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SECOND REPORT ON NORWAY

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Foreword

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on Norway is dated 7 February 1997 (published in March 1998). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.

An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.

The contact visit to Norway took place on 25-27 August 1999. During this visit, the rapporteurs met with representatives of various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Norwegian national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation and the Norwegian national liaison officer, whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.

ECRI would also like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.

The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 10 December 1999 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.

Executive summary

Over recent years, Norway has increased its efforts to combat racism and discrimination, *inter alia* through the wide ratification of international legal instruments, the introduction of relevant legislative provisions, the setting up of a specialised body in the field, and the implementation of a number of action plans and initiatives.

Problems of racism and discrimination persist, however, and are particularly acute in the field of access to employment, housing, and access to services and goods. High levels of voter support for populist parties using racist discourse is also a matter of concern. Despite the more multi-ethnic nature of Norwegian society today, there still seems to be a lack of recognition of the possibility that Norwegian identity may also encompass other forms of identity than the traditional one.

In the following report, ECRI recommends to the Norwegian authorities that further action be taken to combat racism, xenophobia, antisemitism and intolerance in a number of areas. These recommendations cover, *inter alia*, the need for effective implementation of the legislative provisions in force, the need to address priority areas of discrimination against persons of immigrant origin, the need to monitor the situation and particularly to evaluate the effectiveness of measures taken, and the need to raise awareness among the general public of the multicultural and multiethnic nature of Norwegian society today.

SECTION I : OVERVIEW OF THE SITUATION

A. International legal instruments

1. ECRI is pleased to note that Norway has signed and ratified all the main legal instruments identified by ECRI as being relevant to the fight against racism and intolerance. It welcomes the fact that, since the publication of ECRI's first report on Norway, the latter has ratified the Framework Convention for the Protection of National Minorities on 17 March 1999.
2. A special act of implementation is required in order that the provisions set forth in international agreements can be directly applicable in domestic legislation. On 21 May 1999, the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights became directly applicable in the domestic legal system. The government has stated that it will consider taking similar steps as regards other international human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination. ECRI encourages the Norwegian Government to ensure that all international human rights instruments are afforded the same status in Norwegian domestic legislation.

B. Constitutional provisions and other basic provisions

3. The Norwegian Constitution, which dates from 1814, is the oldest in Europe and neither expressly prohibits racial discrimination nor contains any provision generally establishing equality of treatment. In July 1994, a provision on the status of human rights in Norway (Article 110c) was added to the Constitution which lays down that "It is the responsibility of the authorities of the state to respect and ensure human rights. Specific provisions for the implementation of the treaties hereof shall be determined by law."
4. The view that equality of treatment might be regarded as an unwritten principle of constitutional law remains controversial as the Supreme Court hesitates to recognise unwritten constitutional rights unless human dignity is flagrantly flouted. ECRI feels that a specific reference in the Constitution to the prohibition of racial discrimination would be desirable.

C. Criminal law provisions

5. The Norwegian Penal Code has several provisions which concern racial harassment, violation and discrimination in various forms.
6. Article 232 makes the racist nature of an offence an aggravating circumstance but only in cases involving bodily harm and substantial damage to property, while Article 292 makes this aggravating circumstance applicable to acts of vandalism. Racist attacks are not specifically incriminated and can thus only be prosecuted under ordinary criminal law; in this respect, ECRI recalls that in

its general policy recommendation N° 1 it called on governments to define common offences but with a racist or xenophobic nature as specific offences.

7. Article 135a penalises racist propaganda and incitement to racial hatred. It requires a specific attack on an individual or a particular group of individuals, and mere propagation of racist ideas is not punishable: racist remarks must have been disseminated in public.
8. The implementation of Article 135a remains problematic. Courts have frequently interpreted Article 135a in the light of section 100 of the Constitution, which guarantees freedom of expression. Between 1981 and 1993 no convictions were obtained for the spread of racial hatred, although some cases have been successful since. For example, at the end of 1997 the Supreme Court upheld a judgement against the leader of a small political party on the grounds that the party's manifesto promoted racial discrimination: the majority of the Court noted that protection against racial discrimination is considered a fundamental right by the international community, although a significant minority felt that freedom of speech should prevail. The Norwegian authorities have set up a committee on freedom of expression with the goal of clarifying the balance between the freedom of expression and other rights and freedoms guaranteed by Norwegian legislation and practice: this committee presented its conclusions in September 1999. ECRI hopes that the report of this committee will stimulate debate on the importance of ensuring protection against racist statements and insults.
9. Article 349a penalises the refusal to supply services or benefits intended for the public on grounds of race, religion, colour, national or ethnic origin. The provision makes it an offence to refuse access to a public event. However, its implementation has also been weak, despite the fact that discrimination has been reported as representing a real problem in access to public places such as discos, restaurants and bars. In fact, only one case – concerning discriminatory offers contained on the files of a housing agency - has reached the courts in the nearly 30 years of the existence of Article 349a and in August 1999, the Supreme Court decided that the owner of the agency in question was not in violation of Article 349a.
10. Article 330 prohibits and penalises the establishment of or participation in a criminal organisation. Read in connection with 135a, this article may be used to combat organised racism, although it has never been used for that purpose. As regards the problem of small racist groups, ECRI reiterates the proposal made in its first report that consideration should be given to strengthening the relevant criminal, civil or administrative provisions in order to control their organisation, financing and propaganda activities.

D. Civil and administrative law provisions

11. Article 55a of the Act of 4 February 1977 No.4 relating to Worker Protection and the Working Environment (Working Environment Act) was amended by the Act of 30 April 1998, which added a prohibition against ethnic discrimination in the labour market. The main aim of the whole provision is to avoid any kind of discrimination in the recruitment process. Discrimination on the grounds of race, colour, national or ethnic origin or sexual orientation is unlawful pursuant to Article 55a, para II. Other provisions in the same Act make employers responsible for monitoring the work environment including with regard to discrimination and harassment (Article 12), and prohibit discriminatory dismissals (Article 60). Implementation of Article 55a of the Working Environment Act remains problematic.
12. At present, anti-discrimination provisions are scattered throughout Norwegian law and their implementation has not proven to be as effective as desired (see "issues of particular concern" below). ECRI is pleased to learn of the decision announced in August 1999 to set up a committee entrusted with the task of considering how the legislative protection against racism and discrimination might be improved. This committee is to present a proposal to the government by the end of 2000.
13. ECRI stresses that the introduction of a single body of anti-discrimination legislation covering discrimination in all fields of life and providing for effective enforcement, has proved a valuable tool in many countries. ECRI encourages the above-mentioned committee to work closely with relevant bodies and non-governmental organisations in considering how best to provide real and comprehensive legal protection against racism and discrimination in Norway.

E. Specialised bodies and other institutions

14. The Government's Plan of Action to Combat Racism and Discrimination (1998-2001) foresees the close monitoring of the situation over five years in order to investigate the extent of racially motivated crimes, how often such cases are brought before the courts and the availability of judicial assistance for victims. In this context, based on the proposal of the Ministry of Local Government and Regional Development, the Centre for Combating Ethnic Discrimination (SMED) was established and opened in February 1999.
15. The Centre's task is to document and monitor developments related to discrimination and to provide legal advice, and in specific cases legal aid, to persons who are exposed to discrimination on grounds of religion, race, colour or national or ethnic origin. The legal advisory service will be available for a trial period of five years. The Centre cannot itself bring cases before the courts. It will prepare annual reports and propose measures to prevent discrimination. ECRI looks forward to receiving information concerning the success of this new body and encourages the Norwegian authorities to develop its role and functions further, taking into account the guidelines on specialised bodies set out in ECRI's general policy recommendation N° 2. In

particular, ECRI stresses that the Centre may play an important role in providing advice on the strengthening of the legislative framework against racism and intolerance, and might at a future stage develop its role as an enforcement mechanism for such legislation.

F. Reception and status of non-citizens

- *Immigration*

16. There has been a total block on economic immigration to Norway for some years now; newcomers today are people taking up family reunification rights, asylum-seekers and refugees, as well as highly skilled workers and persons from the European Economic Area. The percentage of persons of non-Norwegian ethnic origin in the population is relatively low. The Directorate of Immigration (UDI) is responsible for the implementation of immigration and integration policies.
17. There are some reports that the emphasis on strict control of immigration causes problems in various areas for persons of immigrant origin residing in Norway. For example, the possibilities for family reunification and family visits may be restricted by strict visa policies and long procedures, and requirements for extensive and formal documentation may be difficult to fulfil for some persons. ECRI is also concerned at reports that foreign women who have been abused by their Norwegian husbands may be deported if they divorce.
18. ECRI urges the Norwegian authorities to ensure that the fundamental rights laid down in the European Convention of Human Rights, such as the right to private and family life, are fully respected for persons of immigrant origin residing in Norway.

- *Asylum-seekers and refugees*

19. Norway's asylum procedure is governed by the Immigration Act of 1988 and the Immigration Regulations of 1990, and is administered by the Directorate of Immigration. In March 1999 the Parliament approved the establishment of an Appeal Board for Asylum and Immigration cases: this court-like organ, is intended to improve the legal protection of asylum seekers.
20. Persons seeking asylum in Norway are as a main rule requested to stay in a State reception centre until their application for asylum has been processed or collective protection has been granted. Some recent evaluation reports indicate that the situation of many asylum-seekers in the State's reception centres is difficult- due to the fact that people tend to stay in the reception centres longer than expected- and that the standard of services and housing has not been adjusted accordingly. ECRI hopes that this situation will be remedied and notes that the Norwegian authorities have taken some steps in this direction. ECRI supports the government's decision that asylum seekers

be allowed to work while they are waiting for their application for asylum to be processed.

21. Asylum seekers who cannot produce any identity documents or who are considered likely to evade a deportation order, may be held in detention until their identity is confirmed. This process can last for up to a year. ECRI stresses that asylum seekers, even if their claims are not considered to be valid by the authorities, should not be treated as criminals and that any measures taken with regard to such persons should reflect this approach.

G. Education and awareness-raising

- *Awareness-raising in schools*

22. The "Curriculum Guidelines for Compulsory Education in Norway" state that the daily life of schools must reflect democratic values and teach respect for others despite differences. Schools are explicitly required to oppose discriminatory attitudes towards individual pupils or groups of pupils. Nevertheless, at present, teachers do not receive particular training on human rights and issues of racism and discrimination. ECRI encourages the introduction of such issues into teacher training courses.
23. There are a limited number of textbooks for secondary level instruction that deal with general cultural or racial issues: for example, the book "Norway as a Multicultural Society" has been distributed to relevant institutions. On the other hand, ECRI is concerned to learn that some textbooks used in secondary education contain passages unlikely to foster tolerance, such as a social science manual which appears to attribute the "cultural reluctance" of mainstream society to welcome immigrants to certain customs of the immigrants themselves. ECRI encourages the Norwegian authorities to ensure the removal of such passages from school textbooks. In this respect, it notes that the National Centre for Educational Resources has been asked to assess how well the textbooks used in upper-secondary education comply with the requirements of the government's action plan against racism and discrimination.
24. In co-operation with local schools some police districts are conducting measures to positively affect attitudes among the school pupils towards minorities and refugees.

H. Access to public services

- ***Access to social services such as health care, welfare and housing***

❖ Health and social welfare

25. Everyone has an equal right to health care and social welfare provided by the State.
26. Measures have been taken to ensure that the Sami have access to health care in their own language in areas inhabited by this group; a Plan of Action to cover the health needs of the Sami is to be set up.
27. As regards other groups, efforts have been made to provide health services in languages understood by the patients, although such provision is often difficult to ensure. A report presented to Parliament by the Government has shown that some minority groups are disadvantaged in their access to health and welfare services. ECRI encourages the Norwegian authorities to take further measures to address such disadvantages, including pro-active measures to reach groups with limited access to these services such as the provision of information about service availability in a number of languages and the recruitment of staff from minority backgrounds which reflect the population they are serving. ECRI stresses in particular that an emphasis on equality should not preclude meeting the special needs of certain groups.
28. In relation to the "country of origin" criteria set by the Norwegian Bloodbank for possible blood donors in Norway, which excludes donors having spent more than one year in listed "high risk" countries for transmittable diseases such as HIV or hepatitis, ECRI notes that statements made by the Norwegian Board of Health which implied that Africans were a high-risk group for HIV/AIDS have been criticised by Norwegian anti-racist groups as being discriminatory and stigmatising.
29. Another matter for concern in the health sector is the possible refusal of access to health services on ethnic grounds: a case has been reported in which a patient was refused entry to a hospital for observation due to chronic pain because the hospital in question deemed that members of certain cultural backgrounds did not benefit from such treatment. This refusal was not considered to be illegal by either the police or the prosecuting authorities. The Prosecutor General has now requested that the case be re-evaluated, and ECRI hopes that a decision will be taken to ensure that no such discriminatory practices are tolerated in the future.

❖ Housing

30. The field of housing is a particularly problematic one. Persons of immigrant origin are more likely to rent accommodation than Norwegians, and discrimination in the housing market coupled with social and economic

disadvantage can make it very difficult for members of minority groups to find housing. At present, discrimination on the part of an individual landlord is not prohibited by legislation, and only one case has been brought concerning overtly discriminatory offers of housing carried by a housing agency. In this respect, ECRI recalls its general policy recommendation N° 1 in which it called on governments to initiate research into discriminatory practices and barriers or exclusionary mechanisms in public and private sector housing. ECRI notes, in this context, that a report dealing with discrimination on the basis of race/ethnicity in the housing market forms part of a development and research programme focused on multicultural neighbourhoods.

- ***Access to education***

❖ Teaching of Norwegian

31. The teaching of the Norwegian language is divided into two streams: NOM (Norwegian as a mother tongue) and NOA (Norwegian as a second language). There have been reports that some parents have complained that their wishes have not been taken into account in attributing their children to the NOM classes, and that it is subsequently very difficult to transfer into the NOM classes. ECRI feels that the system of NOM and NOA should be reviewed with such issues in mind, in order to ensure that no discrimination exists and that children's language abilities are objectively re-assessed at regular intervals.

❖ Education for Immigrants

32. Specially-adapted courses of 1-3 year's duration have been offered since 1998 in a number of municipalities to allow immigrants aged between 16 and 21 years of age to complete their primary and lower secondary education and thus gain access to higher secondary education. At the higher secondary level, a number of special courses have been organised in the different counties for pupils with a minority language background. These courses include auxiliary language training, vocational guidance and information about the labour market. ECRI welcomes such initiatives and encourages their development.

❖ Mother tongue education

33. Children whose mother tongue is not Norwegian have the right to education in their mother tongue in the first four classes of primary school, financed by the State. Some problems have been experienced in finding teachers to cover all the minority languages spoken. The new Education Act which entered into force on 1 August 1999 gives pupils belonging to the Saami minority the right to receive all education in their mother tongue, provided that at least ten pupils in the community are Saami speaking.

❖ Religious education

34. The recent introduction of a revised curriculum in primary schools included the introduction of a new compulsory subject entitled "Christian knowledge, including religious and ethical education". The introduction of this subject has given rise to criticism, which increased following the refusal of the Norwegian government to offer financial support for the establishment of Islamic primary schools on the grounds that the integration of Muslim children would be better achieved by sending them to ordinary Norwegian schools. The Ministry of Education has subsequently agreed to offer financial support for the establishment of Islamic primary schools. ECRI urges the Norwegian authorities to ensure that all religious groups have equal opportunities to open private religious schools. As regards the required religious curriculum, a case is now being brought before the higher courts in Norway. ECRI stresses that the religious education provided in schools should reflect the religious diversity of Norwegian society and that the predominance of one particular religion as a compulsory area of study should be avoided.

I. Employment

35. Employment is another key area in which members of minority groups face discrimination and disadvantage in Norway. Despite a generally low unemployment rate in Norway, immigrants, particularly from third world countries, often experience a disparity between their qualifications and their actual opportunities in the labour market. Unemployment rate for non-Western immigrants was 11.5 % at the end of August 1999, in comparison with an unemployment rate of 2.9 % for the population as a whole.
36. Several reasons have been put forward to explain this disparity, for example, it has been reported that the arrangements for recognition of education and professional experience are inadequate. In 1993, the government introduced 53 proposals to improve the situation for immigrants in the labour market and since then steps have been taken to follow up those proposals such as vocational testing for those who have learned a trade in upper secondary school but do not have a certificate. The government has recently set up a study group to develop a new introduction programme for newcomers to Norway. The aim of the program is to help new refugees and immigrants join the labour market or start on an educational programme as soon as possible. A Committee has also been entrusted with the task of considering legislation regarding financial support to newcomers that participate in the new introduction programme.
37. In accordance with the government's plan of action against racism and discrimination, funds were appropriated in 1997 to the Directorate of Immigration for the development of good multicultural workplaces. The projects cover a broad range of topics: recruitment policy and practices, internal processes such as internal mobility, the development of expertise, or working environment issues.

38. ECRI notes that the Ministry of Labour and Government Administration has presented a Plan of Action (1998-2000) for Recruiting Persons with Immigrant Backgrounds to the State Sector. As of August 1997, according to a survey carried out by the Antiracist Centre the proportion of immigrants working for the central government was about 2%. The Ministry of Labour and Government Administration confirms this. ECRI hopes that the effects of this Plan will be evaluated. It also notes that initiatives to recruit persons of immigrant background to the armed services have met with some success and encourages the continuation of such efforts. Good practices in this field on the part of some municipalities might also be adopted elsewhere.

J. Vulnerable groups

This section covers certain minority groups which may be particularly vulnerable to problems of racism and discrimination in the country in question. It is not intended to provide an exhaustive overview of the situation of all minority groups in the country, nor to imply that groups not mentioned face no problems of racism and discrimination.

- Minority groups of immigrant origin

39. Minority groups of immigrant origin, particularly visible minorities and non-Western Europeans, are particularly vulnerable to racism and discrimination in many areas of life, as covered in various other sections of this report. The incidence of daily discrimination in access to public places, obtaining employment and finding housing, is especially serious and such issues have only recently begun to be acknowledged in Norway. The problems faced by the various groups of immigrant origin may vary: for example, Muslims may face difficulties in some aspects of the practice of their religion (see for example paragraph 34 above), while it has been reported that Somalian asylum-seekers and refugees – especially young people without family networks – are among the most disadvantaged minority groups in terms of access to social and economic resources in Norway today. ECRI urges the Norwegian authorities to strengthen their efforts to monitor and evaluate the situation of the different minority groups of immigrant origin, in order to ensure that policies and initiatives are reaching the populations most in need.

- Saami minority

40. The largest minority group in Norway is the indigenous Saami with a population of 50,000-80,000. The "Saami minority" is defined by a combination of linguistic and subjective criteria¹. The Saami population has in

¹ *The Norwegian Act concerning the Saami Assembly and other Saami legal matters (The Saami Act), states that all persons who consider themselves to be Saami and who either:*

- *use Saami as language at home*
- *have or have had a parent, grandparent or great-grandparent using the Saami language at home*
- *are the children of a person who is or has been registered in the Saami electoral register*
- *are entitled to be included in the register of Saami electors and to stand for election to the Saami Assembly*

the past been the subject of assimilation policies. Today various measures exist, enshrined in Constitutional legislation, to preserve Saami culture and language. Non-organised harassment of Saamis seems to be on the decrease, although the Saami population does still face some isolated incidents of harassment, particularly in areas where it is a small minority.

- ***Romani people/ Travellers***

41. The Romani people/ Travellers in Norway were in the past subject to assimilation policies and systematic serious human rights violations such as forced sterilisations of women. Since 1992 a group of researchers has been investigating such issues and the Minister of Local Government and Regional Development has apologised on behalf of the Norwegian authorities for the abuses to which the Romani people/Travellers have been subjected.

K. Monitoring the situation in the country

42. Sensitivity about the collection of data pertaining to ethnic origin has made the monitoring of the situation of the different minority groups living in Norway problematic. In this respect, ECRI draws attention to its general policy recommendation No 1, in which it highlights the importance of data collection to assist in assessing and evaluating the situation and experiences of vulnerable groups, and encourages the Norwegian authorities to further consider ways in which such data might be collected while respecting the right to privacy, data protection and free and informed consent of the persons in question.
43. ECRI notes that the Directorate of Immigration will present reports on the type and extent of racial discrimination in 1999-2000 and that the Centre for Combating Ethnic Discrimination published its first such report in November 1999. One of the main challenges in the future is to develop a registration system that will enable the government to monitor racially-motivated incidents.
44. ECRI also feels that the monitoring and regular evaluation of the many projects and initiatives which have been set underway in recent years should be given priority, in order to ascertain their effectiveness and to disseminate good practices.

L. Conduct of certain institutions

- *Law enforcement officials*

45. There have been complaints that people who appear to be of immigrant origin, particularly from Third World countries, are checked far more frequently and more thoroughly than other travellers at the immigration and customs check points at Norwegian airports and other entry points. Similarly, there have been reports that the identification papers of visible minorities are checked more frequently by the police on the street, and that in cases of conflicts, visible minorities tend to be treated as culprits rather than victims. ECRI recommends that steps be taken to ensure that no discriminatory practices exist in the controls carried out at borders and by the police. In this respect training and guidelines for the officials responsible for these areas should be intensified. Furthermore, a system of monitoring the frequency of checks carried out on members of different ethnic groups might allow the extent and exact nature of problems in this respect to be identified. ECRI notes that according to the directions concerning control of aliens after entry in the realm published in 1999 by the Ministry of Justice and Police, control of aliens after entry in the country shall not be carried out if based only on appearance, language, name, or because the person is an alien or of foreign origin; these directions, however, do not apply in connection with immigration control.
46. Intensified recruitment of police officers from minority groups might also assist in improving relations between the police and ethnic minorities; in this respect, ECRI welcomes efforts made by the Police Academy to reach minority groups and encourages the intensification of such efforts, coupled where necessary with measures to facilitate the fulfilment of entry conditions by candidates of minority background, while noting that in 1999 only 6 of 250 entrants to the Police Academy were of immigrant background.

M. Media

47. Some imbalance appears to exist in media reporting of issues connected with racism and intolerance. News about racist groups and their activities receive media coverage disproportionate to their size, whereas reports concerning immigrants mostly appear in relation to cases involving crime, particularly as regards young people of immigrant background who are frequently reported as being engaged in criminal activity.
48. Some codes of conduct in relation to issues of racism and intolerance do exist in the written and broadcasting press. ECRI encourages the media profession to ensure that such guidelines are put into practice.

SECTION II: ISSUES OF PARTICULAR CONCERN

49. In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of Norway, ECRI would like to draw attention to the question of the need for a more effective implementation of the legislation in force, and to the climate of opinion concerning immigrants and people of non-Norwegian background.

N. Implementation of legislation

50. ECRI is particularly concerned that the relevant legislative possibilities are rarely used to punish instances of racism and discrimination. Such lack of implementation may be due in part to the difficulty in proving discrimination and the lack of sufficient remedy foreseen under the law; it is also due in a greater part to the lack of response on the part of the police and prosecuting authorities in taking up cases. ECRI feels that both of these aspects should be addressed as a matter of priority.
51. As regards the difficulty in proving discrimination, ECRI notes that the burden of proof lies heavily with the victim in Norwegian legislation on this issue. For example, a person alleging discrimination in recruitment would have to prove that he or she was not chosen on ethnic grounds, although the employer would not be obliged to justify the decision by providing information about the qualifications and suitability of the chosen candidate. Methods such as monitoring of the ethnic composition of a workforce or "situation testing" either in job applications or in allegations of refusal of entry to public places, would not be acceptable as evidence in courts, as they are in some other countries. Coupled with this heavy burden of proof, the lack of adequate compensatory remedies are likely to dissuade the majority of victims from bringing cases. ECRI hopes that the work of the committee which is to be set up to examine the possibility of new legislation will take into account the question of the burden of proof and of adequate remedy.
52. ECRI is especially concerned at reports that the majority of complaints of racism and discrimination are never even taken up by the police. This problem has been acknowledged by the authorities; the Ministry of Justice, the Public Prosecutors' Office, and police leaders have issued various statements and directives calling for firmer action. However, it does not seem that this acknowledgement at the level of leadership has filtered down to the day-to-day practices of police officers, perhaps due to a lack of awareness among police officers of what constitutes discrimination and what is forbidden by the law.
53. ECRI therefore recommends that further steps be taken to sensitise police officers at all levels to the relevant legislation and the correct procedure to follow in complaints of this kind. A systematic recording of such complaints and the follow-up given to them in police stations could also play an educative and monitoring role.

54. ECRI also encourages the authorities to continue their efforts to combat such forms of discrimination through awareness-raising measures among the general public and relevant professionals, and notes as a good example the courses arranged by the Oslo police in 1998 to train doormen of public establishments and the future extension of such courses to other cities. It also welcomes the fact that special police patrols, set up with the collaboration of NGOs, have been instituted in some cities, where persons of immigrant background have been denied access to night-clubs or restaurants. The appointment of contact persons with particular responsibility for dealing with such complaints within the police force, might also encourage victims to come forward.

O. Climate of opinion

55. Although violent expressions of racism do not seem a very common phenomenon in Norway at the present time, ECRI notes that issues around immigration appear to be quite prominent in the public arena. For example, ECRI is concerned at the use of arguments scapegoating persons of immigrant origin within mainstream political discourse. The Progress Party, which received over 15 % of the vote at the last election and which recently received around 23% of support in opinion polls, uses racist discourse both against persons of immigrant origin and against minority groups such as the Saami, its argument being that equal treatment should not mean preferential treatment. ECRI encourages politicians to take a firm and public stance against the use of such discourse in political life. ECRI also wonders whether firmer measures, such as more active use of the legislative possibilities against racist propaganda and incitement to racial hatred, might not be applied.
56. Norway faces some problems related to the existence of extreme right-wing groups, which focus on teenagers, both around Oslo and in isolated communities. Skinheads in certain districts are said to be recruiting children from the ages of 11 and 12. There have also been various attempts to open neo-Nazi youth clubs. ECRI notes that various methods have been employed to combat the recruitment of young people in such groups, including contacts by the police with young people at risk to help them to find alternative means of self-affirmation and the creation of projects such as the EXIT project to help young people leave such organisations. The dissemination of experience by the Multi-Professional Advisory Service in dealing with cases of conflict has proved successful in many cases. As a result, the problem of extreme-right youth groups appears to be under control, although an emerging problem in Oslo seems to be the formation of violent or criminal groups of youths of different ethnic backgrounds.

57. On a more general level among the wider public, there seems to be a certain lack of acceptance of the possibility of a Norwegian identity encompassing persons of different ethnic or religious origins, although many of the persons of non-Norwegian background living in Norway have been born and raised in the country. It is noteworthy that although opinion polls have shown that young people are generally positive towards persons of immigrant origin, they seem to consider that such persons should not maintain a separate cultural identity. It has also been commented that the importance attached to equality in Norwegian society may preclude meeting the particular needs of certain minority groups.

58. ECRI is of the opinion that an increased awareness of Norway as a society in which various forms of identity can be associated with the traditional Norwegian identity would contribute to enabling all members of Norwegian society to enjoy real equality in all fields of life.

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This bibliography lists the main sources consulted during the examination of the situation in Norway: it does not cover all the various sources of information (media, contacts within the country, national NGOs etc.) which were utilised.

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