

Annual Report

Human Rights 2004/2005

Annual Report on Norway's Efforts to Promote Human Rights



MINISTRY OF FOREIGN AFFAIRS

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Front page: Schoolchildren at Møllergata School, Oslo

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International organisations:

UN	United Nations
ILO	International Labour Organization
OSCE	Organization for Security and Co-operation in Europe

Human rights conventions:

ECHR	European Convention on Human Rights
CERD	UN Convention on the Elimination of All Forms of Racial Discrimination
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

International monitoring bodies:

ECHR	European Court of Human Rights
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ICC	International Criminal Court
UNCHR	UN Commission on Human Rights
OHCHR	Office of the High Commissioner for Human Rights

Other abbreviations:

CMI	Christian Michelsen Institute
IDEA	International Institute for Democracy and Electoral Assistance
HR	Human rights
NORDEM	Norwegian Resource Bank for Democracy and Human Rights
NSD	Norwegian Centre for Democracy Support
NUPI	Norwegian Institute of International Affairs
SMED	Centre for Combating Ethnic Discrimination
NCHR	Norwegian Centre for Human Rights

Human rights are fundamental rights that are possessed by all persons by virtue of their being human beings. It is incumbent on the state to respect and secure human rights, as prescribed by Norwegian national legislation and international law. Ensuring that the rights of Norway's inhabitants are fulfilled is a key element of the Government's political platform. The same applies to our international efforts to promote respect for human rights, democracy and the rule of law. Through these efforts we help to ensure that vulnerable individuals and groups realise their rights. At the same time, by promoting human rights we make a crucial contribution to social and economic development and to our efforts to prevent discord and conflict.

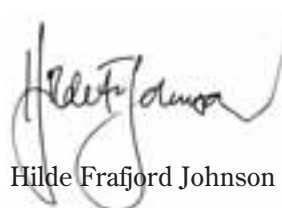
Implementing the Action Plan for Human Rights (Report No. 21 to the Storting (1999-2000)) has been a priority task for the Government. The Action Plan, which was presented by the first Bondevik Government in 1999, covered the period 2000-2004. With a few exceptions, the 340 measures encompassed by the Plan have been carried out. Seen as a whole, this represents a major effort that has helped to strengthen the protection of human rights in official Norwegian policy.

The annual reports on Norway's efforts to promote human rights, which have been prepared since 1998, have highlighted the way in which the Action Plan has been followed up. Many of the measures and processes described have now been incorporated into Norwegian policy in a way that has permanently strengthened human rights in Norway. Now that the Action Plan has been completed, it is important to maintain and further develop Norway's human rights work at both the national and the international level.

October 2005



Jan Petersen



Hilde Frafjord Johnson

3.1 A summary of the main contents of the report

This Annual Report seeks to provide a broad presentation of the Norwegian Government's efforts to promote human rights. Since every Ministry is responsible for the implementation of human rights in its sphere of activity, the report is based on information provided by the various ministries concerned. Efforts have been made to update the information to October 2005.

The information is structured on the basis of the different rights and international implementation mechanisms. Domestic and international conditions are described in the same section to show how they are interlinked. The structure adopted in earlier reports has largely been maintained. However, unlike previous reports, Norway's accession to new human rights instruments and its incorporation of conventions are described in the appropriate thematic sections.

As in previous years, the ombudsman mechanisms have contributed a presentation of their organisational structure and relevant activities in 2004. The information contributed by the ombudsmen has also been included as an appendix to the Annual Report.

The last three appendices to this Annual Report consist of statistics (compiled by Norad), recommendations relating to the implementation of the European Convention on Human Rights at the national level and a list of other information sources.

A brief summary of the implementation of activities under the Action Plan for Human Rights is appended to the Norwegian version of this report.

3.2 Limitations and delimitations

Norway works to promote human rights in a wide range of highly diversified ways. This report does not provide an exhaustive summary of activities related to human rights in the period covered by the report. For instance, the section on Norway's international human rights efforts describes specific projects and dialogues with individual countries so as to illustrate different working methods.

To limit the length of the report, the general introductory sections included in earlier reports have been shortened. For the same reason, we have not written about specific projects and programmes already described in earlier reports.

As before, judicial decisions of significance for the development of human rights lie outside the scope of this report. In March 2005, the Norwegian Centre for Human Rights (NCHR) published an annual report on the advancement of human rights in Norway in 2004. This report describes decisions made by the Supreme Court, the Appeals Committee of the Supreme Court and the Courts of Appeal in which human rights have been invoked and/or applied. The report may be downloaded from the NCHR's website (www.humanrights.uio.no).

3.3 Future reports on Norway's efforts to promote human rights

When the Action Plan for Human Rights was drawn up in 1999, the Ministry of Foreign Affairs (MFA), represented by the Minister of International Development and Human Rights, was responsible for coordinating Norway's overall human rights activities. This responsibility ended when the Stoltenberg Government took office in 2000. However, since the Action Plan was drawn up while the MFA had responsibility for coordinating human rights work, the Ministry has also coordinated the implementation of the plan. Since 2000, the annual reports on Norway's efforts to promote human rights have been used as a reporting tool in the implementation process.

The completion of the Action Plan offers opportunities to think in new ways about Norway's reporting on human rights. The Ministry will continue to report on Norway's human rights work, but will in future concentrate its reporting on Norway's international efforts.

To supplement its annual reports, the Ministry will publish information on important events and developments on an ongoing basis on its human rights web pages (www.dep.no/ud/norsk/tema/mr/bn.html). The web pages have been redesigned to facilitate access to important information on human rights and were relaunched in April 2005.



Police at the Wailing Wall, Jerusalem



4

Principles of the rule of law

4.1 The rule of law

Protecting the legal rights of individual citizens in relation to national authorities and otherwise is the predominant goal of every state governed by the rule of law. This covers such matters as protection against arbitrary deprivation of liberty and ensuring a fair trial in an independent court of law in both civil and criminal cases. These fundamental principles, along with other key human rights and fundamental freedoms, form the core of the guarantee of security under the law that international human rights instruments seek to establish for individual citizens.

4.1.1 *Reopening of cases when the decision or proceedings are in contravention of human rights*

On 1 January 2004 new provisions in the Criminal Procedure Act came into force concerning the right to require that a case be reopened when the petition is based on a breach of Norway's international legal obligations. The new provisions, which have been included in section 391, subsection 2, constitute an extension of the right to have a case reopened. Unlike earlier, when it was a condition that the breach of international law be established by an international court, opinions issued by the UN Human Rights Committee can now also serve as grounds for reopening a case. It will also be possible to require that a case be reopened if the proceedings were in breach of a treaty. Before this statutory amendment, reopening of a decision could only be applied for if the content of the decision was contrary to international law.

The new Civil Procedure Act of 17 June 2005 (see item 4.1.2 below) authorises petitions to reopen a civil case if, in an appeal against Norway in the same litigation, it has been established that the proceedings have violated a convention which, pursuant to the Human Rights Act, applies in the same way as Norwegian law. The provisions have been included in section 31-3 (d). The new Civil Procedure Act has not yet come into force, but similar provisions for civil cases came into force on 15 June 2001 through amendments to section 407, first paragraph, subparagraph 7, of the current Civil Procedure Act.

4.1.2 *A new Civil Procedure Act*

Effective, high-quality administration of justice is a cornerstone of a state governed by the rule of law. In March 2005, the Government presented Proposition No. 51 (2004-2005) to the Odelsting concerning an Act on mediation and legal procedure in civil disputes (the Civil Procedure Act). The bill was passed in June 2005, cf. the Act of 17 June 2005 No. 90. The object of the Civil Procedure Act, which will replace the current Civil Procedure Act of 1915, is to ensure a modern approach to the hearing of civil legal disputes.

The primary purpose of the reform is to provide more effective civil administration of justice that ensures that disputes are settled more rapidly, cheaply and correctly for the parties concerned and that helps to make the law clearer. The aim is for disputes to be settled out of court, if possible, and to facilitate access to courts of law in cases where this is necessary. In cases that are brought to court, the provisions must ensure an effective hearing of cases in accordance with due process of law.

The Act paves the way for a cultural change in the approach of judges, lawyers and litigants to the hearing of civil disputes. It calls for the judge to play an active part in directing cases, and puts more emphasis on preparatory proceedings and a shorter main hearing than is the case at present. The principle of proportionality must pervade the hearing of each particular case to ensure that the scope of the proceedings is proportionate to the significance of the dispute.

The Act is intended to ensure that civil justice is administered in accordance with the requirements that follow from human rights instruments and other international obligations. Both the Council of Europe and the EU are seeking to lay a foundation for reforms of the administration of civil justice in their member states. This Act is Norway's contribution to the international development of models of legislation for an up-to-date administration of civil justice.

To improve access to courts of law and promote clarification of the law, the Act includes provisions

regarding small claims proceedings and class actions. These provisions will also have significance for claims that may individually concern a small amount, but that may raise questions of legal principle or collectively amount to a large sum.

The Ministry considers it an important goal to limit the costs of court proceedings in substantial legal disputes. Expensive administration of justice can entail a denial of justice. Rules that promote the more rapid handling of cases and concentration on the crux of the dispute will help to reduce the cost of settling the dispute. The provisions of the Act regarding clarification of the dispute prior to bringing legal action, mediation and court-sponsored mediation will help to promote the settlement of disputes without the expense of a judicial hearing.

4.1.3 Amendments to the Act on Free Legal Aid

As part of the follow-up of Report No. 25 (1999-2000) to the Storting: The Legal Aid Report, amendments that significantly simplify the Free Legal Aid Act were passed (Proposition No. 91 (2003-2004) to the Odelsting). These amendments, which will come into force on 1 January 2006, are intended to make it easier for applicants to ascertain their rights under the Act. All the conditions for eligibility for free legal aid have now been collected in a single statute and clarified. Each provision has been formulated with a view to providing a complete list of the criteria that must be met in order to be eligible for such aid. The types of case in which free legal aid is generally granted are specified in separate provisions.

In connection with the amendments to the Legal Aid Act, Norway's obligations pursuant to the human rights conventions were carefully considered. This was done on the basis of the review of the relationship between human rights and legal aid that was carried out in the Legal Aid Report (Chapter 10). In the review, account was also taken of the views put forward by the Legislative Committee on Human Rights in Norwegian Official Report NOU 1993: 18 (section 13.7) and of Proposition No. 3(1998-99) to the Odelsting on the Act relating to the strengthening of the status of human rights in Norwegian law (the Human Rights Act) (section 10.4).

Norwegian Official Report 1993: 18 states that Norway has a system of free legal aid that exceeds the requirements of the international conventions (page 182). The Legal Aid Report concluded that if the Legal Aid Act is implemented reasonably, it will as a rule presumably produce satisfactory results in relation to Norway's international obligations. The same conclusion was reached in connection with the work on revising the Act, but it was nevertheless found necessary to further clarify a number of problematic issues relating to human rights in general and the European Convention on Human Rights in particular.

An important object of the revision was to formulate the new conditions for eligibility for free legal aid so that they did not limit access to a judicial hearing in such a way that the question might arise of their being contrary to the practice of the European Court of Human Rights (ECHR). The revised statute aims to specify as far as possible all the types of cases that can be assumed to be of such great personal and welfare-related significance that support should be provided for legal assistance if the person concerned cannot cover such expenses himself. Nevertheless, it was found necessary to make it possible to obtain free legal aid in other cases of great personal significance as well. Making an exception to the rule in this way will ensure that Norway fulfils its obligations under the human rights conventions to allow individuals effective access to a fair trial. The same consideration lies behind the formulation of the dispensation clause that makes it possible to grant free legal aid even if the applicant does not meet the requirements regarding maximum income and assets. Since, under this provision, the applicant's overall financial situation can be assessed in conjunction with the amount of the lawyer's fees, the result will be a rule that ensures that citizens have access to courts of law in all cases of great personal significance where they themselves do not have sufficient funds to cover the expenses.

In connection with the revision of the Act, a new provision was also formulated to highlight the possibility of obtaining free legal aid in cases that are heard by the ECHR. Under the same provision, free legal aid may also be granted, on an exceptional

basis, in cases brought before other human rights bodies. This is a rule which, strictly speaking, goes further than our treaty obligations pursuant to the European Convention on Human Rights, but it is an important signal that Norway takes its treaty obligations seriously and wishes to contribute to ensuring that the right to review by the ECHR is genuine and effective for Norwegian citizens. Since the Legal Aid Act is subsidiary to other schemes whereby legal aid needs can be met, however, free legal aid pursuant to the statutory amendment will only be relevant if the applicant does not receive sufficient free legal aid from the ECHR itself.

Furthermore, in view of the human rights conventions, it has been decided to abolish the assessment of the likelihood of the case succeeding that is allowed under the current Legal Aid Act. This amendment is a direct consequence of the ECHR's practice in this field, where doubt has been raised as to whether an administrative assessment of this nature in fact hampers the independent judicial hearing of the merits of the case that is required by the ECHR. Once the Act has been amended, it will thus no longer be possible to deny a person free conduct of a case on the basis of an assessment of the applicant's chances of winning his case.

It is otherwise worthwhile noting that the maximum limits for income and assets in regard to eligibility for free legal aid have been significantly raised in the past few years. Criticism has previously been levelled against the fact that the Legal Aid Act is of little significance in practice since few people satisfy the Act's financial conditions. Following the latest increases in the income limits, however, over half the population of Norway now fulfils the financial conditions of the Act. Furthermore, free legal aid is provided in a number of cases without regard to the applicant's financial situation.

4.1.4 The Norwegian Criminal Cases Review Commission

The Norwegian Criminal Cases Review Commission took up its duties on 1 January 2004. In its first year, the Commission has received 232 petitions to reopen a case. Sixty-one of the petitions received were dealt with in the course of the year. Five of the

cases were referred to the court for reopening. The remaining 56 cases were rejected (18 of them because it was obvious that they could not succeed and 38 of them because they were outside the scope of the Commission's mandate). Further information is available on the Commission's website (in Norwegian) (<http://www.gjenopptakelse.no>).

4.1.5 Cooperation with Russian prison authorities

Following an initiative by the Council of Europe, Norway entered into cooperation with Russian prison authorities in 1998. Since then the Ministry of Foreign Affairs has granted over NOK 1 million per year for this joint project. In addition to this, significant volunteer activity and contributions from public and private surplus stocks have made it possible, seen as a whole, to contribute quite a substantial amount of material to the Russian prisons with which we cooperate. This contribution has been much appreciated by the Russians.

From its start as a purely humanitarian aid project, this cooperation has evolved over the years. The Ministry of Justice has also served as a dialogue partner in a process aimed at improving material living standards in Russian prisons and relevant Russian legislation. Today, Norway has good, close contacts with the Russian prison service at all administrative levels. In cooperation at the practical level, considerable emphasis is placed on various types of staff training. There has been special focus on the situation in remand prisons and the conditions in which children, young people and women serve their sentences.

Cooperation between Norwegian and Russian prisons is still organised within the framework of Council of Europe bodies. One of the primary objectives of this cooperation is to promote respect for human rights as enshrined in the Council of Europe's rules and recommendations.

4.1.6 The Norwegian Crisis Response Pool

The Government has established a stand-by force, the Norwegian Crisis Response Pool, that can participate at short notice in international assignments related to civilian crisis management in the

justice sector. The pool became operative in 2004 and has so far taken part in various assignments in Bosnia, Georgia and Afghanistan.

The functions of the Norwegian Crisis Response Pool include:

- Providing advice and assistance in connection with building up institutions at every level of the judicial system, as part of the process of developing democracy in regions that have undergone war or internal conflicts, in regions in transition from a totalitarian regime and in regions with weak democracies.
- Providing advice and assistance in connection with training in international human rights and the application of international human rights conventions at all levels.
- Participating in operational functions in the administration of justice in countries/regions placed under administration by the international community, during a period of transition until national/local institutions have been established.

The Crisis Response Pool currently consists of 30 persons: ten judges, five public prosecutors, six police lawyers and nine prison officers. Participants commit themselves to a two-year tour of duty, and around half of the group may be out on assignment at any given time. The members of the pool may be sent out alone or in groups. The duration and scope of their assignments vary. The Crisis Response Pool is administered by the Ministry of Justice and the Police.

4.2 The death penalty

Norway opposes all forms of capital punishment. All Norwegian statutory provisions relating to the death penalty were repealed in 1979. However, capital punishment is not prohibited under the European Convention on Human Rights (ECHR) or the International Covenant on Civil and Political Rights (ICCPR). A prohibition is instead set out in Protocols No. 6 and No. 13 to the ECHR and the Second Optional Protocol to the ICCPR. As is the case for other legislation, the additional protocols are only binding on the countries that have acceded to them, which include Norway.

4.2.1 Protocol No. 13 to the European Convention on Human Rights

On 16 August 2005 Norway ratified Protocol No. 13 to the ECHR concerning the abolition of the death penalty in all circumstances. This protocol, which will come into force for Norway on 1 December 2005, supplements Protocol No. 6 to the ECHR which prohibits the death penalty in principle, but permits exceptions for acts committed in time of war or of imminent threat of war. Norway became a State Party to Protocol No. 6 to the ECHR in 1988.

4.2.2 Participation in multilateral forums and bilateral dialogues

In 2004 and 2005 Norway reiterated its fundamental opposition to the use of the death penalty in multilateral forums, such as in its main submissions in the UN and the OSCE.

In its relations with states which use the death penalty, Norway raises this issue by endorsing demarches (official protests), in its human rights dialogues, in political talks and through other bilateral contacts. In 2004 and 2005 the issue of the death penalty has primarily been taken up in demarches against the USA and Iran, but has also been raised with the Yemenite, Syrian, Saudi Arabian and Palestinian authorities. Norway has also taken up death penalty issues in political talks with Iran and the USA. In both 2004 and 2005 the Iranian ambassador was summoned to a meeting at the Ministry of Foreign Affairs to discuss the human rights situation in Iran. Both principles relating to capital punishment and individual cases were discussed during these talks.

Norway also seeks to demonstrate its support for countries that have taken steps to abolish the death penalty. More than half of the countries in the world have abolished capital punishment, either formally or in practice. It is important to support the current trend whereby more countries are abolishing or reducing their use of the death penalty.

4.3 Torture

The prohibition against torture is absolute. This follows from Article 3 of the ECHR, Articles 7 and 10 (1) of the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Special global and regional monitoring mechanisms have been established, such as mechanisms for submitting complaints, commissions of inquiry and special rapporteurs for issues relating to torture.

4.3.1 Special penal provisions against torture

Torture is covered by the General Civil Penal Code's general penal provisions regarding offences against the person, deprivation of liberty, coercion, threats and the abuse of official authority. However, Norway has been criticised by the UN Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) for not having a special penal provision prohibiting torture based on a definition of torture consistent with Article 1 of the UN Convention against Torture. To comply with the Committee's recommendations, in Proposition No. 59 (2003-2004) to the Odelsting the Government proposed introducing a special penal provision prohibiting torture based on the definition of the act applied in the Convention against Torture. The new prohibition against torture, which was passed and came into force on 25 June 2005, was incorporated into section 117 a of the Penal Code.

4.3.2 The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

At the end of 2004 Norway reported on its implementation of the UN Convention against Torture. The report, which was Norway's fifth periodic report, was prepared by the Ministry of Justice. Before the report was sent to the UN Committee for the Prevention of Torture, it was submitted to the Norwegian NGO Forum for Human Rights. The report may be found on the Ministry of Foreign Affairs' human rights website (www.dep.no/ud/norsk/tema/mr/tilsyn/fn/tortur/032201-220038/dok-bn.html).

4.3.3 The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

The European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1987 established an independent committee of experts who must seek to prevent torture and inhuman or degrading treatment or punishment in member states. The committee must have unlimited access to prisons and other institutions of detention in all member states, and may have confidential interviews with detainees without the presence of witnesses. Norway ratified the Convention against Torture in 1989.

On the basis of its visits, the CPT draws up confidential reports containing its conclusions and recommendations to the authorities of the country concerned. These reports form the basis for a dialogue between the CPT and the authorities, and the authorities decide whether the reports are to be published. In cases where there is a concrete suspicion of reprehensible conditions, the CPT may make an unannounced visit to a country. In 2003 and 2004, the CPT visited several countries in Western and Central Europe, including France, Russia, Georgia, Turkey, Armenia, Finland, Sweden and the UK.

Norway was visited by the CPT in 1993, 1997 and 1999. On 30 November 2004 the CPT notified Norway that it was one of the states the Committee wished to visit in 2005. The CPT began its visit to Norway on 3 October 2005. Further information on the CPT and its visits to Norway may be found on the CPT web pages on Norway (<http://www.cpt.coe.int/en/states/nor.htm>).

4.3.4 Participation in multilateral forums and bilateral dialogues

The Norwegian authorities are concerned that measures to combat international terrorism have in certain countries led to a relativisation of the prohibition against torture. In the light of increasing reports of torture and other forms of cruel, inhuman and degrading treatment or punishment, Norway has repeatedly made use of its submissions to the UN and the OSCE in 2004 and 2005 to emphasise

that the prohibition against torture must be absolute.

In its bilateral contacts with the US authorities Norway has emphasised that the USA's treatment of prisoners in the Guantanamo camp and prisons in Iraq and Afghanistan must be in compliance with international law. We have stressed that prisoners must be treated in accordance with the limits defined by the Geneva Conventions and international human rights instruments, including the principle that everyone is entitled to a fair trial and that torture can never be accepted. We have also expressed our confidence that the US authorities will expose any criminal acts and that those responsible will be prosecuted.

4.4 Forced disappearances

4.4.1 Drafting of a new legal instrument

Since 2003 a working group under the UN Commission on Human Rights has convened annually to draw up a convention on the protection of all persons from enforced disappearances. In September 2005 the working group completed a draft of an autonomous new convention with its own monitoring mechanism. The draft provides a definition of forced disappearances and requires states to enact a special prohibition against involuntary disappearances. It also emphasises that forced disappearances may constitute a crime against humanity. The aim is for this to be a significant step towards combating impunity for the perpetrators of forced disappearances. The draft will now be sent to the UN General Assembly for adoption.

4.5 The International Covenant on Civil and Political Rights

In November 2004 Norway reported on its implementation of the International Covenant on Civil and Political Rights (ICCPR). The report, which was Norway's fifth periodic report, was prepared by the Ministry of Justice with contributions from the ministries concerned. Before the report was sent to the UN Committee on Human Rights, it was submitted to the Norwegian Centre for Human Rights (NCHR) and Norwegian NGOs for comment. The report may be found on the Ministry of Foreign Affairs' human rights web pages (www.dep.no/ud/norsk/tema/mr/forankring/fn/032201-12032/dok-bn.html).

The UN Committee on Human Rights has informed Norway that the report will be examined in March 2006 at the Committee's 86th session. A group of Norwegian NGOs comprising the Norwegian Helsinki Committee, Plan Norway, the Norwegian Organisation for Asylum-Seekers (NOAS), the Norwegian Refugee Council, Save the Children Norway and the Human Rights House Foundation have drawn up a supplementary report (shadow report) to the governmental report. Their report may be found on the website of the Norwegian Helsinki Committee under "NGO forum" (<http://www.nhc.no/php/files/documents/NGOforum/2005/skyggerapportNGOforum2005.pdf>).



Schoolchildren in Vietnam



5

Democracy, Development and Civil Society

5.1 Democracy and elections

Elections are essential to democracy. Electoral campaigns, demonstrations and public debate are one aspect of the election process, while the technical proceedings are another. If democracy is to function satisfactorily, it is crucial to have well-functioning party organisations. At the same time, the parties must have the ability and possibility to channel the diverse interests in society into central decision-making processes.

5.1.1 *The Norwegian Centre for Democracy Support (NDS)*

The Norwegian Centre for Democracy Support (NDS) was established in 2002 on the initiative of the Government. The centre is politically neutral and its primary aim is to strengthen the emergence of representative, multi-party democracies and free elections in developing countries. Besides a secretariat, the centre consists of a council comprising representatives of the political parties represented in the Storting (the Norwegian parliament) and three independent members (the Norwegian Centre for Human Rights, the Christian Michelsen Institute (CMI) and the Norwegian Institute of International Affairs (NUPI)). The NUPI representatives resigned in 2004. The institute has been invited to appoint a new member.

Decisions regarding financial support are made by the Ministry of Foreign Affairs. Funding must be used to support the political parties represented in the Storting – and organisations affiliated with them – in their efforts to strengthen party-political organisations in Norway's main partner countries. Support can also be provided for activities in other partner countries. In particular, the centre is to support projects aimed at strengthening the participation of women and young people in the democratic process, the support of the local population for party organisations and contacts with the rest of civil society.

In 2004 and 2005 support was provided for several projects under the auspices of Norwegian political parties in Guatemala/El Salvador, Kenya, Uganda, Madagascar, Malawi, Nepal and the Palestinian Area. The NDS sent election observers to the elec-

tions in Malawi in May 2004. All the projects have had the common objectives of empowering women, reinforcing local democracy and increasing understanding of universal human rights.

The Norwegian Centre for Democracy Support was established as a pilot project. Having summed up the experience gained in 2005, the Government plans to continue to operate the centre after making certain adjustments to its administrative model. A report on the details of these plans will be prepared. Further information on the NDS is available on the Centre's website (<http://www.senterfordemokratis-totte.no>).

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

NORDEM was established in 1993 under the Norwegian Centre for Human Rights (then the Institute for Human Rights) with funding from the Ministry of Foreign Affairs. NORDEM is a recruitment and training mechanism that aims to provide qualified Norwegian personnel for international organisations that promote democratisation and respect for human rights. The personnel who are deployed through NORDEM have received training in human rights, democracy and work in the field. NORDEM also runs special courses for persons who are sent to other countries as election observers. NORDEM also has an important documentation function in that it prepares written reports on all assignments and projects. It works in close cooperation with the Norwegian Refugee Council, while the Ministry of Foreign Affairs provides most of its funding.

In 2004 and 2005 NORDEM received a large number of requests for personnel. Most of these requests came from the Organization for Security and Co-operation in Europe (OSCE) and the OSCE Office for Democratic Institutions and Human Rights. Several requests were also received from the EU Monitoring Mission (EUMM) in the Balkans and the United Nations Mission in Kosovo (UNMIK). The Ministry of Foreign Affairs requested that NORDEM recruit personnel for several EU election observer missions. Teams of

experts were also sent to monitor election processes without participating in an intergovernmental election observation mission. Reviews and evaluations are also carried out through NORDEM.

In 2004 and up to October 2005, 200 persons were deployed, representing a total of over 300 man-months. The proportion of men and women deployed is approximately equal. Around 60 per cent of NORDEM deployments are election-related. Further information on NORDEM may be found on the NCHR website (<http://humanrights.uio.no/nordem>).

5.1.3 The International Institute for Democracy and Electoral Assistance (IDEA)

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organisation with 23 member states. Norway is a member state and was elected Vice Chairman of the IDEA Council in summer 2005. The headquarters of the Institute are in Stockholm. In 2003 IDEA was granted formal observer status at the UN General Assembly.

IDEA's mission is to promote democracy and democratic development on a global basis, in part through free and fair elections. IDEA works internationally, nationally and regionally to assist new and long-standing democracies in developing and reinforcing democratic traditions and institutions. The organisation aims to develop practical means of strengthening the democratic process by publishing handbooks on electoral systems, election laws, party financing and voter participation. IDEA seeks to promote transparency, accountability and efficiency in election management, serve as a forum for researchers and political decision-makers and help to increase the population's understanding of the democratic process. IDEA focuses primarily on democracy-building and conflict management, strengthening the electoral process, developing political parties and promoting women's participation in the democratic process. While the organisation has primarily been active in Indonesia and Nigeria, IDEA operates on every continent. IDEA's total budget for 2004 was approximately EUR 11 million.

IDEA is headed by a secretary-general and a board of directors consisting of 15 members with Swedish former deputy prime minister and former foreign minister Lena Hjèlm Vallén as chairperson. Norwegian former minister and former head of the Conservative Party Kaci Kullman Five is a member of the Board. In summer 2005 the member countries agreed on a proposal to carry out a number of important organisational changes at IDEA. According to this proposal, real decision-making authority is to lie with IDEA's Council, which consists of all the member countries. It also calls for the Council to establish a committee that will be the organisation's governing body between Council meetings, and for a stipulation that only countries may be members of IDEA. The member countries are expected to formally adopt the organisational changes in the course of 2006. Further information on the organisation may be found on IDEA's website (<http://www.idea.int>).

5.2 Freedom of expression and freedom of opinion

The object of freedom of expression is to protect the search for truth, the freedom of individuals to form opinions and democracy. Freedom of expression and freedom of opinion are protected by Article 10 of the ECHR and Article 19 of the ICCPR. In principle, public authorities have a duty not to curtail freedom of expression. However, the scope of freedom of expression must be weighed against other rights, such as the right to protection from racial discrimination.

5.2.1 Article 100 of the Constitution of Norway

Freedom of expression is a fundamental right in most written constitutions in the western world. Article 100 of the Constitution of Norway has protected freedom of expression since 1814. Due to the need to reformulate the article, a new Article 100 was passed by the Storting on 30 September 2004. The article regulates the classical freedom of expression, freedom of information, the right to remain silent and the principle of public access to information.

A core issue in the debate on freedom of expression concerns the limitations on freedom of expres-

sion that a constitutional provision should allow. The object of the amendment was to strengthen protection of political utterances and reduce the legal safeguards against defamation in accordance with the case law of the Supreme Court and the European Court of Human Rights. A further object was to make it possible to increase protection against hateful, threatening statements against minorities.

Article 100, sixth paragraph, of the Constitution affirms the duty of the State to facilitate open, well-informed public debate, i.e. the infrastructure requirement. Cultural and media policy are important aspects of the authorities' efforts to fulfil this responsibility.

5.2.2 Section 135 of the General Civil Penal Code regarding racist expression

Section 135 a of the General Civil Penal Code, which authorises penalties for racist and other hateful utterances was amended by the Act of 3 June 2005 No. 33. The amendments will come into force on 1 January 2006.

The main effects of the amendments are to extend the scope of the provision, lower the criterion of guilt to also encompass gross negligence and increase the maximum penalty to three years' imprisonment. The aim of the provision is to provide more effective, comprehensive protection against serious discriminating utterances than was previously the case. The amendments are a follow-up of the signals issued by the Government and the Storting in connection with the debate in 2004 on the provision on freedom of expression in Article 100 of the Constitution. These signals indicated that protection against racist and other hateful utterances should be strengthened.

5.2.3 The statement of the UN Committee on the Elimination of Racial Discrimination regarding the Sjølie case

In its statement of 15 August 2005, the UN Committee on the Elimination of Racial Discrimination concluded that the acquittal of Terje Sjølie in the criminal case tried in 2002 was contrary

to the UN Convention on the Elimination of All Forms of Racial Discrimination.

The grounds for the statement of the Committee are that the Supreme Court, in a plenary session on 17 December 2002, acquitted Terje Sjølie of contravening section 135 a of the Penal Code (the "racism section"). He had made highly derogatory and insulting statements about Jews and immigrants in a speech at a neo-Nazi demonstration in Askim in August 2000. In acquitting him, the Supreme Court attached significant weight to the consideration of freedom of expression.

A complaint regarding the acquittal was submitted to the UN Committee on the Elimination of Racial Discrimination by two Jewish communities in Norway, the Anti-Racist Centre and three private individuals. The Committee has expressed the opinion that the acquittal is in breach of Norway's duty pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination to prohibit certain categories of racist expression. Norway has a time limit of six months to assess whether it is necessary to take any action beyond what has already been done.

The Minister of Justice has stated that the Norwegian authorities – both the prosecuting authority and courts of law – will, when interpreting section 135 a of the Penal Code, attach importance to the statement of the UN Committee on the Elimination of Racial Discrimination. In accordance with the Committee's wishes, the Ministry of Justice will ensure that its statement is widely disseminated, including to the prosecuting authorities and courts of law. The ministry will also consider the Committee's statement closely to determine whether it is necessary or appropriate to take action beyond the statutory amendments that have already been passed. The statement may be found on the Ministry of Foreign Affairs's human rights website (<http://odin.dep.no/filarkiv/255266/mrklage.pdf>).

5.2.4 Political advertising

In Report No. 26 (2003-2004) to the Storting on amending Article 100 of the Constitution, the Government proposed to repeal the absolute prohi-

bition of television advertisements for political messages and philosophies. In the Government's opinion, such advertising can have a positive democratic function in that it provides an opportunity for direct, unedited communication between the person expressing himself and his viewers. At the same time, it is essential to establish a regulatory system to reduce the unfortunate effects that such advertising can have. The Democracy Funding Committee was therefore charged with examining certain aspects of the regulation of party-political advertising. In Norwegian Official Report 2004: 25 Penger teller, men stemmer avgjør (Money Counts, but Votes Decide), the Committee recommended maintaining the general prohibition, but outlined various models for exemptions from the ban during a limited period prior to elections. In May 2005, the Ministry of Culture and Church Affairs circulated a proposal for an amendment to the Broadcasting Act for consultative comment. It proposed repealing the general prohibition of television advertising for philosophies and political messages and replacing it with a time-limited prohibition in connection with elections. The deadline for comments expired on 15 August 2005.

5.2.5 Saami media

The public authorities have a special responsibility for facilitating freedom of expression and participation in the democratic process for minorities. Saami newspapers receive grants from a special item in the budget of the Ministry of Culture and Church Affairs. In considering Report No. 33 (2001-2002) to the Storting supplementing Report No. 55 (2000-2001) to the Storting on Saami policy, the Storting recommended greater reorientation of the grant towards Saami language newspapers. However, a majority of the members of the Standing Committee on Local Government emphasised that an increase in the grant for Saami language newspapers must not be financed by reducing the support for Saami newspapers written in Norwegian. A majority of the members of the Standing Committee also recommended providing public funding for inserts in Lule Saami in local Norwegian-language newspapers.

The Ministry of Culture and Church Affairs circulated amendments to the regulations on Saami news-

papers for consultative comment. The regulations were subsequently adjusted in accordance with the Storting's stipulations, and revised regulations will come into force in autumn 2005. The regulations authorise the provision of grants for inserts, etc. in the Lule Saami language in newspapers that, in principle, are not covered by the regulations' definition of a Saami newspaper. The grant scheme will be expanded to include inserts, etc. in the South Saami language.

In June 2004 the General Meeting of the Norwegian Broadcasting Corporation (NRK) stipulated in the corporation's statutes that NRK's national radio and television programming must include programmes for national and language minorities. The Norwegian Media Authority is responsible for monitoring compliance with the NRK statutes.

5.2.6 Amendments to the Media Ownership Act

Under the Media Ownership Act, the Media Authority has the power to intervene in the acquisition of interests in broadcasting and newspaper enterprises. The purpose of such intervention is to "promote freedom of expression, genuine opportunities to express opinions and a comprehensive range of media". Proposed statutory amendments were passed by the Storting in November 2004 and brought into force at the end of 2004. The purpose of the amendments was to maintain the Media Ownership Act as an effective tool for the protection of media diversity and freedom of expression, without intervening too strongly in the economic activities of media enterprises. Among other things, an amendment was passed which raised the limit for ownership at national level from 1/3 to 40 per cent of the markets for newspapers, television and radio. At the same time, new provisions were passed regarding multimedia concentration (cross-ownership in several media sectors).

5.2.7 Guidelines for support for free media in developing countries

In 2005 Norway introduced new guidelines for Norwegian media support for developing countries, which stipulate that support is to be concentrated on free, independent media in Norway's partner coun-

tries. The goal is to reinforce efforts to promote greater transparency, democracy and good governance, among other things by combating corruption. Media support must contribute not only to ensuring the diversity, relevance and availability of media, but also to the media's possibilities of accessing information, checking it and ensuring its reliability.

5.2.8 The World Summit on the Information Society (WSIS)

The development of modern information technology has a significant impact on virtually every area of society. Besides offering better opportunities for disseminating knowledge and information, it has a far-reaching effect on economic, cultural and other human relations. This opens up vast opportunities, but can also create greater disparities due to unequal access to technology. This trend also gives rise to other issues of a political nature, including the question of the management and control of electronic media. In response to some of these challenges, the International Telecommunication Union (ITU) took the initiative in 1998 of organising a summit meeting on the information society. This process culminated in the World Summit on the Information Society (WSIS).

The WSIS is taking place in two stages. The first major meeting was held in Geneva in December 2003, while the second is to be held in Tunis in November 2005. In the period between these meetings, preparatory work will be carried out in Geneva.

Norway has considered it important to emphasise freedom of expression within the framework of WSIS, a concern that was underscored in Norway's opening submission in 2003. In 2004 Norway pointed out to the Tunisian authorities that their role as hosts of the summit entails an obligation to ensure freedom of expression for the Tunisian people. Norway has also financed the participation of a delegation of Tunisian human rights organisations during the preparatory process in Geneva.

5.3 Freedom of religion and belief

Freedom of religion is not just a question of protecting an individual's religion, but also his or her right to express that religion in public and with other people. Freedom of belief, on the other hand, covers humanist approaches or the right not to have any belief or religion. Freedom of religion or belief is mentioned in a number of international instruments, including Article 9 of the European Convention on Human Rights and Article 18 of the International Covenant on Civil and Political Rights.

5.3.1 Report on the relationship between State and Church

A committee appointed by the Council of State on 14 March 2003 is examining the relationship between State and Church. The purpose of this study is to provide a basis for deciding whether the Norwegian state church system should be maintained, reformed or discontinued. The committee is to present its decision by the end of 2005.

5.3.2 Religion as grounds for discrimination in a new Anti-Discrimination Act

In December 2004, the Government presented Proposition No. 33 (2004-2005) to the Odelsting on the Act on prohibition of discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act). The bill was passed by the Storting on 3 June 2005.

The bill was a continuation of Norwegian Official Report 2002: 12 *Rettslig vern mot etnisk diskriminering* (Legal Protection against Ethnic Discrimination). Work on the bill was originally limited to preparing a bill on discrimination based on ethnicity. However, the Government subsequently wished to expand the statute to include discrimination based on religion or belief. A proposal to this effect was circulated for public comment, and comments were to be submitted by 28 January 2004. The consultation document pointed out that the current protection against religious discrimination that is provided by the Human Rights Act is not as effective as the protection that will result from the proposed new Anti-Discrimination Act. It was further argued that there is growing xenophobia in Norway in respect

of certain religious minorities as a result of the terrorist attacks on the USA on 11 September 2001. This entails a need for stronger protection against discrimination based on religion or belief as well. After the consultation process was completed, the proposal was maintained in the bill that was ultimately presented by the Government to the Storting. Religion has now been included as one of several grounds for discrimination in section 4, first paragraph, of the bill (see item 7.4.1 below).

5.3.3 The statement of the UN Committee on Human Rights concerning the CKREE subject

In a statement dated 3 November 2004, the UN Committee on Human Rights concluded that the system of limited exemption from the primary school subject Christian Knowledge and Religious and Ethical Education (CKREE) was in breach of Article 18, no. 4, of the International Covenant on Civil and Political Rights.

The background for the statement of the Committee is that the Supreme Court on 22 August 2001 heard a civil suit presented by parents claiming that the CKREE subject with a limited right of exemption constituted a breach of Norway's international legal obligations to protect freedom of religion and belief. The Supreme Court did not find the limited right of exemption to be in breach of the invoked treaty provisions.

The Court's judgment for the State was appealed to the UN Committee on Human Rights by the parents of four pupils, all of whom claim to be victims of Norway's violations of Articles 17, 18 and 19 of the International Covenant on Civil and Political Rights. The Committee states that, in its opinion, there has been a violation of Article 18, paragraph 4, of the convention, regarding the liberty of parents to provide for the religious and moral education of their children in conformity with their own convictions. The Committee is also of the opinion that it does not need to consider additional issues under other parts of Article 18, or Articles 17 and 26 of the Covenant. Norway was given a time limit of three months to consider necessary measures.

The Government has made an administrative decision, within the time limit granted, to the effect that necessary statutory amendments will be carried out to ensure that the CKREE subject does not provide opportunities for preaching or practising a religion, and to ensure that the system of limited exemption can be implemented in practice in a non-discriminatory manner. A decision was also made concerning the preparation of a new curriculum for the CKREE subject that will take account of the statutory amendments. Full exemption from the subject until the new curriculum was established for use in schools was also authorised. The necessary statutory amendments were passed by the Storting in June 2005. A new curriculum has been established for use from the 2005/2006 school year, and in-service training courses in the new CKREE subject have been arranged for school teachers. The statement by the UN Committee on Human Rights may be found on the following website: http://www.bayefsky.com/./doc/norway_t5_iccpr_1155_2003.doc

5.3.4 The Oslo Coalition on Freedom of Religion or Belief

The Oslo Coalition on Freedom of Religion or Belief (the Oslo Coalition) is based on the Oslo Declaration on Freedom of Religion or Belief of 1998. The Coalition consists of a broad range of participants from research institutions, religious and belief communities, non-governmental organisations, public administrative agencies and political parties. The Coalition engages in projects in cooperation with various countries. Key to its activities are dialogue and cooperation through inter-faith conferences and meetings and support for practical inter-religious cooperation at the local, regional and national levels.

Since the start of the Oslo Coalition, the Ministry of Foreign Affairs has provided substantial support for the organisation's work. An important milestone was reached in 2004 with the publication of the book "Facilitating Freedom of Religion or Belief: A Deskbook". A large number of copies of the book have been distributed free of charge to researchers, educational institutions, NGOs and religious communities.

Another important project is called “New Directions in Islamic Thought and Practice”. The purpose is to promote Islamic reform thinking that is in accordance with international human rights instruments. An international workshop and public meeting on the topic “Equality and Plurality” was held in Jogjakarta, Indonesia in 2004. Similar meetings were held in Sarajevo in May 2005 under the title “The Changeable and Unchangeable in Islamic Thought and Practice”. The women’s perspective is a key element of the project, which comprises a separate sub-project on women, Islam and freedom of religion. Further information on the work of the Oslo Coalition may be found on the organisation’s website (<http://www.oslocoalition.org/>).

5.3 Education and research

The right to education is enshrined in Article 13 of the International Covenant on Economic, Social and Cultural Rights, Article 2 of Protocol No. 1 to the European Convention on Human Rights and Article 18, paragraph 4, of the International Covenant on Civil and Political Rights. The Convention on the Rights of the Child further elaborates on what this right entails.

5.4.1 How human rights are dealt with in new curricula under the Knowledge Promotion Reform

In the new subject curricula introduced in August 2005 in connection with the Knowledge Promotion Reform, there is great emphasis on democracy, citizenship and human rights. This perspective is an integral part of relevant subject curricula, and is enshrined in the Quality Framework.

The Quality Framework was proposed in Report No. 30 (2003-2004) to the Storting: *Culture for Learning* and will have the status of regulations. It is proposed that schools and apprenticeship workplaces should “stimulate pupils and apprentices’ personal development, and assist them in the development of social skills and the ability to understand the democratic process and democratic participation”. The Quality Framework defines fundamental principles and

requirements that are to be binding on and influence all schools and other educational institutions. The Quality Framework clarifies the responsibilities of schools and apprenticeship workplaces, and commits schools to providing pupils with training in active citizenship.

In the Social Studies curriculum for primary and lower secondary schools, the purpose of the subject is formulated as follows: “The purpose of the Social Studies subject is to promote understanding of and support for fundamental human rights, democratic values and equality, and encourage active citizenship and democratic participation.” The curriculum places great emphasis on knowledge of democracy and the importance of discussion and debate in the classroom. This approach is similarly included in the curricula for other relevant subjects, such as Norwegian in primary and lower secondary schools, aesthetic subjects, the common core subject Social Studies, the common core subject Religion and Ethics and in the social science program Politics and Society in upper secondary education programmes that qualify pupils for higher education.

5.4.2 The Centre for Studies of the Holocaust and Religious Minorities in Norway

The Centre for Studies of the Holocaust and Religious Minorities in Norway was established in 2001 on the initiative of the Ministry of Education, Research and Church Affairs. The Centre is a foundation with its own board of directors under the University of Oslo. The Centre’s basic capital is part of the compensation paid for Jewish property that was confiscated during World War II. In January 2005 the Centre moved into Villa Grande on Bygdøy, Oslo. The Centre is now engaged in the comprehensive process of completing a permanent exhibition that will be opened officially in August 2006. Work is also in progress on developing a department for documentation and education, and the Centre is well on its way towards establishing a dynamic environment for researchers and students. Further information on the Centre may be found on its website (<http://hlsenteret.no>).

5.4.3 The Task Force for International Cooperation on Holocaust Education, Remembrance and Research

The Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF) was established on the initiative of Swedish Prime Minister Göran Persson. The ITF currently has 20 member countries; Norway was admitted as a member in December 2003. Several other countries are affiliated with the work of the ITF as liaison project countries. The ITF's mandate is to promote cooperation on Holocaust education, remembrance and research. The work of the ITF is founded on the Declaration of the Stockholm International Forum on the Holocaust, which was adopted in 2000.

The ITF carries out its work within the framework of two plenary sessions per year which are attended by representatives of the public authorities and a wide range of research institutions, museums, etc. Work is also carried out by specialised working groups on research, education, memorials and information. The Centre for Studies of the Holocaust and Religious Minorities in Norway plays an important role, in cooperation with the Ministry of Foreign Affairs, in connection with Norway's participation in the ITF. In addition to representatives from the Ministry and the Centre, the Norwegian delegation to the ITF consists of a representative from the Directorate of Education and a representative from the Falstad Centre in Levanger. Italy chaired the ITF in 2004, after which the chairmanship was taken over by Poland in 2005. Further information on the ITF may be found on its website (<http://taskforce.ushmm.org>).

5.4.4 Norwegian development cooperation

The Norwegian strategy to promote education through Norwegian development cooperation, "Education, the First Priority", was launched in 2003. The strategy has a strong human rights perspective in which the right to basic education is a core concern. As part of the international efforts to achieve the Millennium Development Goals regarding education by 2015, the strategy focuses mainly on increasing Norwegian support for education.

Education is a main priority in Norwegian cooperation with its partner countries Afghanistan, Angola, Bangladesh, Eritrea, Mali, Madagascar, Nepal, Pakistan, Tanzania, Vietnam, Zambia and the Palestinian Area. In addition, support is channelled through non-governmental organisations, multilateral agencies and individual projects and programmes. NGOs play a special role in several countries in focusing attention on and helping to reach groups that fall outside the formal school system. Norway also actively supports the United Nations Girls Education Initiative (UNGED), which is the UN initiative to increase commitment to and focus on girls' right to education. The Norwegian support for education that is channelled through UNICEF also focuses strongly on strengthening girls' access to and participation in education.

Support for the education sector is primarily concentrated on basic education, but it is a goal to contribute towards the coherent development of the sector. Sectoral cooperation and harmonisation of support for the sector are therefore key priorities. Technical and professional dialogue with partner countries is an important instrument in ensuring focus on areas in which Norway takes a particular interest, such as vulnerable groups. In Vietnam, a country where considerable progress has been made towards achieving universal basic education, development cooperation and dialogue are linked to the challenges the country faces in seeking to reach population groups that still lack education. These groups consist primarily of ethnic minorities, inhabitants of outlying districts, girls and persons with disabilities.

5.5 Building civil society

Non-governmental organisations, the media and autonomous research institutions supplement government responsibility for and involvement in the promotion of human rights. Independent, active NGOs help to expose human rights violations, disseminate information and exert influence on authorities in Norway and other countries. Norwegian human rights organisations provide the authorities with ideas and inputs and contribute to the formulation of Norwegian policy, both national and international.

Norwegian NGOs were also the main channel for assistance for civil society in developing countries in 2004 and 2005. The role played by these stakeholders and their support among the Norwegian public enable them to make a valuable contribution towards increasing the capacity and strengthening the activities of their partners in developing countries.

5.5.1 The Norwegian Human Rights Fund

The Norwegian Human Rights Fund is owned by Norwegian Church Aid, Norwegian People's Aid, the Norwegian Centre for Human Rights, the Church of Norway Council on Foreign Relations, the Norwegian Confederation of Trade Unions, the Norwegian Red Cross, Save the Children Norway and Amnesty International Norway. The Ministry of Foreign Affairs and Norad participate in the Fund's executive committee as observers. The Fund provides support for projects and organisations in developing countries that lie outside the scope of other Norwegian support schemes. The organisations that receive assistance often work under extremely difficult conditions, and the Fund's mandate allows it to take a certain risk when allocating funds.

The Ministry of Foreign Affairs normally contributes around two-thirds of the Fund's capital. In 2003, its contribution totalled NOK 3.6 million. In addition, NOK 1 million, which was earmarked for human rights activities in Nigeria, was transferred through Norad in 2004. The Ministry contributed NOK 3.675 million in 2005. In 2004 and 2005 the Fund continued to give priority to Peru, Colombia, Nigeria, Zimbabwe, India, Pakistan and Liberia. Further information on the Fund may be found on its website (<http://www.nhrf.no/bokmal.htm>).

5.5.2 The Human Rights House Foundation

The fundamental premise of the Human Rights House Foundation is to bring strong, well-known local human rights organisations together under one roof, thereby strengthening civil society and human rights work in countries where human rights are violated. The role of the Foundation is to initiate activities and serve in an advisory capacity in the

start-up phase. The Foundation is also developing an international network to link the various human rights houses in order to promote the development of information and expertise.

There are currently human rights houses in Bergen, Oslo, Moscow, Sarajevo, Warsaw and London. Human rights houses are also being established in Azerbaijan, Colombia, Kenya, Uganda, Croatia, Turkey, Albania and Belarus (<http://www.human-rightshouse.org>).

In 2004 the Ministry of Foreign Affairs provided grants totalling NOK 5.4 million for feasibility studies in Azerbaijan and for operating costs, network-building and joint projects for the entire organisation. In 2005 grants totalling NOK 4.9 million were provided for feasibility studies in Azerbaijan and Colombia, and for operating costs, network-building and joint projects for the entire organisation. In 2003 the Ministry granted funding for an external evaluation of the work in connection with human rights houses. The evaluation is being carried out in 2005.

5.5.3 Norway's international efforts on behalf of human rights defenders

Norway has been involved in activities to support and protect human rights defenders for many years. Among other things, Norway played an important role in the process that culminated in the UN Declaration on Human Rights Defenders that was adopted in 1998. Norway is the main sponsor of the annual UN resolution on human rights defenders.

In 2000 a UN mandate was established for a special representative for human rights defenders. Hina Jilani of Pakistan has held this office for five years. In May 2005, the Ministry of Foreign Affairs and the Norwegian Centre for Human Rights jointly hosted an international seminar with emphasis on assessing the importance of the UN mandate and what players at different levels (international, regional and local) can do.

At the seminar, Norway emphasised that it wished to give further consideration to what Norwegian foreign missions can do to strengthen human rights



Journalists demonstrating in Kathmandu

defenders. To follow up this objective, guidelines will be drawn up for foreign missions in autumn 2005 with a view to systematising and reinforcing the work already being done in this field. The Ministry of Foreign Affairs will also seek to strengthen support mechanisms in Norway to ensure that relevant knowledge and advisory services are more easily accessible.

5.6 Rights-based development

There are clear links between development cooperation and the promotion of human rights. The realisation of civil, political, economic, social and cultural rights can free up forces in society that can foster development and improve people's quality of life and ability to contribute to social development. Development cooperation is largely a question of providing assistance to realise the rights enshrined in the international human rights treaties.

5.6.1 Fighting poverty together

The concept of rights-based development has become increasingly pivotal to the international debate on development in recent years. Norwegian development cooperation policy is premised on the fundamental assumption that all people are of equal value, as expressed in Report No. 35 (2003-2004) to the Storting: *Fighting Poverty Together*. The report affirms that a rights-based approach must be a key principle in development cooperation policy.

5.6.2 The Action Plan for Agriculture in Development Cooperation

The rights-based approach is also reflected in the Government's Action Plan for Agriculture in Development Cooperation Policy. The Plan, entitled *Fighting Poverty through Agriculture*, was presented in 2004 and entails a rights-based approach focused on the right to food, women's rights and the right of poor people to use and own land and water.

5.6.3 The High-Level Panel on the Legal Empowerment of the Poor

Billions of people, particularly in developing countries, have no formal rights and are thus deprived of legal protection. This also means that they do not have the right to use or own property, which is often a platform for an individual's economic development. Strengthening such rights can be an important tool in the fight against poverty and can contribute towards freeing up dormant capital in developing countries. Ensuring individual and collective economic legal safeguards can promote such a development.

Norway and the other Nordic countries and certain other supporters have taken the initiative of placing this issue higher on the global agenda. A new commission for the formalisation of poor people's user and property rights for the poor is being established in 2005.

The new commission, which is to complete its work in two and a half years, will focus on clearly defined areas. The rights of women, and indigenous peoples' relationship to user and property rights, will be among the issues examined. This process is to culminate in a recommendation and proposals for action to be taken by governments so that they can begin work on a reform process aimed at the legal

inclusion of the poor and reinforcement of the rule of law. The Norwegian member of the commission is Hilde Frafjord Johnson.

5.6.4 The relationship of international financial institutions to development cooperation

Ensuring a stronger rights-based approach in development cooperation is also an important element of Norway's work in multilateral development and finance institutions. Norway actively urges the World Bank and the regional development banks to acknowledge more clearly the connection between human rights and economic and social development. The banks adopt de facto a rights-based approach in connection with poverty reduction, which is a key objective of the work of all the banks, and when providing financial support for efforts to strengthen good governance. In autumn 2004 Norway, the World Bank and the Norwegian Centre for Human Rights arranged a seminar on human rights in the activities of the World Bank. Since the seminar, Norway has prepared a position paper on human rights and the World Bank on behalf of a Nordic-Baltic constituency group.



Tea party, Shetland



6

Life and Health

Human rights in the field of social conditions and health are protected most extensively by the International Covenant on Economic, Social and Cultural Rights of 1966, the International Covenant on Civil and Political Rights, the UN Convention on the Rights of the Child and the UN Convention on the Elimination of All Forms of Discrimination against Women.

6.1 Social security

6.1.1 *Reduced case processing time at the National Insurance Court*

In the past few years a number of steps have been taken to reduce the amount of time it takes the National Insurance Court to deal with a case. The goals set were almost achieved in 2004:

- In 2004 63 per cent of cases were dealt with within six months (the goal was 70 per cent).
- The average processing time was 5.2 months for cases decided in 2004 (the goal was five months).
- At the end of 2004, the National Insurance Court had only three cases that were older than 12 months and had not yet been dealt with (the goal was to have no cases older than 12 months). In all three cases, the appellant himself had requested that the case be suspended pending new information in the case.

The National Insurance Court works continuously to further improve its case processing time.

6.2 Health

6.2.1 *Revision of the Mental Health Care Act*

In June 2005 the Ministry of Health and Care Services circulated for consultative comment bills amending the Mental Health Care Act and the Patients' Rights Act. A fundamental concern prompting the two bills is the need to better safeguard the general rights of patients in mental health care. Statutory amendments have also been proposed in certain areas where the way the current legislation is implemented in practice has had negative consequences for patients, for instance, in the form of weaker legal safeguards. Based on the comments submitted by the consultative bodies, the

Ministry will consider whether there is a need to appoint a committee to carry out a broader-based, more general study of the need to amend the body of rules regarding coercion in health care and social services.

6.2.2 *Health care for patients who are not competent to give consent*

Providing a patient with health care against his or her will must be authorised by law. Under current health legislation it is not clear whether or to what degree coercion may be used in somatic medicine. Surveys and feedback from health services and other affected parties show that health care is provided to persons who are not competent to give consent and who resist such care. This applies in particular to health care for persons with dementia. To improve legal safeguards for this group of patients, the Ministry of Health and Care Services circulated a proposal for consultative comment in 2005 regarding amendments to the Patients' Rights Act relating to health care for patients who are not competent to give consent. The time limit for submitting comments expired on 14 June 2005. A proposition to the Odelsting is now being drafted for submission to the Storting.

The consultation document proposes amending the Patients' Rights Act to the effect that patients who are not competent to give consent and who resist care may be given health care when this is absolutely necessary in order to avoid serious injury. One of the most important goals underlying the bill is to formulate rules that are so clear that the use of coercion can be prevented and limited. To emphasise that coercion is the last resort, it is proposed that measures to gain the patient's trust must be tried first. It is also proposed that the use of coercion be subject to stringent conditions. The first condition is that failure to provide health care may lead to serious injury. Secondly, the health care must be regarded as absolutely necessary. Thirdly, the measures must be proportionate to the need for health care.

The consultation document states that:

- The bill applies to patients who are not competent to give consent and who resist health care.

- The bill covers the entire municipal health service, including nursing and care in addition to dental health services and specialised health services.
- The bill applies as a general rule to all forms of health care, except for the examination and treatment of mental illnesses, in which cases the Mental Health Care Act applies.
- The bill applies irrespective of diagnosis.
- The bill contains special provisions regarding appeal, review and controls.

6.3 HIV/AIDS

The HIV and AIDS epidemic has become a disaster of such vast dimensions that it threatens to destroy the foundation for development and poverty reduction in many countries. Reversing the spread of HIV and AIDS and other diseases that threaten mankind is one of the Millennium Development Goals. At the same time, combating HIV and AIDS is essential if the rest of the main development goals are to be achieved.

6.3.1 A threat to development

The HIV and AIDS epidemic threatens the economy, social fabric and security of weak nation states. It exacerbates poverty, assails human rights and particularly affects the very poorest members of the population and vulnerable groups such as women and children. Those who die are primarily people of working age. At the same time the number of orphans has multiplied in the past few years. Households consist of children and grandparents. When countries weakened by HIV and AIDS are struck by other crises, the impact is more prolonged and devastating. This effect has been evident in several countries in Southern Africa that have suffered food shortages. Whereas emergency relief was previously able to relieve hunger relatively quickly, HIV and AIDS make the problems a more persistent challenge. Hunger and HIV and AIDS are mutually reinforcing.

Despite the fact that HIV and AIDS have high priority in development cooperation, overall global efforts have been inadequate. It is estimated that around 40 million people live with HIV and around

20 million people have already died of HIV and AIDS-related illnesses. Sub-Saharan Africa is worst hit by the pandemic, while the number of newly infected persons is now growing fastest in countries such as China and India. The world is facing a global epidemic, i.e. a pandemic, that will necessitate massive, concerted efforts in the coming years.

6.3.2 Norwegian efforts

The fight against HIV and AIDS had high priority in Norwegian development cooperation in 2004 and 2005. The Government's efforts to combat HIV and AIDS are based on the 2001 UN Declaration of Commitment on HIV/AIDS. In 2003, this declaration was followed up by a resolution adopted by the UN General Assembly which focuses on protecting the rights of persons with HIV/AIDS through legislation, regulations and other measures.

Prevention through the dissemination of information, education and efforts to change attitudes is a factor of crucial importance in slowing the spread of HIV and AIDS in the poorest countries. At the same time, the treatment of HIV and AIDS patients has become an increasingly important part of overall efforts in the past few years, since steadily improving, cheaper medicines are now available that stabilise symptoms and ameliorate patients' quality of life and health. AIDS is now a chronic disease that can be alleviated, even though there are no curative medicines as yet. Prevention, treatment and care were therefore given equal priority in Norwegian policy on HIV and AIDS in 2004 and 2005. There has also been emphasis on an integrated approach. This means that the prevention and consequences of HIV and AIDS are considered when planning all development measures and integrated wherever relevant.

Norway's direct contribution for HIV and AIDS (where the primary purpose is to combat HIV and AIDS) accounted for around three per cent of total development assistance in 2005. These funds were divided between bilateral and multilateral support schemes. Most of the bilateral funds went to countries in Africa, while multilateral support was divided between UNAIDS (NOK 125 million), the Global Fund to Fight Aids, Tuberculosis and Malaria (GFATM) (NOK 126.5 million), the International



HIV/AIDS, South Africa

Partnership for Microbicides (IPM) (NOK 20 million) and the International Aids Vaccine Initiative (NOK 15 million). In view of the special challenges posed by the epidemic, Norway aims to increase the total amount of support provided, primarily to the GFATM, as well as funding to meet acute needs (such as the health personnel crisis).

The scope of the AIDS pandemic and the way in which it affects entire communities makes it necessary to adopt special instruments and to integrate dedicated strategies into long-term development measures. The large number of local and external players in the fight against HIV and AIDS in several countries has reduced the effectiveness of development assistance. Partly as a result of this situation, the principle of “the Three Ones” was launched at a high-level meeting in Washington DC in 2004. This principle calls for one national framework for AIDS management, one national body to coordinate efforts to combat HIV and AIDS, and one national monitoring and evaluation system.

In 2004/2005 Norway sought particularly to increase harmonisation, local ownership and national leadership. This process of harmonisation and adaptation was followed up by the Global Task Team (GTT) in March 2005, when a working group presented recommendations to improve international coordination and task-sharing, particularly between multilateral stakeholders. Norwegian groups have played a key role in the work in connection with the Three Ones and the GTT. Both the Three Ones and the GTT recommendations are consistent with the OECD’s Paris Declaration on Aid Effectiveness, and this process puts AIDS at the top of the harmonisation agenda.

6.3.3 The main challenges

Stigmatisation is one of the main obstacles to achieving results and must be combated. To do so effectively, we must cooperate with groups who are at risk and use measures that respect individuals’ basic rights and dignity. Every sector of society must be involved in the fight against HIV and AIDS. Norway regards it as important that people living with HIV and AIDS participate actively in planning and implementing programmes.

A steadily growing percentage of persons infected with HIV are women. The growing feminisation of the pandemic calls for the mobilisation of special efforts. There must be focus on instruments that help to ensure that HIV-negative women are not infected with the virus, and that HIV-positive women are better empowered to realise their full potential. In its political approach to HIV and AIDS, Norway has chosen to focus on young people, and especially young women. It is important to strengthen communication with vulnerable groups, and provide both preventive measures and treatment for these groups.

The serious lack of qualified personnel is a major problem for the provision of treatment for AIDS. It also affects health services and reduces the possibilities of achieving the health-related development goals. The WHO and UNAIDS have set a goal of providing treatment for three million persons with HIV in developing countries by 2005. In its dialogue with the WHO and UNAIDS, Norway emphasises the importance of ensuring that the very poorest, most vulnerable groups have access to such treatment. Norway wishes to focus particular attention on the health personnel crisis and the challenges posed by the AIDS pandemic for health sectors in developing countries.

6.4 Substance abusers

6.4.1 Implementation of the substance abuse reform

As a result of the substance abuse reform, responsibility for providing treatment for substance abusers, which previously lay with the county authorities (cf. section 7-1 of the Social Services Act), was transferred on 1 January 2004 to the central government as represented by the regional health enterprises. At the same time, these services were defined as specialised health services (cross-sectoral specialised treatment for substance abuse) regulated by health legislation. As a result, the Patients’ Rights Act now applies to this type of service. Substance abusers will therefore be entitled to treatment for their abuse and will have other rights as patients insofar as they satisfy the conditions for such rights pursuant to the Patients’ Rights Act.

6.5 The right to food

The right to food is protected under Article 11 of the International Covenant on Economic, Social and Cultural Rights.

6.5.1 *The Action Plan for Consumer Orientation of Food Policy*

The Action Plan for Consumer Orientation of Food Policy (2004-2005) is a joint plan for the Ministry of Agriculture and Food, the Ministry of Health and Care Services, the Ministry of Fisheries and Coastal Affairs and the Ministry of Children and Family Affairs. The Action Plan 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-related preferences. This is an important aspect of the right to food, as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights and further elaborated in General Comment No. 12.

6.5.2 *International guidelines*

In June 2002 the Food and Agriculture Organisation (FAO) of the United Nations arranged a summit meeting five years after the 1996 World Food Summit (WFS+5). At the summit it was agreed that voluntary guidelines were to be drawn up to support the efforts of member states to progressively realise the right to adequate food. As a result, in November 2002 an intergovernmental working group was established to elaborate a set of voluntary guidelines to support the progressive realisation of the right to adequate food in the context of national food security (Intergovernmental Working Group (IGWG)).

The IGWG concluded its work in September 2004. Its efforts resulted in a set of guidelines that will serve as a practical tool for realising the right to food at the national level.

The Ministry of Agriculture and Food follows up international efforts related to the implementation of the voluntary guidelines. One of the Ministry's objectives is for the FAO to give priority to providing resources to ensure application of the voluntary guidelines by member states. The Ministry has also participated in a workshop entitled *The*

Implementation and Monitoring of Rights-based Development in the Context of the Voluntary Guidelines on the Realisation of the Right to Adequate Food, which was held in September 2005 under the auspices of the International Project on the Right to Food in Development (IPRFD).

6.6 Culture and science

6.6.1 *The Strategic Plan for Norwegian Cultural and Sports Cooperation with Countries in the South*

Cultural cooperation with developing countries is based on the premise that cultural rights are part of universal human rights. In this lies recognition of the fact that every people has the right to develop and practice its own culture, and that every culture has values that must be respected and preserved. Support for culture through development cooperation is intended to promote human rights in general and freedom of expression in particular, through cultural exchanges and by building up institutions that are important for a free and diversified cultural life. Support for culture is also provided through multilateral channels, primarily for UNESCO's international activities. A special strategic plan for Norway's cultural and sports cooperation with developing countries was presented in 2005.

Cultural cooperation is aimed at strengthening the framework conditions for participation in and production, consumption and/or conservation of culture in Norway's partner countries. A number of projects and programmes in the cultural sphere will also be directly linked to other policy areas such as peace and reconciliation, good governance and human rights in general. Cultural cooperation promotes dialogue, knowledge and respect across established political and cultural or religious divisions and creates broad interfaces and alternative channels for various target groups for Norwegian development policy. These include such opinion formers and agents of change as artists, cultural workers and intellectuals.

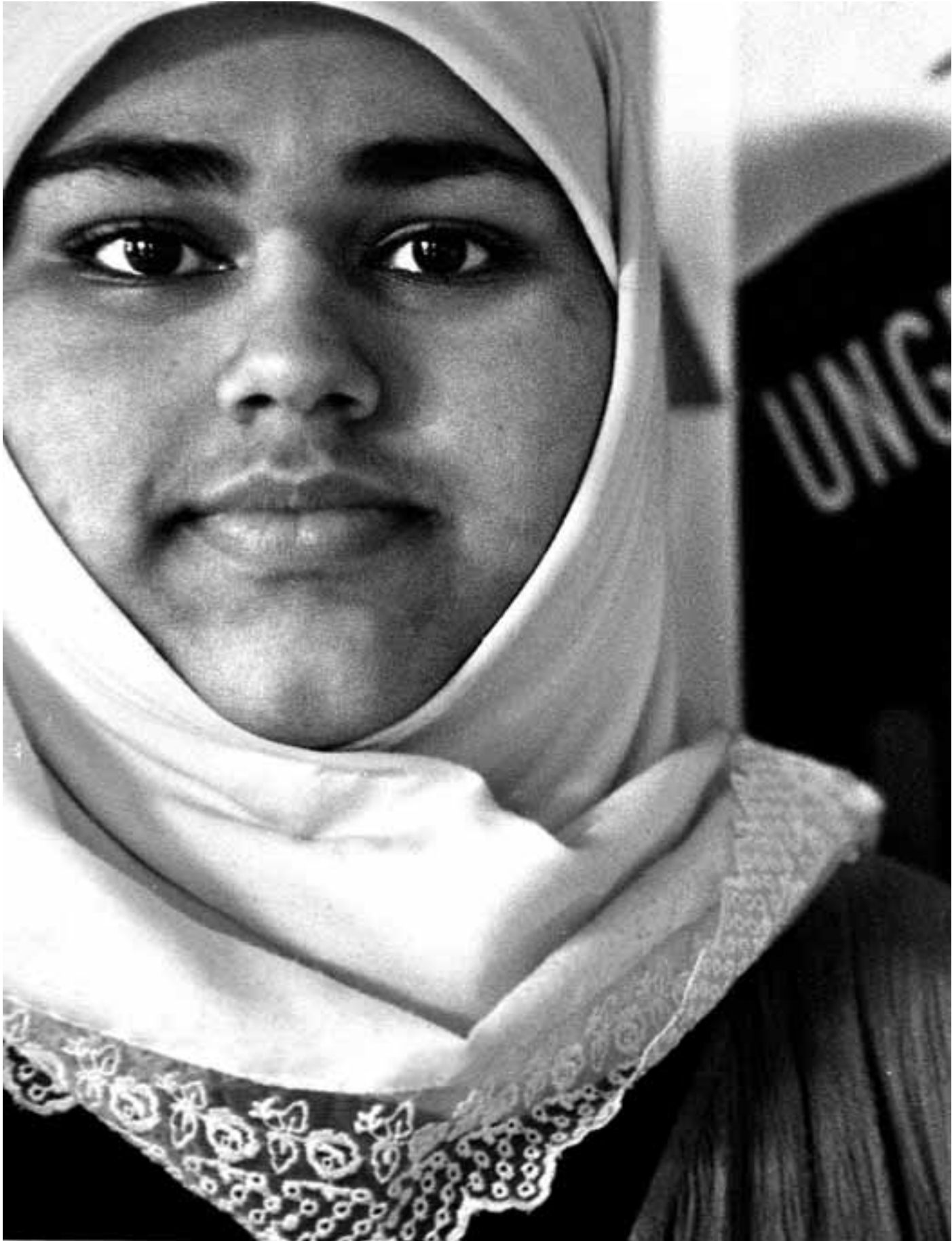
The Ministry of Foreign Affairs' new strategy covers cultural cooperation (artistic activities, media development, intellectual contacts and the protection and

promotion of cultural heritage) and sports cooperation. The aim is to strengthen cultural and sports cooperation on the basis of the following main conclusions:

In the cultural sphere, a sector approach is to be adopted in providing support for infrastructure in relevant partner countries that give priority to culture in their own plans and strategies. The practical and financial consequences of a sector approach will be studied in 2006, with pilot projects in two or three partner countries. Cultural exchanges (North-South and South-South) will be intensified and cooperation with groups of experts will be further developed. Cultural cooperation with UNESCO will be continued. All forms of cultural cooperation (bilateral and multilateral) are to focus on the following thematic priorities: artistic cooperation, protection and promotion of cultural heritage,

freedom of expression and copyright, cultural and peace-building activities, intercultural dialogue, culture and private sector development, and the development of media in developing countries.

In the sphere of sport, focus on broad sport is intended to ensure maximum access to and participation in appropriate forms of physical activity for all ("sport for all"). The sport dimension will be integrated into selected priority sectors such as education, health, HIV and AIDS, civil society and peace-building/conflict prevention work. A major challenge consists of striking the right balance between development policy goals (utility value) and the intrinsic value of sport activities. The Norwegian Confederation of Sport and the Norwegian Olympic Committee, the Norwegian Football Association and the organisation Right to Play are cooperation partners.



Antiracist Centre, Oslo



7

Equality and Equal Status

7.1 A new mechanism for efforts to combat discrimination and promote equality

In May 2005, the Storting passed an Act establishing an Equality and Anti-Discrimination Ombud and an Equality and Anti-Discrimination Tribunal. The Ombud and the Tribunal will become effective on 1 January 2006.

The new mechanism will encompass the existing equality apparatus, which includes the Gender Equality Centre, the Gender Equality Ombud, the Gender Equality Appeals Board and some of the functions of the Centre for Combating Ethnic Discrimination.

A common mechanism will intensify efforts to eliminate discrimination and promote equality by realising greater professional synergies, utilising resources more effectively and achieving greater authority and visibility than is possible at present with the small, separate bodies in this field.

The Ombud is to enforce the Gender Equality Act, the Anti-Discrimination Act, the chapter on equal treatment in the Working Environment Act and the prohibitions against discrimination in housing legislation. In the longer term, the activities of the Ombud may cover discrimination based on other grounds, such as protection from discrimination for disabled persons. The Ombud is also to monitor Norwegian law and administrative practice to ensure that they are in accordance with Norway's obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.

The Ombud must actively promote greater equality in society. The Ombud is also to disseminate information to the general public, and offer support and guidance to public bodies, and to non-governmental and voluntary organisations that work to promote equality and combat discrimination. For instance, the social partners, schools and associations can seek advice and guidance from the Ombud.

The Ombud is also to monitor the nature and scope of discrimination, and contribute towards developing expertise on and disseminating knowledge of equality.

The Tribunal is to deal with opinions given by the Ombud which are appealed to the Tribunal or which the Tribunal itself has requested be brought before it. The decisions of the Tribunal are binding on the parties concerned. The Tribunal has authority to impose a coercive fine on the discriminating party until the discriminating act ceases. This authority is expected to increase the effectiveness of anti-discrimination legislation.

7.2 New prohibitions against discrimination in selected fields

7.2.1 A new prohibition against discrimination in housing legislation

On 1 January 2004 a prohibition against discrimination came into force in housing legislation. The prohibition has been included in section 1-8 of the Tenancy Act, section 1-5 of the Housing Cooperative Act, section 1-4 of the Cooperative Housing Association Act and section 3 a of the Owner-Tenant Act. The new statutory provisions cover discrimination based on creed, skin colour, language skills, national or ethnic origin, or homosexual tendency, life style or orientation. The purpose of the prohibition is to prevent different treatment or discriminating conditions in connection with the lease, sub-lease, purchase or sale of housing.

7.2.2 New rules regarding equal treatment in the Working Environment Act

New rules regarding equal treatment in working life came into force on 1 May 2004. The rules have been included in the new chapters X A and X B of the Working Environment Act. The provisions ensure the continuation of existing law as well as the implementation of Council Directive 2000/78/EF.

The main provision prohibiting different treatment is set out in section 54 b. The prohibition applies to all aspects of the employment relationship, from the time employment begins to the time the employment relationship ends. It covers different treatment based on gender, religion, belief, skin colour, national or ethnic origin, political opinion, membership of an employee organisation, sexual orientation, disability or age.

A special provision has been included in section 54 f regarding the adaptation of work for employees with a disability. Unless the measures entail a disproportionately heavy burden, the employer has a duty to initiate measures to enable disabled employees to a) obtain or keep work, b) perform and advance in work and c) have access to training or other forms of human resource development. The purpose of the provision is to encourage employers, to the extent that it is possible and reasonable, to adapt work for employees with disabilities.

From 1 January 2006, the statutory regulation of discrimination based on ethnicity, religion and belief in working life will be moved from the Working Environment Act to the new Anti-Discrimination Act (see item 7.4.2). This constitutes the implementation of Council Directive 2000/43/EF.

7.2.3 Confiscation of licences to sell alcoholic beverages in the event of repeated discrimination

On 11 June 2004 the Government presented a bill (Proposition No. 86 (2003-2004)) proposing several amendments to the Alcohol Act. One of the proposals opens for the possibility of confiscating an establishment's licence to sell alcoholic beverages if there are repeated incidents of discrimination at the establishment based on grounds mentioned in section 349 a of the General Civil Penal Code. This covers discrimination based on religion, skin colour, national or ethnic origin or homosexual tendency, life style or orientation. The bill has been passed by the Storting and came into force on 1 July 2005. The new provision has been added in section 1-8, third paragraph, of the Alcohol Act.

7.3 Gender equality

Women's assumption of positions of power and entry into the public arena is a significant factor in the development of democracy and human rights. Women in Norway have attained a relatively strong position in political leadership, but less progress has been made as regards women's influence and representation in business and industry, the media, the church and the justice sector. This impression was confirmed by the conclusions reached in the Official Norwegian Report on Power and Democracy.

7.3.1 The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

In May 2005 the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Optional Protocol were incorporated into Norwegian law by means of an addition to the Gender Equality Act. As part of the process of adapting Norwegian legislation to the Convention, the Marriage Act was amended by the introduction of a provision that emphasises and highlights the fact that marriage must be entered into voluntarily. The purpose of the incorporation is to strengthen the legal status of the Convention in Norway. Under international law, Norway has already been obliged to comply with the Convention for several decades, but the incorporation of the treaty is a clear signal that the Convention is a key human rights instrument in the efforts to combat discrimination and achieve gender equality.

As a State party to the UN Convention on the Elimination of All Forms of Discrimination against Women, Norway is obliged to submit regular reports on measures that have been carried out and on the progress that has been made in fulfilling the obligations imposed by CEDAW. The reports are submitted to the Committee for the Elimination of All Forms of Discrimination against Women, the body responsible for monitoring implementation of the Convention. The CEDAW Committee examined Norway's latest periodic report in January 2003. Norway will submit its next report in September 2006. Previous reports may be found on the Ministry of Foreign Affairs' human rights website (<http://odin.dep.no/ud/norsk/tema/mr/tilsyn/fn/kvinner/032201-990014/dok-bn.html>).

7.3.2 Gender representation on the boards of directors of state-owned enterprises, state-owned limited companies, hybrid state-owned companies established by law and privately-owned public limited companies

To strengthen the position and influence of women in business and industry, the Storting has adopted an Act requiring state-owned enterprises, state-owned limited companies, hybrid state-owned companies established by law and public limited

companies to have each sex constitute at least 40 per cent of the members of their boards of directors. As regards state-owned enterprises, the statutory amendment came into force on 1 January 2004. In the case of privately-owned public limited companies, the Act will not be implemented if business and industry manage to meet the target of 40 per cent women board members on a voluntary basis by 1 July 2005. Figures provided by Statistics Norway (SSB) show that as of 1 July 2005 there were 519 privately-owned public limited companies in Norway. Of these, 68 (13.1 per cent) satisfied the statutory requirement regarding gender representation. The proportion of women members on the boards (both shareholder-elected and employee-elected) of Norwegian privately-owned public limited companies was 15.5 per cent.

7.3.3 Gender representation in publicly appointed committees, boards, councils and delegations

Pursuant to section 21, fifth paragraph, of the Gender Equality Act, amendments were made by the Royal Decree of 20 May 2005 to the Regulations on representation of both sexes in state committees, boards, councils, delegations, etc. In July 2005 the Ministry of Children and Family Affairs sent out a circular regarding the enforcement of the new regulations.

For committees with less than 10 members, a specific minimum number of members of each sex must now be appointed, instead of the required minimum percentage. For publicly appointed committees, boards, councils or delegations consisting of two or three members, both sexes must be represented, and when there are four or five members, each sex must be represented by at least two members. If the committee consists of six to eight members, there must be at least three members of each sex, and if the committee has a total of nine members, there must be at least four members of each sex. If the committee has more than nine members, each sex must represent at least 40 per cent of the members. Only the Ministry of Children and Family Affairs can now grant a dispensation from the gender representation requirement. The power to grant exemptions from

the statutory requirement of gender representation must be exercised strictly.

7.3.4 Equal status between parents with regard to maternity and adoption benefits

The National Insurance Act was amended as from 1 January 2005 to the effect that fathers are to receive wage compensation while taking the father's quota of parental leave based on their own full-time or part-time job, regardless of whether the mother had full-time or part-time employment prior to giving birth. As a result of this amendment, the father's wage compensation during his quota of leave will no longer be reduced if the mother worked in a 50-75 per cent position prior to giving birth. To increase the share of maternity and adoption benefits received by the father, the father's quota of leave was extended by one week to a total of five weeks, with effect from 1 July 2005, by extending the benefit period.

7.3.5 The Strategy for Women and Gender Equality in Development Cooperation

The priorities for efforts targeting women and gender equality are defined in the Strategy for Women and Gender Equality in Development Cooperation (1997-2005). The Norwegian strategy emphasises the integration of the interests of women and gender equality in all activities ("mainstreaming"), as well as measures that target women directly. The Strategy also covers areas of key importance in empowering women and increasing their opportunities. The Strategy serves as guidelines for Norwegian efforts in Norway and other countries.

Human rights are one of the Strategy's priority areas. The aim is for Norwegian development assistance to contribute to formal equality and promote the accession of every country to the UN Convention on the Elimination of All Forms of Discrimination against Women. Development assistance is to focus on measures that reduce violence against women and ensure that a discussion of women's rights is a part of Norway's dialogue with partner countries.



Driving lesson in Nepal

The current strategy for women in development cooperation is now being evaluated. The Office of the Auditor General has begun work on an audit of the administration of development cooperation targeting women and gender equality that will be completed at the beginning of 2006. The purpose of the audit is to examine how the perspective of women and gender equality is integrated into development cooperation, and whether the results of specific projects and programmes are proportionate to priorities and expectations. The process of revising the strategy for women has begun, and will be based on the findings of the evaluation report and the report of the Office of the Auditor General.

Women are disproportionately affected by human rights violations. Consequently, gender equality and non-discrimination are key, consistent principles underlying the promotion and protection of human rights. Gender equality is an important topic in

Norway's dialogue with various cooperation partners. Norway requires that women's interests and gender equality be incorporated into all relevant measures for which it provides support.

7.3.6 Multilateral work

For many years Norway has provided support for the United Nations, the World Bank and the regional development banks in order to strengthen funds and programmes that have gender equality expertise and for special activities to promote gender equality. The UN Development Fund for Women (UNIFEM), the International Labour Organisation (ILO) and the World Health Organisation (WHO) are some examples of funds and organisations whose efforts targeting women and gender equality receive special support from Norway.

UNIFEM plays a particularly important role as instigator and catalyst in promoting gender equality within the UN system and in relation to recipient countries. UNIFEM provides technical and financial support for innovative programmes that promote women's rights, political participation and financial security. In 2004 Norway was UNIFEM's second largest donor, contributing a total of NOK 22.5 million. This amount includes an allocation for a project in Kirgizistan that focuses on women's property rights and access to microcredits in the privatisation process. It also includes contributions to a conference held by UNIFEM in 2004 on women's rights in the justice sector in post-conflict countries. In 2005 Norway has granted just under NOK 30 million to UNIFEM, including NOK 6.5 million in post-tsunami assistance and NOK 3.5 million to strengthen the position of women in Southern Sudan.

To follow up its focus on the role and rights of women in post-conflict Sudan, Norway has organised three events in 2005, two of which were arranged jointly with UNIFEM.

Since 2002 the WHO has had a special Gender Policy and a Gender Team, a Gender Task Force and Gender Focal Points, all of which are aimed at mainstreaming the gender perspective in the work of the entire organisation. The Women's and Gender Equality Department of the WHO is responsible for ensuring that programmes and activities safeguard the gender perspective, but is also responsible for research, information-sharing, education and counselling on this topic. The organisation's special programmes for research on neglected tropical diseases and on reproductive health, for which Norway is among the main donors, are some of the activities that have focused attention on the gender perspective. The WHO's Performance Assessment Report on the programme budget for 2002-2003 (published in 2004) points out that a multi-country study on women's health and domestic violence was carried out with focus on eight countries.

According to the ILO's Decent Work agenda, on which ILO activities are based, the primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and

human dignity. Norway provides NOK 28 million per year in voluntary supplementary funding (2003/2004), making it the fourth largest voluntary contributor to the ILO. The ILO has a normative mandate and draws up conventions and recommendations with a view to improving working and living conditions at national and local level. Four conventions are directly aimed at promoting gender equality: the Equal Remuneration Convention (No. 100), the Discrimination (Employment and Occupation) Convention (No. 111), the Workers with Family Responsibilities Convention (No. 156) and the Maternity Protection Convention (No. 183). By exerting pressure on and providing assistance to member States, the ILO helps to establish equal formal rights for men and women.

In formal terms, gender equality is given high priority in the multilateral banking system, through strategic plans, country strategies, etc. Norway has played a proactive role in accelerating efforts to achieve gender equality internally in the banks and contributes support for multi-donor funds in the World Bank, the Asian Development Bank (AsDB) and the Inter-American Development Bank (IDB) to strengthen the integration of gender equality into the banks' ordinary activities. In 2004 Norway granted NOK 4 million to the World Bank's multi-donor fund for gender equality.

Following consultations with the IDB concerning Norway's contributions to a multi-donor fund for gender equality, a new agreement was entered into on 1 December 2004 on the implementation of the IDB's action plan for gender equality for 2004-2008. There will be focus on initiatives that help to increase women's participation in work and political activities. A review of the implementation of the AsDB's framework for women and gender equality began in 2004 and is expected to be completed in the first half of 2005.

7.3.7 Bilateral work

The interests of women and gender equality must be taken into account in evaluations of the sustainability of all bilateral projects and programmes. Through its foreign missions, Norway provides direct support for measures targeting women. One

example is Pakistan, where Norway has focused on women in the context of good governance, democratic development and human rights. In the past few years, Norway has contributed towards training two-thirds of the 36,000 women who are local politicians, and provided support for integration of the gender perspective into official planning and administration.

The Norwegian embassy in Bangladesh supports a portfolio of measures to promote good governance and human rights. In 2004, this portfolio was further concentrated on women and gender equality in addition to access to the judicial system. There is emphasis on cooperation with Bangladeshi NGOs that work to promote access to the judicial system and strengthen women's rights.

In Kenya Norway supported the promotion of women's human rights by providing funding for the Federation of Women Lawyers. It also provided support to increase women parliamentarians' visibility and participation at the local level.

In 1999 Malawi established a National Gender Machinery programme aimed at including the women's perspective in all public and private activities. Norway is a major donor to this programme. In Malawi Norway has also assisted in the development of a national programme for gender equality and the advancement of women, the National Gender Policy 2000-2005, and in strengthening the Ministry for the Advancement of Women and Gender Equality. In this connection, Norway provided support for training in 50 Gender Focal Points and for women candidates in parliamentary elections, in which the number of women representatives increased from 14 to 27.

Norway has also raised topics relating to women and gender equality in its human rights dialogues with the Vietnamese, Chinese and Indonesian authorities. The human rights of women, and reports to the UN Committee on the Elimination of All Forms of Discrimination against Women, domestic violence against women, human trafficking and labour market measures for vulnerable women were topics taken up in the human rights dialogue with the Vietnamese authorities in 2004. Norway

also discussed domestic violence against women and the rights of women employees in its human rights dialogue with China in 2004.

It is important to strengthen integration of the promotion of women's interests and gender equality in areas that lie outside the "traditional" focus of Norwegian human rights work. One example is measures to foster peace and reconciliation. In 2004 and 2005 attention was focused on the situation of women in conflict areas and as resource persons in peace processes. These efforts are in line with the Norwegian multilateral and bilateral implementation of the Security Council's Resolution 1325 (2000) on women, peace and security (see item 11.5 below).

7.4 Discrimination and racism

7.4.1 A new Act on prohibition of discrimination based on ethnicity, religion, etc.

In December 2004 the Government presented a bill on the prohibition of discrimination based on ethnicity, religion, etc. The bill was passed by the Storting on 3 June 2005. The Act applies to all areas of society, and prohibits direct and indirect discrimination, harassment and instructions to discriminate against a person on grounds of ethnicity, national origin, descent, skin colour, language, religion or belief. The Act also protects a person who submits a complaint about discrimination from being subjected to unfavourable treatment, i.e. acts of reprisal, on account of the complaint. A prohibition against being an accessory to discrimination is also introduced. Differential treatment that is necessary in order to achieve a legitimate objective and that is not a disproportionate intervention in respect of the person or persons who are treated differently is not considered to be discrimination pursuant to the Act. Nor is positive differential treatment that contributes towards promoting the purpose of the Act regarded as discrimination. The Act stipulates that the differential treatment must cease when the purpose of such treatment has been achieved.

The Act includes a provision regarding shared burden of proof. It also introduces civil law sanctions for breaches of the prohibition, in the form of redress and damages. The statute ensures overall

civil law protection against discrimination based on ethnicity, religion, etc.

The Act also covers discrimination committed jointly by several people, either in loosely formed groups or in more organised forms. The Government refers to the fact that such activity is particularly harmful, and therefore included a separate penal provision in the Anti-Discrimination Act for gross contravention of the prohibition against discrimination committed jointly by several persons. Amendments to section 135 a of the Penal Code prohibiting racist expression (see item 5.2.2 above) and to section 349 of the Penal Code prohibiting discriminatory acts have also been passed.

7.4.2 The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

The new Anti-Discrimination Act is intended to strengthen protection against ethnic discrimination and thus better fulfil the purpose of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Furthermore, CERD has been incorporated into the Anti-Discrimination Act. Incorporating CERD into Norwegian law through the Anti-Discrimination Act will therefore help to ensure optimal clarity in legislation. In its proposition the Government has emphasised that the fact that the Human Rights Act has not been chosen as the incorporating statute does not mean that CERD is not considered to be of fundamental importance. A similar solution was also chosen for the UN Convention on the Elimination of All Forms of Discrimination against Women, which was incorporated through the Gender Equality Act.

Norway reported on its implementation of CERD in September 2005. The report, which is Norway's 17th/18th periodic report, was prepared by the Ministry of Local Government and Regional Development with contributions from other ministries concerned. Before the report was sent to the UN Committee on the Elimination of All Forms of Racial Discrimination, it was submitted to the Norwegian Centre for Human Rights and the Norwegian NGO community for comments. The report may be found on the website of the Ministry

of Local Government and Regional Development (<http://odin.dep.no/krd/english/bn.html>)

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

The Plan of Action to Combat Racism and Discrimination (2002-2006) is part of the Government's long-term efforts in this field. The Plan builds on the Plan of Action to Combat Racism and Discrimination (1998-2001), and is a follow-up to the World Conference against Racism held in South Africa in September 2001.

The Plan of Action covers discrimination against indigenous peoples, national minorities and persons with an immigrant background. It contains 47 different measures which concern the spheres of responsibility of many ministries. The measures in the Plan of Action particularly target the following priority areas: working life, public services, school and education, the police, prosecuting authority and courts of law, documentation and surveillance, the Internet, local communities and the strengthening of legal safeguards against discrimination.

The Ministry of Local Government and Regional Development is coordinating the implementation of the measures in the Plan of Action. An implementation committee consisting of representatives of the ministries concerned, the Directorate of Immigration, the Centre for Combating Ethnic Discrimination, the Liaison Committee between Immigrants and the Authorities, and non-governmental organisations that address issues related to racism and discrimination, has been established. The committee meets once or twice a year to discuss the progress of the various measures. A status report as of 1 June 2004 showed that implementation of most of the measures was well under way. The status report has also been published (in Norwegian only) on the web pages of the Ministry of Local Government and Regional Development relating to integration and diversity (<http://odin.dep.no/krd/norsk/tema/integrering/bn.html>). A new status report as of 1 June 2005 is being prepared. The Plan of Action is to be evaluated.

7.4.4 Diversity through inclusion and participation

In October 2004 the Government presented Report No. 49 (2003-2004) to the Storting: *Diversity through Inclusion and Participation. Responsibility and Freedom*. The Storting endorsed the report during its debate on the document in spring 2005. The report focuses on cultural, religious and value-related diversity, as well as on challenges related to the descendants of persons who have immigrated to Norway. Cultural diversity has come to stay, and must be acknowledged and respected. Public services must be designed so as to reflect the population's differing needs, so that equal services can be provided.

One of the measures described in the report is a Government survey of the most important information and training programmes that have been carried out with central government funding in the past few years with a view to disseminating knowledge of human rights, including information campaigns and training programmes aimed at promoting tolerance and non-discrimination. The survey will be based on the measures and parameters set out in Report No. 21 (1999-2000) to the Storting: *Focus on Human Dignity. A Plan of Action for Human Rights*. It will also describe measures that have been carried out to increase expertise on human rights, particularly on the UN Convention on the Rights of the Child and the UN Convention on the Elimination of All Forms of Discrimination against Women, in ministries and subordinate agencies. Reference is otherwise made to the description in Report No. 49 (2003-2004) to the Storting (see pages 83-84). The Ministry of Local Government and Regional Development is responsible for the report in cooperation with other ministries.

7.4.5 Participation in society of children and young people from an immigrant background

In June 2002 the Ministry of Local Government and Regional Development presented its *Plan of Action to Increase the Participation in Society of Children and Young People from an Immigrant Background*. The Plan of Action was drawn up in collaboration with the Ministry of Local Government and Regional Development, 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. Its main focus was on improving the Norwegian language skills and knowledge of Norwegian society of children and their parents, encouraging parental cooperation in schools, providing better follow-up of unaccompanied minors and increasing the participation of young people from an immigrant background in cultural activities and sports.

Although work on the Plan of Action has been completed, the Government considers it particularly advisable to continue efforts to improve the language skills of pre-school children and to strengthen the role of parents. The Government therefore wishes to continue to support:

- Language surveys at public health clinics
- Language stimulation in day care centres
- Parental guidance that is particularly adapted to parents from a minority background
- Measures for parents as an integral part of the introduction programme for newly arrived immigrants
- Measures to improve cooperation between schools and pupils' homes

The Plan of Action includes both new measures and a continuation of existing schemes in these areas. Under the auspices of the Norwegian Youth Council, the ZINO project was carried out in 2004. ZINO was a communication process in which young people from an immigrant background described in their own words what it is like to grow up in Norway today. The process created meeting places for and dialogues between young people from an immigrant background and young people from a Norwegian background. ZINO also resulted in short films made by young people that describe growing up as a young person from an immigrant background in Norway. The films have been collected on a DVD that has been produced along with a magazine called ZINO MER. The films show that concrete action is essential to counteract discrimination and differential treatment of young people from an immigrant background who are seeking to enter the labour market.

As a follow-up to the project, funding has been advertised in 2005 for programmes to train young people from an immigrant background in organisation-building and organisational work. The 50 municipalities with the highest number of immigrant residents can apply for funding for projects aimed at increasing the participation of young people from an immigrant background in the local community, social life and organisational life.

7.4.6 Cultural diversity

Report No. 48 (2002-2003) to the Storting: *Cultural policy up to 2014* states that promoting cultural diversity in the cultural sector is a key cultural policy goal. Experience with efforts to promote cultural diversity show that there is a need for long-term, general strategies. In 2004 and 2005, operating grants and/or project funding were provided through the Norwegian Council for Cultural Affairs for a number of measures to encourage the development of an artistic and cultural community in which artists from a minority background are assured the possibility of participating on an equal footing, and where artistic expression that reflects diversified cultural experience is a natural element. After the pilot project, Mosaic - The Development Programme for Art and the Multi-cultural Society (1998-2001) was concluded, responsibility for continuing to pursue the goals of Mosaic from 2002 onwards was transferred to the Council's specialised committees. The funds earmarked for Mosaic were divided between the various specialised committees. The total amount of funding granted by the Council for measures that promote cultural diversity has increased steadily during this period.

7.4.7 The introductory programme for newly arrived immigrants

Pursuant to the Act on an introductory programme and Norwegian language training for newly arrived immigrants (the Introduction Act), as from 1 September 2004 immigrants have the right and the obligation to participate in an introductory programme. The programme can last for up to two years, and in special cases three years. The content of the programme must be adapted to the needs of each individual, but must always contain Norwegian

language training, information on Norwegian society and training in participation in working life.

Participants in the programme receive a benefit equivalent to twice the National Insurance scheme's basic amount. The purpose of the programme is to increase the possibilities of newly arrived immigrants to participate in working and social life and their economic independence.

7.4.8 Norwegian language instruction and social studies for adult immigrants

In April 2004 the Government presented a proposal to amend the Introduction Act which gave immigrants the right and obligation to Norwegian language instruction and social studies. The bill was passed by the Storting on 2 December 2004, and the Act came into force on 1 September 2005.

Immigrants who are granted a residence and work permit that entitles them to a settlement permit (permanent residence permit) after 1 September 2005 have the right and/or obligation to attend 250 hours of Norwegian language instruction and 50 hours of social studies. Furthermore, anyone requiring it may have up to 2700 hours of language instruction, i.e. up to a total of 3000 hours of instruction. The mandatory 300 hours of instruction must be carried out in the first three years of their stay in Norway, and all the instruction must be received in the first five years. The social studies should take place in the course of the immigrant's initial months in Norway and be given in a language that the immigrant understands.

Ensuring that immigrants learn Norwegian and gain insight into Norwegian society is important in order to counteract marginalisation, discrimination and other forms of social exclusion.

7.4.9 Use of an interpreter in a human rights perspective

Norway has ratified international treaties that contain provisions regarding the use of an interpreter, such as the European Convention on Human Rights and the International Covenant on Civil and Political Rights. To increase the supply of qualified interpreters in Norway, the Government established



Haraldsheimen camp for the disabled, Norway

a national register of interpreters. The Government has also financed a pilot project for Internet-based part-time basic education in interpretation in 2003-2005. By the end of 2005, around 500 students will have completed a basic education in interpretation through this project.

7.5 Persons with disabilities

7.5.1 The Action Plan for Increased Accessibility for Persons with Disabilities

As a follow-up to Report No. 40 (2002-2003) to the Storting: *Dismantling Disabling Barriers*, in December 2004 the Government presented the *Action Plan for Increased Accessibility for Persons with Disabilities – A Plan for Universal Design in Key Areas of Society*. The Action Plan describes how the Government will coordinate and intensify efforts to ensure that

everyone has equal possibilities of participating actively in social life. The plan covers the period 2005-2009 and aims at preventing and eliminating the barriers created by society in such key areas as transport, buildings, outdoor areas and information (ICT).

Disabilities are defined as impaired vision, hearing, mobility, understanding and sensitivity to environmental factors (asthma, allergy).

Key instruments in the Action Plan are:

- Integration of universal design principles in spheres of public administration
- Initiation of pilot projects
- Measures to improve accessibility
- Build-up of expertise
- Information and guidance.

The Action Plan describes close to 100 different measures. At the beginning of the period covered by the Plan, priority is given to increasing the number of accessible housing units and public buildings, improving accessibility to rail transport, applying the Web Accessibility Initiative standards to public service websites, introducing new rules for public procurement and implementing measures to eliminate local barriers. NOK 186 million was allocated for implementation of the Action Plan in 2005.

The Plan is based on the principle of sector responsibility. This means that central government, regional and local authorities and the private sector have an independent responsibility for ensuring accessibility and universal design in their areas. The responsibility of the central government is to coordinate efforts and maintain a dialogue with all the parties concerned. The Ministry of the Environment and the Ministry of Labour and Social Affairs are jointly responsible for coordinating the implementation of the Action Plan.

7.5.2 Access of persons with disabilities to higher education

A new Act on universities and colleges entered into force on 1 August 2005. Section 4-3, subsection 2, of the new statute gives the Board of Directors responsibility for ensuring that the learning environment at the institution, including the physical and psychological working environment, is fully satisfactory based on an overall assessment of the students' health, safety and well-being. In terms of the design of the physical working environment, this means that, as far as is possible and reasonable, efforts must be made to ensure that premises, access routes, etc. are designed in such a way as to enable persons with disabilities to study at the institution. The provision is a continuation of section 44 in the Act of 12 May 1995 on universities and colleges, which in the new Act has been expanded to include private educational institutions.

7.5.3 Access of persons with disabilities to information arenas

Several important projects were carried in 2004 to improve accessibility in the archive, library and

museum sector. The experience gained in the (norwegian title)* Accessible Library project lays a basis for further improving accessibility for persons with disabilities to archives, libraries and museums and their Internet-based services, along with the accessibility project for which the Bergen City Archives received funding from the Norwegian Archive, Library and Museum Authority. This work is continuing and will serve as a pilot project in the archive sector. A network of experts has been established to promote universal design in archives, libraries and museums. The Fetsund Lenser Museum has been allocated funds to coordinate the work being done by the network in this field.

In 2004 the third version of the website kulturnett.no (cultural network.no) was launched. Further development of the website is based on the standard rules for universal design to ensure that disabled persons also have access to cultural events. In the new version of kulturnett.no, the sectoral networks LibraryNetwork, MuseumNetwork, ArtNetwork and ArchiveNetwork have been amalgamated to form a national cultural portal. The goal of this portal is to highlight the relevance, timeliness and utility value of Norwegian digital cultural resources.

In 2004 the grant schemes for local and regional cultural buildings were replaced by a grant scheme for cultural buildings and a grant scheme for regional meeting places and arenas for the presentation of culture. Building projects that receive grants from the new schemes must ensure access for all.

7.5.4 The Plan of Action to increase recruitment of persons with disabilities to the public sector

In summer 2004 the Government presented a Plan of Action to recruit more persons with disabilities as government employees. The Government's goal is for at least five per cent of new employees in the central government sector in the period from summer 2004 to summer 2006 to be persons with disabilities. The target group for the Plan of Action is broad and basically comprises all persons with disabilities who do not participate in the labour force and who need to have their workplace specially adapted. Some of the groups from whom it will be relevant to recruit employees are:

- Persons registered with the Aetat public employment service as being occupationally handicapped
- Disability pensioners who are being reactivated.
- Persons who have completed a rehabilitation programme.

Public agencies are free to decide how to recruit employees from this target group, but the Plan of Action points to the projects and programmes administered by Aetat as a relevant means of simplifying the recruitment process. The first status survey was carried out in summer 2005. The goal of a more inclusive working life and a more diversified central government labour market will naturally continue to apply after the end of the planning period.

7.5.5 The Strategic Plan for Children with Disabilities

The Government presented its Strategic Plan for Children with Disabilities in May 2005. The plan outlines various strategies and measures aimed at enabling families to provide the best possible care for their children while living their lives like other families to the greatest possible extent. The main strategies in the plan are a range of measures to improve the coordination of various services for families, improve information on rights and services and develop high quality services.

7.5.6 A draft statute on strengthening legal protection for persons with disabilities

In November 2002 a legislative committee (the Syse Committee) was appointed to report on ways of strengthening legal protection against discrimination for persons with disabilities, including the question of a special statute prohibiting discrimination of disabled persons. The Government wishes in this way to ascertain which legal instruments would be most appropriate for strengthening legal safeguards for persons with disabilities.

In May 2005 the legislative committee presented Norwegian Official Report 2005:8, *Equality and Accessibility – Legal Protection against Discrimination on the basis of Disability. Improved Accessibility for All*. The committee has proposed introducing a new statute

and amending existing legislation to strengthen legal protection against discrimination for persons with disabilities. The bill was circulated for consultative comment in autumn 2005.

7.5.7 Cooperation between Nordic ministers on development cooperation

In August 2005 the Nordic Ministers for International Development convened to review efforts targeting persons with disabilities in development cooperation. Support for the Nordic interest organisations for disabled persons has been and remains important for the progress of these efforts. Education was emphasised as a specific area in which focus has been strengthened considerably. At the multilateral level, priority has been given to support provided through the Global Partnership on Disability and Development and coordinated by the World Bank.

7.5.8 A new UN Convention on the rights of persons with disabilities

In spring 2004 an ad-hoc committee mandated by the UN General Assembly began negotiations on the text of a new UN Convention on the rights of persons with disabilities. The aim of the convention is not to create new rights, but to ensure that disabled persons are actually able to realise and assert their existing human rights. Negotiations are expected to continue until the end of 2006. Norway is participating with a delegation consisting of representatives from the Ministry of Labour and Social Affairs, the Norwegian Federation of Organisations of Disabled People and the Ministry of Foreign Affairs.

7.6 National minorities (Jews, Kvens, Roma (Gypsies), the Romani People (Travellers) and Skogfinns)

Government policy in respect of national minorities is based, among other things, on the Council of Europe's Framework Convention for the Protection of National Minorities. Furthermore, the minority languages Finnish/Kven, Romani and Romanes are protected by the Council of Europe's European Charter for Regional or Minority Languages.

National minorities, like the rest of the population, are also protected by general human rights conventions. Report No. 15 (2000-2001) to the Storting: National Minorities in Norway. On Government Policy in respect of Jews, Kvens, Roma/Gypsies, Romani people/Travellers and Skogfinns elaborates on the relevant legislation (see item 3.5).

The first cycle of reporting on implementation of the Council of Europe's Framework Convention has been completed. This took place when a follow-up meeting was arranged by the Ministry of Local Government and Regional Development in June 2004, which was attended by the Council of Europe's Advisory Committee, relevant ministries and organisations representing the national minorities. Norway submitted its Second Periodic Report on the Implementation of the Framework Convention in October 2005. The report may be found on the Ministry of Local Government and Regional Development's web pages on national minorities (<http://odin.dep.no/krd/norsk/tema/nasjonale/europa/016091-990217/dok-bn.html>).

7.6.1 The Kvens

Recognition of Kven as a separate language is an important symbolic issue for the Kven minority. In the light of Norway's ratification of the European Charter for Regional or Minority Languages (Minority Language Charter), in a resolution adopted on 3 September 2003 the Council of Europe urged Norway to clarify whether Kven was to be regarded as a separate language or a Finnish dialect. On the basis of an expert study and consultative comments, Kven was recognised by Royal Decree of 24 June 2005 as a separate language pursuant to Article 7 of the Minority Language Charter. This means that Norway has committed itself to advancing and protecting the Kven language. In considering this issue, great importance was attached to the views of the Kvens.

Work began in 2004 on construction of the Kvæntunet, a centre for Kven language and culture, in Porsanger Municipality. The centre will comprise offices and premises for meetings, courses and exhibitions. The Ministry of Culture and Church Affairs

is providing a total of NOK 12 million for the building project. The building will be completed in 2005 and opened to the public in 2006.

7.6.2 The culture and history of the Romani people/Travellers

In 2004 work began on the construction of a new department at the Glomdal Museum in Elverum for the documentation and presentation of the culture and history of the Romani people. The aim is to help create an understanding of the history and identity of the Romani people, raise awareness of the injustices and oppression to which they have been subjected and promote greater tolerance. The Ministry of Culture and Church Affairs is providing NOK 51.6 million in grants for the Romani Department. The building project will be completed in 2005, after which exhibitions will be established. The new department is scheduled to open to the public in spring 2006.

7.6.3 Compensation schemes for the Romani people/Travellers

On 2 July 2004 the Government presented Report No. 44 (2003-2004) to the Storting: *A Compensation Scheme for War Children and Compensation Schemes for Romani people/Travellers and Elderly Saami and Kvens Who Have Received Deficient Education*. One of the issues dealt with in the report was the demand for compensation schemes for the Romani people/Travellers. The report proposes adapting the system of ex gratia payments to make it easier to accommodate the demands of the Romani people/Travellers. It proposes that the following principles be applied when dealing with applications for compensation from Romani people/Travellers:

- The basic principle that past actions must be judged in the light of the norms that prevailed at the time the action was committed cannot apply absolutely.
- The Romani people/Travellers must be compared with the majority population, and not only with other Romani people/Travellers when assessing whether they must be regarded as being particularly disadvantaged.

- An assessment must be made of applicants' possibilities of procuring the necessary documentation of the injustices that were committed. In the light of present knowledge of the treatment to which Romani people/Travellers were subjected, in cases where no documentation can be obtained, emphasis should be placed on personal statements.

Information on the simplified scheme has been disseminated in advertisements, brochures and through contact with the minority organisations. Applications are submitted to the Justice Secretariats which prepare them for consideration by the Storting's Ex Gratia Compensation Committee.

7.6.4 Establishment of the Romani People/Travellers' Fund

In the Revised National Budget the Government proposed establishing a Romani People/Travellers' Fund of NOK 75 million. The Storting supported this proposal. The Fund provides collective compensation for the injustices to which the Romani people/Travellers have been subjected. The return on the assets in the Fund will be used for measures and activities that promote the preservation and development of the Romani people/Travellers' culture, language and history, in addition to covering the costs of a secretariat and an advisory service. The Ministry of Local Government and Regional Development is conducting a dialogue with Romani people/Travellers' organisations as regards the formulation of regulations on the use of the Fund.

7.6.5 Other matters in 2004 and 2005

The Ministry of Local Government and Regional Development publishes an electronic newsletter called *Nytt om nasjonale minoriter* (News of National Minorities) four to six times a year. The objective of the newsletter is to disseminate knowledge of national minorities to the general public and to reach the minority groups themselves with relevant information

In compliance with the Framework Convention's provision regarding "effective participation", the Ministry has also given priority to facilitating organisational development among national minorities.

Other matters carried out in 2004/2005:

- A revised Place Name Act was passed by the Storting, in which the objects clause includes taking account of Kven and Saami place names
- Increased support was provided for the Kven newspaper *Ruijan Kaiku*.
- Support was provided for the development project for the Romani people/Travellers in day care centres and primary and lower secondary school (Ministry of Education and Research, Ministry of Local Government and Regional Development and Ministry of Children and Family Affairs).
- The forum for contact between national minorities and central authorities was maintained.
- Support was provided for trans-frontier cooperation under the auspices of national minorities.

7.7 The Saami people

The basis for official Norwegian policy as regards the Saami people is laid down in both Norwegian legislation and international conventions. The obligations of the central government towards the Saami people are prescribed by Article 110 a of the Constitution of Norway. Among the treaty provisions by which Norway is bound in relation to indigenous peoples, ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries is a key instrument. However, the Saami people are also an ethnic, cultural and linguistic minority, and conventions that deal with the rights of minorities are therefore also of significance for the Saami people. The most important conventions as regards minorities are the International Covenant on Civil and Political Rights (Article 27), the European Charter on Regional or Minority Languages and the Council of Europe's Framework Convention for the Protection of National Minorities.

7.7.1 Measures to promote the Saami language

In September 2004 the Government adopted a resolution requiring all ministries to review their own statutes and regulations to determine which ones should be translated into Saami pursuant to section 3-2 of the Saami Act. The Government has also decided to urge relevant government bodies to translate regulations and announcements in accordance with the provisions of the Saami Act and to



Wedding guests, Kautokeino, Norway

publish them. A list of statutes translated into Saami has been posted on a separate web page on the Norwegian Government portal ODIN under the Ministry of Local Government and Regional Development's Saami web pages (<http://odin.dep.no/krd/sami/bn.html>). This list will be updated continuously. By the end of 2005 every ministry and the Office of the Prime Minister are to have information in Saami on ODIN.

To make it easier for public agencies to use Saami, the SamIT competence base for Saami languages and IT has now been established (www.samit.no). SamIT is part of the Government's efforts targeting government agencies, the goal of which is to facilitate the use of Saami in the context of IT and provide information on government activities in Saami.

From 2003 to 2005, the Ministry of Justice and the Ministry of Local Government and Regional Development granted funds for a project to develop

Saami legal terminology. The Government will give priority to the further development of Saami legal terminology and the quality assurance of statutes and rules that have been translated into Saami.

On the initiative of the Ministry of Local Government and Regional Development, the Saami Ministers in the Nordic countries and the Presidents of the Saami Parliaments have established Gollegiella, a Nordic Saami prize to acknowledge and highlight efforts to promote Saami languages. The prize was awarded for the first time in autumn 2004.

7.7.2 Consultations with the Saami Parliament

Under ILO Convention No. 169, the Government is obliged to consult the Saami Parliament in cases that particularly concern the Saami population. On the basis of a document jointly drawn up by the Ministry of Local Government and Regional Development and the Saami Parliament, Minister of

Local Government and Regional Development Erna Solberg and President of the Saami Parliament Sven Roald Nystø signed an agreement on 11 May 2005 on procedures for consultations between central government authorities and the Saami Parliament. The purpose of the procedures is to contribute to the practical implementation of the Government's international legal obligations to consult with indigenous peoples.

7.7.3 The Finnmark Act – Saami land and water rights

In April 2003, the Government presented a bill to the Storting on the Act relating to legal relations and management of land and natural resources in the county of Finnmark (the Finnmark Act), based on the report prepared by the Saami Rights Committee, NOU 1997: *The Natural Resource Base for Saami Culture*. The object was to find a balanced solution that ensured compliance with ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. After several consultations between the Storting's Standing Committee on Justice and the Saami Parliament, a revised Finnmark Act was passed on 8 June 2005. The date of the Act's entry into force has yet to be decided.

7.7.4 Establishment of a new tribunal in Indre Finnmark

A new court of law, the Indre Finnmark District Court, took up its functions on 1 January 2004. The court is bilingual and operates in both Norwegian and Saami. It is an ordinary court of first instance. Its judicial district comprises the five municipalities in Finnmark that are covered by the language rules of the Administrative Area for the Saami language. The aim in establishing the Indre Finnmark District Court is to make the judicial system more accessible to the Saami population, and to increase the judicial system's knowledge of Saami customs and interpretations of the law. The court will also help to develop Saami legal terminology. The court's establishment can be regarded as faithful compliance with the recommendation of 21 November 2001 of the Council of Europe's Ministerial Council to give priority to facilitating the use of Saami in contact with courts of law. This recommendation was made

in connection with the report submitted by Norway on its implementation of the Council of Europe's Minority Language Charter.

7.7.5 Information booklet on the childhood environment of Saami children and young people

A booklet entitled *Samisk oppvekst – om tilbud til samiske barn og ungdom* (Growing up Saami – facilities for Saami children and young people) was published by the Ministry of Children and Family Affairs and the Saami Parliament, and distributed to municipalities throughout Norway in spring 2004. The booklet is intended to provide ideas and inspiration for further efforts to improve the conditions in which Saami children and young people grow up in municipalities and counties all over Norway.

7.7.6 Saami Guides

In cooperation with the Saami University College, the Ministry of Local Government and Regional Development has initiated a three-year pilot project called *Samiske veivisere* (Saami Guides). In this project, three young Saami girls and boys are chosen each year to receive a grant to travel around to upper secondary schools, associations and other places where young people congregate to tell non-Saami young people about Saami life.

7.7.7 The East Saami Museum in Neiden

A decision has been made to establish a museum for East Saami culture and identity in Neiden, Sør-Varanger Municipality. Construction will begin in 2005 with a view to opening the museum in 2006. The Ministry of Culture and Church Affairs is providing NOK 30 million in funding for this project, which will be carried out by the Directorate of Public Construction and Property.

7.7.8 The Group of Experts charged with drafting a Nordic Saami convention

At a joint meeting on 7 November 2001, the ministers and presidents of the Saami Parliaments decided to appoint a group of experts comprising representatives from Finland, Sweden and Norway to prepare a draft of a Nordic Saami convention

based on a report on the needs and basis for a Nordic Saami Convention. The Group of Experts consists of two members from each country, one of whom is appointed by the respective Saami Parliament. Norway chairs the group and serves as the secretariat. The Group, which is headed by former Chief Justice of the Supreme Court Carsten Smith, began work in January 2003 and will present a draft convention in 2005.

7.8 Indigenous peoples

During the International Decade of Indigenous Peoples (1995-2004), the UN has focused more strongly on the difficult conditions under which indigenous populations live in many parts of the world. In addition to the processes and measures described below, indigenous issues also rank high on the agenda of the UN General Assembly and in the UN Commission on Human Rights.

7.8.1 *The UN Permanent Forum on Indigenous Issues*

A Permanent Forum on Indigenous Issues has been established in New York. The Forum, which is placed under the UN Economic and Social Council (ECOSOC), has a broad mandate and meets annually. The Permanent Forum (PF) has 16 individual members, half of whom are indigenous people. All of the members participate in the PF as independent experts on indigenous issues. In addition to the members, representatives from member states, UN bodies and agencies and organisations of indigenous peoples take part in the forum as observers with the right to speak. Together with the other Nordic countries and other like-minded countries, Norway worked actively to secure funding for the Forum's activities from the UN's regular budget.

The third session of the Permanent Forum was held in 2004. The main topic at the session was the situation of indigenous women. At the fourth session, which was held in May 2005, the main topic was the Millennium Development Goals and indigenous peoples, with particular focus on the elimination of extreme poverty and access to basic education.

7.8.2 *Work on a UN Declaration on the Rights of Indigenous Peoples*

Negotiations are currently taking place in Geneva on a UN Declaration on the Rights of Indigenous Peoples. The mandate of the working group appointed by the UN Commission on Human Rights to draft the Declaration expired in 2004 without the group succeeding in completing its work on the document. Because considerable progress was made during the two meetings held in 2004, however, the mandate of the working group was extended by another year. The improvement in the negotiating climate offers hope that the declaration can be adopted as early as possible in the second International Decade of Indigenous Peoples, which began in 2005.

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

Norway plays an active part in addressing indigenous issues under the Convention on Biological Diversity (CBD). Topics covered in work on 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.

7.8.4 *The Resource Centre for the Rights of Indigenous Peoples*

The Resource Centre for the Rights of Indigenous Peoples was opened on 1 September 2003 with the objective of promoting greater knowledge and understanding of the rights of indigenous peoples and Saami rights. In 2004 and 2005 the centre has become a competence base for national and international indigenous issues.

7.8.5 *Guidelines for Norway's efforts targeting indigenous peoples in development cooperation*

Guidelines were adopted in 2004 for Norwegian efforts to strengthen work with indigenous peoples in development cooperation. The guidelines were drawn up to ensure that normative work in this field was linked to practical cooperation with indigenous peoples. Saami groups and Norwegian and interna-

tional NGOs contributed input early on in the process of drafting the guidelines. In line with the new guidelines, a focus group for work with indigenous peoples was established in 2004. The focus group is headed by Norad and comprises representatives from relevant departments in Norad and the Ministry of Foreign Affairs.

7.9 Asylum and immigration law

The right to seek and to enjoy 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 within the territory of a state and hence also to any refugees and asylum seekers who may be in that state. On the other hand, the right to seek and enjoy asylum 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 asylum seekers and refugees.

7.8.1 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 it was passed, major changes have taken place in the sphere of immigration. In the light of these changes, a legislative committee was appointed in 2001, chaired by District Recorder Bjørn Solbakken. The committee presented its proposals for a new Immigration Act in October 2004.

The committee's objective was to rationalise, systematise and clarify the provisions. The committee also considered it important to clarify the areas of the Immigration Act that are bound by international obligations, since it believed that the current provisions give the impression that national freedom of action is greater than it really is. Among other things, the committee wished to eliminate the

difference in the grounds for being granted a residence permit that exists in current Norwegian provisions between Convention refugees, and persons who need international protection on other grounds. At present, in some cases, residence is granted on humanitarian grounds even though Norway has an international obligation not to send the person back to his or her country of origin. The committee takes the view that this group, in the same way as Convention refugees, should be granted a residence permit that is formally based on the person's need for protection. The committee also recommended that the Act should contain relatively detailed rules on the practice of the refugee concept in the UN Convention and on exclusion from protection. It is also worthy of note that the committee has proposed rules for family establishment that are intended to prevent cases of forced marriage, etc. The committee's proposal for a new Immigration Act was distributed for consultative comments and the final date for submissions was 1 July 2005.

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

A working group appointed by the Ministry of Justice and the Police and the Ministry of Local Government and Regional Development to assess rules and practice in cases concerning threats and violence in families where the abuser is not a Norwegian national submitted its report in May 2002. Among other things, the working group proposed changes in rules and practice relating to the expulsion of convicted persons in order to provide better protection for victims of violence or harassment. To follow up the working group's proposal, priority is given to cases concerning foreign nationals where the result may be significant for the victims of violence or harassment.

In the implementation of the working group's proposals, the best interests of the child and the protection of the aggrieved party are key considerations, while due process of law for the person who is liable to expulsion must be ensured. Several amendments to statutes and regulations have been implemented as a result of the working group's proposals. Among other things, the lower limit of the penalty for expulsion has been lowered to ensure that the

expulsion of a foreign national who has been sentenced for acts relating to violence and harassment may be considered. In January 2004 a proposal to regulate certain elements of the assessment of proportionality in expulsion cases was distributed for consultative comment. This was to ensure that there is emphasis on whether the foreign national whose expulsion is being considered is a threat to anyone in Norway. It was also proposed that foreign nationals over the age of 18 who are charged with or have been sentenced to punishment or a special sanction for a criminal offence in the past three years should not be permitted to apply for residence in the realm.

7.9.3 Unaccompanied minors who are refugees or 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 have no other adults with parental responsibility in Norway. This also includes minors who come to Norway accompanied by other adults, such as an older brother or sister, aunt, uncle, etc.

In 2004, 424 unaccompanied minors applied for asylum in Norway. As of 31 July 2005 a further 153 unaccompanied minors had come to Norway to seek asylum. This figure is based on the age given by the applicant upon arrival. The largest groups came from Afghanistan, Somalia and Iraq and most of them are boys in the 16-18 age group.

Asylum interviews with unaccompanied minors must be carried out as soon as possible after the minor’s arrival. The Directorate of Immigration has professionals trained to work with minors to assist in the process of interviewing children. The goal is to ensure that the asylum applications of unaccompanied minors are processed quickly, but not at the expense of thorough processing.

All unaccompanied minors seeking asylum must have an appointed guardian/provisional guardian to look after the minor’s interests. Among other things, the guardian must be present at the asylum interview and otherwise ensure that the rights of the minor are safeguarded. The office of the Public

Guardian in each municipality is responsible for appointing guardians/provisional guardians.

In autumn 2004 the Ministry of Justice’s legislative committee on a new Guardianship Act presented its proposal for a new Act relating to guardians for unaccompanied minors who come to Norway. The committee concluded that there is a need for special rules for unaccompanied minors seeking asylum and has proposed a special Act relating to representation for unaccompanied minors seeking asylum, whereby the guardian will be replaced by a representative during the asylum phase. The legislative committee’s recommendation for a new Act was distributed for consultative comment in spring 2005.

Some asylum seekers give a false age in order to benefit from the special arrangements that apply to unaccompanied minors. In 2003 the Directorate of Immigration introduced age examinations in order to determine whether those who state that they are minors are actually under the age of 18. In cases of doubt about age, the applicant must be given the benefit of the doubt. The age examination is voluntary and is offered to asylum seekers if there is any doubt about whether the age they have stated is correct.

The Norwegian authorities offer to accommodate unaccompanied minors who are asylum seekers in state reception centres during their initial period in Norway. After arrival, unaccompanied minors are placed in special departments linked to ordinary reception centres or in special reception centres. Additional resources are provided for necessary care for this group and professional guidelines have been drawn up for work with unaccompanied minors in reception centres. A special reception centre has been established for unaccompanied minors under 15 years of age and a transit centre has been established for unaccompanied minors in the 15-18 age group. Every reception centre must have staff members who are specially trained to work with children and refugees. The authorities’ goal is to provide adequate care and security for unaccompanied minors during their stay in a reception centre. Cooperation has therefore been established between the Directorate of Immigration and the child welfare service in order to better meet the needs of unaccompanied minors.

In order to strengthen legal safeguards and ensure that unaccompanied minors who are asylum seekers living in reception centres receive the care services prescribed by the central government, the Directorate of Immigration is collaborating with the County Governor of Hordaland on the development of supervisory arrangements. In cooperation with the County Governor of Oslo and Akershus, the County Governor of Hordaland will implement a pilot project, due to start in autumn 2005, with a view to developing a supervisory arrangement for unaccompanied minors in reception centres.

Most unaccompanied minors who have been granted a residence permit in Norway have primarily been granted such a permit because it has been impossible to trace their parents in their country of origin. Many have problems in their home country due to socio-economic factors. Only a very small group have needed protection as refugees. At the beginning of 2005, the Directorate of Immigration entered into an agreement with International Social Service (ISS) on a development project entitled *Tracing Carers and Repatriation of Unaccompanied Minors who are Asylum Seekers*. The purpose of the project is to establish contact with care persons in the home country or in third countries so that children who do not have an individual need for protection can be reunited with them.

As regards the settlement of unaccompanied minors, the goal is to settle them in a municipality quickly and satisfactorily no later than three months after they have been granted a residence permit. In the case of unaccompanied minors who have relatives in Norway, efforts are made to settle them close to or with their relatives. The Directorate of Immigration published a handbook on the settlement of unaccompanied minors with relatives in 2004.

7.9.4 Trauma therapy and psychosocial assistance for children with a refugee background

In 2004 the Government established an inter-ministerial working group consisting of representatives of the Ministry of Local Government and Regional Development (chair), the Ministry of Children and Family Affairs, the Ministry of Education and Research, the Ministry of Health and Care Services,

the Directorate of Immigration and the Directorate for Health and Social Affairs to consider measures to improve the mental health of children and adolescents in reception centres. The working group presented its proposals on 1 July 2005.

In 2004, the Ministry of Children and Family Affairs, the Directorate for Health and Social Affairs and the Ministry of Local Government and Regional Development provided funding for the Centre for Crisis Psychology's project *Familiesamlinger i mottak* (Family meetings in reception centres), i.e. parental counselling and conversation and therapy groups for children. The same ministries also provided funding for the child and youth psychiatry service in Trondheim to carry out a group therapy programme focusing on mental coping for children in reception centres.

In 2005 four reception centres with "reinforced" places were established. They will give asylum seekers and refugees who do not qualify for admission to hospital, for example those with mental problems, better adapted accommodation and closer follow-up than it is possible to provide in ordinary reception centres.

7.10 Violence and abuse

7.10.1 Plan of Action to Combat Domestic Violence

In 1999 the Bondevik Government presented the action plan *Violence Against Women*, which contained 20 measures that were largely implemented in the period 1999-2003. The implementation of the plan of action resulted in stronger focus on domestic violence, improved assistance for victims, and improved competence in the police force, the prosecuting authorities and the courts. In order to follow up and continue this effort, in 2004 the Government adopted a new *Plan of Action to Combat Domestic Violence*, which runs from 2004 to 2007. While the focus in the original plan of action was on services for abused women, the new plan concentrates on children, abusers and rape victims. The plan contains 30 specific measures to prevent, combat and alleviate the consequences of this type of violence. Information on the follow-up to the plan of action is available on the Ministry of Justice and the

Police's website on domestic violence (<http://odin.dep.no/jd/norsk/tema/vald/bn.html>).

7.10.2 More support for crisis centres

Norway's crisis centres provide advice, support, guidance and accommodation for women who have been the victims of maltreatment, abuse or violence in the home. There are fifty crisis centres in Norway. In 2004, the registered crisis centres received 13,371 telephone calls on their hotline and 6,598 daytime visits. 2,000 women and 1,600 children spent the night at crisis centres in 2004. 52 per cent of clients had a Norwegian background, while 28 per cent of clients had a non-Norwegian ethnic background. The crisis centres are financed by a municipal grant of 20 per cent, which triggers a state grant of 80 per cent.

7.10.3 Forced marriage

The Government's long-term efforts to combat forced marriage continued in spring 2002 with the programme *Renewed Efforts to Combat Forced Marriage*, which comprises 30 new measures. The focus is mainly on emergency assistance for young people, amendments to the regulatory framework, measures in the education sector, human resource development, information, awareness-raising activities and international cooperation. Most of the measures have been implemented, but some are still in progress. Constant efforts are made to prevent forced marriage by a variety of means. Emergency preparedness also has high priority.

7.10.4 Human trafficking

The Government's *Plan of Action Against Trafficking in Women and Children* for the period 2003-2005 has played a central role in efforts to combat human trafficking. The main focus in Norway is on preventing recruitment and supporting rehabilitation measures for women and children who are the victims of human trafficking.

Norway has had a high profile in efforts to combat human trafficking in international forums, such as the OSCE, NATO, the Council of Europe and the United Nations. In its own region, Norway has made

an active contribution in the Baltic Sea States Subregional Cooperation, the Nordic Cooperation, the Barents Cooperation, the Nordic Council of Ministers and the Nordic-Baltic Campaign Against Trafficking in Women. Norway is also a member of the Nordic-Baltic Task Force against Trafficking in Human Beings. Norway has, among other things, expressed a desire for cooperation on the repatriation and rehabilitation of victims of human trafficking. Under the new EEA financing mechanism, there have been signals that human trafficking is a priority area, not least in the justice sector. In 2004, the Ministry of Foreign Affairs/Norad contributed approximately NOK 30 million to projects to combat trafficking in women and children in the OSCE region, Africa and Asia. Most of these project funds are channelled to the new member states of the EU, the Western Balkans, Moldova, the Caucasus and Central Asia.

In June 2005 the Government presented a new *Plan of Action to Combat Human Trafficking* for the period 2005-2008. The plan of action has both a national and an international focus. It aims to meet the ethical, social and legal challenges of human trafficking and contains 22 measures, 11 of which are new.

The goal of the plan of action is to be a working and informative document for national, regional and local authorities, non-governmental organisations, politicians, the media and others who come into contact with the human trafficking issue. The focus is on efforts "to prevent trafficking, protect and assist the victims of human trafficking and prosecute those who exploit women and children for such purposes". The main target group continues to be women and children who are the victims of sexual exploitation. The plan does not deal with other forms of human trafficking (cf. section 224 of the Penal Code), such as forced labour, foreign military service, or removing a person's organs using violence, threats, abuse of a position of vulnerability or other reprehensible behaviour. The plan of action is clearly human rights-based. The introduction provides definitions and explanations of terms. The child's perspective and consideration for the best interests of the child are dealt with explicitly and clearly expressed in special measures for this group. There is a reasonable balance between prevention, assistance/protection and criminal prosecution.

In the same way as for the previous plan, NOK 100 million has been allocated over a three-year period for implementation, of which 90 per cent is financed through the Ministry of Foreign Affairs' budget. The funds will primarily be channelled through specialised UN agencies, international organisations and NGOs. The purpose is to prevent recruitment in countries of origin and support safe repatriation and rehabilitation measures for the victims, among other things in order to prevent the "recycling" of victims back to human trafficking. Safe repatriation for victims from Norway will take place in close cooperation between the Ministry of Foreign Affairs, the Ministry of Justice and the Police and Norwegian foreign missions.

Prime Minister Bondevik signed the *Council of Europe Convention on Action against Trafficking in Human Beings* at the summit meeting of the Council of Europe on 16 May 2005. The Convention sets common standards for the 46 member states. It will be an effective instrument to combat recruitment, strengthen assistance and provide protection for the victims of human trafficking and for the criminal prosecution of the main perpetrators.

7.10.5 NATO's efforts to combat human trafficking

Norway and the USA have been the driving forces behind NATO's anti-trafficking strategy, which was adopted in June 2004. The strategy obliges NATO and its members to combat and prevent human trafficking. It will apply to all civilian and military NATO personnel and all personnel who participate in NATO-led operations (NATO countries and partner countries). In practical terms, this will be done by supporting awareness-raising campaigns, arranging courses and formulating guidelines for NATO's implementation of its policy. Norway will support NATO's efforts by contributing to courses and seminars in 2005 and by educating Norwegian personnel serving on international operations.

7.10.6 Female genital mutilation

The Government's *Plan of Action to Combat Female Genital Mutilation* was presented in December 2000, while a 33-point programme of practical measures was presented in 2002. Work on the measures was largely organised under a special project entitled OK – Care and Knowledge against Female Circumcision. Efforts have been focused on developing methods and instruments for reaching the affected groups and improving the competence of public institutions. The effort to combat genital mutilation is continuing although the period of the plan of action, including the OK project, ended on 31 December 2004. The Ministry of Health and Care services assumed responsibility for maintaining and further developing knowledge relating to female genital mutilation from summer 2005. The Ministry will also coordinate the work of ministries at the national level.

It has been decided that there will be a new provision in the Female Genital Mutilation Act concerning the obligation of certain professional groups to prevent female genital mutilation. The duty of prevention applies to employees in day-care centres, the child welfare authorities, the health services, the social services, schools, day care facilities for school children, religious communities, and the principals and leaders of religious communities. The new provision entered into force on 1 September 2004. A failure by any of these groups to prevent genital mutilation of a girl, provided that the person was aware that it would take place, is a punishable offence for which the penalty is imprisonment for up to one year. The duty of prevention applies regardless of any duty of confidentiality.



Father and daughters, Norway



8

Children

Ensuring that children and young people grow up and live in a good, safe environment is one of the most important tasks in Norwegian society. Other important goals are to strengthen the participation and influence of children and young people in social development, prevent discrimination and promote the inclusion of all groups of children and young people. Children's rights are specifically protected through the UN Convention on the Rights of the Child, which was incorporated into Norwegian law through the Human Rights Act in 2003.

8.1 The UN Convention on the Rights of the Child

Norway's third periodic report on the implementation of the UN Convention on the Rights of the Child was examined by the UN Committee on the Rights of the Child in May 2003. The Committee published its recommendations to Norway on 3 June. The Committee regarded it as positive that the Convention was incorporated into national law in 2003. The Committee recommended providing education on the provisions of the UN Convention on the Rights of the Child to, among others, municipal employees and civil servants. At the request of the Ministry of Children and Family Affairs, the Norwegian Centre for Human Rights has prepared an information brochure on the UN Convention on the Rights of the Child. This brochure was distributed to all the municipalities in Norway in May 2005 (see item 8.2. below). The Committee's concluding comments have been translated into Norwegian and distributed to government authorities, municipalities, non-governmental organisations, colleges and universities. Norway's report and the Committee's comments are available on the Ministry of Foreign Affairs human rights website under Internasjonalt regelverk og tilsyn (<http://www.dep.no/ud/norsk/tema/mr/bn.html>).

8.2 Information brochure on the UN Convention on the Rights of the Child

The information brochure *FNs barnekonvensjon – fra visjon til kommunal virkelighet* (The UN Convention on the Rights of the Child – from vision to municipal reality) was completed and distributed to all municipalities in the country in spring 2005. With the help of a number of specific examples, the information

brochure shows how important principles embodied in the UN Convention on the Rights of the Child are to be interpreted and applied in day-to-day municipal activities. The target group for the information brochure comprises employees and politicians working in the fields of day care centres, schools, social and health services, child welfare services, the culture and leisure sector and the municipal administration. The information brochure was prepared by the Norwegian Centre for Human Rights at the request of the Ministry of Children and Family Affairs.

8.3 MiniTinget – the Norwegian parliament's education and experience centre

MiniTinget, the Storting's interactive education and experience centre, was opened on 20 September 2005. MiniTinget was established to provide a modern, exciting service for schools that focuses on the themes of democracy, governance and participation. One of the Storting's main goals is to help young people to understand the possibilities arising from involvement in the national debate, political activities and other democratic organisations.

A visit to MiniTinget gives an idea of what it is like to be a member of the Storting. The intention is for pupils to learn how the parliamentary system works, and to experience the responsibilities and dilemmas that members encounter in their political activities. Further information is available (in Norwegian only) from the Storting's youth website (<http://www.tinget.no>).

8.4 The participation of young people in school elections

In autumn 2005 the Ministry of Education and Research initiated special measures to improve the school elections. Among other things, it launched a new educational programme prepared by the Norwegian Social Science Data Services (NSD). The school election system will be reviewed after the election in order to improve it significantly prior to the next election. Interested parties, such as the political youth organisations, will be invited to contribute to the process, which will be headed by the Directorate of Education.

8.5 Revocation of the anonymity of sperm donors

After the age of 18, anyone who was born as a result of assisted fertilization using donated sperm has the right to information about the identity of the sperm donor. A donor register will assist the child in this process. The provision entered into force on 1 January 2005. The amendment is based on the recommendations of the UN Committee on the Rights of the Child and a new interpretation of the child's right to know its parents pursuant to Article 7 (1) of the UN Convention on the Rights of the Child.

8.6 New procedural rules for child custody cases

In April 2004, new rules entered into force for court procedures in cases concerning parental responsibility, the child's permanent place of residence and visiting rights. Among other things, the new rules state that the court must accelerate the procedure as much as possible. Moreover, lawyers and judges have a statutory obligation to consider the possibility of reaching a settlement between the parties and to actively facilitate this. The legal amendments also entail reducing the age-limit for the child's right to be heard from 12 to 7 years of age.

The Ministry of Children and Family Affairs has prepared two new brochures in connection with these legal amendments. The first provides information for children concerning their right to be heard and is entitled *Hva med min mening da?* (What about my opinion then?). The second targets parents and, among other things, provides information about their duty to give the child the opportunity to state its views. The title is *Barn og samlivsbrudd* (Children and separation). The brochures and other useful information are available on the Ministry of Children and Family Affairs' website relating to children and separation (<http://odin.dep.no/bfd/norsk/tema/foreldreogbarn/samlivsbrudd/bn.html>).

8.7 Abuse in child custody cases

As part of the effort to develop positive family structures and combat violence in close relationships, the Government has proposed statutory amendments to

protect the child from abuse. The proposals are based on a report from a working group entitled *Tiltak for å beskytte barn mot overgrep*. Forslag om endringer i barneloven m.v. (Measures to protect children from abuse. Proposals for amendments to the Children Act, etc.). The proposals entail legal amendments which, among other things, specify that when decisions are made concerning parental responsibility, permanent residence and visiting rights, consideration must be given to the fact that the child must not be exposed to abuse, and that if visiting rights are not in the best interests of the child, the court must rule that no visiting rights shall be granted. These proposed bills have been submitted to the Storting.

8.8 Strengthening professional competence relating to children at crisis centres

The Government wishes to continue to increase the focus on the quality of services for children at crisis centres. In 2006 the Norwegian Directorate for Children, Youth and Family Affairs will continue to give crisis centres the opportunity to apply for special funds for measures for children, in the form of human resource development programmes for their staff and measures to improve the well-being of children. There are plans to implement a regional pilot project to test models and routines for cooperation between the crisis centres, the child welfare service and the family welfare service in order to improve professional competence relating to children at crisis centres in 2006.

8.9 A special penal provision on child pornography

In December 2004 the Government submitted Proposition No. 37 to the Odelsting (2004-2005) *Om lov om endringer i straffelova (eige straffebod om kjønnslege skildringer som gjer bruk av barn)* (Relating to amendments to the General Civil Penal Code (a special penal provision on sexual depictions that make use of children)). Section 204 of the Penal Code currently deals with both child pornography and other types of pornography. The purpose of regulating these two kinds of pornography in separate provisions is to clarify the differences between



Mother and daughter, Nepal

them. Sexual depictions that make use of children often show actual sexual abuse of the child. Sexual abuse comes under other, stricter provisions, such as rape (section 192) and sexual abuse of children (sections 195 and 196), but further contact with sexual depictions may have the effect of continued abuse. Pursuant to this proposal, it will be a punishable offence to produce, acquire, introduce, possess, pass on to another person for gain or systematically acquaint oneself with such sexual depictions of children. The new penal provision on child pornography was passed in spring 2005 and appended as a new section 204 a in the Penal Code by the Act of 20 May 2005 No. 29.

8.10 Norway's Development Strategy for Children and Young People in the South

Three Billion Reasons: Norway's Development Strategy for Children and Young People in the South was presented by the Minister of International Development and the Minister of Children and Family Affairs in March 2005 and was based on the UN Millennium Development Goals, the UN Convention on the Rights of the Child and the recommendations from the Children's Summit in New York in 2002. It must be viewed in conjunction with Report No. 35 to the Storting Fighting Poverty Together (see item 5.6.1 above). Children and young people are regarded as a special resource in efforts to intensify the process of achieving the Millennium Development Goals by 2015.

The rights and welfare of children have always been a focal point of Norway's development cooperation, especially in the education and health sectors. Implementation of the strategy covers children and

young people between 0 and 24 years of age. While there is focus on the vulnerability of children and young people at various periods of their childhood, there is also emphasis on the fact that children and young people are resources, not victims.

The document *Three Billion Reasons* is a guide for action that contains many proposals for priority areas. It provides the direction and describes the ways in which Norway can contribute multilaterally and bilaterally. It identifies four main areas:

- The right of children and young people to development, with focus on education
- The right of children and young people to survival, with focus on health
- The right of children and young people to protection
- The right of children and young people to participation

In following up the strategy, it will be necessary to define the priorities for efforts where Norway is especially well qualified to make a contribution. They will be an important part of the basis measuring the results of Norway's efforts.

Other ministries, research institutions and non-governmental organisations in Norway participated actively in the preparation of the Strategy for Children and Young People. They will also be important partners for dialogue and cooperation on implementation. The Ministry intends to establish a forum for dialogue. An Ambassador for Children and Young People has been appointed at the Ministry of Foreign Affairs with special responsibility for heading and coordinating implementation.



Children at work, Nepal



9

Economic Activity and Working Life

9.1 Corporate social responsibility

Corporate social responsibility (CSR) means that business and industry take account of the social consequences of their activities. This responsibility includes consideration for human rights, including labour rights, the environmental impacts of their operations and many other social factors. This is particularly relevant in areas where state structures are weak, as they are in some developing countries. In these markets, international companies can exert influence to a degree that entails co-responsibility for social development. In many cases, business and industry will realise that they benefit from assuming such responsibility. Many political goals, including important foreign policy goals, will not be achieved unless the private sector takes part of the responsibility for social development. The way Norwegian companies behave at the international level has a significant impact on Norway's reputation. This creates a need for both cooperation and a definition of the borderline between companies and political authorities. The development of the public authorities' contribution to such cooperation is a priority task for the Government.

9.1.1 *Kompakt*

In 1998 the Government established Kompakt, a consultative body to deal with issues relating to human rights and Norwegian economic activity abroad. Its mandate has since been expanded to cover issues relating to corporate social responsibility in general. The Ministry of Foreign Affairs heads this work, in cooperation with other relevant ministries. Major Norwegian companies, the social partners, non-governmental organisations and research institutions are all represented. Kompakt held two meetings in 2004, which focused on environmental issues, corruption and the sustainability reporting of Norwegian companies.

9.1.2 *The Petroleum Fund's Advisory Council on Ethics*

The Petroleum Fund's Advisory Council on Ethics was established by Royal Decree on 19 November 2004. The role of the Advisory Council is to consider whether investment in specific companies is consistent with the established ethical guidelines of the Petroleum Fund. The Ministry of Finance makes decisions on the exclusion of companies from the Petroleum Fund's investment portfolio on the basis of the Council's recommendations.

The Council has so far presented two recommendations for the withdrawal of investments from the

Petroleum Fund's portfolio. The first recommended that the US company Kerr McGee be excluded from the Petroleum Fund's investment portfolio due to the company's exploration and mapping activities in controversial marine areas off West Sahara. West Sahara is under de facto Moroccan control but is regarded by the UN as a non-self governed area. The other recommendation concerned the exclusion of the companies General Dynamics Corporation, L3 Communications Holdings Inc, Raytheon Co, Lockheed Martin Corp, Alliant Techsystems Inc, EADS Co (European Aeronautic Defence and Space Company) and Thales SA with reference to the fact that these companies are assumed to be involved in the production of cluster weapons.

Both these recommendations resulted in the sale of Petroleum Fund's shares in the above-mentioned companies. Further information about the Petroleum Fund's Advisory Council on Ethics may be found on the Council's website (<http://odin.dep.no/etikkradet>).

9.1.3 *Ethical guidelines for Innovasjon Norge*

Innovasjon Norge (Innovation Norway) was established on 1 January 2004 following the debate in the Storting on Proposition No. 51 to the Storting (2002-2003) *Virkemidler for et innovativt og nyskapende næringsliv* (Instruments for an innovative and creative private sector) and Proposition No. 14 to the Odelsting (2002-2003) *Om lov om Innovasjon Norge* (Relating to the Act on Innovasjon Norge). Proposition No. 14 to the Odelsting states that Innovasjon Norge is to have ethical guidelines and that they are to cover matters relating to corruption, the environment, human rights and corporate social responsibility (see section 24).

9.1.4 *National research programme*

The Government wishes to contribute towards increasing knowledge of and improving the scientific basis for corporate social responsibility. It has therefore provided support for research, including research aimed at increasing international awareness of the impact of economic activity in conflict areas. In 2004 the Ministry of Foreign Affairs supported the national research programme on corporate social responsibility.

9.1.5 *The Global Compact*

Norway is one of the main supporters of the UN Global Compact. Norway believes that it is important to make efforts to ensure that the Global Compact and

awareness of corporate social responsibility are spread to new markets, including Asian markets. Norway has participated in the further development of the initiative that was taken at the high level meeting on the Global Compact in June 2004. Among other things, in 2004 Norway participated at the political level in a Global Compact summit, which adopted anti-corruption as the Global Compact's tenth principle.

9.1.6 Voluntary Principles on Security and Human Rights

In 2002 the Norwegian authorities became a participant in the process relating to the Voluntary Principles on Security and Human Rights. The principles that have been formulated during this process concern extraction companies' use of security personnel with a view to combining consideration for legitimate security needs with respect for human rights. The USA, the UK, the Netherlands and Norway represent the authorities. Many international petroleum and mining companies, including Norsk Hydro and Statoil, and international human rights organisations are participating in the process. In January 2005 Norway hosted the annual plenary session. At this meeting it was decided that work would commence on improving the management of the process and making it more transparent. Further information on the process may be found on the organisation's website (www.voluntaryprinciples.org).

9.1.7 The Extractive Industries Transparency Initiative (EITI)

Norway participates in the Extractive Industries Transparency Initiative (EITI) through the Ministry of Petroleum and Energy and the Ministry of Foreign Affairs. The purpose of this initiative is to establish voluntary standards for the publication of flows of payments and benefits between companies in the extractive industries and host countries. This kind of transparency will reduce the danger of corruption and increase the probability of oil and mineral revenues benefiting broad groups of the population. In 2004 the number of countries that have declared that they will implement the EITI standards increased to more than twenty. They include several petroleum-producing nations that Norway considers to be important, including Nigeria and Azerbaijan. This is a positive development, even though the degree of implementation varies. The minimum criteria for implementation were adopted in 2004. In 2004 Azerbaijan was the first country to publish a report on the country's oil revenues. In 2004 Norway contributed NOK 1.5

million to the World Bank's fund to assist countries wishing to implement EITI. Norway is a member of a working group that will consider how the initiative can best be developed in future.

9.1.8 Tropical timber

In 2004 and 2005 Norway continued its efforts to combat illegal and non-sustainable felling of and trade in tropical timber. In addition to the environmental consequences of such activities, it is especially important to take account of indigenous peoples and other local populations. Several countries, including Norway, have proposed that the WTO Committee on Trade and Environment (CTE) focus especially on the question of environmental labelling in this connection. In May 2005 the Ministry of Modernisation initiated a study on how specific measures can be designed to ensure more effective control of imports of illegally felled timber.

9.2 Child labour

Fighting child labour is an important part of Norway's efforts to promote human rights. Norway has for several years urged various international organisations, including the ILO, UNICEF and the World Bank, to cooperate closely in order to help combat child labour. Norway has also contributed approximately NOK 14 million per year in 2004 and 2005 through the ILO towards the fight against child labour. Furthermore, support for measures to combat child labour is an important part of Norway's contribution to UNICEF's efforts to protect children.

9.3 Inclusive Working Life

The agreement of intent on Inclusive Working Life (IA) is the result of cooperation between the authorities and the social partners. The goal is to reduce sickness absence, employ persons with reduced abilities and increase the retirement age. The agreement was evaluated in autumn 2003. The evaluation showed that the trend for all three goals was still moving in a negative direction. Efforts to promote an inclusive working life involve a large number of Norwegian companies and this may bring results over time. The agreement of intent will expire at the end of 2005 and will be thoroughly evaluated. On the basis of the evaluation in autumn 2005, the Government and the social partners will discuss what has been achieved through the IA agreement and the form and content of future cooperation.



Rice farmers, Vietnam



10

Human Rights Dialogues

Human rights dialogues are a means of increasing respect for and compliance with international human rights norms in countries that express a willingness to improve their human rights situation. This approach is based on cooperation and dialogue rather than unilateral criticism. The emphasis is on positive instruments, such as political dialogue, thematic meetings, discussions, studies and specific projects. Norway is currently in dialogue with China, Indonesia and Vietnam. While Norway also seeks to promote human rights in many other countries, cooperation in these cases is not so comprehensive that it can be defined as a human rights dialogue.

Describing cooperation as a dialogue means that cooperation has a long-term perspective. The effectiveness of human rights dialogues largely depends on their ability to promote contacts between players at different levels. Another important element of dialogue is to build networks between civil servants, judicial systems, academics and non-governmental organisations. These networks make it possible to exchange information, discuss possible action or develop project activities.

One important principle is that a human rights dialogue must not preclude Norway from criticising human rights violations that take place in the countries with which it is engaged in dialogue, for example in multilateral forums. Dialogue may also include regional or international cooperation on human rights.

The working methods, intensity and choice of topics may vary from one dialogue to the next. Human rights dialogues entail a variety of organisational challenges. A good dialogue is dependent on the interest of and contributions from Norwegian experts, the judicial system, civil servants and non-governmental organisations. Following an independent evaluation of the human rights dialogue with China that was published in May 2002, Norway has sought to reorient cooperation towards fewer themes over a larger number of years so that it is possible work in-depth. There has also been emphasis on engaging in projects in the priority areas so that dialogue can take place continuously and results can be ensured. In principle, the themes

that are chosen must be areas where Norway has comparative advantages and specialised expertise. It is a prerequisite that the dialogue partner also wishes to cooperate in the area concerned. Dialogue activities have been strengthened in recent years in terms of both financial resources and personnel. Norway is currently evaluating results and considering future strategies for all the dialogue countries.

10.1 China

Norway has been engaged in formal human rights dialogue with China since 1997. It includes annual round table conferences attended by politicians and experts. Representatives of the public authorities, research institutions and various non-governmental organisations participate in the working groups. In connection with the annual round table conferences on human rights, three working groups have been established to deal with the rights of prisoners, arrestees and workers respectively. The working groups, which comprise participants from authorities and organisations in both countries, are engaged in projects aimed at strengthening the rights of these groups.

There is emphasis on the participation of non-governmental organisations. The eighth round table conference in Beijing in June 2004 was attended by representatives of the Confederation of Norwegian Trade Unions (LO), the Norwegian Confederation of Business and Industry (NHO), Amnesty International, the Norwegian Helsinki Committee and the human rights committees of the Norwegian Medical Association and the Norwegian Bar Association. Many ministries, the Supreme Court, the Director General of Public Prosecutions, the Parliamentary Ombudsman, academic institutions and non-governmental organisations are actively involved in Norwegian-Chinese human rights dialogue.

There is strong emphasis on practical cooperation in the above-named areas. It includes the following projects and measures:

- In spring 2004 working groups for the rights of prisoners and arrestees visited a prison and an internment camp in China.

- The Parliamentary Ombudsman has broad contacts with various public institutions relevant to human rights in China. Under an agreement with the Ministry of Foreign Affairs, the Parliamentary Ombudsman is involved in efforts to strengthen prisoners' rights.
- With the support of the Ministry of Foreign Affairs, the Norwegian Medical Association has been involved in efforts focused on the role of prison doctors, among other things by developing an Internet-based course for prison doctors. The second workshop on human rights and psychiatry in China was held in August 2005, in cooperation with the Chinese Psychiatry Association.
- The Oslo Coalition on Freedom of Religion or Belief has been working to promote religious freedom in China for several years, with the support of the Ministry of Foreign Affairs. Its work is based on the international conventions that deal with freedom of religion. In recent years, its work has been focused on Tibet.
- The China Programme at the Norwegian Centre for Human Rights has been involved in student exchanges and human rights education in China since 1997. The programme has addressed issues such as domestic violence, legal aid and workers' rights. Its work has been internationally recognised. In 2003 the China Programme was able to launch the first comprehensive presentation of international human rights in Chinese, together with a teaching manual. The manual is now in use at 27 Chinese universities.
- Minority rights are a priority area. The Norwegian authorities are also financing a programme for minority rights and provincial autonomy in China through the Centre for Human Rights.
- In 2005 the Institute for Labour and Social Research (FAFO) is carrying out a survey of living conditions in 44,000 households in Western China. The data will be used in the authorities' efforts to reduce poverty in the least developed provinces where most of the minorities live.
- In human rights dialogue between Norway and China, the social partners have for several years contributed their experience of the Norwegian model for cooperation and corporate democracy. LO and NHO have cooperated directly with employees' and employers' organisations in China for some time. Books on trade union work and

freedom of organisation have been translated into Chinese and many seminars and conferences have been arranged on democratisation in working life.

- Norway has also entered into cooperation with China and Canada to strengthen human rights activities in Asia. Norway was responsible for arranging the Sixth Norway-China-Canada Symposium on Human Rights in Hanoi in December 2004 in which twenty countries from Asia and the Pacific region participated. The topics were tripartite cooperation in working life, women's rights, freedom of speech and the effect of globalisation on human rights.

10.2 Indonesia

Dialogue with Indonesia was initiated in 2002. It consists of political consultations, an annual dialogue meeting and an increasing number of activities focusing on human rights. Indonesia has presented a Plan of Action for Human Rights in which various measures to build a state based on the rule of law a central role. Ever since it began, the dialogue has reflected a commitment to supporting this goal.

The third dialogue meeting was held in Jakarta in 2004. At this meeting the focus was on efforts to strengthen general principles of the rule of law in two working groups. The first dealt with the prosecuting authority and the legal system's ability to prosecute and punish human rights violations. The second dealt with anti-corruption efforts in the legal system. The delegations were headed by politicians.

The fourth dialogue meeting was held in Oslo in April 2005. Indonesian participation in Oslo was also good, comprising the Minister of Justice and Human Rights, the Chief Justice of the Supreme Court, the Director General of Public Prosecutions and the head of the Parliament's Justice Committee. Representatives of the military forces and the police also attended the meeting. The conference was divided into a plenary session and working groups, where the topics were various aspects of the activities of the judicial apparatus in efforts to promote human rights, and the role of the police and the military forces in strengthening human rights.

As a result of the broad participation from Indonesia at the dialogue meeting in 2005, in addition to the conference itself, there was emphasis on arranging excursions for the various participant groups. The excursions shed light on how Norway seeks to comply with international human rights norms in the police, the prosecuting authority and the prison system, the courts of law in general and the Supreme Court in particular, efforts to publish and raise awareness of judgments, the fight against corruption and international crime, and the work of voluntary human rights organisations in Norway.

Dialogue with Indonesia also focuses on corruption. This includes corruption within the legal system, which undermines legal safeguards and the independence of the courts. Human rights dialogue also includes further support to strengthen the democratisation process in Indonesia.

Human rights dialogue with Indonesia is affected by the fact that the number of Norwegian experts with knowledge of the country and their opportunities to engage in dialogue activities are limited. The Indonesia Programme at the Centre for Human Rights, which was established for this reason in 2002, continued in 2004 and 2005. The programme focuses on human rights education, judicial reform, human rights in conflict areas and strengthening Indonesia expertise in Norway. There is a close connection between the topics that are dealt with in human rights dialogue and the areas in which the Indonesia Programme is engaged.

10.3 Vietnam

Human rights dialogue with Vietnam was formally initiated in 2003. Many different ministries, institutions and expert groups were represented at the dialogue meeting in Oslo in May 2004. The topics were the rights of prisoners, women and minorities,

and freedom of religion. Visits were arranged to a large number of institutions.

In 2004 and 2005 the dialogue included project activities. The main focus was on topics related to the probation service and the prison system. Several consultancy projects have been carried out in order to provide inputs for future dialogue.

Dialogue will continue to focus on the courts of law, the prison system and the probation service. Among other things, Norwegian Church Aid has received funding to implement a project targeting prisoners with HIV/AIDS. As part of the reform of the legal system in Vietnam, discussions are in progress on whether a constitutional court will be established in addition to the Supreme Court. A Vietnamese delegation comprising representatives of the Supreme Court, certain ministries and the Director General of Public Prosecutions therefore visited Norway in June 2005 in order to study the Norwegian model for the division of powers.

Work on practical cooperation will have priority in future, and projects relating to the rights of minorities are currently being planned. Various groups have been contacted with a view to increasing activities in the human rights area. The next dialogue meeting is planned for November 2005.

10.4 Other bilateral contacts in the human rights area

Two bilateral consultations with Russia on human rights issues were held in 2004 and 2005. There are plans for cooperation on human rights projects in Russia. In 2005 contact between Norway and Egypt was initiated with a view to facilitating cooperation between the Centre for Human Rights and the newly established Egyptian Human Rights Council.



Patient and doctor, Vietnam



Sister and brother in a refugee camp, Chad



11

War and Conflict

11.1 Human rights education in the defence forces

As a result of many events in the international arena and Norway's increased involvement in international military operations in recent years, there is increased focus on ensuring that Norwegian military personnel receive adequate education in humanitarian law and human rights. In April 2004 the Norwegian Defence Education Centre therefore initiated a project to review the education that is provided at various levels of the defence forces' military organisation. The project group, which is broadly based and includes representatives of the Norwegian Defence Education Centre, the Ministry of Defence, representatives of the various branches of the defence forces and the Norwegian Red Cross, has been asked to present a recommendation for the minimum requirements that should apply in the training of various groups of personnel. The project group must also present proposals for measures to ensure that education at the various military units is of a sufficiently high standard. With respect to this point, NATO's new standard for education in this area, NATO STANAG 2449, is regarded as being only a minimum standard. The project has also provided a basis for the development of a new e-learning course to be used as a teaching aid. The working group is to submit its final report and recommendations to the Norwegian Defence Education Centre by 1 November 2005.

11.2 International criminal tribunals

The International Criminal Court (ICC) is the first permanent institution to have a mandate to prosecute individuals for the most serious international crimes. Norway was one of the first countries to ratify the ICC statutes. The ICC should receive the broadest possible support and be integrated into the UN system for maintaining international peace and security. The Security Council can help to discourage crimes by referring situations to the ICC and thus also contribute to peacebuilding, reconciliation and democracy after armed conflicts. The ICC will significantly increase the ability of the international community to respond quickly to such crimes. The International Criminal Court will encourage states to take their responsibility for criminal prose-

cution seriously and will provide a safety net when national judicial systems fail.

After comprehensive testing of whether the requirements of the statutes had been met, on 23 June 2004 the Chief Prosecutor of the ICC decided to open an investigation of the situation in the Democratic Republic of Congo. Likewise, on 29 July 2004 a decision was made to open an investigation of the situation in Uganda. On the basis of Security Council Resolution 1593, which refers the situation in Darfur to the ICC, on 6 June 2005 the Chief Prosecutor also decided to open an investigation there.

International criminal tribunals have previously been established for crimes committed in Rwanda and the former Yugoslavia. A special tribunal has also been established pursuant to an agreement between the UN and Sierra Leone. Norway will continue to actively support the international tribunals for the former Yugoslavia, Rwanda and Sierra Leone, both politically and by other means.

11.3 Protection of humanitarian personnel

The protection of humanitarian personnel is high on Norway's agenda. Norway wishes to provide the best possible protection for this entire group in both civilian and humanitarian operations. The UN Convention on the Safety of United Nations and Associated Personnel of 1994, to which Norway is a state party, is an important contribution towards strengthening the protection of aid personnel. In practice, however, it relates only to UN peacekeeping operations. Since Norway wishes to give the entire group of humanitarian personnel the best possible protection, Norway is also working actively to strengthen the protection of UN and associated personnel in operations that are not an integral part of UN peacekeeping operations. This is taking place through negotiations on an optional protocol to the Convention. These negotiations have been in progress for several years in a working group under the UN General Assembly. The negotiations will continue at the 60th UN General Assembly in 2005.

International humanitarian law otherwise contains a large number of provisions relating to the protection

of humanitarian personnel, aid shipments and obligations to civilian populations affected by war and conflict. In recent years there have been many breaches of these rules and many serious attacks on humanitarian personnel. This trend challenges the core of the international legal system in a way that gives cause for serious concern. Norway has advocated strengthening the safety of humanitarian aid workers, among other things by increasing the legitimacy of such work by promoting broader geographical participation and by maintaining a clear distinction between military and civilian functions.

11.4 The security of individuals and the protection of civilians in conflict situations

The Human Security Network (HSN) was established by Canada and Norway in 1998. The network arranges annual meetings at ministerial level and currently consists of 14 countries (Canada, Chile, Costa Rica, Norway, Austria, Switzerland, Slovenia, Ireland, Greece, Jordan, Thailand, Mali and South Africa (observer)). The main goal is to mobilise political support for relevant international processes that are important for the security of individuals in conflict situations.

For Norway, the network provides an opportunity for raising awareness of and addressing issues that play a central role in Norwegian foreign policy. The inter-regional nature of the network facilitates cooperation across the traditional blocs.

In the past year, discussions in the network have focused on UN reform and work on a final declaration from the summit meeting in autumn 2005. Despite a certain amount of disappointment about the final document, the inclusion of the “responsibility to protect” and the decision to establish a Human Rights Council were regarded as positive results from the summit. The HSN has worked to ensure that the declaration contains clear recommendations for measures to strengthen the security of individuals.

In connection with its work on the protection of civilians, the Ministry of Foreign Affairs has focused on the need to integrate the women’s perspective. This

effort is based on Security Council Resolution 1325 on women, peace and security (see item 11.5 below).

Thailand took over the chairmanship of the HSN in May 2005. While the HSN has primarily focused on the security of individuals in conflict situations, Thailand wished to focus on social and economic matters. This is reflected in Thailand’s plan of action for its chairmanship, where HIV/AIDS, development and human trafficking have high priority. The plan also includes strengthening the multilateral human rights system, land mines, child soldiers, handguns and women, peace and security.

11.5 Security Council Resolution 1325 (2000) on women, peace and security

The implementation of UN Security Council Resolution 1325 (SR 1325), which concerns the role of women in peace processes, is an important element of Norway’s support for peace and reconstruction in conflict areas. According to the strategic framework *Utviklingspolitikkenes bidrag til fredsbygging: Norges rolle* (The Contribution of Development Policy to Peacebuilding: Norway’s Role) a plan of action will be formulated for the Ministry of Foreign Affairs’ work on SR 1325. The Ministry is currently considering whether the preparation of this plan of action should take place in connection with marking the fifth anniversary of the resolution on 31 October 2005.

Norway primarily works through multilateral organisations, especially the UN, to support the participation of women in peace processes. Such participation has proved to be essential for the establishment of lasting peace in post-conflict situations. Norway supports projects that take into account the gender balance in peace negotiations. Similarly, Norway supports “gender units” in connection with peace-keeping operations and training programmes that are gender-sensitive/gender equality-related. Meeting women’s needs and strengthening the position of women are also important priorities in Norway’s humanitarian assistance and its contribution to peace processes.

A Norwegian forum for SR 1325 was established in autumn 2004, where relevant ministries, research

institutions and representatives of civil society meet to discuss the progress of efforts to make women's concerns and gender equality an integral dimension of activities relating to war and conflict.

In the period 2004-2005 Norway contributed NOK 2.6 million to the UN Department of Peacekeeping Operations (DPKO) to strengthen the institution's competence with respect to mainstreaming the gender perspective at all functional levels. In the light of the information that has emerged concerning the abuse of women and children by soldiers and civilian personnel in UN peacekeeping operations in DR Congo, Norway has contributed NOK 1.3 million to the DPKO to strengthen the institution's competence with respect to combating sexual exploitation and abuse of women. Norway has also contributed NOK 3.6 million to the DPKO to investigate legal instruments for prosecuting persons assigned to UN peacekeeping operations who commit criminal acts, such as rape and other types of sexual abuse of women. Finally, Norway is financing a Junior Expert position in the DPKO gender and equality unit.

Norway supported the United Nations Development Fund for Women (UNIFEM) conference on Gender Justice in Post-Conflict Situations that was held in September 2004 and plans to support further work in this area in 2005.

As part of the follow-up to SR 1325, in January 2005 the Ministry of Foreign Affairs and the Norwegian Institute of International Affairs (NUPI) arranged a conference on the role of women in the peace process in Sudan. Fifteen women from Southern Sudan took part in the conference. In terms of practical support for women in Sudan, Norway contributed NOK 3.5 million to the UNIFEM project Promoting Women's Participation and Gender Equality in Post-Conflict Reconstruction and Peacebuilding in Southern Sudan.

One of the recommendations from the January conference for women in Southern Sudan was to arrange a joint symposium for women from both Northern and Southern Sudan in connection with the international donor conference for Sudan in April 2005. At this symposium, which was arranged

by Norway in cooperation with UNIFEM and NUPI, the delegates from Northern and Southern Sudan negotiated a joint declaration, which they presented at the donor conference. Several of the delegates to the symposium were included in Sudan's official delegation to the donor conference.

A round table conference arranged in cooperation with UNIFEM, which included high-level representatives from the UN, the Sudanese Minister of Foreign Affairs and the Norwegian Minister of International Development, Hilde Frafjord Johnson, was held in New York on 13 September 2005. The conference focused on the role of women in the achievement of the Millennium Development Goals in Sudan. Delegates from Northern and Southern Sudan were also present. The book *Towards Achieving the MDGs in Sudan: Centrality of Women's Leadership and Gender Equality*, a cooperative project between UNIFEM, NUPI and the Ministry of Foreign Affairs, was launched at the conference.

Norway has also provided assistance for SR 1325-related projects aimed at strengthening the participation of women in political and civilian life. In the period 2001-2004, NOK 12,635 million was provided to support the Norwegian People's Aid programme *Kvinner Kan* (Women Can Do It), which covers Bosnia-Herzegovina, Serbia and Montenegro, Kosovo, Macedonia and Albania. The goal of the programme is to promote the participation of women in local and national election processes by training women who are active in local organisations, political parties, trade unions, national institutions and the media. Assistance is also provided for youth groups and students. The programme is coordinated with the Stability Pact's Gender Task Force (GTF). An evaluation of the programme in the period 2001-2003 was carried out in the first half of 2005.

In connection with the Norwegian police project in Afghanistan, in 2004 Norway assumed responsibility for developing a programme for the recruitment, training and follow-up of women in the Afghan police force. The project has been delayed due to the lack of infrastructure, but the conditions are now improving to the extent that it will be possible to implement training for women. The fact that female



Child soldier, Southern Sudan

Norwegian officers teach courses at the Police Academy in Kabul will probably also have a certain signal effect with respect to the evaluation of female police in Afghanistan.

11.6 Children in armed conflict

In 2004 and 2005 Norway maintained its strong focus on efforts to protect children in armed conflicts. The UN Special Representative for Children in Armed Conflict and the NGO Coalition to Stop the Use of Child Soldiers are among Norway's partners in this area. With other like-minded countries, Norway is helping to keep this topic on the agenda of the UN Security Council and elsewhere in order to ensure that, in its involvement in individual conflicts, the UN effectively takes into account the protection of children.

11.7 Refugees and internally displaced persons

In 2004 and 2005 Norway continued its international efforts to improve the human rights situation for refugees and internally displaced persons. These efforts have especially been aimed at ensuring that these groups have access to effective humanitarian assistance. This was also the main purpose of efforts to increase the security of humanitarian aid workers and the effectiveness of the humanitarian aid apparatus.

In 2004 and 2005 Norway also reinforced its efforts to achieve permanent solutions to refugee situations, among other things by placing stronger emphasis on sustainable repatriation and reintegration measures in post-conflict situations. This was part of the follow-up to the comprehensive plan of action Agenda for Protection to improve the protection of refugees.



Mother and daughter fleeing across the border from Darfur to Chad

Access to people in distress continued to be a serious obstacle to humanitarian efforts in many countries, which was exacerbated by targeted attacks on UN and Red Cross aid workers in countries such as Iraq, Afghanistan and Somalia. Norway followed up efforts to strengthen the legitimacy, integrity and security of aid personnel, not least by building stronger national and local aid systems and by introducing measures to create a clearer framework for humanitarian activities when they are part of integrated UN peace operations. This was the theme of an international conference in Oslo in May 2005. In 2004 Norway's intensified efforts to follow up Security Council Resolution 1325 on Women, Peace and Security to a large extent also included refugees and internally displaced persons. The same applied to Norway's support for measures to prevent sexual violence against women in conflict areas.

Norway participates actively in efforts to improve humanitarian assistance, which must also benefit refugees and displaced persons in "forgotten crises". After the tsunami disaster in December 2004, the spotlight was once again focused on the need to improve the ability of the international humanitarian aid apparatus to step in rapidly and effectively. Norway, which has long been actively involved in efforts to ensure more predictable financing of humanitarian assistance and improve coordination and partnership between the various humanitarian actors, provided part of the financing for an international report, the Humanitarian Response Review, which was aimed at improving humanitarian assistance activities.

Norway continued its efforts to strengthen preparedness for humanitarian crises by focusing on the organisation of emergency preparedness. In cooperation with the Norwegian Refugee Council, in 2005 a special personnel arrangement was estab-

lished comprising personnel from the Middle East (NORMIDEAST) to supplement existing arrangements such as NORSTAFF and NORAFRIC. The main purpose of this arrangement is to strengthen general emergency preparedness by recruiting and training aid personnel who can be deployed at short notice. The increased use of personnel from the Middle East in humanitarian emergencies is also important in order to ensure local support and legitimacy and thereby security for aid personnel in the region.

Norway has been working for many years to create greater awareness of the many millions of internally displaced persons (at least 25 million) in order to ensure that their human rights are respected. In 2004 and 2005 Norway provided political and financial support for the Representative of the UN Secretary-General on Internally Displaced Persons, for the Norwegian Refugee Council's database of internally displaced persons, and for training and information activities. As the main mover of the UN General Assembly's resolution on internally displaced persons, Norway is helping to confirm the international community's acceptance of the fact that the situation of internally displaced persons is an international concern.

11.8 Peace and reconciliation processes

11.8.1 The peace process in Sri Lanka

In 2004 Norway assisted the Sri Lankan authorities and the Tamil Tigers (LTTE) as the facilitator of the peace process after the parties requested that it continue its work. Direct peace negotiations between the parties, which lasted from 2002 to 2003, had been suspended since 2003. Norway continued its chairmanship of the Sri Lanka Monitoring Mission (SLMM), its development assistance and its contacts with the parties as facilitator. From the time of the parliamentary elections in April 2004 and for the rest of the year, Norway tried to help the parties to agree on an agenda for reopening the negotiations. This proved difficult, among other things due to the internal political situation in the UPFA coalition government. After the tsunami in December 2004, Norway facilitated negotiations between the parties on a joint mechanism for assisting the

victims of the tsunami in the north and the east, which the parties wished to establish before new peace negotiations could be discussed.

Human rights issues played a central role in the peace process. During the negotiations from 2002 to 2003, the parties stated that human rights would be an important element of a final peace agreement and a new political system. The parties also agreed to discuss the protection of human rights while the process continued. Ian Martin, the former Secretary General of Amnesty International, was appointed as the common Human Rights Advisor. His task will be to prepare a plan for improving protection from human rights abuses and a draft agreement on human rights monitoring. In the absence of negotiations, Ian Martin has continued to maintain contact with the parties and with Norway with a view to preparing the ground for future progress. Norway also supports the efforts of the UNDP in Colombo on capacity-building at the national level and in the north and east with a view to being able to support a future human rights agreement and a monitoring mechanism. In the absence of a comprehensive human rights agreement, the SLMM continues to monitor and report on breaches of the parties' obligations to civilians, to which they committed themselves in the cease fire agreement.

Both parties recognise that children in northern and eastern Sri Lanka have been especially seriously affected by the armed conflict between the LTTE and the Sri Lankan authorities. In this connection, during the peace negotiations in 2003, Norway contributed to the signing of an agreement between UNICEF and the LTTE on efforts for children affected by the armed conflict in the north and east. The plan of action also includes measures to stop the recruitment of minors to LTTE military divisions. The LTTE has committed itself to stopping all recruitment of children under the age of 18 and has begun the process of sending persons under the age of 18 back to their parents, but recruitment is still continuing, according to the SLMM and UNICEF. The plan also includes an offer of rehabilitation, health services, education and other training. In 2004 Norway supported the work of UNICEF, the ILO and the UNDP for children in the north and east pursuant to the plan of action.

Work in the Sub-Committee on Gender Issues, which was established in 2002 to ensure that the peace process takes account of the needs and rights of women, was suspended as a result of the breakdown of peace negotiations in 2003. Norway supported the visit to Sri Lanka of Astrid Nøklebye Heiberg, an expert adviser for the committee, to continue separate discussions with the parties. Norway also provided assistance for the planning of a conference on women's issues in connection with the peace process, which was attended by delegates from civil society in all parts of the country.

11.8.2 The peace process in Sudan

Since gaining its independence in 1956, Sudan has been devastated by long periods of civil war. In Southern Sudan in particular, living conditions have been difficult as a result of widespread hostilities and human rights violations on the part of both the regular military forces and various militias. The civil war has led to serious problems for local food production, and the population has had no access to the most fundamental health and education services. As a result of this, more than four million Southern Sudanese have been refugees in their own country or in neighbouring countries.

On 31 December 2004 the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) concluded peace negotiations that had been in progress since May 2002. The final peace agreement was signed in Nairobi on 9 January 2005 by Ali Osman Taha, Vice President of Sudan, and John Garang de Mabior, Chairman of the SPLM. The negotiations were headed by a special secretariat under the East African organisation, the Intergovernmental Authority on Development (IGAD). With the UN, the USA, the UK and Italy, Norway has actively supported the peace process and has had observers and resource persons present at all the rounds of negotiations.

The peace treaty is a comprehensive document. The various chapters describe the principles that will apply to power-sharing, the distribution of resources and security issues. The peace treaty will be implemented in a pre-interim period of six months, followed by an interim period of six years. The UN

has established a peace-supporting operation (UNMIS) to support and monitor implementation. At the end of the interim period, the people of Southern Sudan will decide in a referendum whether they wish to secede from the rest of the country or continue to be part of Sudan. It will be a crucial challenge for both the new coalition government and the international community to ensure that the large number of refugees can return voluntarily, safely and with dignity.

The conflict in Western Sudan flared up in 2003. The conflict in Darfur is not new and is largely the result of a battle for resources and of economic and social marginalisation. From this point of view, the conflict has many features in common with the conflict in Southern Sudan. The Sudan government has been strongly criticised for its responsibility for systematic and serious human rights abuses in Darfur, including systematic murder, rape and looting of the local population. The conflict has led to a large number of fatalities and almost two million refugees. It has been high on the agenda at the UN Security Council and the Security Council of the African Union (AU).

In June 2004, the AU established an operation in Darfur to monitor the cease-fire agreement between the rebels and the government that was signed in Ndjamena in April 2004. The AU monitoring force has been continuously expanded and in autumn 2005 consists of approximately 6,000 persons. Norway has played an important role in strengthening the civilian police element of the operation and in establishing the presence of civilian police from the AU in the camps for internally displaced persons.

In autumn 2004 the UN Secretary-General appointed an investigative commission consisting of five persons under the leadership of Professor Antonio Cassese to find out whether the actions could be characterised as genocide. The commission concluded that there were no grounds for calling it genocide, but that several actions on the part of both the government and the rebels could be regarded as crimes against humanity. In March 2005 the UN Security Council referred the panel's report to the International Criminal Court in The Hague,

which opened an official investigation of the situation in June 2005.

In 2004 the UN High Commissioner for Human Rights started deploying human rights observers to Darfur. The human rights observers have now been integrated into the UN peace-supporting operation and totalled 65 persons as of August 2005. In spring 2005, the UN Human Rights Commission adopted a unanimous resolution on the human rights situation in Sudan which, among other things, once again established a mandate for a Special Rapporteur on the human rights situation in Sudan.

11.8.3 The peace process in Colombia

The peace process in Colombia has made no progress since the inauguration of President Uribe in August 2002. There is a lack of trust between the government and the guerrillas. The power of the military forces has been strengthened and the fight against drug trafficking has been intensified. Serious breaches of human rights and international humanitarian law are taking place.

The policy of the Colombian authorities in the field of human rights and international humanitarian law is strongly influenced by their “democratic security policy”. Norway has expressed concern that the recommendations of the UN High Commissioner for Human Rights have not been integrated into the new policy in a consistent manner. Norway has urged the Colombian authorities to ensure that the country’s obligations under international law are fulfilled in their fight against terrorist activities. Norway has also urged the irregular armed forces to release all hostages and kidnapped persons immediately and unconditionally, and to stop recruiting children to armed conflict.

In the last six-year period, Norway has been relatively strongly involved in humanitarian efforts in Colombia, with special focus on human rights activities. In connection with President Pastrana’s peace initiative, Norway’s involvement was expanded to include supporting the dialogue between the authorities and FARC/ELN by participating in the group of friendly nations and supporting the active role of civil society in peace efforts.

However, there appear to be few possibilities for movement in the Colombian peace process. The peace processes with both the FARC and the ELN have come to a halt. The group of friendly nations for dialogue with the ELN, of which Norway was a member, has been suspended. Mexico’s role as facilitator ceased in mid-April 2005 after the ELN expressed a lack of confidence in Mexico in this role. Moreover, the mandate of the UN Secretary-General’s Special Representative for Colombia expired in April 2005. The international community’s freedom of action in efforts to find a negotiated solution to the conflict has been limited in the past two years. Colombia envisages possibilities for Norway and the international community to continue to play a role in peace efforts, especially in relation to the ELN, but so far the modalities for such involvement have not been clarified. Norway will continue its humanitarian activities in Colombia.

11.8.4 Peace and reconciliation efforts in Aceh

Norway supports the peace agreement between the Indonesian authorities and the GAM liberation movement that was signed in Helsinki. A special monitoring force consisting of personnel from the EU, ASEAN, Norway and Switzerland is assisting in the implementation of the agreement. The monitoring force has been operational since mid-September 2005. The force’s mandate to monitor the implementation of the peace agreement will also include assignments in the field of human rights monitoring and the disarming of GAM.

An advance party, which included Norwegian representatives, planned the deployment of the monitoring force, to which Norway will contribute five observers. This is a civilian operation, but it entails a significant element of military expertise. The personnel are unarmed and do not wear uniforms. The Indonesian authorities are responsible for the security of the observers.

11.8.5 The reconciliation process in Guatemala

The UN MINUGUA mission concluded its operations in December 2004 following the end of the 36-year-long civil war. In connection with the withdrawal of MINUGUA it is important that alternative

mechanisms be put in place to promote the implementation of the peace agreements, especially in crucial areas such as human rights and the judicial sector. Among other things, Norway is supporting the establishment of a presence for the High Commissioner for Human Rights in Guatemala. Norway is continuing to provide training in conflict resolution and dialogue in both civil society and public institutions. Priority is given to increasing the political participation of women, young people and the indigenous population.

11.8.6 The reconciliation process in Haiti

In the past fifteen years, the absence of democratic rules and parliamentary traditions has led to a turbulent situation with frequent changes of government, military coups and military interventions in Haiti. Following the deposition of President Jean-Bertrand Aristide in February 2004, Haiti must once again try to lay the foundations for a new start.

After cooperating for several years with Norwegian Church Aid on support for humanitarian measures, in 1998 Norway was asked to cooperate with the USA, Canada and the International Peace Academy with a view to promoting consensus-building between political and civilian players in Haiti. Norway has continued these efforts since 2000. Norway's involvement in Haiti has a humanitarian focus and the goal is, through dialogue, to continue to strengthen trust between the various political and civilian players in the country. This involvement entails close cooperation with the Haitians themselves, where the Church also plays an important role, with Norwegian NGOs and groups (including Norwegian People's Aid and the Norwegian Institute for Labour and Social Research (FAFO)) and with the UN and the Organisation of American States (OAS).

These efforts have consisted of inviting Haitians from various areas of society to take part in discussions and seminars, in Haiti and in Norway, on issues such as reconciliation, human rights, and democratic rules and institutions. As a result of patient efforts in the past six years, a certain amount of leeway has been created for dialogue between Haitian politicians and civilian players. At the same time, the work itself has helped to reduce the conflict.

In the transitional phase that Haiti is now going through, the international community is needed, both to guarantee security and to provide assistance and investment. However, only in combination with political dialogue between Haitians will the MINUSTHA stabilisation forces and broad financial assistance create a secure framework around the elections that will take place in November 2005.

Norway's efforts to facilitate dialogue between the political players must be viewed as part of these preparations. In cooperation with Norwegian Church Aid, a seminar was held in Oslo in August 2004 for Haitian political leaders, representatives of civil society and the Church to discuss the role of political parties in a democracy. As a final document from this seminar, the Haitians signed an "Oslo Declaration" which commits them to cooperating by peaceful and legal means in the further development of political dialogue in Haiti. The theme from the Oslo seminar was followed up at a new, broadly-based seminar attended by all the important social players in Haiti in March 2005. Since this seminar, an election pact – a kind of code of conduct – has been negotiated with the leaders of the most important political parties in the country. The election pact, which was launched during the visit of State Secretary Helgesen to Port au Prince in June 2005, was signed by almost 30 parties. The main elements of the pact include respect for law and order and refraining from the use of violence.

The election pact has provided a basis for discussions between the political parties concerning how they can work together to ensure the place of political parties in Haitian democracy. With Norway's support, a multi-party platform has been negotiated, the Convention des Partis Politiques Haitiens, a kind of syndicate for political parties that was launched in Port au Prince on 15 September with the support of all the influential parties in the country.

Another initiative supported by Norway, the development of a "Pacte de Gouvernabilité", is now in its final stages. This pact aims to clarify and legitimise the role of the opposition and the relationship between the government and the opposition in the governance of the country.

11.8.7 The reconciliation process in the Philippines

Since 2001, at the request of both parties, Norway has been the facilitator of the peace process in the Philippines. Informal talks between the parties were held in Oslo in October and November 2003. They were followed by three rounds of formal negotiations in spring 2004. The first two rounds resulted in joint declarations. The negotiations that should have been held in Oslo in August 2004 have been temporarily postponed. One of the reasons why the progress of the negotiations has slowed down may be that they are approaching difficult and binding substantive negotiations.

The conflict in the Philippines is primarily due to the great social and economic disparities in the country and the weak system of governance. The negotiations on social and economic rights and political and constitutional reforms will directly address these challenges.

Despite the decline in the progress of the peace process, the parties appear to have the necessary willingness to negotiate that may make a political solution possible. However, both parties are keeping the military option open. To make the political track as attractive as possible, Norway has therefore intensified its efforts in three areas:

- Measures to support the negotiations themselves
- Measures to generate support for the process in civil society
- Measures to mobilise support from the international community.

One of the most practical results of the three rounds of formal negotiations that have been completed is the establishment of a joint committee to monitor human rights abuses (JMC). The committee comes under CARHRIHL and the joint secretariat in Manila opened on 4 June 2004. The JMC's joint secretariat is financed by Norway through the Centre for Humanitarian Dialogue. Assistance was allocated for the period up to 1 December 2004. The JMC has begun to receive complaints about human rights abuses, but there is still a marked disparity between complaints about the government and complaints about the NPA. Negotiations on the framework for the work of the JMC have made some progress but agreement has still not been reached on how the cases that are reported will be dealt with.

11.8.8 The human rights situation in the Palestinian Area

The purpose of Norway's involvement is to contribute to the establishment of a democratic and economically sustainable Palestinian state as part of a negotiated peace settlement. Norway provides a substantial amount of development assistance to the Palestinian Area. Much of the development assistance programme is devoted to developing institutions to lay the foundations for the future Palestinian state. Due to the difficult social and economic situation in the area, however, a large proportion of this assistance is spent on meeting the humanitarian needs of the Palestinian population.

Norway provides assistance directly to the Palestinian self-governing authority through the Red Cross, the UN system and non-governmental organisations. Norway also heads the only international observer force in the Palestinian Area, the Temporary International Presence in Hebron (TIPH). The purpose of this force is to provide a greater degree of security for the population in Hebron.

Violence from both sides contravenes the most fundamental of all human rights, the right to life. The Palestinian Area is regarded as occupied territory. According to the Geneva conventions, this gives Israel, as the occupying power, a special responsibility for both the Palestinian civilian population and for its treatment of Palestinians in Israeli prisons. Norway has repeatedly brought up the issue of compliance with international humanitarian law with the Israeli authorities, both bilaterally and through the international donor structure, which is headed by Norway. There has been particular focus on freedom of movement for humanitarian and development assistance personnel. Norway has also repeatedly brought up the issue of the construction of a security wall on the West Bank. This wall is having serious economic and social consequences for the Palestinian population. Norway regards the part of the wall that is being built on the West Bank as unlawful under international law. Norway also supports a large number of non-governmental organisations on both the Israeli and the Palestinian sides that are working on these and related issues. Norway has also demanded that the Palestinian authorities do their best to put a halt to Palestinian attacks against Israelis.



Food distribution, Northern Uganda



12

The UN System

12.1 UN reform

In addition to peace, security and development, the promotion and protection of human rights is one of the UN's key tasks. There are also clear connections here. If human rights are respected, the danger of social unrest and conflict is reduced, while the possibilities for social and economic development increase.

Norway has consistently urged that the role of the UN must be strengthened in international efforts to promote respect for human rights. In recent years, Norway has focused on the implementation and international enforcement of the normative foundation that the international human rights conventions provide. This means that the UN must be able to act effectively and legitimately in the human rights arena.

The UN is currently undergoing a reform process to better enable the organisation to help ensure that member states fulfil their human rights obligations. The Secretary-General's reason for proposing reforms in the human rights field was that the UN Commission on Human Rights is regarded as being increasingly less effective in improving the human rights situation in practice. Much of the criticism that is directed at the Human Rights Commission with respect to its composition, working methods and practical results is justified. This is primarily because dealing with human rights is by nature a highly political process that is characterised by clear lines of conflict.

Norway has participated actively in the reform process. It has supported the Secretary-General's proposal that, in connection with the reform of the UN, human rights must be emphasised more strongly, integrated into all UN activities and enforced more effectively. Norway has supported the proposal for the establishment of a standing Human Rights Council as a new main body in the UN. Norway has emphasised that some important features of the Commission on Human Rights, such as special procedures and the possibility for civil society to participate in the work of the Commission, must be continued. Norway has supported the recommendations to strengthen the

work of the UN High Commissioner for Human Rights by doubling the office's share of the regular UN budget

The difficult negotiations on the final document for the summit meeting in New York in September 2005 culminated in a weaker text than Norway had hoped for. It was decided that a Human Rights Council would be established to deal with human rights violations and submit recommendations in this connection. The Council will otherwise promote the coordination and further integration of human rights in the UN system. This must be regarded as a positive result. However, there was no agreement prior to the summit on the many important modalities that must be determined in connection with the new Council, including its status, composition and working methods. This means that many issues of vital importance for the position of the Human Rights Council and its ability to work effectively to prevent and prosecute human rights violations have been left to new, demanding negotiations.

12.2 The 60th and 61st sessions of the UN Commission on Human Rights

The fundamental political differences remained strong at the 60th session of the UN Commission on Human Rights. The matters that gave the most cause for concern included continuous and increasing pressure to weaken crucial human rights mechanisms, not least the special rapporteurs. It is particularly serious that this time the pressure also came from certain western countries, including the USA and West European countries. It was disappointing that certain important resolutions on the situation in individual countries, including Chechnya and Zimbabwe, were not adopted at this session either. However, it must be regarded as satisfactory that the resolutions on North Korea, Cuba, Turkmenistan and White Russia/Belarus were adopted and that the Commission adopted decisions on Nepal, Colombia, Haiti and Sudan.

Positive results were also achieved with respect to human rights and anti-terrorism measures, internally displaced persons, human trafficking, violence against women and corporate social responsibility.

Work at the 61st session of the Commission was affected by the Secretary-General's reform proposal *In Larger Freedom*, which concerns the transformation of the Commission on Human Rights into a Human Rights Council. While there was more or less consensus on the need for reform of the UN's human rights mechanism, it was difficult to see any signs of agreement on common goals or instruments to achieve them.

Although the fundamental political differences were still strong, two issues helped to make the session slightly less confrontational:

- The improved political situation in the Middle East/Palestine.
- The decisions not to present the most controversial country resolutions (Chechnya, China, Iran and Zimbabwe).

The most disappointing factors were undoubtedly the Human Rights Commission's inability to deal with serious human rights abuses in politically sensitive country situations such as these. At the same time, this led to further isolation of the four countries that were the object of the Human Rights Commission's most "judgmental" resolutions, which were adopted by a larger margin than before. They concerned Cuba, Belarus, North Korea and Myanmar.

The most important results of the 61st session were the establishment of new mandates for human rights and anti-terrorism measures, the corporate sector and human rights, minorities, and the monitoring of the human rights situation in Nepal and Sudan. Furthermore, guidelines were adopted for compensation for the victims of serious contraventions of human rights and international humanitarian law.

For Norway, the following resolutions were the most important of the thematic resolutions under the two commissions:

- The resolutions on human rights defenders (for which Norway is the main mover)
- The resolutions against the use of torture
- The resolutions concerning human rights and anti-terrorism measures
- The resolutions on the corporate sector and human rights

- The resolutions concerning violence against women
- The resolutions concerning summary executions
- The resolutions concerning indigenous peoples
- The resolutions concerning the protection of internally displaced persons.

Norway also participated actively in the discussions on individual country situations and was involved in practical measures to reduce the differences between states in multilateral human rights activities. Reports on Norway's participation in the 60th and 61st sessions of the Commission on Human Rights are available on the Ministry of Foreign Affairs' human rights website (<http://www.dep.no/ud/norsk/tema/mr/mropolitikk/deltakelse/bn.html>).

12.3 The Third Committee of the General Assembly

The work of the Third Committee at the 59th UN General Assembly did not result in any significant progress as regards new norms and standards for work on human rights and social issues. The work of the committee was strongly politicised and polarised. It showed that there are fundamental differences of opinion as to how human rights work should be advanced.

Disagreement was especially apparent in connection with resolutions that criticised the human rights situation in individual states. The arguments against such resolutions are that they represent a western, politically motivated instrument to be used against developing countries.

At this session, eight resolutions were proposed that criticised individual countries. Four of them were not put to a vote because they were either withdrawn or stopped for procedural reasons. For the remaining resolutions, the result of the vote showed such a large number of abstentions that the resolutions lost much of their force and legitimacy.

One important point for the Norwegian delegation concerned issues relating to the protection of the rights of indigenous peoples. The first International Decade of Indigenous Peoples ended in December 2004. A proposal to continue the work for another

decade was adopted. The Nordic countries pointed out that the Permanent Forum for Indigenous Issues must play a decisive role in future work on indigenous issues in the organisation.

The Norwegian delegation also focused especially on the rights of women and gender equality. On this point, it was especially satisfactory that a resolution was adopted on combating honour crimes. Protection of the rights of the child was another priority area. As usual, Norway was a co-mover of the resolution on the rights of the child. The controversial issues in this resolution included condemnation of the use of the death penalty against minors and references to the International Criminal Court.

Another important point concerned the protection of human rights in the fight against terrorism. In Norway's main intervention at the session, it was emphasised that it is important that all countries fulfil their human rights obligations under international law in the fight against terrorism. It was emphasised that Norway regards the use of the death penalty against pregnant women or against persons who were minors or mentally retarded when they committed the crime as unacceptable and in contravention of international common law. The intervention also referred to the extremely difficult situation of human rights defenders internationally, and pointed out that it was necessary to pay constant attention to their fate.

12.4 The UN High Commissioner for Human Rights

The post of UN High Commissioner for Human Rights (UNHCHR) was established in 1993. The Office of the High Commissioner (OHCHR) functions as a secretariat for the UN Commission on Human Rights and the treaty bodies, provides technical assistance and advice to many countries, and is responsible for the human rights component in many peacemaking/peacekeeping operations. Another central task for the High Commissioner is to head efforts to improve the integration of human rights into all UN activities, in accordance with the reform plans of the Secretary-General. Norway is among the countries that make the largest voluntary contributions to the Office of the High

Commissioner, contributing NOK 35.8 million in 2004 and NOK 38 million in 2005.

Louise Arbour was appointed UN High Commissioner for Human Rights in summer 2004. She energetically re-started the efficiency improvement process that had been initiated by her predecessor, Sergio De Mello. In spring 2005 she launched a plan of action with specific measures and a timetable for improving existing areas of activity and a stronger presence at country level.

12.5 The treaty bodies

The treaty bodies are committees established to oversee the monitoring and implementation of the UN human rights conventions. Norway is a state party to the following six conventions that each have their own monitoring committee: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child (CRC).

The six committees have different composition and competencies, but they all consist of independent experts whose main task is to ensure that the parties to the conventions fulfil their obligations. Their tasks mainly consist of reviewing periodic reports from member states and making recommendations to individual states. They also prepare general commentaries that elaborate on individual provisions of the conventions.

The committees that monitor the conventions on civil and political rights, torture, racial discrimination and women also have a mandate to evaluate individual complaints against states parties that have accepted that the committee has this competence. Since 2003, a working group established by the Commission on Human rights has held annual sessions to consider the possibility of drawing up an optional protocol to the Convention on Economic,

Social and Cultural Rights on the right to submit individual complaints. The last session of the working group so far will be held in February 2006. It is expected that the working group will formulate a recommendation to the Committee on Human Rights concerning the question of whether the mandate of the working group should be renewed. If it is recommended that the mandate be renewed, it is natural that this will entail competence to prepare proposals for a protocol concerning an arrangement for individual complaints.

Work on reforming and rationalising the work of the committees continued in 2004 and 2005. Among other things, in 2003 it was decided that the Committee on the Rights of the Child would be divided into two chambers in order to deal with reports from states parties more quickly. Norway supports this work, which is administered by the treaty bodies themselves. Norway also supports the work of the treaty bodies financially by providing a contribution for this purpose to the High Commissioner for Human Rights.

Professor Lucy Smith was re-elected as a member of the Committee on the Rights of the Child in February 2004. Nora Sveaas, Ph.D Psychol., was nominated as Norway's candidate to the UN Committee Against Torture in September 2005.

12.6 The International Labour Organisation (ILO)

The right to work, fair conditions of employment and trade union membership are all among the rights laid down in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, The International Labour Organisation (ILO), which is the UN's specialised agency 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 organisation, working conditions, discrimination in working life and social security. Eight of the ILO conventions are regarded as being the key conventions and concern the right to organisation and collective negotiations, equal pay

for men and women, non-discrimination in working life and the elimination of forced labour and child labour. In addition to its widespread normative activities, the ILO is engaged in comprehensive global development cooperation to promote democracy and human rights, strengthen the protection of workers and combat unemployment and poverty.

The ILO is a tripartite organisation and its governing bodies comprise employees, employers and governments. In the three-year period 2002-2005, Norway was a member of the ILO Board.

In its period on the Board, Norway has supported measures to modernise and rationalise the ILO's normative and monitoring system, focusing on the key conventions and stronger cooperation with the IMF and the World Bank. This means that Norway has stressed that the system must primarily focus on serious violations, such as the killing of trade union leaders, imprisonment, other deprivation of liberty and deficient legislation. Norway has supported the continuation of the Secretary-General's campaign to give high priority to the ratification and promotion of the basic ILO conventions.

Norway has also prioritised the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work from 1998. In connection with the UN Millennium Development Goals, the ILO 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. Norway continued to support this work in 2004 and 2005. Norway also provided support for programmes to combat child labour and promote tripartite dialogue in working life.

Norway has also actively contributed to the acceptance and implementation of the ILO conventions in developing countries. Norway has explicitly urged that trade union development cooperation activities should be channelled to areas where the ILO's monitoring bodies have discovered deficient implementation of the conventions. This applies, among other things, to the extensive use of forced labour, prohibition against organisation, the killing of trade union leaders, working conditions similar to



Tent for refugees from Darfur, Chad

slavery, kidnapping and gross exploitation of child labour.

Although the ILO has traditionally concentrated on the formal sector, there is growing interest in the informal economy. The ILO Director General took the initiative for the establishment of a World Commission on the Social Dimension of Globalisation. The Commission presented its report in January 2004. Among other things, the report describes the kind of policy that is required to ensure that globalisation does not take place at the expense of workers' rights. The main message of the report concerns the reform of global mechanisms to strengthen the social dimension of globalisation. It discusses measures to strengthen the capacity of the ILO to contribute to the implementation of human rights and labour standards and to ensure that migration is dealt with at the multilateral level. Norway has actively supported the World

Commission, both politically and financially. Norway has sought to help ensure that the role of the ILO with respect to the social dimension of globalisation is strengthened and made visible.

Norway agrees that the ILO must continue to promote decent work as a global goal and that the ILO must continue its efforts to strengthen cooperation with other multilateral players in order to ensure coherence. Cooperation with the World Bank, the IMF and the WTO is especially important.

12.7 The development banks

The main goal of the activities of the development banks is to promote social and economic development. These activities are clearly connected to the promotion of political and civil rights, not least because improving the living standards of individuals gives greater opportunities for promoting such

rights. Norway's substantial contributions to the programmes of the development banks in the education sector therefore have a strong human rights dimension. The formulation of Poverty Reduction Strategy Papers (PRSPs), which are comprehensive strategies for development, by recipient countries has two important human rights dimensions. Firstly, they are clearly poverty-oriented. Secondly, the PRSP process is based on wide-ranging consultations with civil society and others. Norway makes proactive efforts to ensure that publicly elected bodies also play a central role in this work. The PRSP process, which is also a condition for debt relief under the Heavily Indebted Poor Countries Initiative (HIPC), therefore leads, both directly and indirectly, to more extensive implementation of social and economic rights, the strengthening of political and civil rights and greater democratisation.

In recent years, the development banks have increased their efforts to promote political and civil rights by focusing more strongly on good governance and the role of civil society in borrowing countries. Norway is one of the main contributors to the banks' programmes and projects to promote good governance. Since the banks' statutes are usually interpreted to mean that they must not influence the internal political organisation of borrowing countries, their human rights efforts are usually related to the negative impact of human rights violations on the development process. Many member states, including borrowing countries, believe that the banks should not take a leading role on human rights issues. Norway supports the human rights dimension in the work of the development banks with both political and financial instruments at several levels. The Norwegian Centre for Human Rights is consulted and used in this work.

13.1 The European Court of Human Rights

The European Court of Human Rights is the most important instrument in the Council of Europe's efforts to promote human rights. Individuals who believe that their rights under the convention have been violated may submit an appeal to this court. The decisions of the European Court of Human Rights are available on the Court's database HUDOC (<http://cmiskp.echr.coe.int/>). An introduction to the search possibilities for this database is available on the Ministry of Foreign Affairs' human rights website under MR-databaser (<http://www.dep.no/ud/norsk/tema/mr/baser/bn.html>).

13.1.1 Trends in case law

In line with the trend from 2003 and 2004, an increasing number of cases concern serious violations of the European Convention on Human Rights (ECHR). In addition to this general observation, reference is made to two judgments in particular because they illustrate a new trend.

The judgment in the case *Broniowski v Poland*, which was handed down in June 2004, is the first "pilot judgment", i.e. a judgment that entails special handling of similar complaints, whereby similar complaints are set aside until the authorities have implemented all the general measures that are necessary to rectify the situation that entails a breach of the ECHR.

The second judgment was handed down in July 2004 in the case *Ilascu et al v Moldova and Russia*. *Ilascu* and others were impris-

oned in contravention of ECHR Article 5 (prohibition against arbitrary deprivation of liberty) by the governing authorities of the Moldovan Republic of Transdnyestr. The complainants were also treated in a manner that entailed contravention of ECHR Article 3 (inhuman and degrading punishment). Two of the complainants were still in prison when the judgment was handed down. The new element of the judgment was that, in addition to determining that a violation had taken place, it also determined what the state had to do for the complainants and when the measure had to be implemented. The judgment laid down that the prisoners must be released immediately. As of 5 July 2005 they had still not been released.

In 2003, the Court handed down almost 21,000 decisions, 718 of which were judgments. The remaining decisions were summary dismissals. In the judgments, breaches of the Convention were found in 588 cases. This is equivalent to an increase of approximately 18 per cent in the number of cases that have been completed. The Court received approximately 39,000 applications in 2003, and this number increased to almost 45,000 in 2004. Of these, about 40 per cent came from four countries: Poland, Russia, Turkey and Romania.

The processing time has increased significantly, from two to three years, and in some cases it is more than twice as long. Judgments against four countries, Turkey, Poland, France and Italy, account for more than half of all the judgments (more than 60 per cent in 2003, 52 per cent in 2004). Despite increased efficiency, the growing number of

cases has created a serious capacity problem, illustrated by the fact that at the end of 2004 the European Court of Human Rights had more than 80,000 uncompleted cases. This situation is paralysing the Court's function as a protector of human rights in Europe and threatening its credibility and status. The Council of Europe's member states have therefore initiated a process aimed at reforming the Court system.

13.1.2 Reform measures

At the ministerial meeting in May 2004 a reform package was adopted that is intended to secure the future of the European Court of Human Rights. The reform package contains the following elements:

- Protocol 14 to the ECHR relating to changes in the monitoring system for the convention in order to make the Court more effective
- Five recommendations to member states intended to improve the implementation of the ECHR at the national level and thus reduce the number of applications.
- A resolution aimed at the Court on judgments that reveal underlying systemic errors
- A declaration which states, among other things, that the Committee of Permanent Representatives must take special, effective steps to ensure better and quicker implementation of the judgments of the court, especially those that reveal underlying systemic errors.

Norway ratified Protocol No. 14 to the European Convention on Human Rights on 10 November 2004. The Protocol aims to increase the efficiency of the court by simplifying the processing of cases and extending the Court's right to dismiss cases summarily. The goal of the Council of Europe is for Protocol 14 to enter into force by May 2006. This is conditional upon all 45 member states ratifying the Protocol by January 2006. As of 8 October, the Protocol had been signed by all parties to the ECHR except Russia. 17 member states had also ratified the Protocol.

The five recommendations concerning the implementation of the ECHR at the national level concern the following matters:

- Re-opening cases as a consequence of decisions of the European Court of Human Rights
- Ensuring that statutes, proposed statutes and administrative practices are in accordance with the ECHR.
- Strengthening human rights education at universities and educational institutions for professions
- Strengthening national judicial remedies
- Measures relating to judgments from the European Court of Human Rights that are due to underlying structural problems.

Norway, which was Chairman of the Council of Europe when the reform package was adopted, has been strongly involved in following up the recommendations at Council of Europe level. The recommendations have been translated into Norwegian and are appended to the Norwegian version of this report. The English version of the recommendations are appended to this English version of the annual report.

13.1.3 The execution of judgments

One of the important functions of the court system is the monitoring by the Committee of Ministers of the execution of judgments in member states. Countries against which a judgment is made have an obligation to remedy the situation that is in contravention of the Convention. In many cases, it is necessary to change administrative or judicial practices, and sometimes it is necessary to amend the law. In recent years the Court has been supplemented by several new control mechanisms in the human rights sphere.

The judgments of the European Court of Human Rights against Norway from 2003 have been executed and the Committee of Ministers has finished monitoring compliance with the judgments. In 2004 the Court dealt with three cases against Norway, which were all denied further hearing by the European Court of Human Rights. The first case, the I and U case, concerned taking into care and the right to family life pursuant to Article 8. The second case, the Riis case, concerned Article 6 No. 1 on a fair hearing. The third case, the Reeves case, concerned Article 6 No. 2 on the presumption of innocence. Decisions on several cases are expected in 2005, including an application concerning the

school subject Christian Knowledge and Religious and Ethical Education.

13.1.4 Norway's chairmanship of the Committee of Ministers

From May to November 2004 Norway was Chairman of the Committee of Ministers, the highest decision-making body of the Council of Europe. Norway had three priorities:

- To strengthen the European human rights system and cooperation in the judicial sphere
- To strengthen cooperation between the European organisations, especially the OSCE and the EU
- To further develop the role of the Council of Europe in conflict prevention through political dialogue and efforts to promote good governance and greater understanding between different cultures.

Norway was especially concerned to ensure that the reform process for the Court of Human Rights continued. In this connection, in cooperation with the Council of Europe, Norway arranged a seminar in Oslo in October 2004 on reform of the European human rights system.

Another important matter for the Government was Norway's initiative to strengthen cooperation and ensure greater complementarity between the Council of Europe and the OSCE. During its chairmanship, Norway played a leading role in efforts to clarify the role of the Council of Europe in relation to other international organisations, especially the OSCE and the EU.

Norway otherwise arranged a large number of conferences during its chairmanship in 2004. In November 2004 a conference was arranged in Oslo to present and discuss the Council of Europe's measures to deal with the increasing use of violence in daily life. The Norwegian chairmanship also took the initiative for a conference in Strasbourg in November 2004 to strengthen the rights of disabled children. In autumn 2004 a seminar was arranged for and with Roma youth. The seminar was chaired by the European Forum for Roma Youth and the delegates represented Roma youth from all over Europe.

The Government takes the view that democratic participation and good governance at the regional and local levels are important elements of efforts to spread stable democratic governance and prevent conflicts. This was the topic of a conference arranged in Oslo in autumn 2004 that was attended by ministers from several member states. They discussed how the Council of Europe can best be used to strengthen good governance through cooperation between member states at the local level.

13.2 Other executive bodies under the Council of Europe

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is dealt with in the chapter on torture in this report (see item 4.3.3 above).

13.2.1 The European Committee for Social Rights

The European Committee for Social Rights monitors countries' implementation of the European Social Charter. Countries report on their implementation of parts of the report. In the event of deficient implementation, the Committee's process may culminate in a recommendation to remedy the situation, adopted by the Committee of Ministers. The Committee also deals with collective complaints, i.e. complaints brought by non-governmental organisations.

In 2004 the Committee dealt with Norway's second report on the implementation of the revised European Social Charter. The Committee criticised Norway for not having provided information on the minimum wage for young people. Norway stated, as before, that there are no rules concerning a minimum wage in Norway, but that new statistics showed that the level of wages for young people is not much lower than other wage levels. The statistics were not available at the time of reporting, and will be sent to the Committee in connection with the next report. Norway, Sweden and other countries were criticised because the statutory holiday for young people of school age is only two weeks and does not amount to more than half the summer holiday, as the rules require according to the Committee of Experts. Norway referred to the fact that child labour is not a social problem in Norway

and will document this in its next report. With many other member states, Norway was also criticised because the citizens of member states outside the EEA are not ensured the right to family benefits unless the family resides in the country, or the right to aggregation of national insurance periods. None of the countries that were criticised for this agree that the rules give grounds for such rights.

Norway submitted its third report on the implementation of the revised European Social Charter in August 2005. Norway's reports and the Committee's recommendations are available on the Ministry of Foreign Affairs' website under "International regulations and monitoring" (<http://www.dep.no/ud/norsk/tema/mr/bn.html>).

13.2.2 The Advisory Committee for the Framework Convention for the Protection of National Minorities

The Advisory Committee for the Framework Convention for the Protection of National Minorities is another important instrument in efforts to promote human rights. Professor Asbjørn Eide was elected chairman of the Committee in autumn 2004. The Advisory Committee visits countries and reviews official reports. The Committee's evaluation of the reports provides the basis for the decisions made by the Committee of Ministers on each country. One important aspect of the Committee's work is the extensive dialogue with authorities and non-governmental organisations that takes place in connection with visits.

The Council of Europe does extensive work to protect national minorities. The Framework Convention requires member states to submit complete information about legislation and other measures that have been implemented. Norway submitted its first report to the Council of Europe on the implementation of the Convention in March 2001. In May 2004 a seminar was arranged to follow up the resolution adopted in 2003. Norway submitted its second report in October 2005. Norway's reports are available on the Ministry of Local Government and Regional Development's website on the Framework Convention (<http://odin.dep.no/krd/norsk/tema/nasjonale/europa/bn.html>).

13.2.3 The European Commission against Racism and Intolerance (ECRI)

The European Commission against Racism and Intolerance (ECRI) consists of independent members (one member from Norway) who monitor racism and racial discrimination by analysing the situation in each country. The Committee formulates general and country-specific recommendations on racism and intolerance and publishes examples of best practices. After each visit to a country, the ECRI formulates recommendations concerning how the problems that have been identified may be solved. The ECRI presented its latest report on Norway in January 2004. The report emphasised that protection from discrimination has improved in several areas in Norway, but recommends that Norway improve protection from racist expression and ensure that it has an effective apparatus for enforcing anti-discrimination legislation. The ECRI reports are available on the Committee's website (http://www.coe.int/T/e/human_rights/ecri/4-Publications).

13.2.4 The European Commissioner for Human Rights

The Council of Europe has had a Commissioner for Human Rights since 1999. The task of the Commissioner is to help promote knowledge of and respect for human rights in member states. Thomas Hammarberg from Sweden was elected as the new Commissioner for Human Rights in October 2005.

The work of the Commissioner includes visits to member states, after which the Commissioner prepares reports on the human rights situation in the country concerned. The Commissioner works on overarching issues and does not consider individual cases. The Commissioner last visited Norway in 2001 as part of his monitoring of member states. In 2004 the Commissioner visited Luxembourg, Denmark, Sweden, Croatia, Russia, Switzerland and Liechtenstein. Further information is available from the Council of Europe's website on the work of the Commissioner (http://www.coe.int/T/E/Commissioner_H:R/Communication_Unit/).

13.3 The OSCE

The Organisation for Security and Cooperation in Europe (OSCE) is an important arena for Norway's efforts to promote democratic development, the rule of law and respect for human rights. Particularly in the Balkans, other parts of Central and Eastern Europe, the Caucasus and Central Asia, the OSCE is an important player in ensuring that human rights, democracy and the rule of law are observed and developed. Through its missions, the OSCE has a presence in countries and regions where major challenges still exist, and also in countries where few other international organisations are active.

The most important annual review of the implementation of the OSCE's obligations under the human dimension is the Human Dimension Implementation Meeting (HDIM). The meeting lasts for two weeks and takes place in Warsaw each autumn. Here, participant countries have the opportunity to share their experiences and present recommendations for further action in work relating to the human dimension. The meeting also gives civil society the opportunity to enter into dialogue with representatives of the governments of their home countries.

In 2004, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) had almost 200 ongoing projects. The level of activity is expected to remain at the same level in 2005. The level of activity is still highest in the Balkans, while the ODIHR's involvement in Central Asia has increased. Election observation and advice, gender equality, minority rights, terrorism and human rights and human trafficking were high on the ODIHR agenda in 2004 and 2005. The OSCE High Commissioner for Ethnic Minorities and the OSCE Representative on Freedom of the Media are also running important projects in various member states.

In recent years, the OSCE has done a great deal of work to combat human trafficking. The OSCE believes that approximately five hundred thousand people, especially women and children, are transported to, from and within the OSCE region each year and exploited in a manner that is similar to slavery, including forced prostitution. Human traf-

ficking is a serious violation of the human rights of the victims, and it is currently the second largest source of income for organised crime. Human trafficking thereby undermines stability and security in the broadest sense.

In efforts to combat human trafficking, the OSCE's practical experience in the field gives it an advantage over many other international organisations. A comprehensive plan of action to combat human trafficking was adopted at the ministerial meeting at Maastricht in December 2003. This was followed up at the ministerial meeting in Sofia in December 2004 with a decision to prepare an appendix on the special needs for protection and assistance of children who have been the victims of human trafficking. Since 2004 the OSCE has had a Special Representative against Human Trafficking. Norway's ambassador to the OSCE was chairman of the working group on gender equality and human trafficking in 2004. Under Norway's chairmanship, a plan of action for gender equality was negotiated, which was adopted at the ministerial meeting in Sofia in 2004.

In 2004 the ODIHR provided observers and experts for 15 elections. Almost half of the elections that were observed took place in South-Eastern Europe. The ODIHR was also present at important elections in Central Asia, Belarus and Ukraine. There was particular focus on election observation after the ODIHR's refusal to accept the validity of the election in Ukraine towards the end of the year. The OSCE also played an important stabilising role in connection with the change of power in Kirgizistan in spring 2005. Norway provided observers for eight of the ODIHR's election observations in 2004.

Three conferences were held on the theme of tolerance and non-discrimination in 2004 and one was held in Cordoba in 2005. At the ministerial meeting in Sofia it was decided that three special representatives would be appointed in the sphere of tolerance, one to combat anti-Semitism, one to combat discrimination against Islam and one for other forms of discrimination and xenophobia.

13.4 The EEA

The framework agreements that have been entered into with individual recipient countries under the EEA financing facilities contain five priorities. They are 1) non-discrimination, 2) measures for minorities (including the Roma population), 3) gender

equality, 4) improving the rights of disabled children and 5) human rights activities, including through NGOs. Specific measures have not yet been initiated and will depend on countries submitting applications within the above-named priority areas.

14.1 Ombudsman mechanisms

14.1.1 *The Parliamentary Ombudsman*

The Parliamentary Ombudsman, the Storting's Ombudsman for Public Administration, oversees administrative procedures and the application of the law in public administration. An important aspect of this work is ensuring that the authorities fulfil their human rights obligations. Since the Storting amended the Ombudsman Act in 2003, the object clause now explicitly states that it is the responsibility of the Ombudsman to help ensure that human rights are respected. This statutory amendment highlights the legal foundation for the activities of the Ombudsman in this field.

Through his work on individual cases, the Parliamentary Ombudsman seeks to create broader awareness of Norway's commitments pursuant to international human rights treaties, particularly the European Convention on Human Rights (ECHR) and the conventions that have been incorporated into Norwegian law. In 2004 complaints relating to human rights violations were investigated in several cases, including a case concerning doubling up in prison cells and a case concerning freedom of speech for a public servant.

However, the Parliamentary Ombudsman also considers it important to promote human rights in other ways, as well as dealing with individual cases. In 2004, the Ombudsman therefore monitored the work on the incorporation of the Convention on the Rights of the Child into Norwegian law. The question of human rights is also discussed at meetings with and during visits

to administrative bodies, and at meetings with non-governmental organisations. By participating in and speaking at seminars and conferences in Norway and abroad, the Parliamentary Ombudsman also seeks to increase the efficiency of implementation of the human rights obligations that Norway has assumed

Human rights are also a topic at meetings between the Parliamentary Ombudsman and delegations and representatives from other countries. As a result of these meetings, experience gained in human rights work is exchanged across national borders.

Furthermore, the meetings underscore the fact that the Ombudsman mechanism is a democratic institution that seeks to ensure the fulfilment of human rights. In 2004 the Parliamentary Ombudsman had meetings with, among others, parliamentarians from Kenya, a constitutional commission from Zambia and a delegation of judges and lawyers from Nepal. He also received a visit from delegations from the State Bureau for Letters and Complaints (SBLC) and from the Ministry of Supervision in China. A member of the Parliamentary Ombudsman's staff also took part in the eighth round table conference on human rights in Beijing, where one of the topics was the rights of prisoners and arrestees, and where he provided information on the Parliamentary Ombudsman's supervision of the prison administration in Norway.

14.1.2 *The Gender Equality Ombud*

The Gender Equality Ombud enforces the Gender Equality Act, which prohibits differential treatment on the basis of gender, but permits differential treatment in order to

promote gender equality. The Act applies to all areas of society, but most of the complaints concern matters relating to employment. Almost every second case from working life concerned discrimination in connection with pregnancy and parental leave.

Enforcement of the Gender Equality Act entails dealing with individual cases and providing guidance and information on the provisions of the Act. In 2004 the Ombud received 517 written complaints, an increase from 476 cases in 2003. The Gender Equality Ombud believes there are still major challenges in efforts to promote gender equality in Norway:

- The Norwegian labour market is segregated by gender to a significant extent. Some sectors are entirely dominated by women, while others are dominated by men.
- Girls and boys still make traditional choices with regard to professional and vocational training.
- There are still differences in men's and women's pay, even when women and men do the same type of work and have the same qualifications.
- Almost half of the labour force today are women, but the proportion of women in senior management positions is still low. There is a particularly large lack of women in the management and on the boards of directors of private companies.
- Although more than half of all university and college students are women, they are strongly under-represented in senior academic positions.
- 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 are still discriminatory provisions in Norwegian legislation.
- The Gender Equality Ombud seldom receives complaints from foreign women or women with a minority background. There is a need to strengthen gender equality efforts that target these women. The number of complaints from foreign women will probably increase following the establishment of a new Equality and Anti-discrimination Ombud from 1 January 2006. It is anticipated that the issues will prove to be complex and possibly related to several forms of discrimination in these cases.

The role of the Gender Equality Ombud as a consultation body is regarded as important in the development of gender equality law. Many of the cases heard in 2004 were extremely important, both in relation to the development of legal practice and in relation to equality between women and men in general. The Ombudman made statements on, among other things, amendments to the Gender Equality Act, the enforcement of the equal treatment rules in the Working Environment Act, the recommendation of the Committee on Violence against Women, a modernised national insurance scheme, a new Act relating to working life, changes in the rules relating to maternity/paternity pay, and amendments to the Act relating to day care institutions.

In addition to the consultation cases, it is worth mentioning the case concerning parental responsibility that was brought by *Foreningen 2 foreldre* (the 2 Parents Association) as an example of an important case of principle that the Gender Equality Ombud dealt with in 2004. The Gender Equality Ombud reached the conclusion that the rules relating to parental responsibility in the Children Act conflict with the Gender Equality Act and asked the Ministry of Children and Family Affairs to take the initiative to change the rules so that all parents, regardless of their civil status, automatically have parental responsibility. The Gender Equality Appeals Board dealt with this matter following an appeal from the Ministry of Children and Family Affairs. In its decision of 18 August 2005, the Appeals Board agreed with the Ombudsman's conclusion and did not allow the appeal of the Ministry of Children and Family Affairs.

In 2004 the Gender Equality Ombud wrote twelve articles, chronicles and letters that were printed in the daily press and professional journals. A new initiative in 2004 was the Ombud's series of four articles in the *Tidsskrift for Kritisk Juss* (Journal of Critical Law). The Gender Equality Ombud gave 43 lectures in 2004. The greatest demand for lectures is from trade unions and various non-governmental organisations.

The Gender Equality Ombud continued to be highly active at the international level in 2004. The annual

meeting of Nordic Ombudsmen was held in Copenhagen. In 2004, the Gender Equality Ombud received twelve international delegations, including delegations from Sweden, the EU, the UN, Kenya, Japan, China, Vietnam, Iran and Bangladesh.

The Gender Equality Ombud also participated in conferences in Japan, Slovakia and Mexico. International cooperation is important in order to be able to develop gender equality legislation in accordance with Norway's international commitments, and in this way the Gender Equality Ombud can help ensure that the human rights of women are better safeguarded internationally.

14.1.3 The Ombudsman for the Armed Forces and the Ombudsman for the Civilian National Service

The establishment by the Storting of the two Ombudsman mechanisms, the Ombudsman for the Armed Forces in 1952 and the Ombudsman for the Civilian National Service in 1957, was in itself an important measure to safeguard the rights of individuals in relation to the Defence authorities for military personnel and the Ministry of Justice as the administrative authority for civilian national service personnel (conscientious objectors). According to the instructions of the Storting, both these ombudsman mechanisms are to safeguard the rights of military personnel and civilian national service personnel, respectively. Since soldiers and civilian national 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 protectors 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 Ombudsmen must also deal with complaints from individuals who consider that they have been unlaw-

fully or unreasonably treated by their respective administrative authorities.

Over the years, many cases brought to protect and extend the rights of the individual in relation to the authorities have been processed and resolved. Each year, the Ombudsmen report on some 110-150 complaints from individuals in the Defence Forces or the civilian national service. Between thirty and forty percent of these complaints culminate in a decision in the complainant's favour.

The Committee of the Ombudsman for the Armed Forces has also carried out surveys of the Defence Forces' treatment of soldiers and other personnel belonging to minority religions. Field chaplains serve as the Defence Forces' advisors on issues concerning the right to free exercise of religion. The Committee has ascertained that no cases of 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 system of compulsory military service under which all fit men between the ages of 19 and 44 must perform military service or alternative civilian service. This constitutional duty may conflict with the civil interests and rights of the individual. It is the responsibility of the two ombudsman mechanisms to help reduce possible conflicts between individual rights and social obligations in the best possible way.

The Ombudsman received no specific complaints of this nature in 2004, but received a few telephone enquiries concerning general human rights, such as Article 24 of the Universal Declaration of Human Rights concerning the right of every person to rest and leisure. The questions, mainly from personnel on shift duty, were related to the strain of long working hours. Some personnel who do not meet current requirements for various types of financial support have submitted questions relating to Article

25 of the Universal Declaration, which concerns the right of every person to a standard of living that is adequate for the health and well-being of himself and his family, etc.

In the Ombudsman's experience, the rights of the individual in relation to the authorities concerned generally appear to be well safeguarded. However, social developments show that there is still a need for bodies to monitor human rights.

14.1.4 The Ombudsman for Children

Under the Act relating to the Ombudsman for Children and associated instructions, the Ombudsman must seek to ensure that due account of the needs, rights and interests of children is taken in all areas of society. The Ombudsman must particularly ensure that the legislation intended to protect children's interests is complied with, and that Norwegian law corresponds to Norway's obligations pursuant to the UN Convention on the Rights of the Child. Reidar Hjermandt was appointed Norway's fourth Ombudsman for Children in 2004.

Since the incorporation of the UN Convention on the Rights of the Child into the Human Rights Act, the Convention on the Rights of the Child has become increasingly important in Norway. However, the Convention is applied relatively seldom and in 2004 the Ombudsman for Children therefore focused on ensuring that the Convention has greater impact. This has been done by ensuring that political decisions concerning children and young people are in conformity with the Convention. The Ombudsman has also made efforts to draw attention to the Convention on the Rights of the Child in all relevant contexts.

Activities in connection with reporting to the UN Committee on the Rights of the Child have played a central role in the work of the Ombudsman for Children in the past year. On the basis of the Life Before 18 project, which was initiated by the Ombudsman for Children in cooperation with the Forum for the Convention on the Rights of the Child, educational materials for use in primary and lower secondary schools were further developed.

This development project, which is supported by the Directorate of Education, is intended to interest pupils in topics such as rights, the Convention on the Rights of the Child and participation. By the end of the year, materials had been prepared for use at various levels of primary and lower secondary education. This work will continue in 2005.

The Ombudsman for Children has otherwise cooperated with the Norwegian Centre for Human Rights in connection with the Centre's annual report on the human rights situation in Norway. The Ombudsman has also been involved in the Centre's preparation of information materials for municipalities relating to the Convention on the Rights of the Child.

Another important area in 2004 was to continue efforts to strengthen the participation of children and young people. The Ombudsman focused particularly on developing the Internet Parliament into a tool for active participation, strengthening cooperation with children's and youth organisations, developing the Ombudsman for Children's website as a portal for the participation of children and young people, and further developing the dissemination of research results via the Internet for children and young people.

The Ombudsman has participated in reference groups and many other professional contexts on the theme of children's and young people's use of new technology. The Ombudsman has focused both on the right of the child to have access to information and the right of the child to be protected from harmful information, cf. Article 17 of the Convention on the Rights of the Child.

The Children and Protection project ended in 2004. The report will be published in 2005. In connection with this project, the Ombudsman for Children, with the support of the Nordic Council of Ministers and others, investigated issues relating to parents' visiting rights and how children can be protected from abuse in connection with parental visits.

In cooperation with the Directorate of Police, the Ombudsman for Children has considered the possi-

bilities for improving the registration and security of children in police cases that involve children. There has also been focus on how confidence in the child welfare service can be strengthened and how the Ombudsman can help to increase the legitimacy of the child welfare service in the eyes of the public.

Chapter 9a of the Education Act, which concerns the working environment for school pupils, was an important focus of the Ombudsman's work in 2004. This Act is a breakthrough for the individual rights of pupils in school, both nationally and internationally. There is a great need for information and for the development of good routines before it will be possible to confirm that the rights of pupils are adequately safeguarded. In cooperation with the Ombudsman for Children, the County Governor of Oslo and Akershus carried out an inspection that showed depressing results with respect to schools' compliance with the law. On this basis, the County Governor and the Ombudsman for Children have prepared a brochure on Chapter 9a of the Education Act, which provides specific and practical advice on complaints and appeals procedures.

The Ombudsman for Children also continued his work on the Manifest mot mobbing (Manifesto Against Bullying). The focus was on the function of pupils' councils and clear, unequivocal leadership in schools.

In 2004, the Ombudsman for Children established good contact with the Saami Parliament and initiated a dialogue on the educational situation of Saami children and young people. Safeguarding the language and culture of Saami children will be one of the main themes of further work.

The Ombudsman for Children focused especially on the care and treatment of unaccompanied minors seeking asylum in 2004. The Ombudsman also had contacts with the immigration authorities in connection with the meaning of "the best interests of the child" in Article 3 of the Convention on the Rights of the Child and the need for "the best interests of the child" to be taken into account in all decisions that are made concerning children.

14.1.5 The Centre for Combating Ethnic Discrimination

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

The Centre has three functions: legal aid, documentation and influence. Both legal aid activities and other sources of information are useful for shedding light on the nature of discrimination and for proposing changes and improvements.

The Centre gives high priority to legal aid and had five lawyers providing legal aid for most of 2004. The number of legal aid cases has never been higher than in 2004. In 2004 the Centre provided legal aid in 305 cases, of which 275 were new and 30 were initiated prior to 2004. The Centre's legal aid is provided on the basis of the user's subjective opinion of having been the victim of discrimination. Legal aid services consist of several elements. The centre provides legal information, i.e. legal advice and individual guidance. In some cases the Centre steps in as a representative of the aggrieved party.

The Centre's users report on discrimination they have experienced in areas such as working life and in contacts with the social services, the police and the immigration authorities. It has also provided legal aid in cases relating to discrimination in clubs, bars and restaurants, education and housing.

In several cases it has been noted that the involvement of the Centre in legal policy can result in clarification in areas where rights and duties have previously been unclear, even though the result has not necessarily led to a positive change in accordance with the user's original wishes. For example, there have been several applications concerning the right to pray in working or school hours in premises designated for this purpose. This issue, on which no decision has yet been made, is of great interest to many workers and school pupils.

The Centre has an obligation to present proposals for measures to prevent ethnic discrimination. The Centre must play a proactive role in relation to both the public authorities and the private sector. One example of this is the Centre's project in connection with the State's obligations to persons who are not legally resident in the realm. The purpose has been to investigate administrative practices with respect to access to food, accommodation and health services. The legal issues the Centre wished to shed light on were, firstly, whether the State had fulfilled its security obligations in relation to international human rights conventions, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, secondly whether there had been violations of other obligations under the conventions, such as Article 3 of the European Convention on Human Rights or Article 11 of the International Covenant on Economic, Social and Cultural Rights and, finally, whether the administration's application of the law was in accordance with Norwegian law. The Centre also wished to shed light on the extent to which discrimination took place against persons who were not legally resident in Norway.

Another example is the Centre's involvement in the debate on the relationship between freedom of speech and protection from racist expression in connection with the amendments to Article 100 of the Norwegian Constitution and the proposed amendments to Section 135a of the Penal Code, where the Centre has, among other things, helped to appeal the ruling of the Supreme Court in the Sjølie case to the International Committee on the Elimination of All Forms of Racial Discrimination (CERD). The Centre also provided inputs to the Storting's Standing Committee on Scrutiny and Constitutional Affairs prior to the adoption of amendments to Article 100 of the Norwegian Constitution in autumn 2004.

The third area of activity of the Centre for Combating Ethnic Discrimination, i.e. documenta-

tion of discrimination, is also relevant to human rights. Documentation of discrimination is useful in order to prioritise anti-discrimination measures. The Centre documents all applications where the user has experienced discrimination.

The Centre also played a leading role in a project financed by the EU aimed at developing methods for measuring discrimination. The purpose of the project is to present recommendations for methods for producing comparable and representative data on discrimination.

In 2004 important steps were taken in the direction of improving legal protection from discrimination in general. There was also a great deal of progress in the political processes in connection with a general Act prohibiting ethnic discrimination, etc. and a new ombudsman mechanism. The Centre has been proactive in this process and has provided professional inputs. Several new statutory provisions that prohibit discrimination in the housing sector entered into force from 1 January 2004. This legislation prohibits discrimination on the grounds of religious belief, skin colour, linguistic ability, national or ethnic origin or sexual orientation and covers housing societies and cooperatives, jointly owned buildings and rental contracts. New rules concerning protection from discrimination in the Working Environment Act entered into force on 1 May 2004. In June 2004, a proposal for an amendment to the Alcohol Act was presented, whereby clubs, bars or restaurants that repeatedly deny guests access due to their ethnic origin may lose their licence to serve alcohol. This amendment entered into force in December 2004. Two propositions to the Odelsting that are vitally important for the future of the Centre for Combating Ethnic Discrimination were submitted in December 2004: Proposition No. 33 to the Odelsting (2004-2005) relating to the Anti-discrimination Act and Proposition No. 34 to the Odelsting (2004-2005) relating to the Equality and Anti-discrimination Ombudsman. The latter document described the model for a future enforcement apparatus.

14.2 Statistics

Table 1: Contributions canalised through Norwegian and Foreign NGOs 2004¹⁾ (NOK 1000)

Region	Country	Non NGO	Norwegian NGO	Local NGO	Regional NGO	Global NGO	Research institution	Total
Afrika	Africa, unspec.	68 776	29 603	580	760	8 450		108 169
	Angola	24 975	52 428	1 375	1 500	3 015		83 293
	Benin		106					106
	Botswana		2 341					2 341
	Burundi	21 000	5 367					26 367
	Cameroon		2 475					2 475
	Cap Verde		49					49
	Congo (Dem Rep)	14 500	22 887					37 387
	Congo, Rep.		406					406
	Eritrea	1 428	13 195	470				15 094
	Ethiopia	42 771	27 153	2 581		602	771	73 878
	Ghana		528					528
	Guinea-Bissau		214					214
	Ivory Coast		761					761
	Kenya	7 396	19 466			2 150		29 012
	Lesotho		3 832					3 832
	Liberia	6 300	2 098			1 000		9 398
	Madagascar	3 939	3 992					7 931
	Malawi	27 744	33 263	5 204		500	657	67 368
	Mali	11 104	32 320					43 424
	Mauretania		117					117
	Mauritius		106					106
	Morocco			250				250
	Mozambique	7 283	31 740	6 652	25	2 000		47 700
	Namibia		1 756				800	2 556
	Niger		5 253					5 253
	Nigeria	5 550	177	700				6 427
	Rwanda	10 300	14 867			400		25 567
	Senegal	20	177					197
	Seychellene	43						43
	Sierra Leone	-173	2 970					2 798
	Somalia	9 544	11 797					21 341
	South Africa	15 841	18 418			450	10 000	44 709
	Sub Saharan Africa, unspec.	9 110	2 766			6 694	9 237	27 807
	Sudan	52 429	60 989		8 127	900		122 445
	Swaziland		1 466					1 466
	Tanzania	133 371	21 144	3 068		1 237	0	158 820
	Togo		106					106
	Uganda	25 975	42 279	1 941		500	435	71 130
	Zambia	88 777	25 787	18 450		1 000		134 013
	Zimbabwe	4 054	19 988	10 691		550		35 283
Total Africa		592 057	514 389	51 962	10 412	29 447	21 900	1 220 166
Asia	Afghanistan	30 202	25 365			355	-226	55 695
	Armenia	-154	-139				121	-173
	Asia, unspec.	7 244	5 684	500	760	2 129	3 200	19 516

Table 1: Contributions canalised through Norwegian and Foreign NGOs 2004¹⁾ (NOK 1000) Continue

Region	Country	Non NGO	Norwegian NGO	Local NGO	Regional NGO	Global NGO	Research institution	Total
	Azerbaijan	2 701	6 078				243	9 022
	Bangladesh	22 288	15 348	59 126				96 763
	Bhutan		175					175
	Burma	4 550	5 904			3 500		13 954
	Cambodia	4 100	11 969				200	16 269
	China	11 440	9 469		289		16 000	37 198
	Georgia	9 702	4 271				-11	13 962
	India	10 174	5 161	2 948		400		18 683
	Indonesia	8 578	4 499				1 400	14 477
	Kasakstan	618	757					1 375
	Kirghizstan	9 165		297				9 462
	Laos	1 200	4 529					5 729
	Malaysia		1 099					1 099
	Maldives	70	150					220
	Mongolia		4 565		340			4 905
	Nepal	59 292	23 180					82 473
	North Korea		1 730					1 730
	Pakistan	23 429	10	7 571		2 274		33 283
	Philippines	1 649	1 734			3 275		6 658
	Sri Lanka	30 166	45 087	11 075		480		86 808
	South Asia, unspec.		661					661
	Tadsjikistan	-11	661					650
	Thailand		893					893
	Uzbekistan		88					88
	Viet Nam	6 582	12 212	3 483			80	22 356
	East Timor	22 427	2 869					25 296
Total Asia		265 413	194 008	85 000	1 389	12 412	21 005	579 227
Europa	Albania	13 110	4 612	266				17 988
	Boznia-Herzegovina	27 915	9 800			2 430		40 145
	Croatia	18 622	5 952	7 690				32 264
	Europa, unspec.	37 022	12 501				2 064	51 587
	Fed Rep Of Yugoslavia	14 888	26 055					40 943
	Former Jugoslavia, unspec.	35 061	8 605			1 023		44 689
	Macedonia (Fyrom)	10 791	6 009					16 800
	Moldova	2 300	1 001					3 301
	Tyrkey	98	-50				550	598
Total Europa		159 808	74 485	7 956		3 453	2 614	248 315
Globally		229 467	83 331			38 270	47 523	398 591
Total Globally		229 467	83 331			38 270	47 523	398 591
Latin America	America, unspec.		8 494					8 494
	Argentina	200						200
	Bolivia		15 736					15 736
	Brasil	1 095	8 486	5 885				15 466
	Central America, unspec.	16 977	2 632		5 697			25 307
	Chile		389	810				1 199
	Colombia	5 975	26 429		800			33 204

Table 1: Contributions canalised through Norwegian and Foreign NGOs 2004¹⁾ (NOK 1000) Continue

Region	Country	Non NGO	Norwegian NGO	Local NGO	Regional NGO	Global NGO	Research institution	Total
	Cuba	160	5 840					6 001
	Dominican Republic	574	2 830					3 403
	Ecuador		16 074					16 074
	El Salvador		7 291					7 291
	Guatemala	35 165	23 540	11 750	2 450	4 000		76 905
	Haiti	500	8 799					9 299
	Honduras	3 000	6 570					9 570
	Jamaica		2 057					2 057
	Nicaragua	15 682	28 078	2 664				46 424
	Paraguay	200	1 390	2 345				3 935
	Peru		1 931	4 045				5 976
	South America, Unspec.		1 411					1 411
	Venezuela	696						696
Total Latin America			80 223	167 978	27 500	8 947	4 000	288 649
Middle East								
	Iraq	180	9 000					9 180
	Iran		20					20
	Jordan	291						291
	Lebanon	570	4 596					5 166
	Middle East, unspec.		394					394
	Palestinian Areas	9 509	35 615	8 060	2 375	2 620	82	58 261
	Syria	60						60
	Yemen	3 500	492			2 130	109	6 231
Total Middle East		14 110	50 118	8 060	2 375	4 750	191	79 604
Oceania	Papua Ny-Guinea		2 274					2 274
Total Oceania			2 274					2 274
Multilateral assistance²⁾							92 500	
Total		1 341 078	1 086 584	180 477	23 123	92 332	93 233	2 909 327

1) This table shows total assistance for projects and programmes in which human rights is a main goal or a subsidiary goal.

2) Comprises general contributions to the following multilateral organisations and institutions:

IDEA - International Institute for Democracy and Electoral Assistance

UNHCHR - Office of the UN High Commissioner for Human Rights

UNDP - UN Development Programme

Table 2: Human rights projects and programmes by region, country and main DAC sector¹⁾

Region	Country	DAC-sector	NOK 1000	
Africa	Africa, unspecified	111 - Education, level unspecified	1 750	
		112 - Basic education	4 250	
		121 - Health, general	1 697	
		122 - Basic health	620	
		130 - Population policies/programmes and reproductive health	20 030	
		150 - Government and civil society	64 561	
		161 - Employment	3 778	
		163 - Other social services	2 920	
		410 - General environmental protection	2 437	
		420 - Women in development (WID)	5 126	
		430 - Other multisector	1 000	
		Angola	112 - Basic education	8 745
			130 - Population policies/programmes and reproductive health	652
	150 - Government and civil society		56 185	
	161 - Employment		948	
	163 - Other social services		5 404	
	250 - Business and other services		430	
	430 - Other multisector		10 929	
	Benin	150 - Government and civil society	106	
	Botswana	150 - Government and civil society	397	
		163 - Other social services	1 944	
	Burundi	111 - Education, level unspecified	3 000	
		150 - Government and civil society	9 367	
		720 - Other emergency and distress relief	14 000	
	Cameroon	112 - Basic education	1 151	
		122 - Basic health	1 324	
	Cape Verde	161 - Employment	49	
	Congo (Dem Rep)	111 - Education, level unspecified	810	
		112 - Basic education	3 000	
		150 - Government and civil society	19 500	
		163 - Other social services	3 000	
		311 - Agriculture	461	
		420 - Women in development (WID)	130	
		430 - Other multisector	10 487	
		Congo	112 - Basic education	406
		Eritrea	112 - Basic education	470
			121 - Health, general	1 679
	130 - Population policies/programmes and reproductive health		324	
	150 - Government and civil society		2 179	
	161 - Employment		1 875	
	163 - Other social services		4 262	
	311 - Agriculture		3 083	
420 - Women in development (WID)	1 222			
Ethiopia	111 - Education, level unspecified		6 000	
	112 - Basic education		4 035	
	121 - Health, general	6 346		
	122 - Basic health	400		
	130 - Population policies/programmes and reproductive health	1 724		
	140 - Water supply and sanitation	1 543		

Table 2: Human rights projects and programmes by region, country and main DAC sector¹) Continue

Region	Country	DAC-sector	NOK 1000
		150 - Government and civil society	40 728
		163 - Other social services	6 761
		220 - Communications	1 231
		311 - Agriculture	574
		420 - Women in development (WID)	290
		430 - Other multisector	4 247
	Ghana	150 - Government and civil society	324
		161 - Employment	204
	Guinea-Bissau	161 - Employment	214
	Ivory Coast	161 - Employment	314
		430 - Other multisector	447
	Kenya	111 - Education, level unspecified	2 207
		112 - Basic education	860
		130 - Population policies/programmes and reproductive health	3 440
		150 - Government and civil society	10 580
		162 - Housing	632
		163 - Other social services	1 025
		220 - Communications	540
		240 - Banking and financial services	2 801
		311 - Agriculture	2 700
		410 - General environmental protection	124
		420 - Women in development (WID)	686
		430 - Other multisector	3 416
	Lesotho	121 - Health, general	369
		150 - Government and civil society	1 227
		163 - Other social services	2 236
	Liberia	111 - Education, level unspecified	1 993
		150 - Government and civil society	7 406
	Madagascar	111 - Education, level unspecified	650
		113 - Secondary education	333
		150 - Government and civil society	4 853
		410 - General environmental protection	700
		430 - Other multisector	1 395
	Malawi	111 - Education, level unspecified	2 921
		112 - Basic education	600
		113 - Secondary education	226
		121 - Health, general	17 984
		130 - Population policies/programmes and reproductive health	5 940
		140 - Water supply and sanitation	4 860
		150 - Government and civil society	23 695
		161 - Employment	1 590
		163 - Other social services	4 306
		410 - General environmental protection	124
		420 - Women in development (WID)	737
		430 - Other multisector	4 385
	Mali	111 - Education, level unspecified	8 000
		112 - Basic education	5 262
		122 - Basic health	146
		130 - Population policies/programmes and reproductive health	788

Table 2: Human rights projects and programmes by region, country and main DAC sector¹⁾ Continue

Region	Country	DAC-sector	NOK 1000
		150 - Government and civil society	21 857
		240 - Banking and financial services	2 589
		311 - Agriculture	1 118
		430 - Other multisector	3 664
	Mauritania	150 - Government and civil society	117
	Mauritius	150 - Government and civil society	106
	Morocco	150 - Government and civil society	250
	Mozambique	111 - Education, level unspecified	756
		112 - Basic education	3 249
		113 - Secondary education	358
		121 - Health, general	1 361
		130 - Population policies/programmes and reproductive health	2 203
		150 - Government and civil society	35 419
		161 - Employment	1 112
		163 - Other social services	2 340
		240 - Banking and financial services	5
		420 - Women in development (WID)	186
		430 - Other multisector	710
	Namibia	113 - Secondary education	200
		150 - Government and civil society	549
		161 - Employment	156
		163 - Other social services	800
		311 - Agriculture	556
		430 - Other multisector	295
	Niger	112 - Basic education	617
		311 - Agriculture	4 271
		420 - Women in development (WID)	365
	Nigeria	122 - Basic health	5 046
		150 - Government and civil society	1 057
		420 - Women in development (WID)	324
	Rwanda	111 - Education, level unspecified	825
		114 - Post-secondary education	243
		122 - Basic health	2 697
		130 - Population policies/programmes and reproductive health	408
		150 - Government and civil society	17 192
		163 - Other social services	1 018
		240 - Banking and financial services	184
		720 - Other emergency and distress relief	3 000
	Senegal	150 - Government and civil society	20
		163 - Other social services	177
	Seychellene	150 - Government and civil society	43
	Sierra Leone	113 - Secondary education	2 970
		150 - Government and civil society	-173
	Somalia	112 - Basic education	1 234
		130 - Population policies/programmes and reproductive health	432
		150 - Government and civil society	7 498
		430 - Other multisector	2 614
		720 - Other emergency and distress relief	9 562
	South Africa	113 - Secondary education	457

Table 2: Human rights projects and programmes by region, country and main DAC sector¹⁾ Continue

Region	Country	DAC-sector	NOK 1000
		130 - Population policies/programmes and reproductive health	4 982
		150 - Government and civil society	31 480
		162 - Housing	2 000
		163 - Other social services	2 000
		240 - Banking and financial services	826
		420 - Women in development (WID)	292
		430 - Other multisector	2 673
	Sub-Saharan Africa, unspec.	150 - Government and civil society	22 697
		163 - Other social services	3 110
		420 - Women in development (WID)	2 000
	Sudan	111 - Education, level unspecified	2 310
		112 - Basic education	816
		122 - Basic health	12 605
		130 - Population policies/programmes and reproductive health	4 277
		150 - Government and civil society	64 082
		163 - Other social services	15 279
		420 - Women in development (WID)	78
		430 - Other multisector	6 219
		720 - Other emergency and distress relief	16 778
	Swaziland	111 - Education, level unspecified	1 068
		161 - Employment	399
	Tanzania	111 - Education, level unspecified	489
		112 - Basic education	52 600
		113 - Secondary education	0
		121 - Health, general	6 706
		122 - Basic health	400
		130 - Population policies/programmes and reproductive health	9 228
		150 - Government and civil society	77 567
		161 - Employment	970
		162 - Housing	738
		163 - Other social services	1 179
		220 - Communications	2 731
		240 - Banking and financial services	1 642
		311 - Agriculture	556
		312 - Forestry	2 563
		410 - General environmental protection	1 147
		430 - Other multisector	305
	Togo	150 - Government and civil society	106
	Uganda	111 - Education, level unspecified	1 023
		112 - Basic education	6 075
		122 - Basic health	146
		130 - Population policies/programmes and reproductive health	8 581
		150 - Government and civil society	31 714
		161 - Employment	775
		163 - Other social services	15 159
		220 - Communications	524
		240 - Banking and financial services	1 335
		410 - General environmental protection	163
		420 - Women in development (WID)	1 041

Table 2: Human rights projects and programmes by region, country and main DAC sector¹⁾ Continue

Region	Country	DAC-sector	NOK 1000
		720 - Other emergency and distress relief	4 595
	Zambia	111 - Education, level unspecified	77 040
		112 - Basic education	8 302
		113 - Secondary education	1 500
		121 - Health, general	729
		130 - Population policies/programmes and reproductive health	8 252
		150 - Government and civil society	23 142
		161 - Employment	939
		163 - Other social services	2 450
		420 - Women in development (WID)	8 800
		430 - Other multisector	2 859
	Zimbabwe	111 - Education, level unspecified	443
		112 - Basic education	1 394
		114 - Post-secondary education	478
		122 - Basic health	2 560
		130 - Population policies/programmes and reproductive health	1 122
		150 - Government and civil society	19 578
		161 - Employment	2 683
		163 - Other social services	2 827
		250 - Business and other services	1 000
		311 - Agriculture	0
		420 - Women in development (WID)	405
		430 - Other multisector	2 792
Total Africa			1 220 166
Asia	Afghanistan	111 - Education, level unspecified	631
		112 - Basic education	4 320
		121 - Health, general	5 079
		150 - Government and civil society	44 342
		430 - Other multisector	1 128
		720 - Other emergency and distress relief	195
	Armenia	150 - Government and civil society	-173
	Asia, unspec.	130 - Population policies/programmes and reproductive health	554
		150 - Government and civil society	16 710
		161 - Employment	1 652
		163 - Other social services	100
		410 - General environmental protection	500
	Azerbaijan	150 - Government and civil society	5 894
		163 - Other social services	1 291
		240 - Banking and financial services	1 837
	Bangladesh	111 - Education, level unspecified	5 239
		112 - Basic education	45 262
		113 - Secondary education	6 000
		130 - Population policies/programmes and reproductive health	581
		140 - Water supply and sanitation	367
		150 - Government and civil society	14 125
		163 - Other social services	1 477
		220 - Communications	402
		240 - Banking and financial services	8 643
		410 - General environmental protection	195

Table 2: Human rights projects and programmes by region, country and main DAC sector¹⁾ Continue

Region	Country	DAC-sector	NOK 1000
		420 - Women in development (WID)	12 934
		430 - Other multisector	1 537
	Bhutan	122 - Basic health	175
	Burma	140 - Water supply and sanitation	194
		150 - Government and civil society	13 613
		430 - Other multisector	146
	Cambodia	112 - Basic education	4 741
		121 - Health, general	2 600
		150 - Government and civil society	5 735
		163 - Other social services	2 426
		410 - General environmental protection	92
		430 - Other multisector	676
	China	111 - Education, level unspecified	415
		122 - Basic health	1 345
		150 - Government and civil society	20 447
		163 - Other social services	10 471
		230 - Energy	1 014
		410 - General environmental protection	844
		430 - Other multisector	2 662
	East Timor	111 - Education, level unspecified	94
		150 - Government and civil society	3 244
		240 - Banking and financial services	2 578
		530 - Other general programme and commodity assistance	19 381
	Georgia	150 - Government and civil society	12 590
		163 - Other social services	1 372
	India	111 - Education, level unspecified	535
		112 - Basic education	8 607
		121 - Health, general	915
		130 - Population policies/programmes and reproductive health	709
		140 - Water supply and sanitation	367
		150 - Government and civil society	3 386
		163 - Other social services	1 359
		220 - Communications	324
		311 - Agriculture	222
		331 - Trade policy and regulations	70
		410 - General environmental protection	1 647
		420 - Women in development (WID)	541
	Indonesia	150 - Government and civil society	11 148
		161 - Employment	122
		410 - General environmental protection	3 208
	Kasakzstan	150 - Government and civil society	1 375
	Kirghizstan	112 - Basic education	4 666
		130 - Population policies/programmes and reproductive health	686
		150 - Government and civil society	4 109
	Laos	112 - Basic education	3 516
		130 - Population policies/programmes and reproductive health	340
		150 - Government and civil society	1 581
		163 - Other social services	292
	Malaysia	150 - Government and civil society	846

Table 2: Human rights projects and programmes by region, country and main DAC sector¹⁾ Continue

Region	Country	DAC-sector	NOK 1000
		161 - Employment	253
	Maldives	150 - Government and civil society	70
		410 - General environmental protection	150
	Mongolia	150 - Government and civil society	197
		161 - Employment	170
		163 - Other social services	1 496
		321 - Industry	1 568
		430 - Other multisector	1 474
	Nepal	111 - Education, level unspecified	290
		112 - Basic education	24 272
		121 - Health, general	894
		140 - Water supply and sanitation	495
		150 - Government and civil society	22 012
		161 - Employment	1 416
		163 - Other social services	25 709
		220 - Communications	464
		230 - Energy	307
		311 - Agriculture	245
		410 - General environmental protection	1 218
		430 - Other multisector	5 150
	North Korea	150 - Government and civil society	1 730
	Pakistan	112 - Basic education	3 422
		150 - Government and civil society	15 480
		163 - Other social services	2 834
		410 - General environmental protection	1 010
		420 - Women in development (WID)	9 089
		430 - Other multisector	1 448
	Phillippines	121 - Health, general	239
		130 - Population policies/programmes and reproductive health	537
		150 - Government and civil society	4 924
		161 - Employment	872
		163 - Other social services	76
		410 - General environmental protection	10
	Sri Lanka	111 - Education, level unspecified	617
		112 - Basic education	1 205
		150 - Government and civil society	61 231
		161 - Employment	122
		163 - Other social services	2 907
		240 - Banking and financial services	3 958
		311 - Agriculture	770
		410 - General environmental protection	1 181
		420 - Women in development (WID)	50
		430 - Other multisector	14 767
	South and Central Asia, unspec.	161 - Employment	661
	Tadzhikistan	150 - Government and civil society	650
	Thailand	113 - Secondary education	400
		150 - Government and civil society	197
		161 - Employment	296

Table 2: Human rights projects and programmes by region, country and main DAC sector¹) Continue

Region	Country	DAC-sector	NOK 1000
	Uzbekistan	150 - Government and civil society	88
	Viet Nam	111 - Education, level unspecified	552
		112 - Basic education	3 835
		113 - Secondary education	2 400
		130 - Population policies/programmes and reproductive health	292
		150 - Government and civil society	10 623
		161 - Employment	873
		250 - Business and other services	500
		410 - General environmental protection	20
		430 - Other multisector	3 263
Total Asia			579 227
Oceania	Papua New Guinea	410 - General environmental protection	2 274
Total Oceania			2 274
Latin America	America, unspec.	130 - Population policies/programmes and reproductive health	1 776
		150 - Government and civil society	6 026
		161 - Employment	692
	Argentina	150 - Government and civil society	200
	Bolivia	111 - Education, level unspecified	5 999
		112 - Basic education	2 102
		114 - Post-secondary education	429
		150 - Government and civil society	1 463
		240 - Banking and financial services	1 419
		311 - Agriculture	98
		430 - Other multisector	4 226
	Brazil	111 - Education, level unspecified	3 957
		112 - Basic education	292
		122 - Basic health	715
		150 - Government and civil society	6 474
		220 - Communications	510
		311 - Agriculture	262
		410 - General environmental protection	486
		430 - Other multisector	2 770
	Chile	150 - Government and civil society	1 199
	Colombia	114 - Post-secondary education	-113
		150 - Government and civil society	12 723
		161 - Employment	260
		163 - Other social services	2 743
		430 - Other multisector	507
		720 - Other emergency and distress relief	17 085
	Cuba	150 - Government and civil society	2 603
		161 - Employment	625
		163 - Other social services	97
		311 - Agriculture	2 223
		430 - Other multisector	292
		720 - Other emergency and distress relief	160
	Dominican Republic	150 - Government and civil society	574
		161 - Employment	261
		163 - Other social services	1 013
		430 - Other multisector	1 555

Table 2: Human rights projects and programmes by region, country and main DAC sector¹⁾ Continue

Region	Country	DAC-sector	NOK 1000
	Ecuador	112 - Basic education	900
		140 - Water supply and sanitation	389
		150 - Government and civil society	2 187
		220 - Communications	330
		240 - Banking and financial services	3 895
		311 - Agriculture	437
		430 - Other multisector	7 937
	El Salvador	150 - Government and civil society	5 396
		161 - Employment	340
		420 - Women in development (WID)	292
		430 - Other multisector	1 264
	Grenada	112 - Basic education	0
	Guatemala	111 - Education, level unspecified	2 696
		112 - Basic education	6 569
		113 - Secondary education	72
		150 - Government and civil society	58 639
		161 - Employment	1 064
		163 - Other social services	2 512
		410 - General environmental protection	1 600
		420 - Women in development (WID)	2 295
		430 - Other multisector	1 069
		720 - Other emergency and distress relief	389
	Haiti	130 - Population policies/programmes and reproductive health	791
		150 - Government and civil society	8 508
	Honduras	150 - Government and civil society	8 636
		311 - Agriculture	639
		430 - Other multisector	295
	Jamaica	130 - Population policies/programmes and reproductive health	1 264
		150 - Government and civil society	794
	North & South America, unspec.	121 - Health, general	7 021
		150 - Government and civil society	16 437
		720 - Other emergency and distress relief	1 850
	Nicaragua	112 - Basic education	13 852
		113 - Secondary education	47
		121 - Health, general	793
		130 - Population policies/programmes and reproductive health	5 277
		140 - Water supply and sanitation	561
		150 - Government and civil society	17 094
		161 - Employment	3 960
		163 - Other social services	2 507
		311 - Agriculture	2 269
		420 - Women in development (WID)	56
		530 - Other general programme and commodity assistance	8
	Paraguay	111 - Education, level unspecified	1 035
		112 - Basic education	1 245
		150 - Government and civil society	800
		161 - Employment	408
		430 - Other multisector	447
	Peru	111 - Education, level unspecified	805

Table 2: Human rights projects and programmes by region, country and main DAC sector¹) Continue

Region	Country	DAC-sector	NOK 1000
		150 - Government and civil society	3 743
		161 - Employment	385
		163 - Other social services	369
		410 - General environmental protection	324
		420 - Women in development (WID)	350
	Venezuela	150 - Government and civil society	696
	South America, unspec.	150 - Government and civil society	1 411
Total Latin America			288 649
Middle East			
	Iraq	150 - Government and civil society	9 000
		163 - Other social services	180
	Iran	150 - Government and civil society	20
	Jordan	112 - Basic education	91
		150 - Government and civil society	200
	Lebanon	150 - Government and civil society	5 166
	Yemen	161 - Employment	394
	Syria	163 - Other social services	60
	Middle East, unspec.	111 - Education, level unspecified	2 000
		150 - Government and civil society	4 231
	Palestinian Areas	113 - Secondary education	292
		121 - Health, general	500
		130 - Population policies/programmes and reproductive health	972
		150 - Government and civil society	44 867
		161 - Employment	1 677
		163 - Other social services	5 964
		220 - Communications	9
		420 - Women in development (WID)	1 982
		430 - Other multisector	2 000
Total Middle East			79 604
Europa	Albania	150 - Government and civil society	14 988
		163 - Other social services	3 000
	Boznia-Herzegovina	111 - Education, level unspecified	3 000
		114 - Post-secondary education	6
		150 - Government and civil society	34 783
		161 - Employment	597
		163 - Other social services	1 409
		420 - Women in development (WID)	350
	Europa, unspec.	150 - Government and civil society	49 823
		163 - Other social services	1 694
		430 - Other multisector	69
	Fed Rep Of Yugoslavia	112 - Basic education	340
		150 - Government and civil society	34 071
		163 - Other social services	1 257
		250 - Business and other services	1 100
		420 - Women in development (WID)	675
		720 - Other emergency and distress relief	3 500
	Former Jugoslavia, unspec.	150 - Government and civil society	40 298
		162 - Housing	4 126
		163 - Other social services	500

Table 2: Human rights projects and programmes by region, country and main DAC sector¹⁾

Region	Country	DAC-sector	NOK 1000
		311 - Agriculture	-235
	Croatia	150 - Government and civil society	31 609
		163 - Other social services	655
	Macedonia	114 - Post-secondary education	451
		150 - Government and civil society	14 350
		420 - Women in development (WID)	2 000
	Moldova	150 - Government and civil society	3 301
	Tyryky	150 - Government and civil society	598
Total Europa			248 315
Globally, unspec.	Globally, unspec.	111 - Education, level unspecified	1 777
		112 - Basic education	30
		114 - Post-secondary education	3 500
		121 - Health, general	200
		122 - Basic health	4 200
		130 - Population policies/programmes and reproductive health	1 080
		150 - Government and civil society	215 682
		161 - Employment	18 998
		163 - Other social services	36 324
		220 - Communications	1 500
		250 - Business and other services	342
		311 - Agriculture	632
		331 - Trade policy and regulations	1 850
		410 - General environmental protection	103 927
		420 - Women in development (WID)	6 684
		430 - Other multisector	124
		720 - Other emergency and distress relief	1 342
		998 - Unallocated/unspecified	400
Total Globally, unspec.			398 591
Multilateral assistance ²⁾			92 500
Total			2 909 327

1) This table shows total assistance for projects and programmes in which human rights is a main goal or a subsidiary goal.

2) Comprises general contributions to the following multilateral organisations and institutions:

IDEA - International Institute for Democracy and Electoral Assistance

UNHCHR - Office of the UN High Commissioner for Human Rights

UNDP - UN Development Programme

14.3 Recommendations relating to the implementation of the European Convention on Human Rights at the national level

RECOMMENDATION No. R (2000) 2

of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights¹

(Adopted by the Committee of Ministers on 19 January 2000, at the 694th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to bring about a closer union between its members;

Having regard to the Convention for the protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention");

Noting that under Article 46 of the Convention on Human Rights and Fundamental Freedoms ("the Convention") the Contracting Parties have accepted the obligation to abide by the final judgment of the European Court of Human Rights ("the Court") in any case to which they are parties and that the Committee of Ministers shall supervise its execution;

Bearing in mind that in certain circumstances the above-mentioned obligation may entail the adoption of measures, other than just satisfaction awarded by the Court in accordance with Article 41 of the Convention and/or general measures, which ensure that the injured party is put, as far as possible, in the same situation as he or she enjoyed prior to the violation of the Convention (*restitutio in integrum*);

Noting that it is for the competent authorities of the respondent State to decide what measures are most

appropriate to achieve *restitutio in integrum*, taking into account the means available under the national legal system;

Bearing in mind, however, that the practice of the Committee of Ministers in supervising the execution of the Court's judgments shows that in exceptional circumstances the re-examination of a case or a reopening of proceedings has proved the most efficient, if not the only, means of achieving *restitutio in integrum*;

- I. Invites, in the light of these considerations the Contracting Parties to ensure that there exist at national level adequate possibilities to achieve, as far as possible, *restitutio in integrum*;
- II. Encourages the Contracting Parties, in particular, to examine their national legal systems with a view to ensuring that there exist adequate possibilities of re-examination of the case, including reopening of proceedings, in instances where the Court has found a violation of the Convention, especially where:
 - (i) the injured party continues to suffer very serious negative consequences because of the outcome of the domestic decision at issue, which are not adequately remedied by the just satisfaction and cannot be rectified except by re-examination or reopening, and
 - (ii) the judgment of the Court leads to the conclusion that
 - (a) the impugned domestic decision is on the merits contrary to the Convention, or
 - (b) the violation found is based on procedural errors or shortcomings of such gravity that a serious doubt is cast on the outcome of the domestic proceedings complained of.

¹ Considering that the quasi-judicial functions of the Committee of Ministers under the former Article 32 of the Convention will cease in the near future, no mention of the Committee of Ministers' decisions is made. It is understood, however, that should certain cases still be under examination when the recommendation is adopted, the principles of this recommendation will also apply to such cases.

RECOMMENDATION REC(2002)13

of the Committee of Ministers to member states on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights

(Adopted by the Committee of Ministers on 18 December 2002, at the 822nd meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering the importance of the European Convention on Human Rights (hereafter referred to as "the Convention") as a constitutional instrument for safeguarding public order in Europe, and in particular of the case-law of the European Court of Human Rights (hereafter referred to as "the Court");

Considering that easy access to the Court's case-law is essential for the effective implementation of the Convention at national level, as it enables to ensure the conformity of national decisions with this case-law and to prevent violations;

Considering the respective practices of the Court, of the Committee of Ministers in the framework of its control of the execution of the Court's judgments, and of the member states with respect to publication and dissemination of the Court's case-law;

Considering that member states were encouraged, at the European Ministerial Conference on Human Rights (Rome, 3-4 November 2000), to "ensure that the text of the Convention is translated and widely disseminated to national authorities, notably the courts, and that the developments in the case-law of the Court are sufficiently accessible in the language(s) of the country";

Taking into account the diversity of traditions and practice in the member states as regards the publication and dissemination of judicial decisions;

Recalling Article 12 of the Statute of the Council of Europe, according to which the official languages of the Council of Europe are English and French,

Recommends that the governments of the member states review their practice as regards the publication and dissemination of:

- the text of the Convention in the language(s) of the country,
- the Court's judgments and decisions,

in the light of the following considerations.

* * *

It is important that the governments of member states:

- i. ensure that the text of the Convention, in the language(s) of the country, is published and disseminated in such a manner that it can be effectively known and that the national authorities, notably the courts, can apply it;
- ii. ensure that judgments and decisions which constitute relevant case-law developments, or which require special implementation measures on their part as respondent states, are rapidly and widely published, through state or private initiatives, in their entirety or at least in the form of substantial summaries or excerpts (together with appropriate references to the original texts) in the language(s) of the country, in particular in official gazettes, information bulletins from competent ministries, law journals and other media generally used by the legal community, including, where appropriate, the Internet sites;
- iii. encourage where necessary the regular production of textbooks and other publications, in the language(s) of the country, in paper and/or electronic form, facilitating knowledge of the Convention system and the main case-law of the Court;
- iv. publicise the Internet address of the Court's

site (<http://www.echr.coe.int>), notably by ensuring that links to this site exist in the national sites commonly used for legal research;

- v. ensure that the judiciary has copies of relevant case-law in paper and/or electronic form (CD-Rom, DVD, etc.), or the necessary equipment to access case-law through the Internet;
- vi. ensure, where necessary, the rapid dissemination to public bodies such as courts, police authorities, prison administrations or social authorities, as well as, where appropriate, to non-state entities such as bar associations, professional associations etc., of those judgments and decisions which may be of specific relevance for their activities, where appropriate together with an explanatory note or a circular;
- vii. ensure that the domestic authorities or other bodies directly involved in a specific case are rapidly informed of the Court's judgment or decision, for example by receiving copies thereof;
- viii. consider the possibility of co-operating, with a view to publishing compilations, in paper or in electronic form, of Court judgments and decisions that are available in non-official languages of the Council of Europe.

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RECOMMENDATION REC(2004)4

of the Committee of Ministers to member states on the European Convention on Human Rights in university education and professional training

(Adopted on 12 May 2004,

at the 114th Session of the Committee of Ministers (12-13 May 2004))

The Committee of Ministers, in accordance with Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is the achievement of greater unity among its members, and that one of the most important methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Reiterating its conviction that the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention") must remain the essential reference point for the protection of human rights in Europe, and recalling its commitment to take measures in order to guarantee the long-term effectiveness of the control system instituted by the Convention;

Recalling the subsidiary character of the supervision mechanism set up by the Convention, which implies, in accordance with its Article 1, that the rights and freedoms guaranteed by the Convention be protected in the first place at national level and applied by national authorities;

Welcoming in this context that the Convention has now become an integral part of the domestic legal order of all states parties;

Stressing the preventive role played by education in the principles inspiring the Convention, the standards that it contains and the case-law deriving from them;

Recalling that, while measures to facilitate a wide publication and dissemination in the member states of the text of the Convention and of the case-law of the European Court of Human Rights (hereinafter referred to as "the Court") are important in order to ensure the implementation of the Convention at national level, as has been indicated in Recommendation Rec(2002)13, it is crucial that these measures are supplemented by others in the field of education and training, in order to achieve their aim;

Stressing the particular importance of appropriate university education and professional training programmes in order to ensure that the Convention is effectively applied, in the light of the case-law of the Court, by public bodies including all sectors

responsible for law enforcement and the administration of justice;

Recalling the resolutions and recommendations it has already taken on different aspects of the issue of human rights education, in particular: Resolution (78) 41 on the teaching of human rights; Resolution (78) 40 containing regulations on Council of Europe fellowships for studies and research in the field of human rights; Recommendation No. R (79) 16 concerning the promotion of human rights research in the member states of the Council of Europe; Recommendation No. R (85) 7 on teaching and learning about human rights in schools, as well as its appendix containing suggestions for teaching and learning about human rights in schools;

Recalling the role that may be played by the national institutions for the promotion and protection of human rights and by non-governmental organisations, particularly in the field of training of personnel responsible for law enforcement, and welcoming the initiatives already undertaken in this area;

Taking into account the diversity of traditions and practice in the member states as regards university education, professional training and awareness-raising regarding the Convention system;

Recommends that member states:

- I. ascertain that adequate university education and professional training concerning the Convention and the case-law of the Court exist at national level and that such education and training are included, in particular:
 - as a component of the common core curriculum of law and, as appropriate, political and administrative science degrees and, in addition, that they are offered as optional disciplines to those who wish to specialise;
 - as a component of the preparation programmes of national or local examinations for access to the various legal professions and of the initial and continuous training provided to judges, prosecutors and lawyers;

- in the initial and continuous professional training offered to personnel in other sectors responsible for law enforcement and/or to personnel dealing with persons deprived of their liberty (for example, members of the police and the security forces, the personnel of penitentiary institutions and that of hospitals), as well as to personnel of immigration services, in a manner that takes account of their specific needs;
- II. enhance the effectiveness of university education and professional training in this field, in particular by:
 - providing for education and training to be incorporated into stable structures –public and private – and to be given by persons with a good knowledge of the Convention concepts and the case-law of the Court as well as an adequate knowledge of professional training techniques;
 - supporting initiatives aimed at the training of specialised teachers and trainers in this field;
 - III. encourage non-state initiatives for the promotion of awareness and knowledge of the Convention system, such as the establishment of special structures for teaching and research in human rights law, moot court competitions, awareness-raising campaigns;

Instructs the Secretary General of the Council of Europe to transmit this recommendation to the governments of those states parties to the European Cultural Convention which are not members of the Council of Europe.

RECOMMENDATION REC(2004)5

of the Committee of Ministers to member states on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights

(Adopted on 12 May 2004,

at the 114th Session of the Committee of Ministers (12-13 May 2004))

The Committee of Ministers, in accordance with Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is the achievement of greater unity among its members, and that one of the most important methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Reiterating its conviction that the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as “the Convention”) must remain the essential reference point for the protection of human rights in Europe, and recalling its commitment to take measures in order to guarantee the long-term effectiveness of the control system instituted by the Convention;

Recalling the subsidiary character of the supervision mechanism set up by the Convention, which implies, in accordance with its Article 1, that the rights and freedoms guaranteed by the Convention be protected in the first place at national level and applied by national authorities;

Welcoming in this context that the Convention has now become an integral part of the domestic legal order of all states parties and noting in this respect the important role played by national courts;

Recalling that, according to Article 46, paragraph 1, of the Convention, the high contracting parties undertake to abide by the final judgments of the European Court of Human Rights (hereinafter referred to as “the Court”) in any case to which they are parties;

Considering however, that further efforts should be made by member states to give full effect to the Convention, in particular through a continuous adaptation of national standards in accordance with those of the Convention, in the light of the case-law of the Court;

Convinced that verifying the compatibility of draft laws, existing laws and administrative practice with the Convention is necessary to contribute towards preventing human rights violations and limiting the number of applications to the Court;

Stressing the importance of consulting different competent and independent bodies, including national institutions for the promotion and protection of human rights and non-governmental organisations;

Taking into account the diversity of practices in member states as regards the verification of compatibility;

Recommends that member states, taking into account the examples of good practice appearing in the appendix:

- I. ensure that there are appropriate and effective mechanisms for systematically verifying the compatibility of draft laws with the Convention in the light of the case-law of the Court;
- II. ensure that there are such mechanisms for verifying, whenever necessary, the compatibility of existing laws and administrative practice, including as expressed in regulations, orders and circulars;
- III. ensure the adaptation, as quickly as possible, of laws and administrative practice in order to prevent violations of the Convention;

Instructs the Secretary General of the Council of Europe to ensure that the necessary resources are made available for proper assistance to member states which request help in the implementation of this recommendation.

RECOMMENDATION REC(2004)6

of the Committee of Ministers to member states on the improvement of domestic remedies

(Adopted on 12 May 2004,

at the 114th Session of the Committee of Ministers
(12-13 May 2004))

The Committee of Ministers, in accordance with
Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is
the achievement of greater unity among its
members, and that one of the most important
methods by which that aim is to be pursued is the
maintenance and further realisation of human rights
and fundamental freedoms;

Reiterating its conviction that the Convention for the
Protection of Human Rights and Fundamental
Freedoms (hereinafter referred to as “the
Convention”) must remain the essential reference
point for the protection of human rights in Europe,
and recalling its commitment to take measures in
order to guarantee the long-term effectiveness of
the control system instituted by the Convention;

Recalling the subsidiary character of the supervi-
sion mechanism set up by the Convention, which
implies, in accordance with its Article 1, that the
rights and freedoms guaranteed by the Convention
be protected in the first place at national level and
applied by national authorities;

Welcoming in this context that the Convention has
now become an integral part of the domestic legal
order of all states parties;

Emphasising that, as required by Article 13 of the
Convention, member states undertake to ensure
that any individual who has an arguable complaint
concerning the violation of his rights and freedoms
as set forth in the Convention has an effective
remedy before a national authority;

Recalling that in addition to the obligation of ascer-
taining the existence of such effective remedies in
the light of the case-law of the European Court of
Human Rights (hereinafter referred to as “the
Court”), states have the general obligation to solve
the problems underlying violations found;

Emphasising that it is for member states to ensure
that domestic remedies are effective in law and in
practice, and that they can result in a decision on
the merits of a complaint and adequate redress for
any violation found;

Noting that the nature and the number of applica-
tions lodged with the Court and the judgments it
delivers show that it is more than ever necessary for
the member states to ascertain efficiently and regu-
larly that such remedies do exist in all circum-
stances, in particular in cases of unreasonable
length of judicial proceedings;

Considering that the availability of effective
domestic remedies for all arguable claims of viola-
tion of the Convention should permit a reduction in
the Court’s workload as a result, on the one hand, of
the decreasing number of cases reaching it and, on
the other hand, of the fact that the detailed treat-
ment of the cases at national level would make their
later examination by the Court easier;

Emphasising that the improvement of remedies at
national level, particularly in respect of repetitive
cases, should also contribute to reducing the work-
load of the Court;

Recommends that member states, taking into
account the examples of good practice appearing in
the appendix:

- I. ascertain, through constant review, in the light
of case-law of the Court, that domestic reme-
dies exist for anyone with an arguable
complaint of a violation of the Convention, and
that these remedies are effective, in that they
can result in a decision on the merits of the
complaint and adequate redress for any viola-
tion found;

- II. review, following Court judgments which point to structural or general deficiencies in national law or practice, the effectiveness of the existing domestic remedies and, where necessary, set up effective remedies, in order to avoid repetitive cases being brought before the Court;
- III. pay particular attention, in respect of aforementioned items I and II, to the existence of effective remedies in cases of an arguable complaint concerning the excessive length of judicial proceedings;

Instructs the Secretary General of the Council of Europe to ensure that the necessary resources are made available for proper assistance to member states which request help in the implementation of this recommendation.

14.4 Sources of further information

The following is a selection of non-governmental organisations and public institutions that work on human rights issues:

Amnesty International
P.O. Box 702 Sentrum
0106 OSLO
Tel.: +47 22 40 22 00
Fax: +47 22 42 94 70
E-mail: admin@amnesty.no

Antirasistisk Senter
Antiracist Centre
P.O. Box 244 Sentrum
0103 OSLO
Tel.: +47 23 13 90 00
Fax: +47 23 13 90 13
E-mail: epost@antirasistisk-senter.no

Barneombudet
Ombudsman for Children
P.O. Box 8889 Youngstorget
0028 Oslo
Tel.: +47 22 99 39 50
Fax: +47 22 99 39 70
E-mail: post@barneombudet.no

CARE Norge
CARE Norway
Universitetsgt. 12
0164 Oslo
Tel.: +47 22 99 26 00
Fax: +47 22 99 26 01
E-mail: care.norge@care.no

Chr. Michelsens Institutt
Christian Michelsen Institute
P. O. Box 6033 Postterminalen
5892 Bergen
Tel.: +47 55 57 40 00
Fax: +47 55 57 41 66
E-mail: cmi@cmi.no

Den norske Helsingforskomité
Norwegian Helsinki Committee
Tordenskiolds gate 6B
0160 Oslo
Tel.: +47 22 47 92 02
Fax: +47 22 47 92 01
E-mail: nhc@nhc.no

Den norske lægeforenings MR-utvalg
Norwegian Medical Association's Committee on Human Rights
Bjørn Oskar Hoftvedt
P.O. Box 1152 Sentrum
0107 OSLO
Tel.: +47 23 10 90 00
Fax: +47 23 10 90 01
E-mail: legeforeningen@legeforeningen.no

Den norske Tibet-komité
Norwegian Tibet Committee
Tordenskiolds gate 6B
0160 Oslo
Tel.: +47 22 47 92 22
Fax: +47 22 47 92 01
E-mail: info@tibetkomite.no

Fellesrådet for Afrika
Norwegian Council for Africa
Osterhausgt. 27
0183 OSLO
Tel.: +47 22 98 93 12
Fax: +47 22 98 93 01
E-mail: afrika@afrika.no

Flyktningehelpen
Norwegian Refugee Council
P.O. Box 6758 St. Olavs Plass
0130 OSLO
Tel.: +47 23 10 98 00
Fax: +47 23 10 98 01
E-mail: nrc@nrc.no

FN-sambandet
UN Association of Norway
Storgata 33A
0184 OSLO
Tel.: +47 22 86 84 00
Fax: +47 22 86 84 01
E-mail: fn-sambandet@fn.no

FOKUS - Forum for kvinner og utviklingsspørsmål
Forum for Women and Development
Storgata 11
0155 OSLO
Tel.: +47 23 01 03 00
Fax: +47 23 01 03 01
E-mail: fokus@fokuskvinner.no

Funksjonshemmedes Fellesorganisasjon
Norwegian Federation of Organisations of Disabled People
Sandakerveien 99, Nydalen
0404 Oslo
Tel.: +47 22 79 91 00
Fax: +47 22 79 91 98
E-mail: info@ffo.no

Human-Etisk Forbund
Norwegian Humanist Association
P.O. Box 6744 St. Olavs Plass
0166 OSLO
Tel.: +47 23 15 60 00
Fax: +47 23 15 60 01
E-mail: human@human.no

International Romani Union - Norway
Kjelsåsveien 28 F
0488 OSLO
Tel.: +47 22 89 20 21
Fax: +47 22 15 77 58

International Society for Health and Human Rights
Tordenskioldsgate 6B
0160 OSLO
Tel.: +47 22 47 92 00
Fax: + 47 22 47 92 01
E-mail: ishhr@ishhr.org

Kirkens Nødhjelp
Norwegian Church Aid
P.O. Box 4544 Nydalen
0404 Oslo
Tel.: +47 22 09 27 00
Fax: +47 22 09 27 20
E-mail: nca-oslo@nca.no

LO
Norwegian Confederation of Trade Unions
Youngsgate 11
0181 OSLO
Tel.: +47 23 06 10 50
Fax: +47 23 06 17 43
E-mail: lo@lo.no

Landsrådet for norske barne- og ungdomsorganisasjoner - LNU
Norwegian Youth Council
Øvre Slottsgate 2B
0157 Oslo
Tel.: +47 23 31 06 00
Fax: +47 23 31 06 01
E-mail: lnu@lnu.no

Latin-Amerikagruppene i Norge
Latin America Groups in Norway
Osterhausgate 27
0183 OSLO
Tel.: +47 22 98 93 20
Fax: +47 22 98 93 01
E-mail: info@latin-amerikagruppene.no

Likestillingsombudet
Norwegian Gender Equality Ombud
P.O. Box 8048 DEP
0031 OSLO
Tel.: +47 24 05 59 70
Fax: +47 24 05 59 80
E-mail: post@likestillingsombudet.no

Utdanningsforbundet
Union of Education Norway
P.O. Box 9191 Grønland
0134 OSLO
Tel.: +47 24 14 20 00
Fax: +47 24 14 21 00
E-mail: post@utdanningsforbundet.no

Mellomkirkelig Råd for Den norske kirke
Church of Norway Council of Ecumenical and International Relations
P.O. Box 799 Sentrum
0106 Oslo.
Tel.: +47 23 08 12 00
Fax: +47 23 08 12 01
E-mail: post.kirkeradet@kirken.no

MiRA-ressurssenter for innvandrerkvinner
MiRA Resource Centre for Black, Immigrant
and Refugee Women
P.O. Box 1749 Vika
0121 OSLO
Tel.: +47 22 11 69 20
Fax: +47 22 36 40 19
E-mail: post@mirasenteret.no

NHO
Confederation of Norwegian Business and
Industry
P.O. Box 5250 Majorstuen
0303 OSLO
Tel.: +47 23 08 80 00
Fax: +47 23 08 80 01
E-mail: firmapost@nho.no

Norad
Norwegian Agency for Development Cooperation
P.O. Box 8034 DEP
0030 OSLO
Tel.: +47 22 24 20 30
Fax: +47 22 24 20 31
E-mail: postmottak@norad.no

Norges Røde Kors
Norwegian Red Cross
P.O. Box 1 Grønland
0133 OSLO
Tel.: +47 22 05 40 00
Fax: +47 22 05 40 40
E-mail: nrx.center@redcross.no

Norsk Folkehjelp
Norwegian People's Aid
P.O. Box 8844 Youngstorget
0028 OSLO
Tel.: +47 22 03 77 00
Fax: +47 22 20 08 77
E-mail: norsk.folkehjelp@npaid.no

Norske Kveners Forbund/Ruijan Kveeniliitto
Norwegian Kven Foundation
Hansjordnesgata 9
9009 Tromsø
Tel.: +47 77 61 94 90
Fax: +47 77 61 95 22
E-mail: post@kvener.no***

Norsk Organisasjon for Asylsøkere (NOAS)
Norwegian Organisation for Asylum Seekers
P.O. Box 8893 Youngstorget
0028 OSLO
Tel.: +47 22 36 56 60
Fax: +47 22 36 56 61
E-mail: noas@noas.org

Norsk P.E.N.
Norwegian P.E.N.
Tordenskioldsgate 6B
0160 Oslo
Tel.: +47 22 47 92 20
Fax: +47 22 47 92 01
E-mail: norskpen@norskpen.no

Norsk Senter for Demokratistøtte
Norwegian Centre for Democracy Support
P.O. Box 8055 DEP
0031 Oslo
Tel.: +47 24 14 57 00/23
E-mail: democracy@democracy.no

Norsk Senter for menneskerettigheter (UiO)
Norwegian Centre for Human Rights
P.O. Box 6706 St. Olavs Plass
0130 Oslo
Tel.: +47 22 84 20 01
Fax: +47 22 84 20 02
E-mail: info@nchr.uio.no

Organisasjonen mot offentlig diskriminering
(OMOD)
Foundation Against Public/Official
Discrimination
P.O. Box 2832 Tøyen
0608 OSLO
Tel.: +47 22 20 62 17/+47 22 20 87 37
E-mail: omod@online.no

Oslokoalisjonen for religions- og livssynsfrihet
Oslo Coalition on Freedom of Religion or
Belief
v/ Norsk senter for Menneskerettigheter (UiO)
P.O. Box 6706 St. Olavs Plass
0130 OSLO
Tel.: +47 22 84 20 45/60
Fax: +47 22 84 20 02
E-mail: lena.larsen@nihr.no

Plan Norge
Plan Norway
Wesselsgt. 8
0165 Oslo
Tel.: +47 09909
Fax: +47 22 33 32 32
E-mail: info@plan-norge.no

Redd Barna
Save the Children Norway
P.O. Box 6902 St. Olavs Plass
0130 OSLO
Tel.: +47 22 99 09 00
Fax: +47 22 99 08 60
E-mail: post@reddbarna.no

Romanifolkets Landsforening
Romani People's Association of Norway
P.O. Box 80
2436 VÅLER
Tel.: +47 62 42 35 31

Samerådet
Saami Council
FIN-99980
Ohcejohka/Utsjoki, Finland
Tel.: +358 16 677 351
Fax: +358 16 677 353
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