parliamentary Ombudsman is appended below, as are the reports of the Ombudsman for Children, the Gender Equality Ombud and the Ombudsmen for the Armed Forces and for the Civilian National Service. The Centre for Combating Ethnic Discrimination has a function similar to that of the Ombudsmen within its particular area of responsibility and its report has therefore been included at the end of this section.

14.1.1. *The Parliamentary Ombudsman*

The Parliamentary Ombudsman, the Storting's Ombudsman for Public Administration, considers it an important task to promote the implementation of human rights, both in Norwegian administrative practice and internationally. The Storting's Standing Committee on Scrutiny and Constitutional Affairs has commended the Parliamentary Ombudsman's information activities at home and abroad, which help to increase awareness of the important role

played by the Ombudsman, both in Norway and in other countries.

Through his work on individual cases in which human rights issues are raised, the Parliamentary Ombudsman helps to disseminate knowledge and understanding of the importance of Norway's international human rights commitments. He also emphasizes the importance of promoting human rights at meetings and during visits to prisons and elsewhere (in the course of the year he visited prisons in Åna and Oslo).

The Parliamentary Ombudsman also considers it important to provide information to countries wishing to develop their human rights protection mechanisms. There is considerable interest in the institution of the Parliamentary Ombudsman abroad, and in the course of the year the Ombudsman receives many delegations and representatives from various countries and informs them about democracy and human rights. He also gives lectures and participates in meetings and conferences abroad, thereby helping to disseminate knowledge of a democratic institution that can make an important contribution towards promoting human rights in many countries.

In 2002, the Parliamentary Ombudsman received visits from parliamentarians from a number of countries, including Cuba, Vietnam and Russia. He also received delegations of judges and lawyers from Ethiopia, Uganda, Rwanda and Mongolia. Other visitors included the Indonesian Minister of

Justice and the Rwandan Public Prosecutor and Minister of Justice. These visits provide an opportunity to share experiences and information on efforts to develop the protection of human rights. The Parliamentary Ombudsman has otherwise visited the Palestinian Independent Commission for Citizens' Rights (PICCR), a kind of ombudsman institution in Ramallah, to inform it about the Norwegian ombudsman system. Two of the Parliamentary Ombudsman's staff have also been to Kosovo and held courses for the employees of a similar institution there (the Ombudsperson in Kosovo).

14.1.2. *The Ombudsman for Children*

Under the Act relating to the Ombudsman for Children and associated instructions, the Ombudsman for Children is responsible for ensuring that the needs, rights and interests of children are adequately taken into account in all areas of society. The Ombudsman must particularly ensure that legislation intended to protect children's interests is conformed to, and that Norwegian law corresponds with Norway's obligations pursuant to the UN Convention on the Rights of the Child.

In 2002, as in 2001, the Ombudsman for Children did a great deal of work on the issue of how the UN Convention on the Rights of the Child would be implemented in Norwegian law. The Government has now decided to propose that the UN Convention on the Rights of the Child be incorporated into Norwegian Law, and that it be implemented in the Human Rights Act. This is in accordance with the desire and objective of the Ombudsman for Children, and has been the focus of his work. As a result of the Government's decision, the obligation to take the best interests of the child into account, as laid down in Article 3, will be clarified and must have consequences for all work with children and young people.

Since it became clear that the Government would propose incorporating the Convention on the Rights of the Child, the Ombudsman has noted an increase in the number of inquiries from the general public about the practical, factual and legal

ramifications of such incorporation. These enquiries have come from private individuals, lawyers and the public administration.

In its work on consultation papers, the office of the Ombudsman for Children always seeks a children's perspective, in accordance with both the Convention on the Rights of the Child and its obligation to children and young people. Article 3 states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

In 2002 the Ombudsman for Children initiated several projects, all of which are designed to ensure that the participation of children and young people in society is strengthened and their voices are heard, and all of which provide general information on the interests of children and young people to the public at large.

The Pupils' Councils are a central platform for the participation of children and young people. They constitute pupils' democratic platform and must be strengthened and further developed in order to achieve genuine pupil participation. Through his work on the Handbook for Pupils' Councils, which continued in 2002, the Ombudsman seeks to develop the nation's pupils' councils into visible, effective instruments for participation. This is being done not only because the Pupils' Councils help to educate young people in Norway's democratic form of governance but because the participation of children and young people is a fundamental human right and therefore has its own intrinsic value.

The purpose of the Life Before 18 project, which was carried out in 2002 and linked to Norway's report to Geneva, was to allow children and young people with different life experiences to comment on the conditions in which they grow up, their rights and their place in society.

The Internet Parliament, in which pupils' councils from 25 schools, representing approximately 6,000 pupils, participate was implemented in 2002. The

Internet Parliament is an “advisory base” for the Ombudsman for Children and was also used in connection with Norway’s periodic report to the UN Committee on the Rights of the Child. This ensured that children and young people were broadly represented in Norway’s work on the official report to the UN.

Efforts to strengthen dialogue with children and young people continued in 2002, not least through further work on the Ombudsman’s website, the aim of which is to develop the website into a portal for children’s rights in society.

In connection with the Ombudsman’s international activities, the office has assumed responsibility for running the website of the European Network for Ombudsmen for Children (ENOC), which now comprises 16 countries and was initiated by the Norwegian Ombudsman for Children in 1996.

One important goal of the Ombudsman for Children in 2002 was to make children and young people aware of their rights and to mobilize strength and interest prior to the incorporation of the UN Convention on the Rights of the Child into Norwegian law, which is expected to be adopted in 2003.

14.1.3. *The Gender Equality Ombud*

The Gender Equality Ombud enforces the Gender Equality Act, which prohibits differential treatment on the basis of gender. For instance, it is not permitted to differentiate between men and women when hiring, laying off, dismissing or promoting employees. However, the Act permits the differential treatment of women and men if this promotes gender equality. The Gender Equality Act requires equal pay for women and men who perform work of equal value, equal rights to education for women and men, and that the membership of public committees, boards and councils must consist of at least 40 per cent men and 40 per cent women. The Act applies to all areas of society, but most of the complaints concern matters relating to employment.

Enforcement of the Act entails dealing with individual cases and providing guidance and information on the provisions of the Act. The Gender Equality Ombud received 420 written complaints in 2002, compared with 337 the previous year. The Gender Equality Ombud still sees major challenges in Norway’s efforts to promote gender equality:

- Differences in pay still occur, even when women and men do the same job and have the same qualifications.
- Almost half of the labour force today are women, but the percentage of women in senior management is still low. There is a particularly large deficit of women in the management and on the boards of directors of the largest private companies.
- More than 50 per cent of university and college students are women, but girls and boys still make very traditional choices with regard to occupations.
- Careers and family life are closely interrelated. It is therefore important to encourage a more equal distribution of care functions between men and women than is the case at present.
- There is a need to strengthen efforts to promote gender equality that target minority women in Norway.

The Gender Equality Ombud continued to be engaged in many international activities in 2002. The annual meeting of Nordic Ombudsmen was held in Oslo in September. These meetings are important venues for exchanges of experience and views between countries with relatively similar problems and cultures. Furthermore, it is important for the Norwegian Ombudsman to meet representatives of agencies in neighbouring countries who can provide useful information about the development of rights in the EU. Gender Equality Ombud Kristin Mile is a member of the EU Advisory Committee on Equal Opportunities for Women and Men, and has been vice chairman of a working group that presented a draft of a new directive on equal treatment for men and women in 2002. In 2002, the Gender Equality Ombud was involved in two of the EU equal pay projects, headed by the Gender Equality Centre in Norway

and the Portuguese Gender Equality Ombud. The Ombud received visits from a number of international delegations in 2002, including delegations from Japan, China, Latvia, Lithuania, Poland, Rwanda, Spain, South Korea and Zambia. International cooperation is important in order to be able to develop the right to equality in accordance with Norway's international commitments. However, the most important thing is that, in this way, the Gender Equality Ombud can help to ensure that women's human rights are better safeguarded at the international level.

14.1.4. The Ombudsman for the Armed Forces and the Ombudsman for the Civilian National Service

The Storting's establishment of the Committee of the Ombudsman for the Armed Forces in 1952 and the Committee of the Ombudsman for the Civilian National Service in 1957 was in itself an important step towards safeguarding the rights of individuals in relation to the defence authorities and the Ministry of Justice, which is the administrative authority for conscientious objectors (persons performing civilian national service). According to the Storting's instructions, these ombudsmen systems are to protect the rights of military personnel and civilian national service personnel, respectively. Since soldiers and civilian service personnel must have equal rights while performing their compulsory service, the policy of the Storting has always been to have the same persons sit on both committees.

The Storting, government ministers and the Chief of Defence may submit cases concerning personnel performing compulsory military service and employees of the Defence Forces to the committees for advisory comment. The role of the committees as protector of the rights of service personnel is laid down in the instructions mandating them to deal with cases of general interest. Besides issuing comments, the committees take up matters on their own initiative when this is deemed necessary. The Ombudsman must also deal with complaints from individuals who consider that they have been unlawfully or unreasonably treated by their respective

administrative authorities. Over the years, a number of cases concerning the protection and broadening of the rights of individuals have been raised and resolved. Each year, the Ombudsman reports on approximately 110-150 complaints of various types from individuals in the Defence Forces and the civilian national service. Between 30 and 40 per cent of these complaints culminate in a decision in the complainant's favour. The Committee of the Ombudsman has also carried out surveys of the Defence Forces' treatment of soldiers and other personnel belonging to minority religions. The field chaplains are the Defence Forces' advisors in cases concerning the right to free exercise of religion. The Committee has ascertained that no cases of a violation of a person's freedom of religion by military authorities have been found.

Based on their insight into the situation as regards the rights of Defence Forces personnel, the Committee and the Ombudsman also play an active monitoring role to ensure a corresponding positive trend as regards the rights of civilian national service personnel. Norway enforces a compulsory military service system under which all fit men between the ages of 19 and 44 must perform military service or alternative civilian service. This constitutional obligation may conflict with the civil interests and rights of the individual. It is the duty of the two ombudsman schemes to help reduce possible conflicts between individual rights and social obligations in the best possible way.

In 2002 the Ombudsman received a few enquiries concerning general human rights, for example Article 24 of the Universal Declaration of Human Rights concerning the right of everyone to rest and leisure. The questions were related to the strain of long working hours, mainly from personnel on shift duty. Due to a desire to maintain the shift system, with all its advantages and disadvantages, where the strain can vary considerably, these personnel have, nevertheless, not requested practical follow-up on the part of the Ombudsman to shed further light on the actual situation. Some personnel who do not meet the

current conditions for various types of financial support have submitted questions about Article 25 of the Universal Declaration concerning everyone's right to a standard of living adequate for the health and well-being of himself and of his family, etc. However, in the Ombudsman's experience, the rights of the individual in relation to the authorities concerned appear, in general, to be well safeguarded.

14.1.5. *The Centre for Combating Ethnic Discrimination*

The Centre for Combating Ethnic Discrimination was established by Royal Decree on 11 September 1998. The main purpose of the Centre is to ensure that individuals are protected from discrimination. In the Centre's mandate, ethnic discrimination is defined as negative discriminatory treatment on grounds of religion, race, skin colour or national or ethnic origin. The work of the Centre is based on the UN Convention on the Elimination of All Forms of Racial Discrimination.

The Centre has three different functions: legal aid, documentation and influence. It is useful to use both legal aid and other sources of information to shed light on the nature of discrimination and to present proposals for changes and improvements.

2002 was the Centre's fourth year of operation, and was originally intended to be the last year of a trial period. It was also the final year of an external evaluation of the Centre. The year saw changes on many fronts. In September 2002, the Minister of Local Government and Regional Administration appointed a new Board for the Centre for Combating Ethnic Discrimination, a process that coincided with the appointment of a new CEO.

During the year, there was strong focus on the Centre's future and the potential inherent in a new Act against Ethnic Discrimination, presented in

Official Norwegian Report 2002:12 (The Report of the Holgersen Committee). In order to initiate discussion and debate on the content of the proposed Act, the Centre arranged a two-day conference at the end of October. The Centre has published a brochure which contains a summary of the Holgersen Committee's report and its own comments and suggestions. It has also published a brochure containing papers from the conference.

The Centre submitted a shadow report to Norway's national report on the UN Convention on the Elimination of All Forms of Racial Discrimination. It also reported orally to the committee that monitors the Council of Europe's Framework Convention for the Protection of National Minorities in 2002.

The Centre's activities cover the entire country. However, in 2002 the vast majority of applications came from people living in Oslo and south-eastern Norway.

In all, positive results were achieved for clients in twenty of the cases that were opened in 2002. A positive result for a client may be a settlement, an apology, an overturned decision or a change in the opposing party's practice. Some cases that were opened in 2000 and 2001 ended in a settlement, an apology or an overturned decision in 2002.

In 2002, the results of cases opened in previous years were as follows:

- One case won in a court of law
- Overturned decisions on four cases opened in 2001
- One person received an ex gratia payment for a case opened in 2000
- Positive decisions in four cases opened in 2001
- Settlement in two cases opened in 2000 and two cases opened in 2001.



Statistics



14.2. Statistics

Statistics relating to financial assistance for international human rights measures

Regions	Total	Regions	Total
Afrika		Asia	
Africa Unspecified	174 877	Afghanistan	27 216
Angola	85 544	Armenia	2 185
Botswana	2 790	Azerbaijan	8 827
Burundi	21 945	Asia Unspecified	21 362
Egypt	486	Bangladesh	35 913
Ivory Coast	292	Bhutan	145
Eritrea	39 587	Burma	9 833
Ethiopia	50 830	Philippines	3 565
Gambia	270	Georgia	5 691
Ghana	760	India	27 156
Guinea-Bissau	201	Indonesia	10 265
Cameroon	2 427	Cambodia	11 721
Cape Verde	201	Kasakhstan	975
Kenya	17 282	China	24 282
Congo	- 204	Kyrgyzstan	3 803
Congo (Dem Rep)	25 763	Laos	9 982
Lesotho	1 464	Malaysia	1 010
Liberia	3 319	Mongolia	7 919
Madagascar	7 301	Nepal	41 757
Malawi	35 691	Pakistan	41 002
Mali	32 078	Sri Lanka	59 837
Mauretania	651	South Asia Unspecified	1 354
Mauritius	156	Tajikistan	1 230
Mosambique	82 803	Thailand	131
Namibia	734	Uzbekistan	100
Niger	3 891	Vietnam	11 581
Nigeria	8 260	East Timor	42 369
Rwanda	25 620	Total Asia	411 210
Sub-Saharan Africa Unspecified	18 969	Europe	
Senegal	536	Albania	21 601
Sierra Leone	10 221	Bosnia-Herzegovina	55 789
Somalia	17 675	Europe Unspecified	84 118
Sudan	76 135	Croatia	29 039
Swaziland	1 033	Macedonia	22 929
South-Africa	39 726	Moldova	819
Tanzania	80 698	Serbia & and Montenegro	225
Uganda	69 729	Former Yugoslavia Unspecified	163 337
Zambia	68 357	Turkey	1 105
Zimbabwe	31 048	Total Europe	378 963
Totalt Africa	1 039 144		

Statistics relating to financial assistance for international human rights measures. (Cont.)

Regions	Total
Global Unspecified	
Global Unspecified	168 526
Total Global Unspecified	168 526
Latin-America	
America Unspecified	11 055
Belize	666
Bolivia	16 322
Brazil	18 245
Chile	2 550
Colombia	21 620
Costa Rica	353
Cuba	4 989
Dominican Republic	2 410
Ecuador	15 641
El Salvador	8 480
Guatemala	79 139
Haiti	12 753
Honduras	5 463
Jamaica	2 306
Central Amerika Unspecified	16 393
Mexico	1 816
Nicaragua	38 029
Paraguay	4 914
Peru	7 406
S.America Unspecified	2 020
Total Latin America	272 568

Regions	Total
Middle East	
Palestinian Area	131 430
Iran	646
Jordan	5 210
Lebanon	4 931
Middle East Unspecified	- 118
Yemen	1 982
Total Middle East	144 080
Oceania	
Fiji-Øyene	350
Papua New-Guinea	1 244
Total Oceania	1 594
Multilateral contributions ¹⁾	175 493
Total	2 591 579

1) Comprises general contributions to the Office of the High Commissioner for Human Rights (UNHCHR):

IADB
UNDP
IMF
UN General Trust Fund
UNCHR
ASDB
World Bank
AFDB

Statistics relating to financial assistance for international human rights measures, alphabetical

Country	Total
Afghanistan	27 216
Africa Unspecified	174 877
Albania	21 601
America Unspecified	11 055
Angola	85 544
Armenia	2 185
Azerbaijan	8 827
Asia Unspecified	21 362
Bangladesh	35 913
Belize	666
Bhutan	145
Bolivia	16 322
Bosnia-Herzegovina	55 789
Botswana	2 790
Brazil	18 245
Burma	9 833
Burundi	21 945
Chile	2 550
Colombia	21 620
Costa Rica	353
Cuba	4 989
Palestinian Area	131 430
Dominican Republic	2 410
Ecuador	15 641
Egypt	486
El Salvador	8 480
Ivory Coast	292
Eritrea	39 587
Ethiopia	50 830
Europe Unspecified	84 118
Fiji	350
Philippines	3 565
Gambia	270
Georgia	5 691
Ghana	760
Guatemala	79 139
Guinea-Bissau	201
Haiti	12 753
Honduras	5 463
India	27 156
Indonesia	10 265
Iran	646

Country	Total
Jamaica	2 306
Jordan	5 210
Cambodia	11 721
Cameroon	2 427
Cape Verde	201
Kazakhstan	975
Kenya	17 282
China	24 282
Kyrgyzstan	3 803
Congo	- 204
Congo (Dem Rep)	25 763
Croatia	29 039
Laos	9 982
Lesotho	1 464
Lebanon	4 931
Liberia	3 319
Madagascar	7 301
Macedonia	22 929
Malawi	35 691
Malaysia	1 010
Mali	32 078
Mauretania	651
Mauritius	156
Central America Unspecified	16 393
Mexico	1 816
Middle East Unspecified	- 118
Moldova	819
Mongolia	7 919
Mozambique	82 803
Namibia	734
Nepal	41 757
Nicaragua	38 029
Niger	3 891
Nigeria	8 260
Pakistan	41 002
Papua New Guinea	1 244
Paraguay	4 914
Peru	7 406
Rwanda	25 620
S. America Unspecified	2 020
Sub-Saharan Africa Unspecified	18 969
Senegal	536

Statistics relating to financial assistance for international human rights measures, alphabetical. (Cont.)

Country	Total
Serbia & Montenegro	225
Sierra Leone	10 221
Somalia	17 675
Sri Lanka	59 837
Sudan	76 135
Swaziland	1 033
South Asia Unspecified	1 354
South Africa	39 726
Tajikistan	1 230
Tanzania	80 698
Thailand	131
Former Yugoslavia Unspecified	163 337
Turkmenistan	100
Turkey	1 105
Uganda	69 729
Vietnam	11 581
Yemen	1 982
Zambia	68 357
Zimbabwe	31 048
East Timor	42 369
Global Unspecified	168 526
Multilateral contributions ¹⁾	175 493
Total	2 591 579

1) Comprises general contributions to the Office of the High Commissioner for Human Rights (UNHCHR):

IADB
 UNDP
 IMF
 UN General Trust Fund
 UNCHR
 ASDB
 World Bank
 AFDB

Type of aid

Regions/Countries	Non-NGO	Norwegian	Local NGO NGO	Regional NGO	Global NGO	Research- institution	Total
Africa							
Africa Unspecified	123 036	35 312	3 300	481	11 871	877	174 877
Angola	47 761	31 469	6 275			38	85 544
Botswana	1 063	1 727					2 79
Burundi	20 000	945			1 000		21 945
Egypt	486					486	
Ivory Coast		292					292
Eritrea	16 758	22 829					39 587
Ethiopia	28 676	17 253	4 901				50 830
Gambia	270						270
Ghana		760					760
Guinea-Bissau		201					201
Cameroon		2 427					2 427
Cape Verde		201					201
Kenya	3 400	13 882					17 282
Congo		- 204					- 204
Congo (Dem Rep)	15 500	10 099	164				25 763
Lesotho		1 464					1 464
Liberia		3 319					3 319
Madagascar	4 867	2 434					7 301
Malawi	15 779	17 563	1 198	750	400		35 691
Mali	10 079	21 999					32 078
Mauretania		651					651
Mauritius		156					156
Mosambique	36 625	40 325	4 707	1 100	45		82 803
Namibia		734					734
Niger	3 891					3 891	
Nigeria	4 146	2 100	663		1 350		8 260
Rwanda	11 727	13 894					25 620
Sub-Saharan Unspecified	7 327	3 885	1 300			6 457	18 969
Senegal		536					536
Sierra Leone	8 139	2 082					10 221
Somalia	10 745	5 429			1 500		17 675
Sudan	22 877	52 958			300		76 135
Swaziland		1 033					1 033
South Africa	12 341	18 488			396	8 500	39 726
Tanzania	70 651	8 590	1 457				80 698
Uganda	36 282	32 446		1 000			69 729
Zambia	46 775	9 118	9 219		2 044	1 200	68 357
Zimbabwe	8 149	10 388	11 411		400	700	31 048
Total Africa	562 974	391 165	44 596	3 331	19 307	17 773	1 039 144
Asia							
Afghanistan	21 516	3 168				2 531	27 216
Armenia	618	1 567					2 185

Regions/Countries	Non-NGO	Norwegian	Local NGO NGO	Regional NGO	Global NGO	Research- institution	Total
Azerbaijan	1 988	6 842				- 3	8 827
Asia Unspecified	11 854	7 866		300	700	642	21 362
Bangladesh	10 755	7 143	18 015				35 913
Bhutan		145					145
Burma	1 730	7 103			1 000		9 833
Philippines	84	3 480					3 565
Georgia	74	5 617					5 691
India	10 717	7 705	8 733				27 156
Indonesia	8 765	1 500					10 265
Cambodia	4 029	7 692					11 721
Kazakhstan	975						975
China	7 050	16 961	180			91	24 282
Kyrgyzstan	3 338	142	323				3 803
Laos	5 241	4 741					9 982
Malaysia	42	968					1 010
Mongolia	2 500	5 419					7 919
Nepal	27 256	14 498	4				41 757
Pakistan	31 345		9 535		122		41 002
Sri Lanka	39 282	12 922	7 633				59 837
South Asia Unspecified		1 354					1 354
Tajikistan	1 230						1 230
Thailand		131					131
Turkmenistan	100						100
Vietnam	5 252	6 329					11 581
East Timor	39 884	2 485					42 369
Total Asia	235 624	125 779	44 423	300	1 822	3 261	411 210
Europe							
Albania	11 701	9 900					21 601
Bosnia-Herzegovina	43 754	12 035					55 789
Europe Unspecified	53 067	3 489	184		3 703	23 677	84 118
Croatia	12 392	15 997	650				29 039
Macedonia	17 949	4 241	739				22 929
Moldova	545	274					819
Former Yugoslavia Unspe.	120 739	42 064			367	167	163 337
Turkey	417	388				300	1 105
Total Europe	260 565	88 612	1 573		4 070	24 143	378 963
Global	82 814	46 438	4		25 999	13 272	168 526
Total Global	82 814	46 438	4		25 999	13 272	168 526
Latin-America							
America Unspecified	3 927	7 128					11 055
Belize	666					666	

Regions/Countries	Non-NGO	Norwegian	Local NGO NGO	Regional NGO	Global NGO	Research- institution	Total
Bolivia		16 322					16 322
Brazil	3 022	11 171	3 906			146	18 245
Chile	675	1 257	618				2 550
Colombia	10 214	11 803				- 397	21 620
Costa Rica		353					353
Cuba	11	4 978					4 989
Dominican Republic		2 410					2 410
Ecuador		15 641					15 641
El Salvador	1 100	5 280	1 450	650			8 480
Guatemala	48 576	24 127	4 436	2 000			79 139
Haiti	500	12 253					12 753
Honduras	1 000	4 463					5 463
Jamaica		2 306					2 306
Central America	12 057	1 485		2 851			16 393
Mexico		1 816					1 816
Nicaragua	11 306	18 022	8 701				38 029
Paraguay	2 899	2 015					4 914
Peru	2 410	3 170	1 826				7 406
S. America Unspecified		2 020					2 020
Total Latin-America	97 697	148 685	20 936	5 501		- 251	272 568
Middle East							
Palestinian Area	104 063	18 932	7 345			1 090	131 430
Iran	646						646
Jordan	4 250	960					5 210
Lebanon		4 931					4 931
Middle East Unspecified	45	- 163					- 118
Yemen	1 633	349					1 982
Total Middle East	110 636	25 009	7 345			1 090	144 080
Oceania							
Fiji	350						350
Papua New-Guinea	1 244						1 244
Total Oceania		1 594					1 594
Multilateral contributions ¹⁾							175 493 ¹⁾
Total	1 525 803	827 281	118 876	9 132	51 198	59 288	2 591 579

1) Comprises general contributions to the Office of the High Commissioner for Human Rights (UNHCHR):

IADB
UNDP
IMF
UN General Trust Fund
UNCHR
ASDB
World Bank
AFDB

Country	Bilateral	Multi-bilateral	Total
Africa			
Africa Unspecified	80 349	94 529	174 877
Angola	48 117	37 427	85 544
Botswana	2 790		2 790
Burundi	1 945	20 000	21 945
Egypt	486		486
Ivory Coast	292		292
Eritrea	24 487	15 100	39 587
Ethiopia	39 030	11 800	50 830
Gambia		270	270
Ghana	760		760
Guinea-Bissau	201		201
Cameroon	2 427		2 427
Cape Verde	201		201
Kenya	17 282		17 282
Congo	- 204		- 204
Congo (Dem Rep)	10 263	15 500	25 763
Lesotho	1 464		1 464
Liberia	3 319		3 319
Madagascar	2 434	4 867	7 301
Malawi	24 212	11 479	35 691
Mali	22 078	10 000	32 078
Mauretania	651		651
Mauritius	156		156
Mosambique	54 953	27 850	82 803
Namibia	734		734
Niger	3 891		3 891
Nigeria	4 475	3 785	8 260
Rwanda	13 894	11 727	25 620
Sub-Saharan Unspecified	18 969		18 969
Senegal	536		536
Sierra Leone	2 585	7 636	10 221
Somalia	7 675	10 000	17 675
Sudan	67 635	8 500	76 135
Swaziland	1 033		1 033
South Africa	39 726		39 726
Tanzania	80 698		80 698
Uganda	54 370	15 359	69 729
Zambia	43 357	25 000	68 357
Zimbabwe	31 048		31 048
Total Africa	708 317	330 827	1 039 144

Country	Bilateral	Multi-bilateral	Total
Asia			
Afghanistan	10 882	16 333	27 216
Armenia	1 587	598	2 185
Aserbajdsjan	8 827		8 827
Asia Unspecified	15 726	5 636	21 362
Bangladesh	29 970	5 943	35 913
Bhutan	145		145
Burma	9 833		9 833
Philippines	3 565		3 565
Georgia	5 691		5 691
India	21 438	5 718	27 156
Indonesia	10 065	200	10 265
Cambodia	9 721	2 000	11 721
Kasakhstan	123	852	975
China	24 282		24 282
Kyrgyzstan	3 803		3 803
Laos	4 741	5 241	9 982
Malaysia	1 010		1 010
Mongolia	5 419	2 500	7 919
Nepal	16 203	25 554	41 757
Pakistan	12 702	28 300	41 002
Sri Lanka	59 457	380	59 837
South Asia Unspecified	1 354		1 354
Tadsjikistan	321	909	1 230
Thailand	131		131
Turkmenistan	100		100
Vietnam	8 581	3 000	11 581
East Timor	4 825	37 543	42 369
Total Asia	270 504	140 707	411 210
Europe			
Albania	13 762	7 839	21 601
Bosnia-Herzegovina	38 476	17 314	55 789
Europe Unspecified	60 285	23 833	84 118
Kroatia	22 585	6 453	29 039
Macedonia	15 081	7 848	22 929
Moldova	819		819
Former Yugoslavia Unspecified	150 278	13 059	163 337
Turkey	1 105		1 105
Total Europe	302 617	76 346	378 963

Country	Bilateral	Multi-bilateral	Total
Global			
Global Unspecified	131 070	37 456	168 526
Total Global	131 070	37 456	168 526
Latin-America			
America Unspecified	7 128	3 927	11 055
Belize	666		666
Bolivia	16 322		16 322
Brazil	18 245		18 245
Chile	2 550		2 550
Colombia	16 720	4 900	21 620
Costa Rica	353		353
Cuba	4 989		4 989
Dominican Republic	2 410		2 410
Ecuador	15 641		15 641
El Salvador	8 480		8 480
Guatemala	40 568	38 571	79 139
Haiti	12 253	500	12 753
Honduras	5 463		5 463
Jamaica	2 306		2 306
Central America Unspecified	4 336	12 057	16 393
Mexico	1 816		1 816
Nicaragua	32 140	5 889	38 029
Paraguay	4 914		4 914
Peru	7 406		7 406
S. America Unspecified	2 020		2 020
Total Latin-America	206 725	65 843	272 568
Middle East			
Palestinian Area	39 513	91 917	131 430
Iran	246	400	646
Jordan	5 210		5 210
Lebanon	4 931		4 931
Middel East Unspecified	- 118		- 118
Yemen	349	1 633	1 982
Total Middle East	50 130	93 950	144 080
Oceania			
Fiji	350		350
Papua New-Guinea	1 244		1 244
Total Oceania	1 594		1 594

Country	Bilateral	Multi-bilateral	Total
Multilateral contributions ¹⁾			175 493
Total	1 670 957	745 130	2 591 579

1) Comprises general contributions to the Office of the High Commissioner for Human Rights (UNHCHR):

IADB
 UNDP
 IMF
 UN General Trust Fund
 UNCHR
 ASDB
 World Bank
 AFDB

Human rights measures distributed by type of aid, alphabetical

Country	Bilateral	Multi-bilateral	Total
Afghanistan	10 882	16 333	27 216
Africa Unspecified	80 349	94 529	174 877
Albania	13 762	7 839	21 601
America Unspecified	7 128	3 927	11 055
Angola	48 117	37 427	85 544
Armenia	1 587	598	2 185
Azerbaijan	8 827		8 827
Asia Unspecified	15 726	5 636	21 362
Bangladesh	29 970	5 943	35 913
Belize	666		666
Bhutan	145		145
Bolivia	16 322		16 322
Bosnia-Herzegovina	38 476	17 314	55 789
Botswana	2 790		2 790
Brazil	18 245		18 245
Burma	9 833		9 833
Burundi	1 945	20 000	21 945
Chile	2 550		2 550
Colombia	16 720	4 900	21 620
Costa Rica	353		353
Cuba	4 989		4 989
Palestinian Area	39 513	91 917	131 430
Dominican Republic	2 410		2 410
Ecuador	15 641		15 641
Egypt	486		486
El Salvador	8 480		8 480
Ivory Coast	292		292
Eritrea	24 487	15 100	39 587
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Europe Unspecified	60 285	23 833	84 118
Fiji	350		350
Philippines	3 565		3 565
Gambia		270	270
Georgia	5 691		5 691
Ghana	760		760
Guatemala	40 568	38 571	79 139
Guinea-Bissau	201		201
Haiti	12 253	500	12 753
Honduras	5 463		5 463

Human rights measures distributed by type of aid, alphabetical. (Cont.)

Country	Bilateral	Multi-bilateral	Total
India	21 438	5 718	27 156
Indonesia	10 065	200	10 265
Iran	246	400	646
Jamaica	2 306		2 306
Jordan	5 210		5 210
Cambodia	9 721	2 000	11 721
Cameroon	2 427		2 427
Cape Verde	201		201
Kazakhstan	123	852	975
Kenya	17 282		17 282
China	24 282		24 282
Kyrgyzstan	3 803		3 803
Congo	- 204		- 204
Congo (Dem Rep)	10 263	15 500	25 763
Croatia	22 585	6 453	29 039
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Nepal	16 203	25 554	41 757
Nicaragua	32 140	5 889	38 029
Niger	3 891		3 891
Nigeria	4 475	3 785	8 260
Pakistan	12 702	28 300	41 002
Papua New-Guinea	1 244		1 244
Paraguay	4 914		4 914
Peru	7 406		7 406

Human rights measures distributed by type of aid, alphabetical. (Cont.)

Country	Bilateral	Multi-bilateral	Total
Rwanda	13 894	11 727	25 620
S. America Unspecified	2 020		2 020
Sub-Saharan Unspecified	18 969		18 969
Senegal	536		536
Sierra Leone	2 585	7 636	10 221
Somalia	7 675	10 000	17 675
Sri Lanka	59 457	380	59 837
Sudan	67 635	8 500	76 135
Swaziland	1 033		1 033
South Asia Unspecified	1 354		1 354
South Africa	39 726		39 726
Tajikistan	321	909	1 230
Tanzania	80 698		80 698
Thailand	131		131
Former Yugoslavia Unspecified	150 278	13 059	163 337
Turkmenistan	100		100
Turkey	1 105		1 105
Uganda	54 370	15 359	69 729
Vietnam	8 581	3 000	11 581
Yemen	349	1 633	1 982
Zambia	43 357	25 000	68 357
Zimbabwe	31 048		31 048
East Timor	4 825	37 543	42 369
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Multilateral contributions ¹⁾			175 493
Total	1 670 957	745 130	2 591 579

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UNCHR
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World Bank
AFDB

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Fax: +47 23 10 90 01
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Den norske Tibet-komité **Norwegian Tibet Committee**

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Fellesrådet for Afrika **Norwegian Council for Africa**

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Flyktningerådet **Norwegian Refugee Council**

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International Society for Health and Human Rights

Urtegata 50

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MiRA Resource Centre for Black, Immigrant and Refugee Women
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NHO
Confederation of Norwegian Business and Industry
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NORAD
Norwegian Agency for Development Cooperation
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Norwegian Red Cross
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Norwegian Organisation for Asylum Seekers
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Fax: +47 22 84 20 02
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Organisasjonen mot offentlig diskriminering (OMOD)
Organization Against Public Discrimination
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Tel.: +47 22 20 87 37
Fax: +47 22 20 62 17
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Oslokoalisjonen for religions- og livssynsfrihet
The Oslo Coalition on Freedom of Religion or Belief
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Norwegian Save the Children
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Romanifolkets Landsforening
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UTSJOKI, Finland
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9730 KARASJOK

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Senter mot etnisk diskriminering

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