



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Eighteenth periodic reports of States parties due in 2005**

**Addendum**

**NORWAY\* \*\* \*\*\***

[12 September 2005]

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\* This document contains the seventeenth and eighteenth periodic reports of Norway, due on 5 September 2005. For the sixteenth periodic report and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/430/Add.2 and CERD/C/SR.1602, 1603 and 1611.

\*\* Annexes to the report may be consulted in the secretariat's files.

\*\*\* This report has not been edited before being submitted for translation.

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## **Introduction**

1. Reference is made to Norway's previous periodic reports, in particular to the 16th periodic report (CERD/C/430/Add.2). During the preparation of the present report, due regard has been paid to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD), which were adopted at its 1611th meeting on 22 August 2003 (CERD/C/63/CO/8). Due regard has also been paid to the general guidelines regarding the form and contents of reports to be submitted by states parties under Article 9, paragraph 1, of the Convention, as revised by CERD at its 1429th meeting on 21 August 2000 (CERD/C/70/Rev.5).
2. The present report, though presenting an overall description of Norwegian policies, is largely devoted to measures that have been adopted since the examination of the 16th periodic report. The suggestions and recommendations made by the Committee in its concluding observations have been taken into account. To assist CERD in fulfilling its tasks in accordance with Article 9 of the Convention, reference is made to previous documents containing information of relevance to the examination of the present report. In CERD's concluding observations on Norway's 16th periodic report, paragraph 22, the Committee recommends that Norway submit its 17th periodic report jointly with its 18th periodic report, and that it address all points raised in the present concluding observations. In order to limit the extent of the report, information provided in previous reports has as a rule not been included in the present report. Instead reference is made to Norway's previous reports.
3. Before the present report was finalised, a draft was submitted for comments in June - August 2005 to a number of NGOs and other relevant organs working in the field of human rights and discrimination. A meeting with these recipients was held in August 2005. The final version of the report has also been available for the public on the web pages of the Ministry of Local Government and Regional development since the beginning of September 2005.

## **I. GENERAL**

### **A. General legal framework**

4. The general legal framework for the prohibition of racial discrimination has been described in previous reports. See e.g. the 3rd report (CERD/C/R.78/Add.9) and Norway's 12th and 13th reports (CERD/C/281/Add.2), paragraph 4, as well as the initial part of the reports submitted by Norway known as the "core document" (HRI/CORE/1/Add.6). However, some major developments can be reported.
5. Reference is made to Norway's 16th report, paragraph 5, and to CERD's concluding observations on Norway's 16th report, paragraph 9.
6. The committee mandated to examine how ICERD can be incorporated into Norwegian law through the adoption of a statute prohibiting ethnic discrimination presented its recommendation in June 2002 (NOU 2002: 12 on legal protection against ethnic discrimination). The committee proposed to incorporate the convention into Norwegian law, and recommended that legal authority for such incorporation be included in the Act of 21 May 1999 No. 30 relating to the strengthening of the status of human rights in Norwegian law (the Human Rights Act).

7. The Government presented its proposal for an anti-discrimination statute in Proposition No. 33 (2004-2005) to the Odelsting on the Act prohibiting discrimination based on ethnic origin, religion, etc. in December 2004. The draft Bill was a follow-up of the committee's proposal in NOU 2002: 12. The Storting approved the Act 3 June 2005 in accordance with the Government's proposal. The new Anti-Discrimination Act and other legal amendments connected to this Act may be regarded as the transformation of ICERD into Norwegian law. All these amendments aim to strengthen protection against ethnic discrimination, thereby better fulfilling the objectives of the Convention. Furthermore, the Convention has been implemented in Norwegian legislation by means of incorporation through the Anti-Discrimination Act. The Convention has a natural connection with this Act. Incorporating ICERD through the Anti-Discrimination Act could therefore help to ensure the best possible clarity in Norwegian legislation. In its Proposition to the Odelsting, the Government has emphasised that the fact that the Human Rights Act has not been chosen as the incorporating statute does not mean that ICERD is not considered to be an instrument of fundamental importance. A similar solution has also been chosen for the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is proposed to be incorporated through the Gender Equality Act.

8. The Government proposed that ICERD should not be given precedence over other legislation. The Storting in June 2005 also approved that part of the proposal. In Report No. 17 (2004-2005) to the Storting on power and democracy, the Government discusses the principles underlying the issue of the degree of precedence legal status that incorporated human rights conventions should be given in national legislation. This report to the Storting is a follow-up of the Official Norwegian Report on Power and Democracy (NOU 2003: 19). In the report to the Storting, the Government concludes that a rule of precedence should be reserved for very special cases. The general rule should be that the incorporated Convention should have the same status as an ordinary statute, and that the ordinary national rules regarding legal interpretation should be applied.

9. The Storting 10 June 2005 approved a provision in the Act on the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal to the effect that the Equality and Anti-Discrimination Ombud shall monitor that ICERD is complied with, just as the Ombudsman for Children is responsible, under the Act on the Ombudsman for Children, for monitoring Norway's compliance with the UN Convention on the Rights of the Child. According to the amendment, the Equality and Anti-Discrimination Ombud shall also be responsible for monitoring compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women.

### **The Anti-Discrimination Act**

10. Reference is made to Norway's 16th report, paragraph 5, and to CERD's concluding observations, paragraph 9. On 17 December 2004, the Government presented a draft Bill prohibiting discrimination based on ethnicity, religion, etc. The act was approved by the Storting 3 June 2005 in accordance with the grounds of discrimination in the draft Bill (see enclosure no. 1 for an English translation of the Act). The legislative committee which carried out a preparatory study for a statute prohibiting ethnic discrimination proposed that ethnicity should be the prohibited ground of discrimination. In the draft Bill presented by the Government, however, the prohibited grounds of discrimination are ethnicity, national origin, descent, skin colour,



language, religion and belief. Like the legislative committee, the Government has supported the view that the concept of race should not be used in the wording of the Act. The reason for this is that the concept of race is based on biological, hereditary characteristics, grounded in theories that have no justifiable scientific basis or content. Moreover, the concept has strong negative connotations. Besides, a prohibition against discrimination on the grounds enumerated in the Act will cover clearly enough what could otherwise be characterised as racial discrimination. The Government therefore sees no need to use the term “race” in the text of the statute.

11. The Act applies in all areas of society, except for family life and personal relationships. As regards the discriminatory grounds of religion and belief, exceptions are made for acts and activities under the auspices of religious and belief communities and enterprises with a religious or belief-related objective, when such acts and activities are significant for the achievement of the community’s or enterprise’s religious or belief-related objectives. Direct and indirect discrimination, harassment and instructions to discriminate against a person on the basis of the aforementioned grounds are prohibited. The Act also protects a person who brings a suit for discrimination from being subjected to unfavourable treatment on account of his or her action, i.e. retaliation. In addition, a prohibition against being accessory to discrimination is introduced.

12. Differential treatment that is necessary in order to achieve a legitimate objective, that does not constitute a disproportionate intervention for the person or persons affected, is not considered to be discrimination under the Act. Nor is positive special treatment that contributes to the achievement of the purpose of the Act considered to be discrimination. The Act prescribes that such special treatment shall cease when its purpose has been achieved.

13. A provision regarding the shared burden of proof has been included in the Act. The Act introduces civil law sanctions for breaches of the prohibition, in the form of redress and damages. At the same time, a special enforcement mechanism is established to supervise and assist in implementing the Act, cf. paragraphs 16-18 below. The Government proposes that, in the interests of due process of law, decisions regarding redress and damages should be made by courts of law, and not be delegated to the new mechanism. The Act thus ensures coherent protection under civil law against discrimination based on ethnic origin, religion, etc.

14. The Act also covers discrimination committed jointly by several persons, either in loosely-knit groups or in more organised forms. The Government refers to the fact that such activity is particularly harmful, and therefore proposes to include a separate penal provision in the Anti-Discrimination Act relating to gross breaches of the prohibition against discrimination that are committed jointly by several persons.

15. The Act meets the requirements set out in EU Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and EU Council Directive 2000/78/EF establishing a general framework for equal treatment in employment and occupation. Through the Act of 26 March 2004, a new chapter on equal treatment was added to the Working Environment Act to bring Norwegian law in the area of employment and occupation into compliance with the requirements of the directive. These amendments entered into force on 1 May 2004, and have been upheld in the Government’s proposal for a new Working Environment Act, cf. Proposition No. 49 (2004-2005) to the Odelsting relating to the Act on the Working Environment Act. The Anti-Discrimination Act will enter into force on 1 January 2006.

### **The Equality and Anti-Discrimination Ombud**

16. Reference is made to Norway's 16th report, paragraph 28. At the same time as the Anti-Discrimination Act, cf. paragraph 10 et seq., the Government presented a proposal for a statute relating to an Equality and Anti-Discrimination Ombud, cf. Proposition No. 34 (2004-2005) to the Odelsting. This act was approved by the Storting 10 June 2005. The Storting by this approved the Government recommendation for establishing a new Equality and Anti-Discrimination Ombud and an Equality and Anti-Discrimination Tribunal patterned on the present gender equality mechanism. The new ombud will have both proactive and supervisory functions in relation to the new Act. The new mechanism will make decisions on individual cases concerning discrimination, and the tribunal will be empowered to order measures to prevent discriminatory conditions. If such orders are not complied with, the tribunal may also impose a coercive fine until the condition in question has been rectified. The current Gender Equality Ombud, the Gender Equality Centre and the Centre for Combating Ethnic Discrimination (SMED) will become part of the new ombudsman mechanism. In this way, a simple, easily accessible system for complaints will be established, to which persons who consider themselves discriminated against pursuant to the Anti-Discrimination Act may submit their cases.

17. The role of a neutral ombud who expresses opinions on individual cases is incompatible with the role of legal representative, which means that the legal aid services currently offered by SMED will cease to exist. However, a provision expanding the duty of the ombud to provide guidance has been enacted in order to ensure that victims of discrimination receive the best possible assistance. Under this provision, advice may be given with regard to all relevant information and preparations related to the case. It might be relevant, for instance, to provide advice on discrimination issues where it may be appropriate to initiate proceedings on the basis of a different set of rules than the statutes which the ombud is charged with enforcing. The expanded duty to provide guidance covers the discriminatory grounds that the ombud is charged with monitoring.

18. The Equality and Anti-Discrimination Ombud is to encourage employers to avoid ethnic discrimination and promote ethnic equality in their enterprises. The ombud is to establish a consultancy and advisory service that is offered free of charge to individual employers in both private and public enterprises. An important function will be to disseminate good examples and methods and help to improve knowledge in this field. The Government's aim is for the new enforcement mechanism to be established with effect from 1 January 2006.

### **Amendments to section 135 a of the Penal Code**

19. Reference is made to Norway's 16th report, paragraphs 70-75, and to CERD's concluding observations, paragraph 11. The use of racist symbols has now explicitly been criminalised through an amendment (by the Act of 10 January 2003 no. 2) of section 135 a of the Penal Code.

20. A Bill was submitted to the Storting in December 2004, with proposals for further amendments to section 135 a of the Penal Code. The Storting in April 2005 approved this proposal, and these amendments form part of the broader, strengthened protection against discrimination on ethnic grounds. The amendments will enter into force on 1 January 2006. The amendments will strengthen penal protection against expressions of racial hatred and discrimination in three main ways.

21. Firstly, the maximum penalty for violating section 135 a of the Penal Code has been increased to three years imprisonment, from previously two years. Secondly, gross negligence is now sufficient to satisfy the criterion of guilt. Finally, the scope of section 135 has been widened. According to the former wording of section 135 a, it was required that racist statements or expressions were made in public or otherwise disseminated to the public. According to the new wording, it is sufficient if such statements or expressions are made in a way that makes them fit for public dissemination. Section 135 a will thus apply to statements made on radio or TV, on open Internet-pages or on posters, regardless of the statement actually reaching the public or not.

22. It should also be noted that the entire Penal Code is currently under revision. The wording and formulation of section 135 a may be assessed and amended in the process of developing and adopting a new Penal Code.

23. Reference is made to CERD's concluding observations on Norway's 16th report, paragraph 12. The legislative committee that carried out a preparatory study for a new statute prohibiting ethnic discrimination made a thorough assessment of the relationship to the UN Convention on the Elimination of All Forms of Racial Discrimination, Article 4, no. 2 regarding the prohibition of racist organisations. In its Proposition to the Odelsting, the Government has upheld the proposed new Anti-Discrimination Act, with certain amendments. Furthermore, a number of provisions regarding organised crime were added to the Penal Code, cf. below, by the Act of 4 July 2003.

24. Norwegian law does not explicitly prohibit racist organisations, but does contain more general prohibitions against certain types of organisations and associations. Section 330 of the Penal Code prohibits the foundation of or participation in an association that is prohibited by law or the purpose of which is to commit or encourage criminal acts. Furthermore, section 135 a of the Penal Code prohibits the dissemination of racist statements. The provision in section 135 a of the Penal Code also covers persons who are accessory to such acts. Associations established for the purpose of committing such acts are therefore covered by section 330 of the Penal Code. The provision in section 135 a concerning accessories to the act will also cover the foundation of or participation in racist organisations. The Penal Code also contains several provisions that cover persons who enter into an agreement to commit specific criminal acts (certain felonies against public safety, prolonged/particularly serious deprivation of liberty, homicide or grievous bodily harm). Moreover, section 140 of the Penal Code imposes a penalty for public incitement to a criminal act, which may be relevant to racist organisations. The organisation itself may be held accountable pursuant to the provisions on corporate penalty in section 48 a of the Penal Code.

25. Finally, new general provisions regarding increased penalties in the case of organised crime in sections 60 a and 162 c of the Penal Code may be applicable. When a criminal act is carried out as part of the activities of an organised criminal group, pursuant to section 60 a the penalty limit prescribed in the penal provision is doubled, the maximum penalty being five years' imprisonment. Section 162 c of the Penal Code covers persons who enter into an agreement to commit serious criminal acts in connection with organised crime. The prescribed penalty limit is a term of imprisonment for three years. The agreement may be explicit or implicit and must concern a criminal act that is punishable by a term of imprisonment of three years or more.

26. The Anti-Discrimination Act includes a penal provision for gross breaches of the prohibition against discrimination that are committed jointly by several persons, cf. § 15 of the Act and Proposition No. 33 (2004-2005) to the Odelsting. The prescribed penalty limit for such breaches is fines or a term of imprisonment not exceeding three years. In assessing whether the offence should be regarded as serious, particular emphasis shall be placed on the degree of manifest fault, whether the breach was racially motivated, whether it constitutes an offence against the person or serious violation of a person's mental integrity, whether it is liable to cause fear and whether it was committed against a person under the age of 18.

27. The penal provision in the Anti-Discrimination Act must be seen in conjunction with the new rules regarding penalties for organised crime, particularly section 162 c of the Penal Code, cf. above. While the Penal Code covers organised racist crime when it is perpetrated by groups that are structured to a certain degree, the penal provision in the Anti-Discrimination Act will cover more loosely-affiliated racist groups, such as gangs of young people who jointly commit acts of discrimination. These rules must also be seen in conjunction with the more severe penalties in section 135 a of the Penal Code, cf. paragraphs 20-22 above, and the more effective protection against discrimination in other respects, cf. paragraphs 10-18 above. In the Government's opinion, the body of law as a whole will ensure, in practice, that there is a genuine prohibition against associations and organisations established for the purpose of promoting and encouraging racial discrimination. The overall impact of this legislation will be far more effective than a formal prohibition against organisations.

### **Ratification of Additional Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**

28. Additional Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) contains a general prohibition of discrimination "on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status". The protocol was adopted by the Council of Europe on 4 November 2000, and is intended to strengthen the protection against discrimination, bringing it in line with the protection provided by Article 26 of the International Covenant on Civil and Political Rights (CCPR). The protocol was signed by Norway on 15 January 2003 and ratification is currently under consideration.

## **The Immigration Act**

29. Reference is made to Norway's 16th report, paragraph 6, and to CERD's concluding observations, paragraph 4. Several amendments have been made to the Immigration Act as a result of an increase in the number of asylum seekers during the years 2001-2003. The most important amendments concern the fast-track procedure for presumed manifestly unfounded asylum claims (48-hours procedure), the changes in legal assistance for asylum seekers, the implementation of the Dublin Regulation and the changes relating to reception centre benefits and accommodation. Amendments have also been made to the regulation concerning subsistence requirements for family reunification.

30. On the basis of a Report presented to the Norwegian Storting in January 2004, the Government is preparing several amendments to the Immigration Act that would allow for increased political direction and legal supervision of the Immigration Directorate and the Immigration Board of Appeals. The proposition was submitted to the Storting in December 2004.

31. In 2001, the Norwegian Government appointed a Committee to be responsible for preparing a proposal for a new Immigration Act. The Committee forwarded its proposal to the Government on 19 October 2004. The main elements of the Committee's proposal are:

- More detailed regulation of main principles than under the current Act;
- Regulations with regard to protection are harmonised with the EU qualification directive for refugee protection and subsidiary protection. The proposal does not, however, distinguish between those eligible for status as convention refugees under the United Nations Convention relating to the Status of Refugees and those eligible for protection under other international instruments. Under the proposed Act, both categories are granted status as refugees with similar rights;
- More detailed regulations with regard to family reunification;
- Measures aimed at counteracting forced marriages, for instance through the rejection of applications for family reunification where the spouses are under the age of 21 and the rejection of applications for a residence permit until the spouse residing in Norway has returned to Norway and has been interviewed if the marriage was contracted abroad;
- Protection of female applicants against men who are known to be violent and who have a history of bringing women to Norway through marriage. If there is clear reason to fear that the applicant will be a victim of violence or cynical abuse, and if the situation is deemed sufficiently serious in this respect, a visitor's visa and residence permit may be refused;
- Regulation that allows the immigration authorities to refuse to grant a residence permit to a spouse if it is likely that the marriage was contracted for the main purpose of enabling the applicant to reside in Norway.

32. There has been a six-month round of public consultation on the Committee's proposal. The Government will prepare a final proposal for a new Act that will be submitted to the Storting. This is expected to take place before the end of 2006. Some of the measures suggested by the Committee may, however, be implemented in current legislation at an earlier stage.

### **The Immigration Appeals Board**

33. Reference is made to Norway's 16th report, paragraphs 7-10, and to CERD's concluding observations, paragraph 14. Pursuant to the Immigration Act, section 38 b, the administrative procedure of the Immigration Appeals Board is decided by the Board itself. As a general rule, applications are referred to the Appeals Board when the case presents questions of substantial doubt, for instance if the credibility of the complainant is in doubt, or if the Board considers changing current practice or if a general assessment pursuant to section 8 of the Immigration Act ("strong humanitarian considerations") is considered to be of decisive importance. The Board Chairman alone, or by delegation to the secretariat, may make a decision on an application if the case does not present questions of substantial doubt. A detailed list of the Board Chairman's powers is included in sections 140 and 141 of the Immigration Regulations, and describes types of cases which may be decided by the Board Chairman alone when it is clear that the first instance decision may be maintained or reversed.

34. An independent evaluation of the Appeals Board, which focused on legal safeguards, was finalised in March 2003. The report concluded that "in the course of the review, we have found no evidence that gives grounds for serious criticism of the Appeals Board". Humanitarian organisations nominating members to the board also had the possibility to communicate their experiences to the evaluation team, and a number of critical remarks were made. Notwithstanding such criticism, the report clearly states that "there is no reason to believe that cases which should have been decided by the Board are decided by a lower level". Among the general public, confidence in the Appeals Board has increased since its establishment in 2001.

### **A new Norwegian Nationality Act**

35. The Storting has adopted the proposal of a new Nationality Act. The new Nationality Act is expected to enter into force 1st September 2006, upon completion of provisions to the act. Key aspects of the new Act are:

- The Act is based on the principle of single nationality;
- When the conditions of the Act are met, the applicant has a right to nationality, which means that there are no discretionary decisions;
- A child shall acquire the nationality of both parents by birth, irrespective of the child being born out of wedlock, or abroad;
- A child can acquire nationality irrespective of the parents' application, after the age of 12 (in the present Act the applicant must be 18 years old);

- Children who cannot renounce their other nationality before a certain age can nevertheless acquire Norwegian nationality. They must, however, choose between Norwegian and the other nationality within one year after renunciation is possible;
- As a main rule seven years of residence within the last ten years is claimed;
- A language requirement is introduced;
- When new Norwegian nationals do not give up their other nationality after having acquired the Norwegian nationality, the latter nationality will be withdrawn;
- After having acquired Norwegian nationality, the person will be welcomed to participate in a voluntary ceremony.

### **A new Introductory Act**

36. The Act relating to introductory schemes for newly arrived immigrants (the Introductory Act) was adopted by the Storting in June 2003, and entered into force as a voluntary arrangement for those municipalities in Norway that decided to implement it during the period from 1 September 2003 to 31 August 2004. During this voluntary period, participation in the schemes for newly arrived immigrants was neither a right nor an obligation, nor were individual municipalities obliged to provide a customised introductory programme for all newly arrived persons covered by the Act. Since 1 September 2004, the Act has been a mandatory arrangement for every municipality in Norway, and covers everyone within the scope of the Act, i.e. persons between 18 and 55 years of age who have been granted asylum, are resettlement refugees, have been granted collective protection in a situation of mass flight, need to acquire basic qualifications, or are resident in the municipality pursuant to a special agreement between the immigration authorities and the municipality after 1 September 2003.

37. The Government's objective is to ensure that newly arrived immigrants are integrated into the labour market and Norwegian society as quickly as possible. The purpose of the Introductory Act is to better enable newly arrived immigrants to participate in working and social life, and to increase their financial independence. Social benefits have previously had the effect of rendering recipients passive, since such benefits gave them no incentive to acquire the basic knowledge necessary to be able to manage in Norwegian society. One of the main instruments has been to make participation in a qualification programme a criterion for eligibility for a special introductory grant.

38. Contents of the Act relating to introductory schemes:

- The Act introduces a right and a duty to participate in an introductory scheme for persons who are granted asylum, are resettlement refugees or are granted a residence permit on humanitarian grounds, and for whom the municipality receives an integration grant from the central government authorities;
- The municipality has a duty to offer a customised programme adapted to the background and needs of individuals within three months after the person is settled in the municipality;

- The programme is offered to persons who require basic qualifications, and must at a minimum include tuition in Norwegian and social studies and measures to prepare them for subsequent employment or ordinary education;
- The programme must last as long as the person has a need for it, but for no more than two years;
- Each participant must have a programme adapted to his or her abilities and life situation, the programme must be organised in a customised plan, and each participant must have his own personal liaison officer in the municipality;
- The programme runs on a year-round, full-time basis. Full participation entitles the person concerned to an introductory grant (NOK 117, 556 per year) and absence results in deductions from the grant pursuant to the same rules as in working life. The grants are disbursed in arrears based on registered attendance;
- Receipt of an introductory grant entitles the recipient to apply for a government housing benefit to cover part of his household's housing expenses (introduced from the third quarter of 2004);
- No reduction is made in the grant for any personal income from employment in leisure time, or for any assets the recipient might have;
- From 1 September 2004, municipalities must offer this programme to all persons in the target group, but small municipalities may cooperate with other municipalities or make use of private service providers;
- An effective transition to working life is dependent on close, binding cooperation between individual municipalities and the local government employment agency (Aetat). A special circular has been issued which describes the minimum elements that such cooperation must comprise. Each municipality must contact the local Aetat office, and establish a binding cooperation agreement.

39. For 2005 NOK 30 million has been allocated for grants for municipal projects related to the introductory scheme. Priority will be given to projects that focus on developing services for parents and measures for participants in introductory programmes that assist them to fulfil their role as parents and to follow up their children in their new situation in Norway. Efforts in 2005 will focus on how the experience gained in these projects, and other relevant projects and measures, can be communicated to all municipalities that offer introductory programmes.

40. The Directorate of Immigration is currently preparing information for newly arrived persons who do not have the right or obligation to participate in an introductory programme. This general information on Norway and Norwegian society, rights and obligations will also cover the topic of gender equality.

41. In connection with the preparation of a new curriculum for tuition in Norwegian and social studies for adult immigrants, it was decided to draw up guidelines for tuition in social studies. The curriculum is based on the premise that democracy is the foundation of every



activity in our society. The rights and duties of individuals are balanced against society's demands on and obligations to each person. The main topics are immigration to Norway, democracy and social welfare, school, education and qualifications, employment, working life and the labour market, children and family affairs, the population structure and the natural environment, and how to seek information. Tuition in social studies will be given in a language that is understood by the participants. A guide for social studies teachers has been prepared for the part of the curriculum that relates to social studies, and will be ready for distribution in autumn 2005. A report describing the need and a plan for teacher training has been completed and will be dealt with at the same time as the guide itself.

42. Religious leaders are often brought from different countries to stay in Norway for varying periods of time. Their work is centred on their respective religious communities and often consists of providing religious instruction for children and guidance for adults on religious issues. Their primary task is to strengthen religious traditions and practices among the members of their congregation, and not primarily to become acquainted with Norwegian society. Some of the religious leaders do not stay in the country long enough to learn Norwegian, while others do not learn Norwegian even though they have lived here for many years. Furthermore, many of them have little knowledge of the workings of Norwegian society, a situation that might be improved if they were to receive such knowledge in a language that they understand.

43. In the light of the above, steps will be taken to ensure that religious leaders have access to learning materials that are adapted to their needs as heads of a religious community. The topics and content of the programme should be somewhat different from the social studies curriculum of 50 hours that is included in the 300 hours of Norwegian language training. In spring 2005, a working group comprising a broad range of participants from different religious communities was established with a view to the adoption of a programme of this nature before 1 September 2005.

44. Another proposal related to the same topic that is now being considered concerns the introduction of regulations requiring leaders of religious communities who are authorised to perform weddings to have knowledge of Norwegian.

## **B. Demography and standard of living**

### **Demography**

45. Reference is made to Norway's 15th report, paragraph 7, and to Norway's 16th report, paragraph 11.

46. In recent years, at any given time approximately 100,000 inhabitants out of a total population of 4.5 million have lived in Norway for less than five years. At the time they immigrate, hardly any of them speak Norwegian. About 290,000 people have immigrated themselves (first generation immigrants), whereas around 60,000 children and young people are born in Norway of two parents of foreign origin (descendants). Statistically, first generation immigrants and descendants constitute the category "immigrant population", which accounts for 7.6 % of the total population. In this group, about 30 % have a refugee background. In the

capital, Oslo, more than 20 % of the population are immigrants. People from 208 countries and self-governed regions lived in Norway at the start of 2004. The number of registered Muslims has increased from 1,000 persons in 1980 to approximately 75,000 in 2003.

47. In the last ten years, the total immigrant population has increased by 70 % (from 128,000 persons in 1994 to 350,000 in 2004). In the same period, the percentage of persons with a non-Western background within this group increased from 62 % to 72 %. The five largest nationalities represented in Norway (January 2004) are Pakistan, Sweden, Denmark, Vietnam and Iraq. The figures from these groups include both immigrants and persons born in Norway of two parents of foreign origin.

48. The Saami are the indigenous people of Norway. The Jews, the Kvens (Finno-ethnic minority population), the Roma/Gypsies, the Romani people/Travellers and the Skogfinns (people of Finnish descent living in southern Norway) are recognised as national minorities.

49. Accurate statistics on the size of the Saami population and the national minorities of Norway are not available, as ethnic affiliation is not recorded in censuses. Numbers vary depending on the definition that is being used. However, it has been estimated that there are between 50,000 and 100,000 persons of Saami descent in Norway. A recent report estimates that there are approximately 25,000 people in Norway who understand Saami. More than 10,400 persons have registered in the Saami electoral register. However, the Saami electoral register contains only persons over the age of 18 who have applied to be registered because they want to take part in elections to the Saami Parliament.

50. There are no accurate estimates of the number of inhabitants belonging to national minorities in Norway, since no statistics of ethnic origin are kept. A possible estimate is that there are currently around 10,000-15,000 Kven, 1,500-2,000 Jews, a few hundred Skogfinn, 2,000-3,000 Romani people/Travellers and 300-400 Roma/Gypsies. These figures have been provided partly by the ethnic groups themselves and partly by researchers.

51. It must be emphasised that the figures are imprecise and reflect the number of people who might conceivably regard themselves as belonging to the minority group, not the number of those who speak the language fluently or whose relatives in earlier generations were members of the groups in question. The number of language users is lower. This uncertainty is compounded by the fact that many people do not wish to admit that they belong to a minority group for fear that they will be discriminated against by society at large, or the fact that they are unaware of their origin. The Romani people/Travellers in particular claim that the aforementioned estimate is much too low due to circumstances of this nature.

### **Standard of living**

52. Reference is made to Norway's 16th report, paragraph 14. Some of the subject areas referred to in the previous report have been updated since the 16th report was submitted. For information about the participation of people with an immigrant background in elections and the labour market and people's attitudes toward immigrants, reference is made to paragraphs 192-194, 208-212 and 93-98, respectively.

## **Income**

53. On average, the disposable income of families where the head of family is a first generation immigrant is more than NOK 100,000 lower than the rest of the population. However, the average disposable income of families by the head of family's country of origin shows a clear distinction between different immigrant groups. Families from Western countries, excluding Turkey, had an average disposable income of NOK 433,400 in 2001, compared to an average in Norway of NOK 438,500. Immigrant couples from Eastern Europe had an income of NOK 337,400, from Asia including Turkey NOK 336,100, from Latin America NOK 369,100 and from Africa NOK 319,100. A study from 2002 shows that the income of non-Western immigrant families is on average approximately 25 % lower than the income of the majority population. The study also shows that the income gap is halved when the immigrant family has stayed in Norway for 25 years.

## **C. Main policy principles**

### **Report to the Storting on diversity through inclusion and participation**

54. Reference is made to Norway's 16th report, paragraphs 16-34. The following information may be added:

55. On 1 October 2004, the Government presented Report No. 49 (2003-2004) to the Storting on Diversity through Inclusion and Participation. Responsibility and Freedom. The report was debated by the Storting in spring 2005. The background for the report is the fact that the population of Norway is considerably more varied than it was 35 years ago in terms of origin, appearance, religion, culture, language and lifestyle. An increasingly diversified population (cf. paragraph 47) means that there are a growing number of opinions as to what is the good, right way to live. This has become apparent in topics such as children's upbringing, family relationships, gender role patterns and the role of religion in everyday life, and has given rise to debate in politics and the media.

56. The Government finds the new diversity natural and desirable. The Report to the Storting will lay the foundation for a new, more inclusive understanding of what it means to be Norwegian. The report takes up issues that go beyond questions covered by current asylum and refugee policy and integration policy. An overarching problem is how Norwegian society must be organised and function in order to ensure, on the one hand, that it respects and recognises the diversity of the country's population, and protects individuals' rights and freedom of choice, and, on the other hand, that citizens are loyal to certain common goals, principles and fundamental social values. Personal freedom of choice, democracy, gender equality and human rights are all elements of the Government's fundamental values. The goal is for everyone, irrespective of background or origin, to have equal rights, obligations and opportunities for participation. Practices that are contrary to Norwegian law, and traditions and customs that suppress or limit individuals' freedom of choice even if they are not against the law, must be opposed. The Report to the Storting states that racism and discrimination are incompatible with the notion of equal status and equal opportunity.

57. The Report to the Storting transfers the focus of attention from first generation immigrants to their children who were either born or have grown up in Norway. In the report, these children are referred to as *descendants*. The report does not use the term “second generation immigrant”, and states that children who grow up in Norway in immigrant families must not be regarded as immigrants themselves. The first groups of descendants of non-Western immigrants are now in their 20s and in the process of entering the labour market and society at large. The Government deems it important to keep close track of developments. The goal is to ensure that the possible disadvantages associated with immigrating must not be inherited by the immigrants’ children, and that as adults they do not systematically distinguish themselves from their peers in terms of living conditions and participation in society.

58. The report also addresses the fact that social affiliation has an emotional and an identity-related dimension. The Government aims to ensure that descendants have a subjective perception of Norway being “home”. Everyone in Norway must respect that there are different ways of being Norwegian. The report differentiates between a policy of pluralism and a policy of integration. Integration policy is limited to persons who have immigrated to Norway, and to establishing the necessary conditions to enable recent immigrants to participate in society and as far as possible become self-supporting.

59. The report also sets goals that apply to every member of society, whether they belong to the majority or a minority. One of these goals is the absence of racism and discrimination. Every citizen, immigrants and non-immigrants alike, must show tolerance and respect for the choices and lifestyles of other people. The report discusses the limits of tolerance in relation to the Government’s basic values, and provides examples from specific everyday situations. At the same time, society must be open to change as new needs emerge and the composition of the population alters. This approach is reflected in the Government’s efforts to modernise public services and ensure that they are user-oriented. If no account is taken of the fact that users differ in terms of religious affiliation, childhood backgrounds and Norwegian language skills, some persons may systematically receive poorer services and derive less benefit from them. The report states that this is a form of indirect discrimination, which is one of four areas of focus in the new diversity policy. The three others are equal opportunity in education, labour market entry and employment opportunities, and the responsibility of adults for children’s opportunities.

60. The Report to the Storting does not address racism and discrimination as a separate topic. However, it states that the authorities and the majority population have the main responsibility for preventing and taking action to combat racism and discrimination, because they have the greatest power to prevent injustice and unfair differential treatment and to change structural conditions. In the Government’s view, efforts to combat racism and discrimination must be expanded to include minorities’ prejudices against the majority population, insofar as such exist, and prejudices and discrimination between ethnic, social and religious minorities, clans, castes, etc. The report states that the system of castes is a discriminatory tradition.

61. Report No. 49 to the Storting seeks to define target groups more precisely in relation to the issues concerned. It attempts to break down such large, diffuse statistical categories as “immigrant” and “non-Western” wherever possible. Special mention is made of the 16,000 children living in Norway who were adopted from other countries, because they contribute to the broad diversity of physical appearance in the Norwegian population.

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

62. Reference is made to Norway's 16th report, paragraphs 25 and 27. A new plan of action to combat racism and discrimination for the period 2002-2006 was presented by the Norwegian Government on 1 July 2002. The time-span of the plan of action reflects the Government's view that combating racism and discrimination must be based on long-term, continuous, focused attention. The present plan focuses on initiatives and actions taken by Norwegian authorities.

63. A total of 48 measures are outlined in the plan of action, and they will be mentioned in various parts of this report. The measures cover the following areas: The labour market, public services, school/education, the police/public prosecutors/courts, documentation/surveillance, the Internet, local communities, strengthening of judicial protection against ethnic discrimination and racist expressions, and general measures.

64. The Government wishes to draw particular attention to the following measures in the plan of action:

- The Government will present a proposal for an Act prohibiting ethnic discrimination;
- The Government will present a proposal to amend the Act on the sale of alcoholic beverages to include a provision that discrimination by a bar, restaurant or similar establishment may lead to the confiscation of the establishment's liquor licence;
- The Government will formulate requirements to the effect that suppliers to public procurers must observe a policy of non-discrimination;
- The Government will establish special public prosecutors' units to ensure the availability of specialised expertise for cases regarding ethnic discrimination and racially motivated violence or harassment.

**General principles underlying Norwegian policy towards the Saami people**

65. Reference is made to Norway's 16th report, paragraphs 22-23. A report on the general principles governing Norwegian policies towards the Saami people is submitted to the Storting once every parliamentary term (once every four years). Three such reports have been submitted so far. The next will be presented in 2006.

66. The Government's policies towards the Saami people are based on the premise that the Norwegian State is established on the territories of two peoples, the Norwegians and the Saami, and that both peoples have the right to maintain and develop their language and their culture on those territories. The aim of the Government's policies towards the Saami is to enable the Saami people to preserve and develop their language, culture and way of life.

67. The Government and the Saami Parliament have established procedures for consulting the Saami Parliament or, where appropriate, Saami interests when dealing with Saami issues. The goal of the process is to establish and clarify the roles and obligations of the Government and the Saami Parliament when dealing with issues that directly affect or may affect the Saami population and to strengthen the partnership to the benefit of Saami culture and Saami society.

A working group was established to prepare a proposal on how to involve the Saami Parliament and to strengthen its influence whenever consideration is given to legislative or administrative measures which may affect the Saami population in Norway. The working group submitted its report April 20 2005. The procedures for consulting the Saami Parliament was signed by the President of the Saami Parliament and the Minister of Local Government and Regional Development May 11 2005. The Saami Parliament gave its consent to the procedures in its plenary session June 1 2005. The procedures were finally approved by royal decree July 1 2005.

### **The Plan of Action for Human Rights**

68. Reference is made to Norway's 16th report, paragraph 29. The Government's Report no. 21 (1999-2000) to the Storting, Focus on Human Dignity. A Plan of Action for Human Rights, was scheduled to be implemented by the end of 2004.

69. The plan of action consists of six parts, with measures listed in Part 4, Human rights in Norway, and Part 5, International human rights efforts. Eight measures presented in Part 4 are of relevance for the present report. These measures address problems related to racism and discrimination. The measures are referred to here, to show their link with the plan of action. However, references are made to the different paragraphs of the ICERD.

70. The following information refers to paragraph 1 (c) of Article 2.

### **Evaluation of the Centre for Combating Ethnic Discrimination**

71. See paragraphs 16-18 of this report.

72. The following information refers to paragraph 1 (d) of Article 2.

### **A new act prohibiting ethnic discrimination**

73. See paragraph 10 f of this report.

74. The following information refers to paragraph 1 (e) of Article 2.

### **Evaluation of the grant scheme for non-governmental organisations working to combat racism and discrimination and/or promote diversity, dialogue and cooperation**

75. See paragraph 130 of this report.

76. The following information refers to paragraph 2 of Article 2.

### **Legislation regarding new introductory schemes for newly arrived immigrants**

77. See paragraphs 36-44 of this report.

**Evaluation of the Plan of Action for Recruiting Persons with an Immigrant Background to the Government Sector (1998-2001)**

78. The plan of action was evaluated in 2002. The evaluation was carried out by the Foundation for Industrial and Technical Research at the Norwegian Institute of Technology (SINTEF), in co-operation with the Ministry of Labour and Government Administration.

79. The evaluation report concluded that the plan has played a significant role as a policy document. Problems related to the recruitment of persons with an immigrant background to the government sector have been put on the political agenda. Furthermore, responsibility for enforcement has been clarified. At the same time, statistical data show that there still is a long way to go before a proportional number of persons with an immigrant background is employed in the government sector. It is therefore necessary to further improve recruitment.

80. Even though the original intention was to develop a new plan of action for recruiting persons with an immigrant background, the evaluation report did not advise the Government to do so. The Government was instead advised to employ its available resources in the direct implementation of adequate measures. The report presented allocation of funds for recruitment, integration and information projects in the government sector as an example of an adequate measure. It was stressed that the Government should choose flexible measures that could be adapted to changing needs and situations. Another point made was that the recruitment of persons with an immigrant background is also covered by the Plan of Action to Combat Racism and Discrimination (2002-2006).

81. On the basis of the conclusion of the evaluation report, the Ministry of Modernisation decided not to draw up a new plan of action. The Ministry has instead chosen to concentrate on direct actions, i.e. allocation of funds in order to improve the recruitment and integration of persons with an immigrant background in the public sector.

**Evaluation of the system for recognition of foreign credentials as part of or comparable to a Norwegian degree**

82. The Government has internally evaluated the system for recognition of foreign credentials as part of or comparable to a Norwegian degree. Several measures have been suggested and implemented as a result of the evaluation.

83. First of all, the system for recognition has been changed through the establishment of the Norwegian Agency for Quality Assurance in Education (NOKUT) on 1 January 2003. NOKUT has been given national responsibility for the recognition of foreign credentials. While general recognition was formerly carried out by the different educational institutions, the transfer of this authority to NOKUT has ensured a more accessible and consistent practice.

84. NOKUT is also responsible for providing information on the system of recognition. Several measures have been implemented in order to improve the quality and accessibility of information. The development of a new website and the revision of information booklets are some of the information activities carried out by NOKUT.

85. According to the Plan of Action on Human Rights, the information booklet on the system for recognition of foreign credentials was to be translated into Russian, Spanish, French and German. This measure has not yet been carried out. As the body responsible for the distribution of such information, it is up to NOKUT to assess the need for translating the booklet.

86. NOKUT also has other responsibilities. One of these is to update a list of guidelines for recognition of entrance qualifications for higher education for students educated abroad, normally referred to as the "GSU-list". Another NOKUT task is to administrate a databank where both applications and decisions regarding recognition of foreign credentials are registered. This databank provides educational institutions with easy access to information on how foreign credentials have been assessed in earlier cases.

87. NOKUT also works actively to improve the procedures for recognising foreign credentials for refugees who are unable to provide satisfactory documentation of their foreign education. A pilot project for a new recognition system for refugees has been implemented, a report on which was published and distributed to educational institutions in July 2004. The Ministry of Education and Research is considering further action on the basis of this report.

88. The Ministry of Education and Research plans to establish a working group to assess the present legal framework regarding recognition of foreign credentials in the aftermath of the discussions in the Storting regarding a possible new Act on Universities and Higher Educational Institutions, Ot.prp. nr. 79 (2003-2004).

### **Analysis of participation in local governmental elections by persons with an immigrant background**

89. Reference is made to Norway's 16th report, paragraph 115, and to paragraphs 192-194 of this report.

### **Documentation and monitoring**

90. In Norway's 16th report, paragraph 32, reference is made to the fact that the Directorate of Immigration intends to publish a report on the nature and extent of racism and discrimination every other year. The 2005 report is the third since 2000. A report that focused particularly on the situation in the housing market, the workplace, public primary and lower secondary schools and the media was published in 2002. The data are based on interviews with immigrant representatives and representatives of the municipal authorities and reflect their perceptions of the situation. The report presents the following main conclusions:

- Verbal harassment is experienced in all arenas;
- Various forms of omissions are experienced in all arenas;
- Certain individuals make the everyday life of ethnic minorities miserable;
- Despite the focus on more informal interaction, indirect discrimination is experienced in all environments;



- The term “racism” is used extremely rarely, even when reference is made to serious incidents of harassment, omission, disparagement or exclusion.

91. Furthermore, since the last report, the Centre for Combating Ethnic Discrimination has presented updated reports entitled Moving Toward Better Protection (2001, 2002 and 2003).

92. The reports show that racism and discrimination exist in various segments of Norwegian society. The problem is particularly linked to individuals who have a negative impact on the everyday life of ethnic minorities.

#### **D. Racial discrimination/racist attitudes/racially motivated violence**

93. Reference is made to Norway’s 16th report, paragraphs 35-41.

94. Increased attention is being paid to the issue of discrimination of ethnic minorities. The above-mentioned reports (cf. paragraphs 90-91), together with reports from non-governmental organisations operating in the field, have provided a relatively good picture of the kind of racial discrimination that occurs and of the areas of society where discrimination most often takes place.

#### **Discriminatory attitudes**

95. Reference is made to Norway’s 16th report, paragraphs 38-41. Each year since 1993 Statistics Norway has measured people’s attitudes toward immigrants and immigration policy by asking a representative sample of the population whether Norway should accept at least as many refugees as at present, whether they believe immigrants receive more social benefits than they are entitled to, whether immigrants should enjoy the same job opportunities as Norwegians, and whether they believe immigrants to be more prone to criminal behaviour than Norwegians.

96. The latest report, published in November 2004, shows that the majority population’s attitudes towards immigrants is relatively stable. The most significant change from 2003 to 2004 concerns the attitude towards the number of refugees to be accepted. In the years 1999-2003, the percentage of Norwegians who agreed with accepting at least as many refugees as at present declined from 71 % to 42 %. From 2003 to 2004 this figure rose to 50 %.

97. The report shows that factors such as education, age and geography affect Norwegians’ attitudes; highly educated people are more positive than those with low education, elderly people are more sceptical than young, and people living in major cities are more positive than those living in rural areas.

98. The trend in the majority population’s attitudes towards the Saami minority during the past 20-30 years, reported in previous reports, is still positive. However, negative attitudes towards the Saami still exist. In certain local communities, there have been some incidents of discrimination against Saami people. The Government is closely monitoring developments in these communities, and will consider measures to combat discriminatory attitudes and ethnic harassment of the Saami minority. In autumn 2005, the Ministry of Local Government and Regional Development will finance a special survey on the Saami people’s own experience of racism and discrimination.

**A.**

**II. INFORMATION RELATING TO ARTICLES 2 TO 7**

**Article 2**

99. The following information refers to paragraph 1 (a) of Article 2. Reference is made to Norway's 16th report, paragraphs 42-44.

**Increasing the minority perspective in key service sectors**

100. Reference is made to Norway's 16th report, paragraphs 43 and 44. In autumn 2003, the Directorate of Immigration carried out a quantitative survey among its users. On the basis of this survey, a more limited, qualitative survey was then conducted in spring 2004. The results of the surveys show that few users feel that they are discriminated against or subjected to racism. What they react to is the long application processing time, the lack of access to staff and the fact that it is difficult to get in touch with the executive officer dealing with their case. Based on these results, measures are now being designed to improve the quality and standard of services.

101. During the period 2001-2004, methods, strategies and training programmes have been developed to improve the attitude of public service employees towards minorities. The aim is to ensure that the same public services are offered to everyone, irrespective of ethnic, cultural, language or religious background. This means, for instance, that public sector employees have training in multicultural understanding and intercultural communication, that they are aware of their own attitudes and user needs, and that they treat users with different backgrounds equally while also taking into account different needs. User surveys and user involvement in developing measures are other important factors in the process of ensuring non-discriminatory services.

102. The Directorate of Immigration has provided funding for public sector pilot and development projects in this field for health services, the national insurance service, social services, public employment services, child welfare services, family counselling services and schools. Projects have also been initiated in three counties. The Directorate of Immigration and the Norwegian Police University College are currently establishing a joint project to develop the methodology and content of a continuing education programme on cultural understanding, diversity and immigration law. Parts of the project will take place in selected police districts where participants will be offered follow-up and guidance between course sessions. Eighteen projects have been initiated in this field during the period covered by the Government's Plan of Action to Combat Racism and Discrimination (2002-2006). Most of them will be concluded in 2005 and the results will be disseminated in manuals and handbooks to be published in 2006.

103. The Directorate of Immigration will carry out a survey to ascertain which educational institutions have incorporated multicultural understanding into study programmes for various professions, and which institutions offer continuing education in this subject. The same institutions and programmes will also be surveyed to determine whether they offer studies or parts of studies that focus on the use of interpreters and work relating to the introductory scheme for newly arrived immigrants.

104. Evaluations carried out so far of completed projects have largely focused on the benefit to employees of the courses and training in which they have participated. Feedback shows that they cope with their jobs better and that there is a more positive culture in their workplace as regards dealing with different users. The success of the projects depends on the strong support of management and the fact that changes in attitude and measures to upgrade skills must apply to all the employees in the organisation. Naturally, the most important indicator of whether the projects are successful is the users' perception of the services. No evaluations of this type have yet been carried out, but this will be done.

105. The Directorate of Immigration will continue to contribute towards improving the adaptation of public services to user needs by providing support for projects, training, information, advice and guidance.

106. Aetat, the Norwegian Public Employment Service, has drawn up guidelines to prevent ethnic discrimination. Among other things, no assignments or announcements of vacant positions that contain unlawful discriminatory requirements may be registered in Aetat's job database, and Aetat is required to refer all available jobseekers who have the necessary professional qualifications, regardless of their ethnic background. There is continuous focus on efforts to counteract racism and discrimination at Aetat.

107. The following information refers to paragraph 1 (c) of Article 2. Reference is made to Norway's 16th report, paragraph 46.

108. A number of measures have been introduced to reduce the processing time for all applications under the Immigration Act that have represented a challenge both for applicants and the Directorate of Immigration. The aim has been to avoid undermining the institution of asylum by preventing the arrival of asylum seekers who have no need for protection. A simplified, accelerated procedure has been introduced for applicants from countries in which persecution within the meaning of the Refugee Convention is generally assumed not to take place. The goal of the Directorate of Immigration is to process cases falling into this category in less than 48 hours. Cases in which there is any sign of a need for protection are, however, processed according to regular procedures. Asylum seekers whose cases are processed within 48 hours are no longer entitled to any benefits other than food and lodging. Furthermore, in 2002 and 2003 information campaigns were carried out in countries from which substantial numbers of asylum seekers with unfounded asylum claims arrived. The campaigns were meant to convey the message that only persons who are victims of some kind of persecution should apply for asylum in Norway. Job seekers should apply for a work permit.

109. Upon arrival in Norway, asylum seekers are also provided with information about case processing, rights and duties, the possibilities of having their application accepted and possible return to their home country. As from 2004, asylum seekers whose applications are turned down are not offered accommodation in reception centres when a negative decision is final and the date fixed for their exit has expired. Furthermore, the reception centres do not offer this category of persons a cash allowance or provide food and necessary toiletries. Exceptions are made for some categories, such as unaccompanied minors, families with children and persons who have applied for the return programme run by the International Organisation for Migration (IOM).

110. The Government has decided to establish a return centre for those who no longer are offered accommodation in reception centres. Although rejected asylumseekers who refuse to return are considered illegal immigrants, and as such have few rights to any benefits, everyone within Norwegian jurisdiction has the right to an adequate standard of living in accordance with article 11 of the International Covenant on Economic, Social and Cultural Rights. This includes adequate food, clothing and housing. The return centre should be established in the course of 2005.

111. The government is intent on introducing new measures. These include:

- The early categorisation of asylum applications according to different procedures: one for applications that may be rejected with no need for further inquiries, one for applications that may be approved with no need for further verification and one for applications that warrant further investigation. The goal is to decide applications of the first category more quickly than is done at present. The new differentiated procedures were implemented in May 2005;
- Emphasis on the conclusion of readmission agreements with countries where returns currently are difficult;
- Focus on the need to harmonise the assessment of applications from the largest groups of asylum seekers with other receiving countries.

#### **Increasing police awareness of and knowledge about ethnic minorities**

112. In 2002 the Norwegian Police Directorate developed new guidelines for personnel policy, which emphasise the importance of appropriate values in police work. These include “common ethical values” which emphasise how police service employees should carry out their work. According to these guidelines the police should “treat everyone with respect, irrespective of gender, age, ethnicity, sexual orientation, religion, social background, physical or psychological functioning and organisational/political orientation”.

113. The main personnel policy for the Norwegian police service is based on the belief that a well known and publicised value system will make the work situation of individual employees safer, and may help to create confidence and promote positive relations with the general public and the local community. Each administrative police district and special police service must, as a consequence, translate the main personnel policy into concrete action plans adapted to local conditions. The various points in the local action plans must be binding, and be incorporated into the annual activity plans for the force.

114. The Police Directorate has published a brochure called “Basic values, morals and ethics”. The National Police University College regards these topics as relevant for web-based tuition, and intends to include them in its Internet programmes.

## **The Security Act**

115. Reference is made to Norway's 16th report, paragraph 47, and to CERD's concluding observations, paragraph 10. Security Council Resolution 1373 (2001) obliges Norway to put in place a range of measures in order to combat international terrorism. S/RES/1373 (2001) Paragraph 2 (c) prescribes that all States shall "deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens". As a consequence, in April 2002 the Norwegian Government proposed a number of amendments to fulfil these obligations, including amendments to the Immigration Act, sections 29, 30 and 58. The amendments were adopted on 28 June 2002.

116. Through amendments to the General Civil Penal Code, separate penal provisions for terrorist acts have been introduced in sections 147 a and 147 b. The question of introducing a separate definition of terrorist acts was thoroughly discussed during the consultation process for the proposed amendment. A central argument for introducing a separate provision was based on the need for a clear definition of such acts. Hence, the definition focuses directly on the consequences of such acts.

117. Pursuant to the provisions mentioned in paragraph 115, a foreign national can be expelled "when the foreign national has breached the provisions of sections 147 a or 147 b of the Penal Code, or provided safe haven for any person who the foreign national knows has committed such a crime". Section 29 further states in subsection 2 that "Expulsion should, however, not be ordered if in consideration of the seriousness of the offence and the foreign national's connection with the realm, this would be taking disproportionate action against the foreign national him/herself or his or her closest family members". In the consultation process, it was also emphasised that expulsion pursuant to the aforementioned sections may not take place if the foreign national is at risk of being subjected to inhuman treatment, cf. section 15. Nor must an expulsion be carried out which is in breach of international rules, when such rules are intended to strengthen the position of a foreign national, cf. section 4.

118. The following information refers to paragraph 1 (d) of Article 2.

## **The Interdisciplinary Advisory Group on Community Relations and Anti-Racist Work**

119. Reference is made to Norway's 16th report, paragraphs 53-57. The Directorate of Immigration is in the process of further developing its interdisciplinary advisory service. A simpler, more efficient system has been designed for reporting between the Directorate of Immigration at central and regional level, municipalities and members of the advisory service. This system will also make it easier to follow up and systematise the experience gained through the service. However, the service is not in very high demand. This may of course be due to poor marketing, but another reason is that many municipalities are gradually acquiring their own expertise on this type of conflict resolution and do not feel a need to bring in external expertise. In 2004 the Directorate of Immigration received 11 inquiries from municipalities where conflict situations had arisen. The advisory service was used in five municipalities. As a rule, the service personnel are not brought in until after the incidents in question have taken place, and their role is largely to provide advice and guidance on how municipalities should tackle this type of problem in the longer term. In the past few years, a wide range of conflict prevention and crisis resolution services have become available for purchase and use by municipalities and

others. The Directorate of Immigration is therefore considering making a survey of what is available on the market in order to be able to better “position” its advisory service in relation to the other services. As a specialised directorate, it will also need this type of overview so as to be better able to provide advice and guidance to municipalities which request assistance when conflicts arise.

120. The following information refers to paragraph 1 (e) of Article 2.

### **Initiatives to improve the living conditions of immigrant children and families with special needs**

121. As a follow-up of Report No. 49 (2003-2004) to the Starting on diversity and inclusion, a number of initiatives targeting refugee and immigrant children and their families have been launched.

122. Some children require psychosocial follow-up and treatment. In this connection, it may be necessary to ascertain whether the children have traumas and psychological problems that they need help to deal with. An assessment must be carried out that can form the basis for support and follow-up by parents and/or the assistance services. The Centre for Crisis Psychology has developed a special questionnaire for assessing the mental health of refugee children. Work is in progress on finding effective ways of utilising this tool at reception centres for asylum seekers and/or in municipal assistance services. The results of the assessment may also be communicated to the children’s parents in the form of a report which gives them a basis for following up their children’s mental health.

123. A three-year project aimed at systematising the experience gained from working with children who are exposed to violence in their families, including immigrant families, commenced in January 2004 and is well under way. In 2004 the project focused on clinical work with the children with a view to systematising and documenting clinical experience. Contact and cooperation have been established with various family counselling offices with associated child welfare services and crisis centres. Assessment methodology and tools (which have been tested on children and their mothers) and counselling methodology have been designed. The project staff are currently also drawing up a research outline. In the course of 2005, the project staff will prepare a range of counselling programmes and material targeting parents who are used to norms that permit the use of violence in bringing up children.

124. The Ministry of Children and Family Affairs and the Ministry of Education and Research have previously provided financing for Save the Children Norway’s project “Go On”, which assists children seeking to break out of isolated Christian religious communities. These communities are characterised by seclusion and strong social control, which constitute a breach of children’s rights pursuant to the UN Convention on the Rights of the Child. Isolation and social control may also occur in other religious communities with members from among the immigrant population. The Government wishes to initiate research on childhood conditions in various religious minority groups that are isolated from mainstream society, and on the way assistance services meet the needs of children and young people who have broken away from, or wish to break away from, such groups. This research is to be a joint programme under the auspices of several different ministries.

125. In 2003, with support from the Ministry of Children and Family Affairs, a pilot project was carried out in Oslo and the surrounding area for parents with an ethnic minority background. The project was designed to adapt the Programme of Parental Counselling to this target group by testing it on various groups. The aim of the project was to bolster parents' self-confidence and ability as care givers, and to bridge the gap between their traditional care values and the values and rights they encounter in Norwegian society. The project has been evaluated and found to be highly successful. The Ministry of Children and Family Affairs expanded the project in 2004 by providing counsellor training for more assistance service staff in Oslo, Drammen and Stavanger whose work brings them in contact with immigrants and refugee families. Parental guiding for ethnic minorities will be continued and expanded in 2005.

126. The Government will announce the availability of funding for pilot projects based on the principle of help for self-help in the field of health, family, youth and gender issues. The first step will be to invite participants to share experience and exchange ideas with relevant groups of experts, organisations and resource persons in order to identify specific issues and gather existing experience with self-help methodology. This work is to be seen in conjunction with the health authorities' National Plan for Self-Help and the plan instruments.

127. In 2004 the Ministry of Children and Family Affairs commissioned the Norwegian Centre for Human Rights to prepare an information booklet and a teaching programme on the UN Convention on the Rights of the Child and its objectives and significance for municipal activities. The target group comprises employees and politicians affiliated with schools and day-care centres, social and health services, child welfare services, the municipal administration and the cultural and leisure sector.

128. In its programme of measures to combat forced marriages, the Government states that it will "...improve registration and control routines to prevent the erroneous disbursement of child benefit when the child is outside Norway. Consideration will also be given to restricting the right to child benefit when the child is outside Norway." On 23 February 2005 the Ministry of Children and Family Affairs circulated proposed amendments to the child benefit rules for consultative comment. The Ministry proposes to introduce a provision requiring schools to notify national insurance offices when pupils' absence may be due to their being outside Norway. It also proposes to restrict the right to child benefit when the child is outside Norway.

## **B.**

129. The following information refers to paragraph 2 of Article 2. Reference is made to Norway's 16th report, paragraphs 63-64.

### **Grant schemes for NGOs**

130. Reference is made to Norway's 16th report, paragraph 63. Approximately NOK 21.35 million was allocated in 2004 to immigrant organisations and activities. NOK 9.65 million was allocated to nation-wide immigrant organisations, and NOK 11.7 million to local immigrant organisations and voluntary bodies that work in local communities to promote dialogue and cultural understanding. The structure and functions of the grant system for nation-wide immigrant organisations grant system has been evaluated. The Ministry of Local Government and Regional Development will review the goals and criteria of the grant system

in 2005, this is to ensure that the grants are used effectively. The ministry will also evaluate the system of grants allocated to local immigrant organisations and voluntary bodies in local communities.

131. Responsibility for providing funding for voluntary child and youth organisations lies primarily with the Ministry of Children and Family Affairs. The ministry provides grants for than 70 organisations. In 2005 the ministry earmarked around NOK 72 million for child and youth organisations. The ministry simplified the regulation governing funding for voluntary organisations in 2002, making it easier for new organisations and organisations with a limited recruitment base to obtain grants. As a result of this change, more organisations for young people with an immigrant background received grants from the Ministry of Children and Family Affairs. In 2005, the following organisations applied for support: the Annai Poopathi Tamil Cultural Centre, the Turkish Youth Association of Norway, the Vietnamese Child and Youth Association and the Somali Youth Culture and Activity Organisation (SUKAO).

132. Reference is made to Norway's 16th report, paragraph 64. There is a special central government grant scheme for national minorities, which is administered by the Ministry of Local Government and Regional Development. In 2004, six non-governmental national minority organisations received NOK 1.8 million, and 10 different projects received NOK 0.75 million.

133. In general, the Norwegian authorities encourage the involvement of NGOs in processes relating to anti-racism work. Norway has joined the European Union's Action Programme to Combat Discrimination. Through its participation in the programme, Norway supports the NGO network called the European Network against Racism. The Action Programme supports a national project in Norway to raise awareness of discrimination and how to combat it. The project will be carried out in consultation with civil society organisations, including organisations working to combat racial discrimination.

### **Indigenous and minority rights**

134. With regard to the Saami people, reference is made to Norway's previous periodic reports. The following information may be added:

#### **The Saami People's Fund**

135. Reference is made to Norway's 16th report, paragraph 66, and to paragraphs 335-338 of this report.

#### **The Romani People's Fund**

136. In 2004 the Storting established a fund for the national minority, the Romani people (Travellers), with a capital of NOK 75 million. A board consisting of representatives of the Romani people, Norwegian authorities and NGOs will administer the profits of the fund. The fund has been established as collective compensation for the negative effects of previous assimilation policies. The purpose of the fund is to improve opportunities for cultural activities. The fund is not intended to give individual compensation to people who have suffered from



assimilation policy but the profits of the fund may be used to assist persons in applying for individual compensation. The establishment of the fund signifies an assurance on the part of the Norwegian Government that the policy of assimilation towards the Romani people will not be continued or repeated.

### **Information and knowledge project about Somali exiles in Norway**

137. As part of the Plan of Action to Combat Poverty, the Government established a scheme in 2004 for groups with a particularly low level of participation in Norwegian society. The aim is to combat such symptoms of poverty by strengthening their capacity for self-organisation. The scheme is to target groups where the need is greatest, and Somalis are the group on which efforts will be focused first.

138. In 2004 the Ministry of Local Government and Regional Development granted NOK 2 million for three projects aimed at increasing the expertise of assistance services regarding Somali exiles in Norway. This funding continued in 2005.

139. The purpose of these projects is to increase knowledge of Somalis among public sector employees working with this group, so as to better adapt and tailor services to Somalis' specific needs. The project funds are to be used to establish and run an information and knowledge project for the first-line staff of social services, national insurance offices, public employment offices, the school sector, and child welfare and health services, and for those working with the introductory and qualification schemes for immigrants. Project funding is also to be used to provide Somalis themselves and first-line staff with knowledge of how Somalis can better deal with the housing market. The projects aim to provide practical guidance and advice, disseminate knowledge of Somali exiles in Norway through outreach services, courses, lectures and the like, and by producing information material. The projects are also intended to communicate to public sector employees useful lessons learned about guidance work.

### **Article 3**

140. Reference is made to Norway's previous reports. There are no changes or new developments to report under this article.

#### **A.**

### **Article 4**

141. The following information refers to paragraph 1 (a)-(c) of Article 4.

#### **Dissemination of racist ideas**

142. Reference is made to Norway's 16th report, paragraphs 70-77, and to CERD's concluding observations, paragraph 11. The Committee expresses concern regarding the strict interpretation of section 135 a of the Norwegian Penal Code, to the effect that it may not cover all aspects of Article 4, subparagraph a of the Convention.

143. As mentioned earlier in paragraphs 19-22 of this report, section 135 a of the Penal Code has been amended, and its scope is widened. This will to a large extent accommodate the concerns expressed by the Committee.

144. Furthermore, it is important to take into consideration the fact that section 135 a of the Penal Code is interpreted with due regard for the right to freedom of expression. As a general principle, this must be considered to be in accordance with the Convention, inasmuch as the right and obligation to criminalise certain expressions and statements must be balanced against the right to freedom of expression, as protected by other human rights instruments (most notably the ECHR Art. 10 and the CCPR Art. 19).

145. In this connection, it should be mentioned that a new Article 100 of the Norwegian Constitution - concerning freedom of expression - was adopted on 30 September 2004. The new provision is a complete and thorough revision of the previous Article 100, which had not been amended since its adoption in 1814. Article 100 of the Constitution now reads as follows (in English translation):

- “(1) There shall be freedom of expression.
- (2) No one may be held liable at law, except on the basis of contract or other private legal basis, for having conveyed or received information, ideas or messages unless such liability can be justified in consideration of the reasons for the right to freedom of expression namely the search for truth, democracy and the individual's free formation of opinions. Such legal responsibility must be clearly prescribed by law.
- (3) Everyone shall be free to speak his mind frankly on the administration of the State and on any other subject whatsoever. Only clearly defined limitations to this right may be set, when justified by particularly weighty considerations that outbalance the reasons for the right to freedom of expression.
- (4) Prior censorship and other preventive measures may not be used unless it is necessary to protect children and young people from harmful influence of moving pictures. Censorship of letters may only be implemented in institutions.
- (5) Everyone has a right of access to the documents of the State and of the municipal administration and a right to be present at sittings of the courts and elected assemblies. The law may prescribe limitations to this right in regard of the right to privacy or other weighty considerations.
- (6) It is a duty of the State authorities to facilitate an open and enlightened public dialogue.”

(Paragraph numbers added.)

146. According to the second paragraph of the new Article 100, no person may be held liable for having “conveyed or received information, ideas or messages”. However, the protection provided in the second paragraph is not limitless. The provision states that no person may be held liable for expressions conveyed or received, unless such liability can be justified in consideration of the reasons for the right to freedom of expression, namely the “search for truth,

democracy and the individual formation of opinions”. If a certain limitation on the right to freedom of expression can be justified in consideration of these reasons for or ultimate objectives of this right, and there are also sufficiently weighty reasons to limit such freedom of expression, the limitation is considered legitimate. If, for instance, it can be held that a certain racist expression does not contribute to the “search for truth, democracy and the individual formation of opinions”, the Constitution will not hinder holding the conveyor of the expression liable for its content.

147. In the public and parliamentary debate prior to the adoption of the new Article 100 of the Constitution, the relationship between the right to freedom of speech and the right to be protected from racist or other hateful expressions was one of the most difficult and most fervently discussed issues. However, in Report No 26 (2003-2004) to the Storting on the proposed amendments to Article 100, the Government expressed its clear opinion that the new Article 100 should provide greater scope for making blatantly racist statements punishable. The Government report, together with the other preparatory work, is intended to guide future interpretation of the constitutional provision. For further information on the new Article 100 of the Norwegian Constitution, reference is made to Norway’s fifth periodic report to the UN Human Rights Committee under the CCPR (submitted in late November 2004), paragraphs 178-193, which also contains a discussion on the interpretation of section 135 a of the Penal Code (enclosure no 4).

#### **Increased efforts to combat racism on the Internet**

148. The Norwegian police have established Internet pages, and efforts to combat racism and discrimination have been selected as one of four main themes on these pages. The new pages have been available to the public since spring 2005.

149. Controlling the dissemination of illegal racist propaganda on the Internet is the responsibility of the National Criminal Investigation Service (Kripos), and a special e-mail address for Kripos has been established for this purpose. As joint Internet lines for the Norwegian police have been established in 2005, this function is included in the police’s general information web site.

#### **Racist organisations**

150. Reference is made to CERD’s concluding observations, paragraph 12, and to paragraphs 23-27 of this report.

#### **Efforts to stop recruitment to racist and nationalist circles and to prevent racially motivated violence**

151. In the Government’s Plan of Action to Combat Racism and Discrimination (2002-2006), it is stated that the Government will work towards preventing recruitment to racist and nationalist circles and to prevent racially motivated violence. The follow-up of the Interdisciplinary Advisory Group on Community Relations and Anti-Racist Work (cf. paragraph 119 of this report) is an integral part of this work.

152. The Ministry of Children and Family Affairs has provided support for a three-year project (2001-2003) carried out by the Norwegian Institute for Urban and Regional Research (NIBR). The project provides systematic research-based follow-up and guidance for municipal efforts to combat racially motivated violence, prevent serious conflicts between youth groups and split up nationalistic youth groups. The project has concentrated on a few municipalities where there have been long-standing problems with nationalist youth groups. It has also focused on collecting knowledge and experience for use by other municipalities. The final report on the project, *Voldelige ungdomsgrupper - intervensjon på kommunenivå* (Violent Young Groups - Intervention at Municipal Level) (NIBR report 2004:20) was published in October 2004.

153. Through the Urban Youth Projects programme, the Ministry of Children and Family Affairs has also provided funding for efforts in an urban district of Oslo to split up a neo-Nazi group and restore a sense of security in the local neighbourhood.

154. Reference is made to Norway's 16th report, paragraph 79. The organisation Adults working for Children (*Voksne for barn (VfB)*) has run a project called Exit since 1998, helping young people who wish to leave racist and nationalist groups. The project was later established as a programme. The Ministry of Children and Family Affairs and the Ministry of Justice and the Police have supported both the project and the programme since 1998.

155. The Exit programme included elements such as assistance to local authorities, the police, voluntary organisations and parents when necessary. It has also provided "emergency assistance" by placing young people temporarily in safe surroundings, and disseminated information about Exit's work and support groups for parents.

156. One of the project's clearly defined goals has been to transmit expertise to municipal authorities and public assistance services. Books and reports have been written on the work of the programme, conferences have been held and a handbook has been prepared for municipal employees. Between May 2003 and September 2004 the project was evaluated by the Norwegian Institute for Urban and Regional Research (NIBR). One of the conclusions of the evaluation report is that parents have benefited greatly from the parent groups that have been run within the framework of the project.

157. Reference is made to Norway's 3rd report. There are no changes or new developments to report under paragraph 1 (c) of Article 4.

#### A.

#### Article 5

158. The following refers to paragraph 1 (a).

#### **Equal treatment by bodies administering justice**

159. Reference is made to Norway's 16th report, paragraphs 240-241. In October 2003 the Director General of Public Prosecutions invited all regional prosecutors to a meeting, at which the main topic was the prosecuting authority's responsibilities with regard to the Government's Plan of Action to Combat Racism and Discrimination (2002-2006). It was decided that in each

of the 24 police districts in Norway, one prosecutor would be given responsibility for efforts to combat racism and ethnic discrimination in his/her district. The decision was based on the following criteria:

- The need to pay greater attention to racism and discrimination;
- The wish to ensure that more cases involving an aspect of racism and ethnic discrimination are brought to court;
- The need for better knowledge in the field;
- The need for more targeted, effective investigation and prosecution as regards these cases;
- The need for close and effective cooperation between the prosecuting authority, police lawyers and investigators.

160. In his letter to the regional level of the prosecuting authority, the Director General of Public Prosecutions ordered that all the 24 public prosecutors in the police districts with special responsibility as stated above should be appointed by 1 October 2004. At the same time, guidelines for the training of public prosecutors were given, stating that training in this field should be completed within six months. In winter 2006, a seminar will be arranged for the regional prosecutors where these will report on the follow-up in their districts. Based on the output from the seminar, the Director General of Public Prosecutions will consider additional measures.

### **The police**

161. Reference is made to Norway's 16th report, paragraphs 89-94, and to CERD's concluding observations, paragraph 17. The Committee expresses its concern regarding the lack of compulsory courses focusing on racism and discrimination in the basic curriculum of the Norwegian Police University College.

162. In 2005 the Norwegian Police University College appointed a specialist to take responsibility for altering and updating all the relevant courses at the college, ensuring that Norwegian police at all levels improve their knowledge and understanding of cases relating to racism and discrimination and how to relate to people with ethnic minority backgrounds. Information and experience have been gathered from countries such as Sweden and Scotland, as well as other European countries. The college is considering strengthening the focus on ethics and morals in all courses and at all levels of training.

163. Since 1994, the Norwegian Police University College has worked purposefully towards increasing the proportion of applicants from ethnic minorities. In January 2002 new measures were introduced, including visits to secondary schools with a high proportion of ethnic minority students, participation in education fairs/exhibitions, advertisements in magazines and papers aimed at people with ethnic minority backgrounds and participation in relevant seminars and meetings for the Pakistani and Vietnamese communities in Norway. Police officers and students

at the Police University College who have an ethnic minority background have been actively involved in this work. A “recruitment group”, consisting of people with ethnic minority backgrounds who have trained at the police university college, has been established.

164. All advertisements for positions within the police services are to include a paragraph encouraging people from ethnic minorities to apply. The various efforts to recruit people from ethnic minorities to the police service will be evaluated.

165. Reference is made to Norway’s 16th report, paragraph 93. In June 2002, the Norwegian Storting asked the Government to put forward proposals for registration procedures for the police, ensuring that people who are stopped and searched are given written notice of the incident. In June 2003 the Ministry of Justice and the Police submitted Report No. 46 (2002-2003) to the Storting, proposing the following measures:

- Research into relations between the ethnic minority population and the police;
- A time limited project, trying out an arrangement whereby the police records and hands out written notice to any person who is stopped and questioned or searched;
- The introduction of service numbers on police uniforms, in order to enable the public to identify individual police officers by the number on his or her uniform.

166. As a result of the Storting debate held in February 2004, it was decided not to proceed with the registration procedures in connection with police controls. The majority of the Storting was of the opinion, based on experience in other countries, that such procedures were not suited to promote good relations between the police and the public. However, the Government was asked to introduce visible service numbers for the police. The Storting also supported research into relations between the police and the ethnic minority population.

167. Service numbers on police uniforms and identity cards were introduced from 1 January 2005. The Police Directorate has initiated research into relations between ethnic minorities and the police.

168. It is the responsibility of the Special Police Investigation Commission (SEFO) to look into complaints against the police which may give rise to criminal proceedings. (The agency was reorganised from 1 January 2005 under the name the Special Investigating Unit for Police Matters (*Spesialenheten for Politisaker*)). However, many complaints against the police do not merit criminal investigation. The Ministry of Justice and the Police has commissioned a report on how complaints of this type, which are made by the public against the police, may best be handled. The Ministry intends to introduce new routines for handling such complaints in 2005.

169. As a follow-up to the Government’s Plan of Action to Combat Racism and Discrimination (2002-2006), the Police Directorate was asked to establish routines for registering complaints against the police based on racism and discrimination. Lacking adequate data tools for this, manual routines were established. The Police Directorate reports that manual recording is not entirely satisfactory, and they are looking into this. Furthermore, it is expected that the new routines for handling complaints, to which reference is made above, will ensure that the methods of recording and dealing with complaints are satisfactory.

170. A new ombud to deal with complaints concerning discrimination on the grounds of ethnicity, national origin, descent, skin colour, language, religion and belief will be established from 1 January 2006. It will be possible to forward complaints against the police on these grounds to the new ombud (cf. paragraphs 16-18 of this report).

### **Prison and probation staff**

171. The Prison and Probation Staff Education Centre teaches ethics and professionalism as a special subject.

172. When it comes to recruitment of people with an ethnic minority background to the correctional services, the regional and local correctional authorities and prisons are encouraged to include in all advertisements for positions within the correctional services, a section encouraging people with an ethnic minority background to apply. If such persons apply, *all* qualified applicants with a minority background are to be summoned for an interview. This practice - established in 2002 - may have resulted in a few more applications from persons with a minority background, but has not resulted in an increase in the number of persons with such background being employed in the correctional services. According to a survey undertaken in July 2004, the reason for this is the lack of necessary qualifications among the applicants with a minority background.

173. However, this practice has resulted in increased awareness of the importance of stressing, for example in advertisements, that persons with a minority background are wanted in the Norwegian correctional services. Moreover, the Norwegian Criminal Ward Authorities (*Kriminalomsorgens sentrale forvaltning*) have demanded that the Correctional Services of Norway Staff Academy, which is the central educational facility within the correctional services, *must* enrol a certain percentage of students with a minority background. This, in conjunction with the increased awareness of the importance of recruiting such persons, will hopefully lead to increased employment of persons with a minority background within the correctional services.

### **The Directorate of Customs and Excise**

174. Reference is made to Norway's 16th report, paragraph 97. To improve training for customs officers in this field, the Directorate of Customs and Excise has placed greater emphasis on the subject of ethics in connection with the introduction of a new basic training programme. This subject covers such topics as racism, discrimination, prejudices and language strategies.

175. The basic Customs and Excise training programme includes a total of 30 hours of ethics, 16 of which are part of the introductory programme. The target group for this programme consists of new customs trainees and economists and lawyers employed in executive officer positions. The remaining 14 hours, which also cover the topic of multicultural understanding, are part of the third stage of the basic training programme and are designed for customs officers.

176. In the last five or six years, the Customs Training Centre has used lecturers from several different multicultural expert groups in its training programmes.

177. Furthermore, several customs regions have arranged special courses on the topic of multicultural understanding for staff and management.

**Legal safeguards and interpreting**

178. Reference is made to Norway's 16th report, paragraphs 98-104, and to CERD's concluding observations, paragraph 16, in which the Committee expresses concern regarding the lack of well-qualified interpreters in the Norwegian judicial system. Good interpreters are essential to ensure due process of law for persons whose mother tongue is not Norwegian. In order to develop and assure the quality of interpretation services, the Directorate of Immigration implemented several measures in 2001-2004. In cooperation with two universities and two university colleges, it developed and initiated an upper-level programme of interpretation studies. 361 interpreters are currently enrolled in study programmes at these four educational institutions. Furthermore, 20 teachers of interpretation are currently under training.

179. To ensure a better supply of interpreters, the Directorate of Immigration is in the process of establishing a national register of interpreters that will be updated regularly. This will ensure the more efficient use of the interpreters who are available as well as ensuring that interpreters with the right qualifications are used for the various assignments.

180. The Directorate of Immigration has hitherto been responsible for testing interpreters for work in courts and elsewhere. These tests are a means of screening out unqualified interpreters. In 2004, 443 tests were carried out. The Directorate of Immigration facilitates training programmes for specialised personnel who use interpreters in their work. The Directorate offers continuous training in the use of interpreters for its own executive officers. It also provides experts and advisory services for external users (e.g. the police, the Immigration Board, the Oslo District Court). In November 2004, a conference was held on the subject of how to comply with the obligation to provide information and guidance when communicating with minority language speakers. The target group for the conference was users of interpretation services in the public sector.

**New court of justice in Tana**

181. Reference is made to Norway's 16th report, paragraph 106. The bilingual (Saami and Norwegian) Inner Finnmark District Court was established in Tana on 1 January 2004, and was officially opened by the King of Norway on 23 June 2004. The court is an ordinary Norwegian court, and will serve all the inhabitants in its area. It was also established to improve the Saami people's access to and confidence in courts of justice. This is the first district court staffed by judges and clerks fluent in Saami as well as in Norwegian. This makes it possible to hold court proceedings in Saami, and Saami-speaking persons may for the first time address the court without using translators. Through the court's practices and decisions a better knowledge and understanding of both Saami legal concepts and Saami legal terms will be established.

182. The court is staffed by a judge and officers who are fluent in the Saami language, and is the first and only bilingual court in Norway. The court serves the five municipalities of Karasjok, Kautokeino, Nesseby, Porsanger, and Tana. These municipalities (together with Kåfjord) constitute the Saami language administrative district.

183. The Ministry of Local Government and Regional Development, the Finnmark County Council, Tana municipality and the Ministry of Justice have jointly financed a project to develop the Saami legal language. The project is estimated to be completed during winter 2005-2006.



**Information in Saami**

184. According to section 3-2 of the Saami Act, legal information aimed specifically at the Saami people must be presented in both Saami and Norwegian. Public announcements aimed at the population in the Saami language administrative area (six municipalities in the two northernmost counties of Norway) must be published in both languages. In autumn 2004 the Government decided that all ministries should review laws, rules and regulations to decide which of them have to be translated into Saami pursuant to section 3-2 of the Saami Act. A reviewed plan for translation was submitted to the Ministry of Local Government and Regional Development by 1 May 2005. Furthermore, all letters granting budget subsidies to government agencies shall contain a request to translate rules and regulations into Saami.

**B.**

185. The following refers to paragraph 1 (b).

186. Reference is made to Norway's 16th report, paragraphs 76-77 and 109-113. Racial motivation is one of several aggravating circumstances in cases involving violence, threats or vandalism, but the statistics do not indicate how many reports concern racially motivated offences.

187. The Directorate of Immigration has initiated a project to collect and systematise experience with municipal and country plans of action to combat racism and discrimination, and other systematic efforts in this field. A survey is to be carried out of the status of measures in the plans and an overview will be provided of measures currently being implemented in Europe. The project is being carried out by SINTEF IFIM in cooperation with the Antiracist Centre. The results of the project will be included in a booklet which will serve as a tool for the work of municipalities and local communities to combat racism and discrimination. The booklet will be published by the end of 2005.

188. Reference is made to Norway's 16th report, paragraph 111. Following the murder of a young boy in Holmlia (an urban neighbourhood of Oslo with a large immigration population), the Antiracist Centre was commissioned by the Directorate of Immigration to prepare a report on the way local communities that have been subjected to racially motivated acts have tackled the situation. A report entitled *Hva gjør vi nå* (What Do We Do Now?) was presented at the start of 2004 and distributed to all relevant bodies. It focuses particularly on how municipalities can involve and work closely with voluntary organisations when incidents of this nature take place.

189. The Directorate of Immigration also provides support for local projects run by municipalities or voluntary organisations. These projects emphasise cooperation between immigrants and the municipality and with the rest of the local population. Kristiansand Municipality has initiated a project of this type, which aims at adopting a preventive approach with regard to young people and their parents in the minority communities. Resource persons from minority communities are employed as paid project staff and work closely with the police, voluntary organisations and immigrant groups. A Somali organisation has been commissioned

to assess the needs of and measures for Somali children and young people, and to present proposals as to what can be done to improve the situation of this group. A third project concerns the development and testing of interview models for dealing with conflicts in and around reception centres for asylum seekers. The method is now being tested at two centres.

190. The Directorate of Immigration's latest report on the nature and extent of racism and discrimination (cf. paragraph 90 of this report) covers conditions in and around reception centres for asylum seekers. In the report, the Directorate has identified the factors that promote, or constitute obstacles to, good relations between reception centres and their host municipalities, between residents of reception centres and the local population, and between the residents of reception centres themselves. The report was published in April 2005.

### C.

191. The following refers to paragraph 1 (c). Reference is made to Norway's 16th report, paragraph 115.

#### **Participation in local elections**

192. Reference is made to Norway's 16th report, paragraph 115. In the Municipal and County Council Elections in 2003, 117,200 foreign nationals had the right to vote. This is an increase of 15,500 since the 1999 elections. The group of Iraqi nationals has increased most, by 4,900, followed by Sri Lankan nationals (1,700) and Germans (1,200). The group of nationals from Bosnia-Herzegovina has decreased by 2,700, mainly because many of them have been granted Norwegian citizenship. 38 per cent of foreign nationals who are entitled to vote come from a Nordic country. 111,200 Norwegian citizens with a foreign background were entitled to vote, an increase of 27,400 since 1999. Norwegian citizens with a background from Pakistan or Vietnam constitute the largest groups.

193. In the Municipal and County Council elections of 2003, 35 per cent of foreign nationals who were entitled to vote actually voted. In 1999 the percentage was 43. 41 per cent of Norwegian citizens with an immigrant background voted in 2003. The electoral turnout for Norwegian citizens with a western immigrant background was 64 per cent and with a non-western immigrant background 36 per cent. At the 1999 election, the electoral turnout for these two groups was 66 and 43 per cent respectively.

194. The electoral turnout for western foreign nationals was 39 per cent, while for non-western foreign nationals it was 25 per cent. Compared with the electoral survey of 1999, the turnout for non-western immigrants declined by 8 percentage points. The turnout for other groups was the same as in 1999. For both groups, electoral turnout increases with age and the number of years they have lived in Norway. The population of non-western immigrants is younger than that of western immigrants. In 2003 there was no difference between the electoral participation of men and women among Norwegian citizens with an immigrant background.

### D.

195. The following refers to paragraph 1 (d) (iv) of Article 5.

### **Plan of Action Against Forced Marriage**

196. Reference is made to Norway's 16th report, paragraph 120. In April 2002 the Government presented the programme Renewed Efforts to Combat Forced Marriage - Spring 2002. The programme comprises 30 measures and is a continuation of the previous Plan of Action. As a result of this programme, amendments have been made to various regulations. Stricter maintenance requirements have been introduced in connection with family reunification on the basis of marriage when one of the spouses is under 23 years of age. The Government has introduced unconditional public prosecution in cases relating to forced marriage, and has increased the penalty for being an accomplice to forced marriage (to up to 6 years). The Children Act has been amended to make it clear that it is prohibited to arrange a marriage on behalf of a minor. The Marriage Act has been amended to transfer responsibility for verifying compliance with the conditions for marriage to the Population Register.

197. Emergency assistance is provided for persons in individual cases through the forced marriage hotline and by supporting organisations that provide assistance in individual cases. The forced marriage hotline has national coverage and is run by the Oslo Red Cross. The hotline mainly works on individual cases and on continuously providing information to employees of the child welfare service, reception centres for asylum-seekers, health clinics, the police, etc. Self-help for Immigrants and Refugees (SEIF) is an organisation that receives funding to assist young people who believe they are at risk of being or have been forced into marriage. The organisation works closely with the official welfare apparatus and has helped to improve competence in this sector. Both these organisations state that the competence of the authorities to deal with such cases has improved significantly. They also point out that the new system of providing emergency housing through the Norwegian State Housing Bank has alleviated the situation because it enables young people to move quickly to sheltered accommodation when the need arises. Both organisations state that the number of enquiries from young people is rising steadily.

198. Another priority has been to train public employees to deal with forced marriage cases. This training has been concentrated on employees of the public welfare apparatus in the largest towns. The Government also allocates funds for organisations engaged in information and awareness-raising activities relating to forced marriage among minority population groups in Norway.

199. A national team of experts has been established under the auspices of the Directorate of Immigration. The team started work in autumn 2004 and consists of representatives of the Directorate of Immigration, the Norwegian Red Cross and the police. The team will provide advice and guidance in cases of conflict between generations in connection with forced marriage. The goal is to increase the focus, quality and expertise of the work that is done.

200. The following information refers to paragraph 1 (d) (vii) of Article 5.

### **Education and religion**

201. Reference is made to Norway's 16th report, paragraphs 122-127. The Ministry of Education and Research proposed amendments to legislation relating to the subject Christianity and General Religious and Ethical Education (CREE), changes in the exemption rules and a new

curriculum for this subject. The proposed changes were formulated as part of the follow-up to the views presented by the UN Committee on Human Rights in its recommendation of 3 November 2004. The recommendation concludes that the current arrangement for partial exemption from the CKREE subject is in contravention of Article 18 No. 4 of the International Covenant on Civil and Political Rights. The proposed amendments were approved by the Storting 2 June 2005.

202. The premise is that the CREE subject is an ordinary school subject on a par with other subjects taught in schools. The subject must provide knowledge of religions and philosophies of life and not education in a specific religion. The subject must be open, promote insight, respect and dialogue across religious and confessional borders, and promote understanding and tolerance on religious and moral issues. The aim is to provide an inclusive school subject in which, as far as possible, all pupils are taught together. This is intended to make a significant contribution to the common knowledge and the cultural and value base on which today's society is based, with inputs from different cultures, religions and philosophies of life. Tuition must be based on respect for pupils' ethical and religious backgrounds, stimulate all-round education and help to form common cultural frames of reference.

203. In 2001, on the basis of various inputs, including two independent evaluations of the CKREE subject initiated by the Research Council of Norway, it was decided that the curriculum and exemption arrangements would be comprehensively revised. The exemption rules were clarified and the content of the subject was simplified, effective from October 2001 and the 2002-2003 academic year, respectively. The name of the subject was changed to Christianity and Religious and Ethical Education (CREE), among other things to make clear the qualitative equality of the various parts of the subject.

204. In 1999, a legal case was brought against the State, claiming the right to full exemption from the subject on the grounds that introducing the subject with a limited right to exemption was a breach of the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The case has been heard at all levels of the Norwegian judicial system. The Borgarting Court of Appeal found in favour of the State and found that within the formal framework of the subject it is possible to implement a system of limited exemption, as intended. On 22 August 2001 the Supreme Court upheld the judgment of the Court of Appeal. After the Supreme Court ruling, the claimants appealed the case to the UN Committee on Human Rights and the European Court of Human Rights, claiming that the lack of full exemption is in contravention of the International Covenant on Civil and Political Rights and the European Convention on Human Rights respectively.

205. On the basis of this appeal, the UN Committee on Human Rights presented its view in its decision of 3 November 2004, received by the Norwegian authorities on 8 November, that the arrangement for partial exemption from the CREE subject is in contravention of Article 18 No. 4 of the International Covenant on Civil and Political rights, which concerns parents' freedom to provide for the religious and moral upbringing of their children. The Committee states that religious education and ethical education in public schools will not be in contravention of Article 18 if it takes place in a neutral and objective manner, but that public education that includes tuition in a specific religion or belief will be in contravention of Article 18 unless provision is made for non-discriminatory opportunities for exemption or other alternatives that

conform to the wishes of parents. The Committee concludes that education in the CREE subject cannot be said to be neutral or objective unless the exemption system actually ensures that the education that is offered to these children is neutral and objective.

206. The Government noted the statement of the UN Committee and proposed making the changes to the provisions relating to the CREE subject in the Education Act, the exemption rules and the curriculum for the subject that are necessary in order to meet the Committee's criticisms.

1. The provision in section 2-4, which states that the person who is to teach the subject must base his/her teaching on the object clause in section 1-2 has been removed.
2. The various religions and philosophies of life have been given the same qualitative description in the goals for the subject. The current distribution of central elements of the subject between different religious and philosophies of life will be maintained.
3. The provision in section 2-4 relating to exemption has become a separate provision. The exemption rules are changed to take sufficient account of parents' rights/protection of minorities. The rules for reporting exemption have been simplified and the school's duty to provide information is included in the Act. Information will be sent to schools concerning the practice of the exemption arrangement.
4. The curriculum is changed so that there is a clearer distinction between elements that may be regarded as religious practice and elements that may not. The new curriculum is developed in connection with the follow-up to Report No. 30 (2003-2004) to the Storting. The relative distribution of the different parts of the subject is maintained.
5. The choice of working methods is specified in the introduction to the curriculum and will be elaborated in a special guide for the subject in order to limit the possibilities for parts of the tuition being regarded as religious practice. Varied and interesting working methods will continue to be used to teach all aspects of the subject, and specific working methods will not be excluded. It is emphasised that working methods that may be regarded as being closely related to religious practice require special caution on the part of teachers, including an offer of adapted education.
6. Parents' wishes for adapted education for their child(ren) should be handled with a great deal of flexibility. The proposed changes will be implemented from the 2005-2006 academic year.
7. The implementation of measures from autumn 2005 will result in a need for greater competence on the part of teachers. The Government has initiated a competence development programme to ensure this.

#### **Amendments to the Working Environment Act**

207. Reference is made to Norway's 16th report, paragraphs 131-132. Norway has implemented Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation through Ch. XA and XB of the Working

Environment Act. The new chapters concern equal treatment in working life and entered into force on 1 May 2004. The regulations cover ten different grounds for discrimination, including skin colour and national or ethnic origin. The new provisions relating to equal treatment contain a prohibition against discriminatory treatment throughout working relationship, from the advertisement of the vacant position to the termination of the working relationship. The prohibition concerns direct discrimination, indirect discrimination, discrimination in the form of harassment, and discriminatory instructions. The Act also prohibits retaliatory action against an employee who has brought a case concerning a breach of the equal treatment rules. Chapters XA and XB of the Working Environment Act are mainly enforced by the courts of law, where an individual employee who considers himself/herself to have been discriminated against brings a civil case against the employer. Under the law, the burden of proof in such cases is shared, and the claimant may demand compensation for both financial and non-financial loss. The equal treatment provisions also apply to applications for membership of and participation in employees', employers', professional or trade organisations.

### **The labour market situation for immigrants and refugees**

208. Immigrants are a key target group in labour market policy and must be given priority in connection with acceptance for ordinary labour market programmes to the extent this is considered appropriate. Almost 30 per cent of the people who participate in labour market programmes have immigrant backgrounds, while immigrants accounted for 18 per cent of all unemployed persons at the end of the fourth quarter of 2004. Among first generation immigrants aged 16-74, 9.4 per cent were registered as unemployed in November 2004. This level is approximately 2.6 times higher than the average unemployment rate for the population as a whole. Unemployment levels among certain nationality groups are even higher. The unemployment rate for persons with a background from an African country is 18 per cent. The employment rate for immigrants was 55.6 per cent in the fourth quarter of 2003, while the employment rate for the population as a whole was 69.4 per cent. The employment rate increases in step with the length of time the immigrant resident in Norway. For first generation immigrants as a whole, the employment rate increased from 45.2 per cent for the group resident in Norway for less than four years to 57.4 per cent for the group resident in Norway for from four to six years. Persons born in Norway of foreign-born parents have a higher average employment rate and a lower unemployment rate than first generation immigrants.

209. Municipal authorities and the Norwegian Public Employment Service (Aetat) are cooperating on the qualification of recently arrived immigrants with a view to improving their possibilities for obtaining employment and supporting themselves (cf. the Act relating to an introductory scheme for newly arrived immigrants). Immigrants also have priority in the Government's efforts to combat poverty.

210. Aetat's goal is for at least 60 per cent of immigrants who are registered job-seekers to be employed. The degree to which this goal is achieved is evaluated by means of a survey of final report cards, which are sent to former job-seekers two or three months after they were de-registered by the Authority. The average annual figures for 2004 show that 62 % of former job-seekers with an immigrant background were employed. These statistics are also published each month on Aetat's website.

211. Non-western immigrants are a vulnerable group on the labour market and it is important to follow developments closely. Statistics Norway publishes immigrant employment figures at the end of the fourth quarter each year. It also prepares quarterly immigrant unemployment surveys. Statistics concerning the employment of refugees are also published. So far, surveys of immigrants and working life have largely been based on first generation immigrants. In order to find out more about the employment of persons born in Norway of foreign-born parents, the Ministry of Labour and Social Affairs will commission a survey of the descendants of immigrants. The aim is to follow this group's encounter with the labour market and their participation in working life over time. One of the main questions concerns whether the descendants' links to the labour market correspond to those of the majority population or whether they encounter many of the same problems on the labour market as the parent generation. Statistics Norway is carrying out a preliminary project on this topic in 2005.

212. Occupational rehabilitation is one of the main means of getting people who are excluded from (or are in danger of being excluded from) working life for medical or social reasons back to work. ECON Analyse was commissioned by the Ministry of Labour and Social Affairs to carry out a survey of immigrants' use of the rehabilitation system. The results indicate that, in practice, immigrants have the same access to rehabilitation as Norwegians but that more of them are defined as occupationally handicapped on social grounds. There are relatively minor differences between immigrants and Norwegians with respect to employment after the end of the rehabilitation period. Non-western immigrants may receive more limited services from the Norwegian Public Employment Service (Aetat) due to their limited Norwegian language skills and their lack of national insurance rights.

### **Ethnic Diversity in Working Life**

213. Efforts to increase ethnic diversity in working life, as described in the Plan of Action to Combat Racism and Discrimination (2002-2006), have been incorporated into the Employment Policy Council, in which high-level representatives of trade unions and employers' organisations participate. National organisations working on immigrant issues and other institutions with expertise in this area are also invited to participate in meetings relating to ethnic diversity in working life. The goal is to follow up and further develop diversity in the labour market, promote the exchange of experience and the dissemination of knowledge on this theme, and plan and implement measures to increase ethnic diversity in working life.

214. A Diversity Prize will be awarded each year to an enterprise that excels in producing good measures and results in the field of ethnic diversity at the workplace. The prize will be based in the Forum for Ethnic Diversity in Working Life and will be awarded for the first time by the end of 2005.

### **Fact sheet - statistics**

215. The Ministry of Modernisation has prepared a statistics package that documents the status as regards the recruitment of persons with an immigrant background to working life. The figures clearly indicate that the central government administration is not "lagging behind" in the recruitment of non-western immigrants. The percentage of employees with immigrant background is slightly lower than in the general labour market, and the tendency in the governmental sector is positive. The main reason for the difference between the governmental

sector and the general labour market is the radically different business structure, causing the public sector to demand a different type of education and experience than the private sector. For instance, the governmental sector only recruits employees with an academic background. In addition, the turnover in the public sector is lower than in the private sector. Nevertheless, there are differences between ministerial areas, which show that there is potential for improvement. Because it is important that the central government lead the way, it must continue to focus on these efforts in its role as an employer.

216. The Ministry of Modernisation will develop an ethnic diversity website to provide information about ongoing and planned activities. The Ministry is also responsible for initiating trial employment projects in which enterprises make use of the technical and professional expertise of immigrants who have been resident in Norway for a short time by allowing them to use English as a written working language.

217. Pursuant to the main collective agreement for 2004-2006, funds have been allocated to encourage greater utilisation of the expertise of persons with ethnic minority backgrounds in the state sector.

218. The Norwegian public Employment Service (Aetat) in Norway was launched as a "racism-free zone" in cooperation with the NGO Norwegian People's Aid and the Confederation of The Norwegian Confederation of Trade unions (LO) in 2003. By launching Aetat as a racism-free zone, Aetat wishes to present itself as an agency with an extrovert, racism-free profile, condemn racism and discrimination and make active efforts to ensure diversity and tolerance in its own ranks and in all other areas of employment and occupation. Aetat has formulated nine measures to follow up the introduction of a racism-free zone.

219. With respect to measures to counteract exclusion from the state labour market on the grounds of ethnic origin, skin colour, etc., the measure whereby at least one person with an immigrant background must be called in for an interview for a vacant post, provided that the applicant is qualified for the post, has been evaluated, and will continue. A notice giving details of this measure was distributed in December 2004 (PM 12/2004).

220. The Ministry of Health and Care Services has reviewed the routines for recognition of the qualifications of foreign health personnel with a view to simplifying and, if necessary, changing the rules, and has decided that there is no need for this. The processing routines at the Norwegian Registration Authority for Health Personnel (SAFH) have been improved and the processing time has been reduced. Furthermore, there is stronger emphasis on giving necessary and correct information to applicants. The situation on the ground has also changed significantly. Many of the former third-country applicants come from one of the ten countries that joined the EU on 1 May 2005. Applicants from these countries will now be covered by the EU regulations concerning mutual recognition of professions. Any simplification of the recognition system will therefore apply to a smaller group of applicants than before, and it is assumed that there is a limit to how much can be achieved by simplifying the rules for these applicants. In cases where large groups of personnel from a particular country (e.g. nurses from the Philippines) apply for recognition in Norway, the SAFH and Oslo University College undertake a general review of the education they have received (also by travelling to the educational institutions concerned), which in the longer term will lead to more rapid processing of individual applications from the personnel group from the country concerned.



221. As regards the use of the diversity paragraph in advertisements for posts in the state administration, the state administration largely uses joint advertisements that contain the diversity paragraph. On the basis of enquiries from state enterprises and individual surveys in the daily press, it appears that some of the other state enterprises also use the diversity paragraph.

222. Reference is made to Norway's 16th report, paragraph 144. Statistics Norway (SSB) has been commissioned by the Ministry of Labour and Social Affairs to develop statistics that show the percentage of persons with an immigrant background employed in the public and private sectors by gender, length of residence in Norway, country of origin, etc. The 2003 figures show that a total of 2.5% of people with a western immigrant background and 2.2% of people with a non-western immigrant background were employed in the state administration (ministries and subordinate agencies). This is an increase from 2002, when the respective percentages were 2.3% and 2.0%.

223. Reference is made to Norway's 16th report, paragraph 148. Trial mentor schemes have been established in state agencies and enterprises in order to ensure that persons from minorities have equal opportunities for career development. This measure was initiated as a pilot project at the Directorate of Immigration, where the main aim was, as far as possible, to qualify participants to work in a working group. Three meetings have been arranged for adepts and two for mentors. The project ended in June with a joint meeting for mentors and adepts. The evaluation showed that the mentor scheme has largely been successful, but there is a need for certain adjustments if it is to be continued.

224. In order to integrate the diversity perspective into management training in the state sector, Statskonsult AS has been commissioned by the Ministry of Modernisation to develop a network for state agencies and enterprises that require greater diversity among their employees. The network will provide advice, practical training and documentation, promote the exchange of experience and provide meeting places for state agencies and enterprises on the topic of diversity. The effort to promote diversity will include management training.

**The formulation of the requirement that suppliers to state agencies and enterprises must not engage in discriminatory practices**

225. In connection with the implementation of new EU directives relating to public procurement, the Ministry of Modernisation will review the national part of the procurement rules. Norway must implement the rules by the end of January 2006. In connection with this work, a circular will be sent to all state agencies and enterprises requiring them to reject suppliers who are guilty of punishable offences or have breached the professional or ethical guidelines for their sector.

226. This topic will also be covered in the information material that is to be distributed in connection with the implementation of the new regulations. Norway also intends to introduce an arrangement whereby suppliers who submit tenders to public clients must also submit a declaration that the enterprise is working systematically to comply with anti-discrimination legislation.

227. Concerning paragraph 1 (e) (ii), reference is made to Norway's 12th and 13th reports, paragraphs 156-158. There is no new information to report under this article.

**Discrimination in the housing market**

228. Reference is made to Norway's 16th report, paragraphs 155-159. Pursuant to the Act of 6 June 2003 relating to cooperative housing associations and housing cooperatives, the Act of 26 March 1999 relating to tenancy contracts, and the Act of 23 May 1997 relating to building unit ownership, discrimination on the basis of religion, skin colour, linguistic ability, national or ethnic origin or sexual preference, lifestyle or orientation is prohibited. If there are grounds for believing that such discrimination has taken place, the person who is accused of perpetrating the act must prove that it has not taken place. These amendments entered into force on 1 January 2004. The special enforcement body for discrimination cases will also enforce the prohibition against discrimination pursuant to the housing statutes (cf. this report, paragraphs 16-18).

229. A national advertising campaign was launched in the country's biggest newspapers in January 2004 in order to inform the public of the entry into force of the prohibition against discrimination in the housing statutes.

230. In 2003 the Centre for Combating Ethnic Discrimination (SMED) carried out a survey of the occurrence of discrimination on the rental market. The survey showed that there appeared to be little open discrimination, but there appeared to be several cases of concealed discrimination.

231. In the period 1997-2000, the Ministry of Local Government and Regional Development, the Norwegian State Housing Bank and the Directorate of Immigration financed a Development Programme of Multicultural Housing Environment, under which a series of studies were carried out relating to the promotion of understanding, cooperation and community spirit in multicultural residential areas. On the basis of these and other studies on the same theme, the Norwegian State Housing Bank published a brochure about the programme in 2004. The brochure targets public and private actors and organisations working on multicultural issues in residential areas and on the settlement of immigrants.

232. With the support of the Norwegian State Housing Bank (Ministry of Local Government and Regional Development), the City of Oslo has implemented several measures to develop municipal competence relating to satisfactory settlement of immigrants. The brochure *Large Families with Children from Ethnic Minority Backgrounds*, which was prepared in cooperation with representatives of Somali organisations in 2004, provides advice, suggestions and examples of how the flexible use of social housing tools can give families with children a stable housing situation that accords with their own wishes and needs. This programme was part of the four-year national Homeless Project.

**Health**

233. Concerning paragraph 1 (e) (iv), reference is made to Norway's 16th report, paragraphs 160-183. The Ministry of Health and Care Services actively seeks to ensure the provision of health and care services that meet the needs of minority groups.

**Minorities and health issues**

234. In 2003, the Directorate of Health and Social Affairs issued a guide for health services for asylum-seekers and refugees. The purpose of the guide is to ensure that asylum-seekers and refugees receive necessary somatic and mental health care. The target group comprises health personnel and personnel in administrative posts in the primary and specialist health services, employees at reception centres and decision-makers at various levels of authority.

235. In 2004, the Norwegian Board of Health carried out a nationwide inspection of these health services. A comprehensive report was presented early in 2005. A preliminary review of the municipal reports shows that many municipalities do not provide sufficient protection from infection in health services for asylum-seekers, refugees and persons reunified with their families. To improve this situation, one of the priorities of the Ministry of Health and Care Services is therefore prevention and the follow-up of HIV and TB-infected asylum-seekers, refugees, persons reunified with their families and others with an immigrant background.

236. In 2002 an extensive survey of immigrants was carried out in Oslo. Almost 12,000 immigrants from five different countries (Iran, Pakistan, Sri Lanka, Turkey and Vietnam) were invited to take part. The survey was carried out in cooperation between the City of Oslo, the University of Oslo and the Norwegian Institute of Public Health. The immigrant survey focused on diabetes and cardio-vascular diseases.

237. The extensive health survey in Oslo (HUBRO), which was carried out in 2000-2001, also covered immigrants in the relevant age groups. HUBRO provided information in eleven languages: Albanian, Arabic, English, Farsi, Serbo-Croat, Somali, Spanish, Tamil, Turkish, Urdu and Vietnamese. In 2000 and 2001, a separate youth survey was carried out in connection with HUBRO, which also covered immigrant youth.

238. Persons with an immigrant background are target groups in several of the action plans and strategic plans of the Ministry of Health and Care Services. They include the Plan of Action to Prevent Undesired Pregnancy and Abortion 2004-2008, the Plan of Action for Physical Activity 2005-2009 and the Strategic Plan for the Prevention of HIV and Sexually Transmissible Diseases.

239. The National Centre for Violence and Traumatic Stress Studies (NKVTS) was established in January 2004. The Psycho-Social Centre for Refugees is incorporated into the NKVTS in a special department for refugee health and forced migration. The purpose of the centre is to strengthen competence and clinical treatment services by research activities, education and development of treatment methods for adults as well as children and adolescents.

240. In order to identify mentally ill or traumatised refugees, a trial project will be implemented to systematically map newly arrived refugees. The project will also include routines for appropriate follow-up of persons with mental health problems.

241. The Norwegian Centre for Minority Health Research (NAKMI) was established in 2003. NAKMI's mandate is to promote the best possible health services for minority groups with refugee and immigrant backgrounds by acquiring, collating and disseminating trans-sectoral knowledge and expertise, and by facilitating the exchange of knowledge and experience between researchers, clinicians and users.

242. Through the Directorate of Health and Social Affairs, the Ministry of Health and Care Services has commissioned Norwegian Social Research (NOVA) to map municipal resources as regards arrangements for nursing and care services for elderly immigrants. The report was presented in April 2005.

243. Reference is made to Norway's sixteenth report, paragraph 182. On 5 November 2004, a Report to the Storting was presented on a proposed scheme for the provision of means-tested supplementary benefits for persons who do not meet the necessary requirements regarding previous residence to obtain a full pension from the Norwegian National Insurance Scheme. The proposed Act was passed by the Storting and received the King's sanction on 29 April 2005. The full benefit from this scheme (before the means test is applied) shall be equal to the non-contributory, residence based, minimum pension from the National Insurance Scheme. The date of entry into force of this Act has not yet been decided.

#### **Minorities and tuberculosis, HIV and sexually transmissible diseases**

244. In 2004, 302 cases of tuberculosis were reported in Norway. This number was lower than in 2003. Among the 302 patients, 262 were new patients that have not been diagnosed with tuberculosis before. 239 (79 %) were born abroad, the same as in 2003. Among these most came from countries in Africa (highest in Somalia) and in Asia (Pakistan and Thailand), but also from Russia.

245. New regulations relating to tuberculosis control, which entered into force on 1 January 2003, require directly observed treatment of all patients who are treated with tuberculosis drugs. An information brochure has been prepared for patients, telling them what this entails and why it is compulsory. The brochure is available in Norwegian, Saami, English, French, Spanish, Somali, Urdu, Russian and Vietnamese.

246. As of 31 December 2004, a total of 3,046 HIV positive cases had been reported in Norway since 1984. The 252 newly-diagnosed cases in 2004 were the highest number in any single year. The HIV situation in 2004 was characterised by a continued significant rise in the number of HIV positive homosexual men, and 2004 was a new record year. There are still many HIV positive immigrants who were infected before arriving in Norway. As of 31 December 2004, a total of 952 persons were infected with HIV before arrival in Norway out of a total of 1,439 assumed heterosexually infected persons up to then. In 2004, 121 cases of persons with an immigrant background were diagnosed, 84 of whom were women. For the last years, we can speak of an HIV epidemic among women in Norway.

247. In the report of the Ministry of Children and Family Affairs on the gender perspective in connection with the preparatory work on the 2005 budget, the prevention of HIV and sexually transmissible diseases is stated to be a special priority area from a gender equality perspective. The Ministry of Health and Care Services described HIV positive immigrant women as triply

discriminated - because they are women, because they are immigrants and because they are HIV positive. Women are therefore a high priority target group in efforts to prevent HIV. In its report, the Ministry states: "In our efforts to prevent HIV and sexually transmissible diseases, we must be aware that there must be great differences in approaches and strategies, based on an evaluation of the target groups and the goals of prevention. Linguistic and cultural barriers often contribute to creating distance between immigrants and the health service. It has proved to be extremely important to use people from peer groups when informing people about issues such as cohabitation, sexuality, HIV and sexually transmissible diseases."

248. In efforts to prevent HIV, there is otherwise strong emphasis on combating exclusion and discrimination on the grounds of age, gender, sexual preference, ethnic background, residence or personal financial situation.

249. One important measure in efforts to prevent HIV and hepatitis is to disseminate knowledge about how to prevent infection and about what infected persons can do to avoid spreading the disease and to receive good follow-up and treatment. The Norwegian Institute of Public Health has therefore published a number of information brochures in recent years on HIV/AIDS and hepatitis A, B and C that have been translated into 14 languages in addition to Norwegian (English, French, Spanish, Somali, Swahili, Tagalog, Russian, Bosnian/Serbian/Croatian, Turkish, Thai, Hindi, Urdu, Arabic and Vietnamese). A brochure about condoms has also been published in Norwegian with additional texts in English, French, Russian, Spanish and Thai.

#### **Government policy concerning health and health related affairs for the Saami population in Norway**

250. The Government has formulated policies concerning health and health related affairs for the Saami population in Norway. The aim of the Government's policy is to develop health and social services for the Saami people that are equitable, but adjusted to meet the needs of the Saami population.

251. The Government wishes health and social services to be organised as far as possible in response to individual needs. Services should be developed within the context of the ordinary public health care system in Norway, but with the support of resource institutions that have special competence on Saami issues. Services for Saami users should be based on an understanding of Saami language and culture. The Government emphasises the importance of improving Saami language skills and cultural understanding, and of recruiting Saami personnel.

252. The Saami Parliament is the Government's primary source of policy in efforts to achieve this goal. The Saami Parliament has played a crucial role in the implementation of the measures outlined in the Plan of Action. In 2003, the Saami Parliament was given the primary responsibility for the administration of financial funds granted by the Ministry of Health and Care Services to follow up the measures outlined in the report.

253. Further steps have been taken to implement health policies for the Saami people:
- The Ministry of Health and Care Services finances two permanent positions in the Saami Parliament, earmarked to follow up developments in the health and social sector so that the Saami Parliament can further develop its role as the primary Saami policy advisor for the health and social sector;
  - The Ministry of Health and Care Services supports the Centre for Saami Health Research at the University of Tromsø, which is located in Karasjok/Tromsø. The Ministry finances a survey of health and living conditions in Saami areas;
  - The Ministry of Health and Care Services will fund the establishment of a national Saami information service for the health and social sector;
  - The Ministry of Health and Care Services has taken initiatives to improve community interpreting services. For example, the Ministry contributes financially to the development of interpreting studies at the Saami University College. The Ministry will promote the translation of legislation and other information;
  - As part of the National Programme for Mental Health, the regional health authority for Northern Norway will develop certain mental health institutions in Northern Norway into national mental health resource centres for the Saami population;
  - Since 1999 the Norwegian Government has provided funding for the development of five nursing homes as arenas for research and educational development in the field of geriatric care. One of the nursing homes has been earmarked as a centre for developing expertise in geriatric care for the Saami population. This became a permanent programme in 2004.

254. In cooperation with the Regional Health Authority, the Centre for Saami Health Research will collect information relating to Saami competence and knowledge in the health and social sector. This process will take place in 2005, after which a comprehensive report will be published.

### **The Plan of Action to Combat Female Genital Mutilation**

255. Reference is made to Norway's 16th report, paragraph 170. The Plan of Action to Combat Female Genital Mutilation was presented in December 2000. The plan is largely being implemented as a national project (the OK Project - Care and Knowledge Against Female Circumcision). In May 2002 the Government presented a joint effort against female genital mutilation. This effort defines and expands the Plan of Action in 33 measures. The plan covered the period 2001-2004, after which the experience gained from the project is based at the Norwegian Centre for Minority Health Research (NAKMI), which is a government agency established by the Ministry of Health and located at Ullevål University Hospital. The purpose is to collect the experience and knowledge gained from the OK Project in one place in order to ensure that it is available, updated and developed.

256. The Government has presented proposals and achieved approval for an amendment to the Act prohibiting female genital mutilation, which is intended to help ensure that girl children and young girls are not circumcised.

### **Education**

257. The following refers to paragraph 1 (e) (v) of Article 5. Reference is made to Norway's 16th report, paragraphs 184-205.

258. The statistics for primary and lower secondary schools only register the number of minority language pupils who receive special tuition in Norwegian. Each school evaluates the need for special tuition in Norwegian. Consequently, minority language pupils who do not need special tuition in Norwegian are not registered in the statistics. At present there are no individual data on pupils in primary and lower secondary schools.

259. The Ministry of Education and Research will initiate measures to improve the current statistics for the education sector in order to be able to follow the development of immigrants and their descendants in the education system more systematically, and to be able to implement more targeted measures for groups that need specially adapted tuition. At a minimum, the analytical base should contain information about the parents' country of origin, gender, period of residence in Norway, whether the child was born in Norway or is itself an immigrant, etc. It should be possible to compare this information with data on educational achievement. This measure will be viewed in conjunction with the national quality evaluation system and *Skoleporten*, the website for quality assessment and development in primary and secondary education.

### **The proportion of minority language pupils in primary and lower secondary schools**

260. In autumn 2003, more than 35,000 pupils, or 5.7 per cent of all pupils in primary and lower secondary schools, were receiving special tuition in Norwegian. More than 3 per cent of all pupils in primary and lower secondary schools were receiving tuition in their mother tongue. Approximately 20,000 pupils were receiving mother tongue tuition, bilingual tuition in specific subjects or both in autumn 2003. Urdu was the language in which the largest number of pupils received mother tongue tuition or bilingual tuition in specific subjects. Somali, Kurdish, Arabic, Vietnamese, Albanian and Bosnian were also major languages, with between 1,000 and 2,000 pupils receiving mother tongue tuition in each group.

261. The immigrant population in 2004 - both first generation immigrants and their descendants - accounted for 7.5 per cent of children of primary school age (6-12) and 7 per cent of children of lower secondary school age (13-15). 56 per cent of primary school children and 40 per cent of lower secondary school children with an immigrant background were born in Norway of two foreign-born parents.

### **Students with an immigrant background in upper secondary and higher education**

262. In 2004, the immigrant population accounted for 8.1 per cent of young people of upper secondary school age (16-19). 23 per cent of students of upper secondary school age with an immigrant background were born in Norway (Statistics Norway, population statistics

for 2004). 7.6 per cent of students in upper secondary education were born, or had parents who were born, in a country other than Norway, Sweden and Denmark. Very few of them (approximately 1 per cent) received adapted education, in the form of extra tuition in Norwegian.

263. The proportion of persons with an immigrant background who participate in upper secondary education has increased in recent years. Nevertheless, somewhat fewer students with an immigrant background (approximately 92 per cent) started upper secondary school or completed lower secondary school compared with the rest of the population (approximately 96 per cent) and they accounted for a larger number of drop-outs. In 2003, 90.1 per cent of all 16-18 year-olds participated in upper secondary education, compared with 73.2 per cent of first generation immigrants in the 16-18 age group.

264. Descendants of immigrants who were born and grew up in Norway attend upper secondary school to a far greater extent than first generation immigrants. A total of 86.6 per cent of the descendants of immigrants attended upper secondary school in autumn 2003, i.e. 3.5 percentage points below the average for all 16-18 year-olds. The differences between boys and girls as regards participation in upper secondary education are insignificant.

265. However, there are major differences between pupils from non-western immigrant backgrounds and other pupils in terms of their choice of course of study. Students from non-western immigrant backgrounds more frequently choose courses that give general qualifications for higher education and less frequently choose vocational courses.

266. Students with an immigrant background who complete upper secondary education that qualifies for higher education are almost as likely to move on to higher education as majority pupils. Young people with an immigrant background are still under-represented in higher education in Norway, primarily because the recruitment base is narrower. Young people with an immigrant background less frequently start upper secondary education than majority pupils, and their drop-out rate is higher. Moreover, many of them are somewhat older than the majority of students when they complete their upper secondary education.

267. The proportion of persons from immigrant backgrounds who embark on university and college education is lowest among first generation immigrants. In the 19-24 age group, however, an increasing proportion of first generation immigrants are participating in higher education. In autumn 2003, their participation was nevertheless 28.6 per cent, which is 12.3 percentage points lower than for the population as a whole. The descendants of immigrant parents, born in Norway, participated far more than first generation immigrants and were only 1.7 percentage points below the average for the population as a whole in the 19-24 age group.

268. In the 25-29 age group, the differences between first generation immigrants and the population as a whole are significantly less marked. In autumn 2003, participation in higher education among first generation immigrants between the ages of 25 and 29 was only 4.8 percentage points below the average for the total population. Participation in higher education among the descendants of immigrants aged 25-29 was only 1 percentage point below the average for the population as a whole.



269. There are major variations in participation in higher education according to country of origin. For the descendants of non-western immigrants, participation in higher education is especially high among persons with parents from Vietnam, China, India, Sri Lanka and Iran. In the 19-24 age group, the descendants of immigrants with backgrounds from these countries participate more in higher education than the population as a whole. The tendency so far has also been that more girls than boys participate in higher education, both among immigrants and among the descendants of immigrants.

270. The descendants of immigrants who are accepted by universities or colleges have higher ambitions than other students. There is a strong belief among young people with an immigrant background that education is the key to success in Norway. With respect to drop-out rates and the completion of studies at universities and colleges, university students with an immigrant background appear to complete their studies to at least the same extent as the majority of students. In the case of college students, drop-out rates for students with an immigrant background appear to be slightly higher than the average.

271. Students with an immigrant background choose science and technology subjects more frequently than others, while they seldom choose teacher training. This applies to both boys and girls. There are also relatively few students with an immigrant background who apply for courses in social science, the arts or journalism. It is important to remember that there are so far relatively few young people in the relevant age groups who are descendants of immigrants and it is therefore difficult to draw clear conclusions.

### **Equal education in practice**

272. In December 2003, the Government launched the strategic plan, Equal Education in Practice. Strategy for better learning and greater participation by language minorities in day care centres, schools and education, 2004-2009. The overriding goal of the strategic plan is to ensure greater inclusion of persons belonging to language minorities in day care centres, schools, education and social and working life. The strategic plan covers pre-school children, primary, lower and upper secondary school pupils, participants in adult education programmes and students in higher education. It provides a status report on this field and presents a total of 39 measures.

273. The strategic plan is intended to promote a coherent approach to efforts targeting children and young people from minority backgrounds in educational institutions ranging from day care centres to colleges and universities. The plan covers a period of five years, and contains goals for the work of the Ministry of Education and Research and the education sector. The strategic plan will be evaluated and the individual measures will be followed up through annual status reports. The first report will be available in autumn 2005.

274. The main goals and strategies of the plan are to:

- Ensure that minority language children of pre-school age have a better understanding of the Norwegian language;
- Improve the educational achievements of minority language pupils;

- Increase the percentage of minority language pupils and apprentices who begin and complete their upper secondary education;
- Increase the percentage of minority language students in higher education;
- Improve the Norwegian language skills of minority language adults.

275. The following are some of the measures in the strategic plan:

- Measures to improve pre-school minority language children's understanding of the Norwegian language; a new grant scheme, guidance material for parents;
- Various measures to improve language tuition in schools; amendments to the Education Act in order to promote more flexible special language tuition, testing of various models for special language tuition;
- Strengthen the multicultural perspective in curricula and teaching aids;
- Various measures relating to human resource development; the establishment of a national centre for multicultural education, a grant scheme for minority language teachers who lack formal qualifications, an awareness-raising programme for school administrators;
- Measures to strengthen home-school collaboration; a booklet on rights and obligations in primary and lower secondary school, the project "Minority language parents - a resource for pupils' school education";
- Dissemination of lessons learned through a variety of channels: demonstration schools, annual conferences/seminars. Internet-based services, collection of examples;
- Measures to improve recruitment to higher education and raise awareness of the multicultural perspective in the university and college sector;
- Measures to improve language tuition for adults: introduction of the right and duty to Norwegian language tuition and the introductory programme.

276. In connection with the introduction of *Kunnskapsløftet*, a new reform of primary and lower secondary education, and the introduction of a compulsory second foreign language, the Ministry of Education and Research will develop teaching aids for several of the major languages that are spoken today by a large proportion of children and young people from immigrant families. More pupils will therefore have the possibility to have their parents' language or their own mother tongue as a subject in addition to Norwegian and English. The Ministry thereby wishes to help promote the value of the linguistic resources that exist in immigrant families.

277. In order to strengthen the possibilities for weak pupils to succeed in Norwegian schools, especially pupils who arrive in Norway in the midst of their education, the Ministry of Education and Research will initiate a trial summer school project. The aim of this project is to use the summer to offer voluntary “supplementary education” for pupils in lower and upper secondary schools who believe that they need and are motivated to improve their performance before the start of a new school year. This measure may also include unaccompanied minors in reception centres who have been granted residence in Norway.

278. In order to help municipalities and schools acquire more knowledge about the needs of pupils, for example their need for adapted education, the Ministry of Education and Research, in cooperation with the National Centre for Multicultural Education (NAFO), the Directorate of Education and the Directorate of Immigration, will develop a tool for assessing the educational background of children who arrive during the school year. This assessment tool will primarily be tested on unaccompanied minors who are asylum-seekers living in reception centres. On the basis of the experience gained from the pilot project, the Ministry will consider whether this assessment tool will be offered to all municipalities that settle school-age children or are host municipalities for state reception centres.

### **Strategies to increase the recruitment of persons with an immigrant background to upper secondary and university education**

279. The Ministry of Education and Research has implemented several measures to increase the recruitment of persons with an immigrant background to upper secondary and higher education. The first is to strengthen school counselling services for young people with an immigrant background. Through a project that is running from 2003-2006, funds have been allocated to strengthen the work of the Follow-up Service relating to upper secondary school drop-outs. The Ministry has initiated a pilot project to strengthen the Follow-up Service’s work with this target group in four counties. The counselling service is an important partner in the project. In 2004 and 2005 there is focus on nationwide coverage. Through the project, course plans have been prepared for counsellors in primary, lower secondary and upper secondary schools, the Educational Psychological Counselling Service (PPT), the Follow-up Service and staff of the Norwegian Public Employment Service (Aetat) who counsel minority language pupils.

280. The Ministry has for several years provided funding for universities and colleges for recruitment and motivation measures for young people with minority backgrounds. Funding will also be provided for this purpose in 2005. The Ministry of Education and Research has implemented several measures to increase the recruitment of pupils with minority backgrounds to higher education, especially to teacher training programmes, and to achieve improved completion rates and lower drop-out rates.

281. For several years, there has been focus on recruiting students with an immigrant background to Norwegian universities and colleges, and systematic work has been done on information and other recruitment measures at many institutions of higher education. The Ministry of Education and Research carried out a campaign in 2001 and 2002 to increase recruitment to teacher training courses. The campaign focused particularly on minority language students.

282. The Ministry of Education and Research has also provided funding for recruitment activities at several colleges and at the University of Oslo. Oslo University College has for many years focused on the recruitment of students with minority backgrounds and has systematised its experience in this field. The Ministry of Education and Research has therefore allocated funding to make the Oslo University College a centre of expertise and to ensure that the lessons learned are disseminated to other institutions of higher education.

283. The Centre for Competence Development in Multicultural Education (SEFS) was evaluated in 2002 and the main conclusions were positive. In connection with the preparation of the strategic plan Equal Education in Practice, the Ministry of Education and Research decided that there was still a need to improve the competence of teachers and principals in connection with the education of language minorities and decided to establish a new national centre, called the National Centre for Multicultural Education (NAFO) at Oslo University College. The Centre was established on 1 January 2004 and is a continuation of SEFS, but with a broader mandate.

284. NAFO's task is to improve the competence of day care centre owners, school owners, school principals, teachers, colleges and universities. NAFO aims to strengthen expertise in the teaching of minority language children, pupils/participants and students at all levels, and to help develop inclusive, multicultural learning communities. NAFO helps various entities at all levels to develop good educational models that take account of the needs of minority language speakers for adapted education, and to promote the participation of both minority and majority language speakers in the multicultural community. The Centre will cooperate with experts at universities, colleges and resource centres and will help to establish networks in this area at both national and local levels.

285. One of NAFO's main tasks is to develop competence in the fields of migrant education and Norwegian as a second language. The Centre's strategy is to gradually include new areas in its activities. In spring 2003, the centre had carried out continuing education courses for teachers (including bilingual teachers), school principals, the Educational Psychological Counselling Service (PPT), persons responsible for schools and educational counsellors in almost all counties. The goal of these courses includes initiating projects to promote change in schools, and building networks between central actors working in the field of competence development.

286. As part of the effort to improve the recruitment of students from minority backgrounds, Oslo University College has established cooperation with a number of immigrant organisations in order to be able to come into contact with families as well. The Pakistani Students' Association has received support for its annual motivation seminars for Pakistani youth. The Pakistani Students' Association has been arranging motivation seminars for ten years in order to increase the recruitment of minority youth to higher education.

287. Further education in the subject of multicultural understanding is important for all teachers, and a variety of programmes are offered at many institutions of higher education, both as part of the basic studies and as a further education programme. The Ministry of Education and Research has supported and continues to support the development of such programmes.

288. School leaders at all levels play an important role in contributing to the implementation of the strategic plan. It is therefore important to promote the development of competence and raise awareness of the multicultural perspective among school leaders. They are urged to include the multicultural perspective in existing leadership development programmes at national, regional and local levels. Teacher training institutions and school owners are also urged to cooperate.

289. Some minority language speakers work as teachers without having formal qualifications. To a varying extent, they lack the necessary pedagogic or subject qualifications to meet employment requirements. Some minority language teachers need only a brief further education course in order to acquire formal qualifications, while others need more comprehensive education. In 2004 the Ministry introduced a grant scheme which will help minority language teachers to apply for further education with a view to obtaining either general teaching qualifications or qualifications based on some other four-year university or college course. The grants are advertised nationally, while school owners nominate candidates. 120 grants were awarded in 2004 and this scheme will continue in 2005.

290. Minority language speakers with foreign or Norwegian higher education that is relevant to teaching should receive counselling about employment opportunities in schools and the possibilities for supplementing their education and expertise in order to become fully qualified teachers. On the basis of the experience that has been gained from on-the-job training, the Ministry, in cooperation with certain selected municipalities, will consider how this type of project can be implemented.

291. *Minorities in Focus in Academia* (the MiFA Project) is a two year project that was initiated in 2003 at the University of Oslo. The project is supported by the Ministry of Education and Research and concentrates on recruiting and following up minority language students, developing multicultural studies and helping minority language students to find employment. The project team works systematically on various measures, which include cooperating with selected project schools to recruit more young people with an immigrant background to higher education. Through the project, the students receive additional follow-up in seminars on selected programmes of study. Since young people with an immigrant background face greater difficulties on the labour market, the project also provides active support in finding employment and establishes working groups for students who have finished their degrees.

### **Teaching Finnish in Norwegian schools**

292. According to Section 2-7 of the Education Act, pupils of Finnish descent attending primary and lower secondary school in Troms and Finnmark have the right to receive tuition in Finnish when at least three of them require it. Following some years of experimentation, Finnish language was included in the 1997 Curriculum as demanded by the Kven Association. In 1999 this right was incorporated into the Education Act. Special funding for this programme is allocated by the central education authorities. The number of pupils attending Finnish classes has increased from 45 in 1994 to more than 1,100 in 2004.

293. The University of Tromsø offers studies in Finnish and Saami up to doctorate level. The Kven language is an optional subject at the higher levels of Finnish studies. At the lower level there is a 30 ECTS credit study in the Kven language to which students may be admitted without

formal qualifications for higher education. Kvens have priority on this course of study. At Finnmark University College there is a 60 ECTS credit study in Finnish. At Saami University College there is an optional 30 ECT credit study in Finnish in connection with Norwegian as a compulsory subject in teacher training. The University of Trondheim offers research programmes in Romani culture.

### **Roma and Romani**

294. When the education authorities seek to establish new measures for minority groups, cooperation with competent representatives of the group is an important condition for success. Traditionally, both these groups have been living outside mainstream society or have been excluded by the majority population. A nomadic life is a distinctive feature of their culture, whereas school is an institution designed for settled people. Even views on which areas of knowledge are important will differ between travellers and settlers.

295. Having realised this, the government has concentrated on establishing contact between the school authorities and the Roma population. Through a Comenius project, one primary and lower secondary school in Oslo has been designated to promote a good relationship between the school system on the one hand and Roma parents and their children on the other. Several years after the project ended, Roma parents still prefer this school to any other school in Oslo. The local education authority in Oslo has expressed the view that these efforts have been worthwhile.

296. On the basis of its dialogue with the Roma group and the City of Oslo, the Ministry of Education and Research will establish a meeting place for women and children from the Roma people. The purpose of this project is, in the longer term, to help establish better adapted educational services and greater motivation to attend school through dialogue with the Roma people. On the basis of the experience gained from this project, the Ministry will consider further educational measures for this group.

297. The Romani people/Travellers have made significantly greater progress. One of the two Romani organisations in Norway has established a working group to promote their cultural needs in Norwegian society. This group has asked the pre-school teacher training college Dronning Mauds Minne to undertake a survey of the specific needs of Romani children in pre-school and primary school and to design a programme to meet these needs. Dronning Mauds Minne received financial support from three ministries for this project in 2004. The programme will continue for three more years. This survey could be an important step towards improving the situation for Romani children in pre-school and primary school.

### **Teacher training and the teacher training curriculum**

298. Because Norway wishes to have a common national standard, the Ministry of Education and Research prepares national curricula for individual courses of study, such as teacher training. The curricula for all types of teacher training were revised in 2003.

299. In order to prepare teachers and pre-school teachers for the multicultural reality they will encounter in Norwegian schools and day care centres, the multicultural aspect has been strengthened in the curricula for all teacher training programmes, including the one-year post-graduate teacher training programme (PPU). The multicultural and international

perspective must be incorporated into all subjects of the teacher training programmes. It is important that the Norwegian subject take into account both the multicultural perspective in general and the education of children who have Norwegian as a second language. The courses shall provide an opportunity for specialised studies in the education of minority language pupils. Norwegian as a second language may be elected as a special subject.

300. The part of the programme that is common to all types of teacher training contains a number of general goals relating to human rights and citizenship in the broad sense. They are linked to such topics as the global community, the international perspective, the consumer and competition society, childhood/neglect, violence, war, etc. The curriculum also covers five areas in which students must develop competence: subject competence, didactic competence, social competence, change and development competence and professional ethics competence.

301. In the curriculum for general teacher training, human rights and citizenship are more explicitly discussed in the plans for the common subject Christianity and Religious and Ethical Education (CREE) and social science subjects. In the curriculum for pre-school teacher training, human rights are included in social science, which is a compulsory subject.

### **A national system for assessing non-formal learning**

302. Reference is made to Norway's 16th report, paragraphs 191-194. A project has been initiated in order to establish a system for documentation and recognition of adults' non-formal learning at upper secondary level. Effective from 14 March 2003, the Education Act has been amended so that adults entitled to upper secondary education are also entitled to have their total (formal and non-formal) qualifications assessed with a view to employment.

303. The county authorities are responsible for assessing total (formal and non-formal) qualifications and for issuing certificates of competence. This arrangement gives immigrants and national minorities who are entitled to upper secondary education the possibility of having their competence assessed. Persons who are not entitled to upper secondary education may also have their total qualifications assessed and receive a certificate of competence if they are referred by the municipality, the Norwegian Public Employment Service (Aetat) or the National Insurance Authority.

304. The county authorities have been given the responsibility for organising and implementing this scheme regardless of whether the person concerned is entitled to upper secondary education or not. The county authorities must cover the costs for everyone who is entitled to upper secondary education, while the municipal authorities, the Norwegian Public Employment Service and the National Insurance Authority cover the costs for other groups.

305. Data from county authorities for summer 2004 show that out of the 10,549 who had had their total (formal and non-formal) qualifications assessed, 8,524 were assessed in relation to vocational subjects while 2,025 were assessed in relation to general (academic) subjects. It is uncertain how many of them are not Norwegian nationals, since the nationality of those who are assessed is not recorded. However, approximately 12 per cent of the people who were registered for examination gave a nationality other than Norwegian. The Ministry of Education and Research (the Directorate of Education/the National Centre for Learning in Working Life) will work with Statistics Norway to improve statistics in this area.

### **Increased focus on multicultural understanding in educational institutions**

306. Reference is made to Norway's 16th report, paragraph 196. The curricula for health and social subjects and for teacher training must include focus on multicultural understanding. In connection with the revision of the curricula for health and social subjects and the new curricula for teacher training, there is special focus on providing insight into multicultural issues.

307. The Ministry of Education and Research has provided support for the development of a new course of study on multicultural understanding at the University of Oslo. The Ministry has also provided funding for Oslo University College to disseminate lessons learned in connection with the recruitment of and adaptation of education for minority students. The Ministry will also encourage the development of studies on multicultural issues.

### **Culture**

308. The following refers to paragraph 1 (e) (vi) of Article 5.

309. Reference is made to Norway's 16th report, paragraph 216. The Norwegian Cultural Fund is administered by the Arts Council Norway. From 1998 to 2001, the council ran a programme for cultural diversity called *Mosaikk* (Mosaic). This programme was discontinued in 2001, when the council decided to include focus on cultural diversity as an integral part of its general activities. Following this decision, the council's allocation for cultural diversity has increased significantly over the past three years. While *Mosaikk* formerly received NOK 5 million annually, the council allocated NOK 15.6 million in 2003 for a total of 137 projects that focused on cultural diversity in a variety of fields, such as literature, the visual arts, music, theatre, dance, cultural heritage and culture for children and young people. In addition there are allocations to certain regular multicultural projects from Arts Council Norway, app. NOK 10 million in 2003.

310. Supporting cultural diversity is also one of the main objectives of the Norwegian Archive, Library and Museum Authority. This authority currently runs a programme for the education of people who work in the cultural sector to increase their competence and awareness of issues relating to cultural diversity. The authority also supports a number of projects that focus on cultural diversity and minority groups. In addition, the authority coordinates the National Programme for Arts and Culture in Education, which received NOK 120 million in 2003. This programme offers a variety of cultural activities to all Norwegian school children, with strong emphasis on the importance of cultural diversity.

311. The Norwegian Concert Institute supports multicultural events and has made an effort to include world music in its concert and touring programmes. As a result, the institute's share of musical performances with a multicultural content has increased significantly over the past few years, in particular with regard to school concerts.

312. Reference is made to Norway's 16th report, paragraph 211. A new building is under construction at the Centre for Kven Language and Culture in Porsanger. The building, which will open to the public in 2006, is funded by the central government. The central government is also funding the construction of a new museum for East Saami culture and history, which will be opened to the public in 2006.



313. Reference is made to Norway's 16th report, paragraphs 67 and 212. The Government has funded the establishment of a new department at the Glomdal museum, which will be a permanent cultural history centre for the documentation and presentation of the culture of the Romani people (Traveller culture). The department will be opened to the public in 2006.

314. One of the tasks of the Finnmark County Library in Vadsø is to maintain a substantial collection of literature in Finnish and to ensure nationwide distribution of this material. It has a database that can be accessed from the Internet. The Saami library and Saami book buses are responsible for making Saami literature available to the public. In addition, a number of public libraries include Saami literature in their collections. The Deichman Library in Oslo is responsible for collections of literature in minority languages, in particular languages spoken by immigrant and minority groups.

### **The provisions on language use in the Saami Act**

315. Chapter 3 of the Saami Act, which concerns the Saami language, entered into force on 1 January 1992. The aim of the language provisions in the Saami Act is to safeguard and facilitate increased use and further development of the Saami language. The Act guarantees citizens basic rights concerning the use of the Saami language within the Saami language administrative district, which is defined in section 3-1, no.1 of the Saami Act. This administrative district currently comprises the municipalities of Karasjok, Kautokeino, Nesseby, Porsanger, Tana and Kåfjord. The municipality of Tysfjord will be included in the Saami language administrative district as of 1 January 2006. However, other municipalities wish to be included in the district. Their applications will be considered by the Ministry of Culture and Church Affairs pursuant to the regulations concerning the expansion of the Saami language administrative district.

### **The media**

316. Reference is made to Norway's 16th report, paragraphs 219-223. Through its subsidiary, Saami Radio, the Norwegian Broadcasting Corporation (NRK) broadcast a total of 1,727 hours of radio programmes in 2003. This figure included 100 hours of repeat broadcasts. Saami Radio also broadcasts on DAB. Including repeat broadcasts, broadcasting time on the digital network amounted to 4,855 hours. Saami Radio's TV production in 2003 totalled approximately 65 hours (first-time broadcasts).

317. As a result of cooperation between Saami radio and television broadcasters across national borders, daily joint Nordic news programmes are broadcast on both radio and television.

318. In 2003, Saami Radio established an indigenous editorial staff, which is intended to strengthen coverage of indigenous issues in special programmes and in the programmes of the Norwegian Broadcasting Corporation, especially television programmes.

319. With respect to local broadcasting, 57 radio licences were registered in 2003 for stations that target linguistic and ethnic minorities. Four of these stations broadcast in the Saami language. More than 11,000 hours of foreign language local radio programmes were produced in 21 different languages in 2003.

320. Nordnorsk filmsenter AS received a total of NOK 5.9 million in 2004. This allocation covered both an operating grant for the film centre and the production of short films. One of the conditions for the grant is that at least one Saami film must be produced with the support of Nordnorsk filmsenter AS.

321. Grants totalling NOK 11.6 million were allocated for Saami newspapers in 2004, up NOK 1.6 million since Norway's last report in 2001.

322. One Kven newspaper, *Ruijan Kaiku*, receives public funding. In 2004 the newspaper received an earmarked grant of NOK 600,000 compared with NOK 350,000 in 2003.

323. A total of NOK 1,350 million was allocated for minority language newspapers in 2004. Six immigrant publications received grants in 2003, compared with eight in 2001. The decline in the number of minority publications was largely due to the fact that some publications did not satisfy the requirements for accounting and documentation of their circulation.

324. Reference is made to Norway's 16th report, paragraph 221. On 14 June, the General Meeting of the Norwegian Broadcasting Corporation (NRK) adopted a resolution to amend the statutes. The new statutes lay down that the NRK's total national programmes in both radio and television must contain, among other things, "daily broadcasts for the Saami population" and "programmes for national and linguistic minorities".

325. The NRK broadcasts weekly programmes for the Kven minority. These programmes are in Finnish and are produced by NRK Troms. They are broadcast on P2 in Troms and Finnmark counties and parts of Nordland county every Wednesday.

326. The NRK broadcasts the TV programme *Migrapolis* each week. This programme is mainly in Norwegian, but all the reporters have a multicultural background and the programme addresses various topics related to living in a multicultural society. The NRK no longer has 15-minute foreign language broadcasts.

#### **Discrimination in restaurants, bars, etc.**

327. The following information refers to paragraph 1 (f) of Article 5.

328. Reference is made to Norway's 16th report, paragraph 227, and to CERD's concluding observations, paragraph 15. The Ministry of Trade and Industry administers the Act of 13 June 1997 No. 55 (the Act relating to restaurants, bars, etc.). This Act is currently being revised. It applies to the establishment and operation of establishments where food and/or drink are served and where the conditions are suitable for customers to eat and/or drink on the premises. In order to engage in such activity, the owner must have a licence, the conditions for which include meeting the good conduct requirements.

329. Section 6 states that "the licensee, the manager and persons who directly or indirectly control more than one third of the shares or votes in the company that runs the establishment, or who receives a substantial part of the income from the establishment, must not have contravened the provisions of the General Civil Penal Code ... in a way that will be incompatible with the operation of an establishment.". The requirements in section 6 must be met both when the

licence is issued and at all times while running the establishment. Ethnic discrimination is covered by the Penal Code and may, therefore, pursuant to the provisions of the Act, result in a refusal to issue a licence or a revocation of a licence.

330. In the Act of 2 June 1989 No. 27 relating to the sale of alcoholic beverages, etc. (the Alcoholic Beverages Act) it is laid down that the serving of alcoholic beverages may only take place on the basis of a licence issued pursuant to the Alcoholic Beverages Act. A new provision has been adopted in section 1-8 of the Alcoholic Beverages Act whereby a licence may be revoked "if, at the restaurant, bar, etc., there is repeated discrimination on grounds as named in section 349a of the Penal Code". Section 349 of the Penal Code covers discrimination on the grounds of religious belief, race, skin colour or national or ethnic origin, or on the grounds of sexual preference, lifestyle or orientation.

331. The provision in section 1-8 of the Alcoholic Beverages Act concerns discrimination that can be linked to the staff of the restaurant, bar, etc. and covers both discrimination that has taken place on the premises and in connection with entrances, back doors, etc. The condition for revoking a licence is that there has been repeated discrimination. In practice, therefore, the provision is related to cases where it is clear that there have been several cases of discrimination at the restaurant, bar, etc. over a certain period of time. The responsibility is objective, and revocation of a licence is therefore not conditional upon the licensee actually knowing that discrimination has taken place. A licence may be revoked for the rest of the licence period (up to 4 years) or for a shorter period of time.

332. The legal amendments entered into force on 1 July 2005.

333. In March 2004 the Police Directorate published a handbook with instructions for police officers on how to handle criminal offences at cafés, restaurants etc., including cases of racial discrimination, such as refusing access to such venues. Several police districts have carried out planned campaigns in order to uncover racial discrimination at cafés, restaurants and nightclubs, occasionally using ethnic minority police officers to check if the law is being adhered to.

334. In connection with the preparation of a Proposition to the Odelsting relating to the Act relating to discrimination on the grounds of ethnicity, religion, etc., there have been contacts between various ministries in order to produce appropriate regulations in this area.

## **Article 6**

### **The Saami People's Fund and ex gratia payments to Saamis and Kvens**

335. Reference is made to Norway's 16th report, paragraph 66. In 2000, the Storting established a fund for the Saami people with capital of NOK 75 million, and in May 2002 the Saami Parliament accepted the fund on condition that the Government tried to find a solution regarding the claims for compensation from Saamis who did not receive primary schooling during World War II.

336. In July 2004 the Government submitted a Report to the Storting proposing compensation schemes for certain groups, including elderly Saamis and Kvens (persons of Finnish descent). The Government proposed granting ex gratia payments to Saamis and Kvens whose education

was interrupted during World War II because schools were occupied or otherwise blocked for German military purposes. The proposition is limited to Saamis and Kvens who did not have sufficient Norwegian language skills to benefit from being taught in Norwegian. The conclusions of the report gained support from the Storting in April 2005.

337. At its plenary session in September 2004 the Saami Parliament endorsed the Government's proposition and requested that the Storting adopt the proposition.

338. The Saami Parliament has not yet responded to the Government regarding whether the proposed ex gratia compensation schemes meet its expectations and are considered sufficient for the Sameting to be able to accept the Saami People's Fund.

### **Ex gratia payments to persons belonging to the Romani population**

339. Reference is made to Norway's 16th report, paragraph 238. Norway's former assimilation policies for the Romani population unfortunately included human rights violations such as forced sterilisation and adoption or placing children in foster homes without the consent of their parents. Since these actions were part of a policy that was accepted and/or legal at the time they took place, it has been difficult for the people who suffered such abuse to obtain ex gratia payments. It has also been difficult to document the facts.

340. In July 2004 the Government submitted a Report to the Storting concerning compensation schemes for members of the Romani population and others (cf. also paragraphs 340-343 above). The conclusions of the report gained support from the Storting in April 2005.

341. When dealing with applications for ex gratia payments from the Romani population, the Government proposed that the assessment be based on the following principles:

- Although past actions will be judged in relation to the political and legal standards prevailing at the time the actions were performed, this should not be an absolute requirement;
- The situation of members of the Romani population should be compared with members of the majority population when assessing whether a specific situation is particularly unfortunate;
- The possibilities for providing evidence and documentation of the violations that have taken place have been considered. Taking into account knowledge of the violations that have taken place against the Romani population, due weight should be given to personal statements in cases where documentation is not available.

### **Mediation boards**

342. Reference is made to Norway's 16th report, paragraph 240. Mediation boards and their services are available to everyone living in Norway. The information material has been translated into eleven different languages.

343. Since 1998, the Oslo Mediation Board has been involved in a project called “Youth, identity and violence - street mediation”.

## Article 7

### A. Education and teaching methods

344. In connection with the announcement of funding for the development of digital teaching aids on the topic of Racism and Ethnic Discrimination, the Directorate of Education has supported the development of MIXCITY. MIXCITY is a digital role-play for young people developed by the Centre for Combating Racial Discrimination. This teaching aid is available to all schools on the Centre’s website.

345. On behalf of the Directorate of Education, Vestfold College has prepared a report entitled *Det flerkulturelle perspektivet i lærebøker og andre læremidler* (The Multicultural Perspective in Textbooks and Other Teaching Aids) (Skjelbred and Aamotsbakken, 2003). The report concludes that the teaching aids published in recent years reflect multicultural Norway, in the sense that they contain pictures of children with a different appearance from ethnic Norwegian children. Nevertheless, the contents reflect Norwegian middle class socio-cultural customs as regards food, holidays, religion, family life and living conditions. Several of the projects in the study conclude that the potential of the multicultural perspective in teaching aids is little exploited. Through the strategic plan Equal Education in Practice, efforts have been initiated to strengthen the development and quality of teaching aids for primary and lower secondary schools so that they reflect the multicultural community in Norway.

346. Reference is made to Norway’s 16th report, paragraphs 244-247. Paragraphs 111-112 of Norway’s 16th report refer to the murder of Benjamin Hermansen at Holmlia in Oslo in January 2001. As a result of this crime, the Government has decided to award an annual prize to schools and educational institutions that have made an exceptional effort in the fight against racism and xenophobia. The prize, which is called the Benjamin Prize, is awarded on Holocaust Day, 27 January each year, the day of remembrance in connection with the liberation of Auschwitz in 1945.

347. In the Plan of Action for Human Rights (1999), the Government proposed initiatives to strengthen information, education and training in human rights. This plan was to be implemented within a five year period. At the end of 2004, the Plan of Action had been fully implemented in the education sector, among other things with the establishment of a special human rights website under the auspices of the Directorate of Education, measures for continuing education for teachers, and the establishment of a national Human Rights Centre. In autumn 2005, the Ministry of Education and Research will present a Strategy for Active Citizenship. This strategy, which will outline the Government’s efforts in this field in the period 2005-2010, is intended to strengthen efforts in schools to develop pupils’ citizenship competence by providing tuition in human rights and democratic participation.

348. The Government has provided financial support for a project targeting the Romani people in day care centres and primary and lower secondary schools. The purpose of this project is to contribute to the dissemination of knowledge of the situation of the Romani people in day care centres and schools, produce and collate documentation, and promote awareness-raising activities.

349. In the past, there have been few educational tools on human rights for primary school children. The Government has therefore provided financial support for the development of an Internet-based, interactive educational tool on human rights and cultural diversity. The target groups are children in primary schools, teachers and parents. The educational tool *VIRVEL* (WHIRL), which was launched on 4 November 2004, will be an important aid in activating children and encouraging them to discuss and understand the concept of human rights and their fundamental role in society.

### **The Norwegian Centre for Human Rights**

350. In September 2001, the Norwegian Centre for Human Rights (SMR) at the University of Oslo was granted the status of a national institution for human rights in line with the Paris Principles (cf. Royal Decree of 21 September 2001). The Centre's mandate is to monitor the human rights situation in Norway and, on an independent basis, cooperate with similar research institutions, non-governmental organisations, and international and national agencies working on human rights issues.

351. The statutes of the SMR state that the purpose of the Norwegian Centre for Human Rights "... is to contribute to the realisation of internationally adopted human rights. This will take place through research and reporting, through education, advisory services, information and documentation." (cf. Article 1).

### **The Holocaust Centre**

352. The Centre for Studies of the Holocaust and Religious Minorities in Norway (the HL Centre) is a research, education and information centre that bases its activities on studies of the Holocaust on the one hand and the position of religious minorities in Norway on the other. The work of the HL Centre is important both nationally and internationally, both as regards producing knowledge and as regards its focus on children and young people. The Holocaust Centre Foundation was established by the University of Oslo in 2001. In February 2005 it moved into a newly rehabilitated building, the Villa Grande, which was formerly the residence of Vidkun Quisling during World War II. The Government aims to make the Villa Grande a dynamic centre for efforts to prevent racism, discrimination and human rights violations. The permanent exhibition at Villa Grande is expected to open in 2006.

### **The Falstad Centre**

353. The Falstad Centre Foundation is an educational and documentation centre for the history of prisoners of war, international humanitarian law and human rights. Grants for the Falstad Centre are administered by Nord-Trøndelag College (North Norway). The purpose of the foundation is generally idealistic in nature.

## **The Centre for Peace Studies**

354. The Centre for Peace Studies was founded on 31 December 2002 as a four-year project under the social science faculty at the University of Tromsø. The Centre will establish a national centre for the coordination of peace and conflict studies, establish research projects and help to develop educational courses related to this area.

## **B. Culture**

### **Supporting youth work**

355. Reference is made to Norway's 16th report, paragraphs 248-259. The *Idébanken* (Ideas Bank) support scheme has been continued and strengthened. The Ministry of Children and Family Affairs allocated NOK 1 million for this scheme in 2004. The main goal of the Ideas Bank is to reduce differences between Norwegian and minority youth. The scheme is also intended to encourage activity and improve dialogue between young people from different cultural backgrounds, and to store and disseminate the lessons learned from measures and projects designed to combat racism and discrimination. The Ideas Bank was evaluated by Rogaland Research in 2002 (Ideas Bank for Integration - Evaluation of a support scheme for reducing the differences between Norwegian youth and minority youth. RF 2003/067). The evaluation showed that the projects and activities that have received support largely correspond to the goal of the scheme. The organisations and groups that receive support are highly diversified and grants are awarded to all parts of the country.

356. The aim of the Ministry of Children and Family Affairs' grant scheme Measures for Young People in Large Urban Communities is to improve the conditions in which children and young people in the 12-25 age group live and grow up in Norway's larger towns. The allocation is spent on measures and projects aimed at young people with special needs, vulnerable groups of young people, and the youth environment. Young people with an immigrant background have high priority, and there is strong emphasis on integration and on preventing racism and discrimination. Very many youth groups established for or that include young immigrants have received support for activities through this scheme. Special funds have also been allocated for measures and projects that target children and young people affected by poverty. A brochure presenting about 40 different measures carried out in a number of towns (*Erfaringshefte. Ungdomstiltak i større bysamfunn, Q-1053*) was published in 2003. The number of towns covered by this scheme will increase from 10 to 23 and efforts to combat poverty will be significantly strengthened. The allocation for 2005 totals more than NOK 34 million.

357. In the period 2003-2005, the Ministry of Children and Family Affairs has financed multilateral youth work in the Barents region. The purpose is to promote cooperation between young people in the region and thereby promote improved knowledge of conditions in the countries in the region and greater tolerance between youth groups in the northern regions. The Barents Secretariat in Kirkenes administers this grant scheme. Indigenous peoples and minorities constitute one of five priority areas. Grants have been provided for cooperative projects in the field of environment, music and theatre projects, information for Saami youth, leadership training and cooperation on the participation of young people in the life of the community.

358. The Colourful Football project run by the Norwegian Football Association is part of the Government's Programme of Action: Measures to increase social participation for children and young people with an immigrant background. The Ministry of Culture and Church Affairs has provided a total of NOK 1.45 million for this project in the period 2001-2005.

359. In 2004, the ZINO project was implemented as a result of an initiative taken by the Minister of Local Government and Regional Development. The project was established to focus on young people with an immigrant background and their perceptions of what it is like to grow up in Norway. Through dialogue and direct contacts with young people with an immigrant background, the project has provided a picture of these young people and their wishes for the future. The project has shown that it is necessary to take steps to combat discrimination, particularly in working life and in the education system. It is important to promote dialogue between parents and the authorities. The aim is for this process to inspire reflection and debate among parents, NGOs, politicians and public authorities.

### **Diversity and Dialogue**

360. The Norwegian Directorate of Immigration has provided financial support for four major NGOs that are collaborating on an awareness-raising programme to combat prejudice and racism called Diversity and Dialogue. The financial support is given through the regional branches of the Directorate to help finance regional/local programmes.

### **Promoting tolerance and understanding through culture**

361. Reference is made to Norway's 16th report, paragraph 253. The Cities Sports Project will continue. The project is now called *Tilskudd til aktivitetsutvikling og sosial integrering i idrettslag* (Grant for activity development and social integration in local sports clubs). The Ministry has allocated a total of NOK 91,091 million for this project.

362. Reference is made to Norway's 16th report, paragraph 259. In 2000 Norwegian People's Aid and NISO initiated a campaign entitled *Gi rasisme rødt kort* (Show Racism the Red Card). A decision has been made to continue the project until the end of 2005. In the period 2000-2003 the Ministry of Culture and Church Affairs provided NOK 600 000 for this project. The Ministry no longer funds the project.

363. In order to better facilitate the efforts of sports clubs to promote social integration across cultural divisions, the Ministry of Culture and Church Affairs is providing additional grants for the construction of selected sports facilities in rapidly expanding areas. This measure will improve the availability of sports facilities in these areas.

## **C. Information**

### **Documentation of knowledge and experience in combating racism and discrimination**

364. As part of the Action Plan to Combat Racism and Discrimination, both the Directorate of Immigration and the ministries have provided financial support for a large number of innovation and research projects in various fields.



**Database of resource persons with a minority background and of persons with competence on minority issues**

365. According to the Government's Action Plan to Combat Racism and Discrimination (2002-2006), a database of persons who belong to minorities will be established. The intention is to ensure that persons who belong to minorities can participate in society on the same footing as the rest of the population. The database will be a tool for those seeking persons who belong to minorities to fill positions, be members of boards of directors, participate in committees, etc. The database is also intended to provide an overview over persons who have expertise on minority policy topics so that the media, organisations, workplaces and others can find people to make a statement, give an interview or give a lecture on these topics. This will improve access to knowledge in this area, which may in turn lead to greater tolerance in Norwegian society. The Directorate of Immigration has been given the task of establishing this database. A feasibility study has been carried out in order to evaluate various models. Further work on the database will be based on this study and a contract with a software supplier will be signed by the end of 2005.

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

366. Reference is made to Norway's 16th report, paragraph 261. Pursuant to the decision of the Government and the Storting, a Resource Centre for the Rights of Indigenous Peoples was established on 1 September 2003. The Centre is located in Kautokeino, Finnmark, which is considered to be within the core area of the Saami population. The purpose of the Centre is to increase knowledge about the human rights of indigenous peoples. One of the Centre's main tasks is to provide information to schools and to other institutions and organisations that need information about indigenous peoples. The Centre deals with both national and international indigenous issues.

**Information to the general public about Saami issues and national minorities**

367. The general public needs more information about the Saami people and Saami affairs. The Ministry of Local Government and Regional Development is giving priority to information activities in this regard, and has started publishing a newsletter on Saami issues in Saami and Norwegian. The Ministry has also started publishing a newsletter on national minorities. In 2005 the Government will spend NOK 2.6 million on information about the Saami people for the general public. A special project called the Saami Pathfinders aimed at non-Saami pupils in upper secondary schools consists of three young Saami people who will visit upper secondary schools to inform pupils about Saami culture and the Saami way of life.

**General recommendation XXIII**

368. Reference is made to CERD's concluding observations, paragraph 18. The Committee expresses concerns that the proposed Act relating to legal relations and management of land and natural resources in the county of Finnmark (the Finnmark Bill, Proposition No 53 (2002-2003) to the Storting) will significantly limit the control and decision-making powers of the Saami population over the right to own and use land and natural resources in Finnmark County. The

Committee recommends that Norway find “an adequate solution concerning control and decision-making powers over the right to land and natural resources in Finnmark County in agreement with the Saami people”.

369. In June 2003, the Storting’s Standing Committee on Justice asked the Government for additional information and proposals on several points. The Government was also asked to provide an “independent legal opinion” on the proposition, based on international law. The Ministry of Justice gave this task to two law professors at the University of Oslo, Professor Hans Petter Graver and Professor Geir Ulfstein. The professors’ report was submitted to the Storting on 3 November 2003.

370. The main emphasis of the report is on the relationship between the proposed Finnmark Act and ILO Convention No 169 concerning Indigenous and Tribal Peoples in Independent Countries. However, the relationship between the Bill and inter alia the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is also studied. The professors consider both the Committee’s General Recommendation XXIII and paragraph 18 of the concluding observations of the Committee under consideration of Norway’s 16th periodic report. Regarding the concerns expressed by the Committee, the professors conclude:

“According to section 5 the Finnmark Bill makes no encroachment on existing rights based on prescription or immemorial usage, and cannot therefore be said to discriminate against those who cite such a basis for their rights. Nor, in our view, can the transfer of title to the lands from Statskog SF to the Finnmark Estate or the administrative arrangement that is proposed for the Finnmark Estate be considered discriminatory under this Convention.

[...]

Apart from the requirement as to rights as a party, we have no significant objections to the draft Bill on the basis of the International Covenant on Civil and Political Rights Article 1 or 27 or the European Convention on Human Rights or the United Nations’ Convention on the Elimination of All Forms of Racial Discrimination.”

371. The Storting’s Standing Committee on Justice decided, with regard to the requirements of Article 6 of ILO Convention No 169, to hold consultations with the Saami Parliament and Finnmark County Council as part of further preparations for the Finnmark Act. The Committee based this decision on Article 6 of ILO Convention No 169. The Committee also received comments from both the Saami and the County Parliament during its preparation of the Act. Four oral hearings were held in the course of 2004 and 2005, the last one, 23 March 2005, was open to the public.

372. In the Government’s opinion, the solution that was accomplished in May 2005 solves the issues raised by CERD. The Finnmark Act (finnmarksloven) was passed by the largest chamber of the Storting (Odelstinget) 24 May 2005, and by the smaller chamber (Lagtinget) 8 June 2005. The Act was finally sanctioned by the Government 17 June 2005. Prior to the adoption of the Act, it had been formally considered by both the Saami and the Finnmark County Parliament. A large majority of the County Parliament approved the Act, and the Saami Parliament approved it

unanimously. In the Government's opinion, this is a clear indication that the Finnmark Act does not entail any limitation of the control and decision-making powers of the Saami population over the management of land and natural resources in Finnmark County. On the contrary, the adoption of the Act is a historic event and marks an important step in the process of enhancement of the Saami people's right to participate in the decision-making processes regarding management of land and natural resources in the areas they occupy.

373. The Finnmark Bill will, in the Government's opinion, not limit but enhance the Saami people's control and decision-making powers, nor will it limit their right to own and use land and natural resources in Finnmark County. In section 5, paragraph 1 of the Act, the fact that the Saami people has acquired legal rights to the lands which they have used collectively over a long period of time, is expressly recognised. It is also stated in section 5, paragraph 2 that the Act "...does not interfere with private or collective rights based on prescription or immemorial usage". This includes "the rights held by Saami reindeer herders". The Act is, however, ethnically neutral, in the sense that it does not distinguish between rights acquired in this manner by the Sami population, and rights acquired by members of other ethnic groups, e.g. Norwegians or Kvens. The contents of the Act are further elaborated below.

374. Besides Section 5, already considered above, the most important aspects of the Finnmark Bill in this respect are as follows: The Act establishes a new, independent body to which shall be transferred the right of ownership of the land in Finnmark County that currently lies under the State (i.e. Statskog SF). This constitutes about 95 per cent of the land in Finnmark county. The new body will be called the Finnmark Estate (*Finnmarkseiendommen*, in Saami *Finnmárkkuopmodat*). The Finnmark Estate will be a legal entity independent of the central government, which will have no authority to issue instructions regarding its activities. It is to have a board with an equal number of members elected by the Saami Parliament and by the Finnmark County Council, three members elected by each body. The six board members must be resident in Finnmark. In addition, the Government will appoint a board member without the right to vote who will be responsible for ensuring continuous dialogue between the Finnmark Estate and the central authorities.

375. The Act provides for joint management without making distinctions on the basis of ethnicity and with equal representation of indigenous peoples and of the entire population. However, it also establishes other instruments to ensure the practical and genuine influence of indigenous peoples on land management. Both the Norwegian Constitution and international law commit the Norwegian Government to creating favourable conditions for the preservation of the Saami people and further development of its culture.

376. In addition to its influence on the composition of the board, the Saami Parliament is empowered to issue guidelines for considering the effect of changes in the use of uncultivated land on Saami culture, reindeer husbandry, commercial activity and social life. The guidelines will enter into force when the Ministry has approved them, but the Ministry will only try the legality of the guidelines, not their content. The guidelines are to be used by all public authorities when preparing decisions concerning changes in the use of uncultivated land that may affect saami interests. The guidelines must also be taken in consideration by the Finnmark

Estate when it is preparing decisions that may have such effects. Should two members of the board hold that a decision is incompatible with the guidelines, they may request that the matter be submitted directly to the Saami Parliament, even if a majority of the board votes in favour of the decision.

377. The reindeer herding Saami population has been secured representation on the board of the Finnmark Estate, and the independent statutory basis of reindeer husbandry is laid down in the Act. The Saami Parliament's guidelines and the rules of procedure for the board will also help to ensure that the interests of reindeer husbandry will be safeguarded in connection with the future management of uncultivated land.

378. The relationship with the provisions of international law concerning indigenous peoples and minorities is regulated in section 3 of the Act. The provision stipulates that the Act shall be applied in accordance with the provisions of international law concerning indigenous peoples and minorities. Moreover, it is expressly stated that the application of the act is limited by ILO Convention No. 169 concerning Indigenous and Tribal Peoples. These provisions have been included as a natural consequence of the central role of international law in the area to be regulated by the Act, in particular when it comes to the rights of indigenous and tribal peoples.

379. When it comes to Saami areas south of Finnmark, the Committee on Saami Legal Matters is continuing its work and is expected to submit a report within a couple of years.

380. Moreover, recent developments regarding the decision-making competence of the Saami Parliament, the increased right to receive tuition in the Saami language, the increased use of the Saami language in various official relations and in public media, and increased official use of the Saami flag and of Saami place-names, indicate that due account is increasingly being taken of the Saami people's rights as an indigenous people. In the Government's opinion, the Committee's concern that the Saami population will be deprived of its existing rights can therefore not be sustained when the situation is considered in general, and in particular considering the contents of the new Finnmark Act and its approval by the Saami parliament.

381. For a more detailed description of the Finnmark Act, reference is made to the enclosed translation of the Act and of Chapters 1 and 7 of Proposition No 53 (2002-2003) to the Storting (enclosure no. 2 and 3). Reference is also made to Norway's fifth periodic report to the UN Human Rights Committee under the CCPR (submitted ultimo November 2004), paragraphs 238-266 (enclosure no. 4).

382. Reference is made to CERD's concluding observations, paragraph 21. Norway's previous reports and CERD's concluding observations have been forwarded to relevant governmental and non-governmental bodies and organisations.

**List of enclosures**

1. English version of the Anti-Discrimination Act.
2. English version of the Finnmark Act.
3. Chapters 1 and 7 of Proposition No. 53 (2002-2003) to the Storting.
4. Norway's fifth periodic report to the UN Human Rights Committee under the CCPR.<sup>1</sup>
5. Abridged version - Report No. 49 to the Storting (2003-2004). Diversity through inclusion and participation - Responsibility and freedom.<sup>2</sup>
6. Strategic plan - Equal education in practice! Strategy for better learning and greater participation by language minorities in day-care centres, schools and education, 2004-2009.<sup>3</sup>
7. Fact sheet: Culture for learning. Abridged version - Report No. 30 to the Storting (2003-2004).<sup>4</sup>
8. The Development of Education 2000-2004. National Report of Norway.<sup>5</sup>

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<sup>1</sup> Also available on [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/37a5672168b40b58c1257035004bcb29?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/37a5672168b40b58c1257035004bcb29?Opendocument).

<sup>2</sup> Also available on <http://odin.dep.no/krd/english/doc/gov/stort/016101-120002/dok-bn.html>.

<sup>3</sup> Also available on <http://odin.dep.no/ufd/english/doc/plans/045071-140003/dok-bn.html>.

<sup>4</sup> Also available on <http://odin.dep.no/ufd/english/doc/handbooks/045071-120012/dok-bn.html>.

<sup>5</sup> Also available on <http://odin.dep.no/ufd/english/doc/reports/045021-990100/dok-bn.html>.