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1999 Country Reports on Human Rights Practices

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NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the Head of State. It is governed by a prime minister, cabinet, and a 165-seat Storting (Parliament) that is elected every 4 years and cannot be dissolved. The judiciary is independent.

The national police have primary responsibility for internal security, but in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are always under police authority. The civilian authorities maintain effective control of the security forces.

Norway is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents. The key industries are oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing (including fish processing equipment). The leading exports are oil and gas, manufactured goods, fish, and metals. During the year, 79 percent of workers were in the service sector (including public service), and 14 percent were in the manufacturing sector.

The Government generally respected the rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence against women and abuse of children are problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

In January prosecutors dismissed the case against former Mossad agent Mike Harari for the killing of Moroccan citizen Achmed Bouchikhi at Lillehammer in July 1973. Under orders to kill suspected Palestine Liberation Organization agent Ali Hassan Salameh, Mike Harari and his Mossad group mistook Bouchikhi for Salameh and killed the wrong man. State Attorney Lasse Quigstad said that the case was dismissed due to lack of evidence.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that officials employed them.

The practice of indefinite imprisonment (often in the form of solitary confinement) of suspects during the investigation of criminal cases has been criticized repeatedly, most recently in September, by the Council of Europe's Committee for the Prevention of Torture. Depending on the nature of the alleged crime, the police presently can hold suspects in solitary confinement even prior to charges being filed, subject to varying degrees of restrictions on communications and visits. In response to this criticism, the Ministry of Justice commissioned two working groups to study how to speed up the judicial process in order to avoid long-term solitary confinement. These groups are to report their recommendations by June 2000. In addition the Attorney General recently introduced new restrictions on the use of solitary confinement for pretrial detainees.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government observes this prohibition.

European human rights organizations criticized the Government's use of indefinite solitary confinement for pretrial detainees (see Section 1.c.).

The Constitution prohibits exile, and the Government observes this prohibition in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The court system consists of the Supreme Court, the Supreme Court Appellate Court (committee), superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (made up of parliamentarians), the Labor Court, Trusteeship Courts, Fishery Courts, and land

ownership severance courts.

All courts, which date to laws passed in the 11th century, meet internationally accepted standards for fair trials, including providing counsel to the indigent. The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both the Constitution and the law prohibit such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State, and to which 93 percent of the population nominally belong. The Constitution requires that the King and one-half of the Cabinet belong to this church. The relationship between the church and the State is increasingly debated by the public. The Workers' Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools, or in day care centers, whether they respect Christian beliefs and principles.

In July the Government suspended two priests in the Church of Norway and asked the courts for approval legally to terminate their priesthood due to insubordination and disloyalty. The priests openly had refused to accept religious and spiritual guidance from their bishop, with whom they were in disagreement on a number of social issues (such as gay rights). Some church and lay leaders questioned the state Church's decision to ask government prosecutors to pursue this case, rather than handle it less formally through "church discipline." The Alta district court had not issued a ruling in this case by year's end.

Other denominations operate freely. A religious community is required to register with the Government only if it desires state support, which is provided to all registered

denominations on a proportional basis in accordance with membership. In 1995 the Parliament introduced the subject "religious knowledge and education in ethics" into the national school system. The class teaches the ethical values of Christianity, as well as Christian beliefs and the main features of Christianity. All children must attend this mandatory class; there are no exceptions for children of other faiths. Organizations for atheists as well as Moslem communities have contested the legality of forced religious teaching, but the Oslo city court twice has ruled against their arguments. The case was appealed to a higher court and is expected to ultimately go to the Supreme Court. Workers belonging to minority denominations are allowed leave for their religious holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government grants refugee or asylee status in accordance with the the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

During the year, the Government granted asylum to 181 persons, temporary collective residency permits to 7,957 Kosovars, individual residency permits to 2,609 persons, and asylum as U.N. quota refugees to 1,480 persons. Immigration authorities rejected 3,300 asylum applications. In addition 1,542 persons received residency status through a family reunification program. In July the Government implemented a mandatory visa requirement for all Slovak citizens due to an influx of 130 Slovak Roma claiming refuge in the country; the authorities do not believe that the situation in Slovakia calls for such protection of the Roma. The Government lifted the mandatory visa requirement for a short period in November, before reimposing it in December.

There were no reports of the forced expulsion of those having a valid claim to refugee status or of persons being forcibly returned to countries where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their Government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

No restrictions in law or practice hinder the participation of women in government or in politics generally. A female Prime Minister served for 9 of 10 years between 1986 and 1996. The current Prime Minister appointed women to lead 9 of the 18 ministries. Women hold 60 of the 165 seats in Parliament (36.4 percent), chair 4 of 12 standing committees in Parliament, and lead 3 of the 6 main political parties. A woman heads the Parliament.

In addition to participating freely in the national political process in 1997, Norwegian Sami (formerly known as Lapps) elected their own constituent assembly, the Sameting, for the third time. Under the law establishing the 39-seat body, it is a consultative group which meets regularly to deal with "all matters which in [its] opinion are of special importance to the Sami people." In practice the Sameting has been most interested in

protecting the group's language and cultural rights and in influencing decisions on resources and lands where Sami are a majority.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

When the Government took office in 1997, the Prime Minister appointed a Minister of Development, Cooperation, and Human Rights. Based on previous human rights reports, in December the Government presented a White Paper/Action Plan to the Parliament on human rights in Norway and internationally. The White Paper identifies human rights violations both in Norway and abroad and proposes how the Government would work to improve its own human rights record as well as assist other countries in improving theirs. The report lists 16 areas for special attention domestically, including the practice of indefinite detention of suspects in criminal cases (often in solitary confinement). The White Paper presently is being processed by the Parliament, which is expected to revise and vote on it by June 2000. None of the measures in the plan would be implemented until after Parliamentary approval.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government enforces this prohibition in practice.

Women

Violence against women is a problem. In 1997 there were approximately 30,000 contacts by telephone by women with crisis action centers and 4,360 overnight stays by women at shelters. The police believe that increases in reported rapes and domestic abuse in recent years have been largely due to greater willingness among women to report these crimes. The police vigorously investigate and prosecute such crimes. They also instituted special programs to prevent rape and domestic violence and to counsel victims. Public and private organizations run several shelters that give battered women an alternative to returning to a violent domestic situation.

The rights of women are protected under the 1978 Equal Rights Law and other regulations. According to that law, "women and men engaged in the same activity shall have equal wages for work of equal value." An Equal Rights Council monitors enforcement of the law, and an Equal Rights Ombudsman processes complaints of sexual discrimination. In 1997 there were 101 written complaints and 485 telephone complaints to the gender equality Ombudsman. Women filed 50 percent of the complaints, men 18 percent, and organizations 32 percent.

In 1995 the Parliament adopted a harassment amendment to the Working Environment Act, which states that "employees shall not be subjected to harassment or other unseemly behavior."

Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of education and medical care. The Government provides education for children through the postsecondary level. There is no difference in the treatment of girls and boys in education or health care services. An independent Children's Ombudsman Office, within the Ministry of Children and Families, assures the protection of children in law and in practice.

Due to abuse or neglect of various degrees, 23,500 children (2.1 percent of children up to the age of 17) were assisted by welfare services in 1998. The level of assistance ranged from protective custody, extra financial help, or simply guidance and support for their parents.

People with Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to buildings for people with disabilities, and the Government enforces these provisions in practice.

Indigenous People

Apart from a tiny Finnish population in the northeast, the indigenous Sami constituted the only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect Sami cultural rights by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami. In a rare political statement in October at the opening of the third Sami Parliament, King Harald V publicly apologized to the Sami people for repression under Norwegian rule. In 1997 the Government created the position of Deputy Minister in the Ministry of Local Government and Regional Affairs to deal specifically with Sami issues. In 1997 the portfolio of Deputy Minister Johanne Gaup (herself of Sami origin) was extended to include issues pertaining to other minorities and immigrants.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to associate freely and to strike. The Government changed its wage negotiating process in 1996, shifting negotiations from the national to the local and company level. There were 36 strikes in 1998 at the national, regional, local, and company levels, involving 27,000 workers. All strikes were settled through negotiations or compulsory arbitration.

The Government has the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances. The Government came under increasing criticism in 1995 for resorting to compulsory arbitration too quickly during strikes. In addition this procedure, which was also invoked several times in the 1980's, particularly in the oil industry, was criticized repeatedly by the Committee of Experts of the International Labor Organization, which argued that the situations were not a sufficient threat to public health

and safety to justify invoking compulsory arbitration. The Supreme Court is reviewing a case that will allow it to rule on whether the national process in this regard violates the country's international commitments.

With membership totaling about 60 percent of the work force, unions play an important role in political and economic life and are consulted by the Government on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions and labor federations are free of party and government control. Unions are free to form federations and to affiliate internationally. They maintain strong ties with such international bodies as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

All workers, including government employees and military personnel, exercise the right to organize and bargain collectively. Collective bargaining is widespread, with most wage earners covered by negotiated settlements, either directly or through understandings which extend the contract terms to workers outside of the main labor federation and the employers' bargaining group. Any complaint of antiunion discrimination would be dealt with by the Labor Court, but there have been none in recent years.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is prohibited by law and does not exist. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred. The Directorate of Labor Inspections (DLI) ensures compliance. Domestic, children, or foreign workers are not required to remain in situations amounting to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment

Children 13 to 18 years of age may be employed part time in light work that will not adversely affect their health, development, or schooling. Minimum age rules are observed in practice and enforced by the DLI. Education is compulsory for 9 years. School is mandatory until the 10th grade; most children stay in school at least until the age of 18. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work

Normal working hours are mandated by law and limited to 37 1/2 hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays. There is no specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the government. Average income, not including extensive social benefits, is adequate to provide a worker and family with a decent living.

The 1977 Workers' Protection and Working Environment Act provides for safe and

physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with nongovernmental experts. According to the act, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI ensures effective compliance with labor legislation and standards.

f. Trafficking in Persons

No law specifically criminalizes trafficking in persons, but existing labor and immigration statutes may be used in such cases.

Norway is becoming a destination country for trafficked women, according to an OSCE report.

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