

**ADVISORY COMMITTEE ON THE  
FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACFC/OP/IV(2016)008

**Fourth Opinion on Norway - adopted on 13 October 2016  
Published on 22 February 2017**

**Summary**

Norway continues to ensure protection of the rights of persons belonging to national minorities and to dedicate funds to this end. National minorities are covered by the equality legislation and by policies allowing them to develop their cultural identities. However, both the legal (the Ethnicity Anti-Discrimination Act) and the policy framework (2009 Action Plan for Equality and Prevention of Ethnic Discrimination) have not been fully effective in ensuring the equality of persons belonging to national minorities. The Equality and Anti-Discrimination Ombudsperson continues to receive a low number of complaints brought by persons belonging to national minorities. Progress has been accomplished to officially acknowledge and remedy past, heavy-handed assimilation policies, in particular against the Tater/Romani and the Roma. These steps could pave the way for a reconciliation process. Compensation schemes and other reparation measures are being adopted, but discriminatory attitudes against Tater/Romani and Roma still persist in society. The Roma expressed particular concern as regards placement of children in child welfare services which, in its current approach, prevents the children from preserving their cultural identities, family ties and language skills. More generally, data collection, improving knowledge about national minorities including in the public services, and targeted policy making for national minorities are yet to be achieved in order to ensure their effective access to rights.

Policy measures taken to combat increasing manifestations of intolerance and hate speech, including on the internet, against immigrants, ethnic and national minorities and to improve investigation and prosecution of hate crimes, must now be implemented. While some initiatives are in place as regards the learning and teaching of the Kven language, multilingual topographical signs, and to a lesser extent, the presence of Kven in the media, a comprehensive and adequately funded plan for the revitalisation of the Kven language is still missing.

**Recommendations for immediate action:**

- **Address adequately and without delay the problems identified in the 2015 ad hoc Committee's report on assimilation policies towards the Tater/Romani minority by taking effective measures to rebuild trust, including by broadening awareness of the recognition of public responsibility; expand knowledge about this minority and encourage dialogue within the community, with the authorities and society at large;**
- **Step up efforts to preserve and develop Tater/Romani and Roma cultural identities by combating discriminatory attitudes towards their travelling lifestyle and by facilitating access to education; ensure that alternative measures to placing children in child welfare services are put in place whenever possible and that placement remains a measure of last resort; intensify efforts to preserve family ties and the cultural identities of the children when placement in families occurs, including through the recruitment of foster families belonging to the respective minority and the promotion of a broad understanding of Roma culture among child welfare services;**
- **Develop a comprehensive and adequately resourced plan to revitalise and promote the Kven language including through developing language teaching in education, teacher training, language centres and an increased presence in the media so as to ensure that persons belonging to the Kven minority can maintain and develop their cultural identities and actively use their language in the public sphere;**
- **Strengthen and fund adequately the complaint mechanism resulting from the reform of the Equality and Non-Discrimination Ombudsperson; increase awareness of persons belonging to national minorities about this instrument, by providing information in languages other than Norwegian.**

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## **I. Key findings**

### **Monitoring process**

1. This fourth cycle Opinion on the implementation of the Framework Convention by Norway was adopted in accordance with Article 26(1) of the Framework Convention and Rule 23 of Resolution (97)10 of the Committee of Ministers. The findings are based on information contained in the fourth [State Report](#), submitted by the authorities on 10 July 2015, and other written sources and information obtained by the Advisory Committee from governmental and non-governmental sources, including during its visit to Storslett, Tromsø and Oslo from 20 to 24 June 2016. As a consequence of the fact that the Sami Parliament continues to be of the opinion that the Framework Convention does not apply to the Sami inasmuch as they are an indigenous people and not a national minority, the visit in Troms County focused mainly on the Kven minority and the opinion does not deal in any depth with issues relevant to the Sami.

2. The Advisory Committee welcomes the authorities' constructive and co-operative approach towards the monitoring process and the remarkable assistance provided by them before, during and after the fourth cycle visit. The fourth State Report was submitted without delay and it contains comprehensive and valuable information. The Advisory Committee appreciates that representatives of national minorities and civil society continued to be consulted during its preparation and that some of their input is included in the report. It also notes that with respect to the Sami, the government refers to Norway's report on the implementation of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The third cycle Opinion and the Committee of Ministers' related resolution were published on the website of the Ministry for Local Government and Modernisation (MLGM), which incorporated the former Ministry of Government Administration, Reform and Church Affairs, and became administratively responsible for national minorities in 2013. They were distributed among the relevant ministries and civil society stakeholders and a follow-up seminar was organised with the national minority organisations in 2011.

### **General overview of the present situation**

3. Norway continues to ensure protection of the rights of persons belonging to national minorities and to dedicate funds to this end. National minorities are covered by equality legislation and policies allowing them to develop their cultural identities and targeted measures aimed at remedying past, heavy-handed assimilation policies, in particular against the Tater/Romani and the Roma. Ministries (the Ministry for Local Government and Modernisation and the Ministry for Children, Equality and Social Inclusion) and local authorities within their competences are in charge of policy making and its implementation, while independent bodies are in place to monitor protection of the rights of persons belonging to national minorities (such as the Equality and Anti-Discrimination Ombudsperson). However, the effectiveness of the 2014 Ethnicity Anti-Discrimination Act to ensure equality of persons belonging to national minorities is questioned by the Equality and Anti-Discrimination Ombudsperson and civil society organisations alike. In addition the priority of implementing the 2009 Action Plan for Equality and Prevention of Ethnic Discrimination focused more on

immigrants, rather than on persons belonging to national minorities who equally need specific protection. The low number of complaints brought by persons belonging to national minorities to the Equality and Anti-Discrimination Ombudsperson raises concern as it seems to be due to the low level of awareness of the complaint mechanism among the targeted communities, and the lack of trust in an institution perceived as being closely associated with the authorities.

4. Relevant progress has been accomplished lately through the publication of reports shedding light on past assimilation practices vis-à-vis the Tater/Romani and the Roma minorities<sup>1</sup> and the ensuing apologies by the authorities. Compensation schemes and other reparation measures are being adopted, but discriminatory attitudes towards the two national minorities persist. The Roma expressed particular concern as regards placement of children in child welfare services which, in the current approach, does not permit the children to preserve their cultural identities and their family ties. More generally, data collection, building-up of knowledge about national minorities, including in the public services, and targeted policy making towards them are yet to be achieved in order to ensure effective access to rights for persons belonging to national minorities. While some initiatives are in place as regards the learning and teaching of the Kven language, multilingual topographical signs, and to a lesser extent, the presence of Kven in the media, a comprehensive and adequately funded plan for the revitalisation of the Kven language has not yet been adopted. In addition, public recognition of prejudice and discrimination caused by former harsh assimilation policies vis-à-vis the Kven is still outstanding.

#### **Assessment of measures taken to implement the recommendations for immediate action from the third cycle**

5. As in other parts of Europe there is evidence of an increase in hate speech and xenophobic discourse by politicians, the media and society at large, in particular on the internet, directed against immigrants, ethnic and national minorities, and indigenous people. Tater/Romani and Roma minorities experienced particular hostility and strong forms of prejudice. Shortcomings in the way the police record and investigate alleged hate crimes, coupled with under-reporting and a narrow interpretation of the legislation in force have led to a low number of prosecutions. Efforts to combat hate speech have intensified. In November 2015, the government launched a political declaration online signed by politicians and other public figures underscoring their commitment to take a strong stance against hate speech, including in political discourse. Policy measures have been taken to monitor hate speech on the internet (2014 Action Plan against Radicalisation and Violent Extremisms) and to emphasise investigation and prosecution of hate crimes (2016 LGBT Action Plan). The forthcoming strategy to prevent and combat hate speech and the Action Plan on Anti-Semitism aim to raise awareness on hate speech in the public sphere, including for children, in working life, in the media and in research. The Advisory Committee, however, notes that for the moment there is little evidence of any comprehensive strategy for the implementation of these various action plans.

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<sup>1</sup> The Tater/Romani minority descends from families that first came to Norway sometime between the 16th and the 19th century. The ancestors of the Norwegian Roma started to travel and settle temporarily in Norway in the late 1800s.

6. Norway has taken responsibility for the past abusive policies towards the Tater/Romani minority. The 2015 official apology pronounced by the government at the public presentation of the ad hoc Committee's report on "Assimilation and Resistance: Norwegian policies towards Tater/Romani people from 1850 to the present" complemented previous measures, such as compensation for past abuses, and their recognition as a national minority in 1999. It also contributes to the reconciliation process. However, Norway's past policies have produced lasting effects, such as a heightened distrust and fear of the authorities among the Tater/Romani and unawareness and even prejudice towards persons belonging to this minority among the majority population. Today, discrimination, marginalisation and mistrust continue to generate difficulties for this minority in access to the labour market and public services as well as in dealings with child welfare institutions. Dedicated efforts addressing the problems raised by the Report in view of rebuilding trust in the institutions and society at large are still needed.

7. In 2015, in a second public apology, the government recognised its responsibility for past exclusion policies towards the Roma minority, such as the denial of documenting their nationality, before and in the aftermath of the Second World War, and for the tragic consequences that Norwegian Roma had to endure due to this policy during the Holocaust. Compensation and other measures for past abuses are starting to be put in place and the minority appears to be more involved in the process, but it is too early for a valid assessment. Serious concerns persist regarding the ongoing discrimination of Roma in access to campsites and services, education, housing and employment, as well as in treatment by the police. Roma complaints before the Equality and Anti-Discrimination Ombudsperson have not led to effective results. Persons belonging to the Roma minority consider that their culture is put at risk by discriminatory attitudes towards their travelling lifestyle and by the recurrent placement of Roma children in foster care, without properly ensuring that the children's cultural and family ties are preserved.

8. Certain efforts have been made to revitalise the Kven language through government funding. For instance, the standardisation of the Kven language managed by the Kven Language Council under the Kven Institute is progressing; a grammar book is available and an online dictionary is being developed; a language nest for language learning through immersion has been established in Porsanger and teaching in Kven occurs in preschool, primary and secondary education. However, Kven language learning in early education seems compounded by limited funding. During compulsory schooling, the number of students learning Kven drops due to the limited visibility of the language, the lack of qualified teachers, and the absence of financial incentive for students in the form of scholarships. A comprehensive, and adequately funded, language revitalisation plan is needed to reverse the decline of the Kven language.

### **Assessment of measures taken to implement the further recommendations from the third cycle**

9. In 2014, the legal framework on equality was strengthened by amending the constitution and the adoption of four acts, including a law prohibiting discrimination on the basis of ethnicity, religion and belief. The implementation of this legislation appeared to be quite complex and its effectiveness to protect persons belonging to national minorities against discrimination has been questioned in certain quarters. Comprehensive equality legislation

under preparation by the government aims to simplify the existing legal framework and making its implementation more effective. The Equality and Anti-Discrimination Ombudsperson carried out projects to promote the rights of persons belonging to national minorities, for example access to camping sites, and to schooling for Roma children. The ombudsperson also enforces anti-discrimination legislation through a complaint procedure, but this has not proved very effective in eliminating discrimination against persons belonging to national minorities. The reform undertaken to restructure the Office of the Equality and Anti-Discrimination Ombudsperson and the complaint mechanism aims to improve the performance of the former and the effectiveness of the latter. It is not clear, however, whether the new complaint mechanism will be adequately funded.

10. Radio programming in the Kven language remains very limited (12 minutes weekly) and has not increased for the last two to three decades, while television programming is still lacking. Broadcasting programmes or printed or online media in the languages of other national minorities do not appear to be available. Supervision of the Code of Ethics, which provides for the respect of ethnicity in the media, was broadly endorsed in 2015 (radio, television, daily press, the weekly press, periodical publications and online publications). Compliance with the Code is ensured by the Press Complaint Commission (PCC). However, with a few exceptions concerning Sami, Jews and Roma, the majority of the complaints do not concern national minority issues.

## II. Article-by-article findings

### Article 3 of the Framework Convention

#### Personal scope of application and census

##### *Present situation*

11. Norway continues to apply the Framework Convention for the Protection of National Minorities to members of the groups recognised as national minorities present on its territory: Kvens/Norwegian Finns, Jews, Tater/Romani, Norwegian Roma,<sup>2</sup> and *Skogfinner* (Forest Finns).<sup>3</sup> The Advisory Committee notes that the authorities followed the recommendation to engage in a dialogue with the organisations representing the Kven minority as regards their designation. Although there is no final agreement among them, the authorities opted for ‘Kven/Norwegian Finns’ as the designation in official state documents, while acknowledging the freedom of local and other bodies as well as individuals to express their identities in different ways according to the principle of free self-identification. It also takes note of the fact that the State Report clarifies that the so-called ‘newly arrived Roma’, that is Roma staying currently in Norway under the European Economic Area (EEA) Treaty<sup>4</sup> and not having a long-standing connection to Norway, do not benefit from the protection of the Framework Convention. The Advisory Committee recalls that it has consistently encouraged the authorities to adopt an inclusive approach towards groups – especially vulnerable groups – who are not formally recognised as national minorities and that Article 6 of the Framework Convention applies to “all persons” living in the territory of state parties.<sup>5</sup>

12. In 2011, the first register-based population and housing census was organised. Instead of using questionnaires, data collected by other authorities in the public registers (Central Population Register, Cadastre) was used. The Advisory Committee observes that the census does not provide information about ethnicity as this is prohibited by law.<sup>6</sup> Similarly, the census does not provide information on housing conditions for residents who do not live in conventional dwellings, e.g. those who live on boats or in caravans. Finally, statistics on

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<sup>2</sup> In the remainder of the opinion the term ‘Roma’ indicates Norwegian Roma.

<sup>3</sup> The number of persons belonging to national minorities in 2009 is officially estimated as follows: Kvens/Norwegian Finns (10 000 to 15 000), Jews (1 100), Romani/Taters (5 000 to 30 000), Norwegian Roma (500 to 1 000), and Forest Finns (several hundred persons) out of a population of 5 233 300 at July 2016 (see Ministry of Children and Equality, 2009 Action Plan for Equality and Prevention of Ethnic Discrimination, at [www.regjeringen.no/globalassets/upload/bld/rapporter/2010/cedaw\\_rapporten/annex\\_14.pdf](http://www.regjeringen.no/globalassets/upload/bld/rapporter/2010/cedaw_rapporten/annex_14.pdf)). According to the Act of 14 April 2000 No. 31 relating to the processing of personal data (Personal Data Act), data on racial or ethnic origin are considered sensitive data. It is prohibited to record ethnicity in the registers compiled by Statistics Norway; however, the country of birth of parents is considered by the authorities as a reasonably good proxy. In the context of an ECRI study, Statistics Norway expressed reluctance to try and introduce ethnicity as a variable in the registers (P. Simon, “Ethnic” statistics and data protection in the Council of Europe countries, ECRI, 2007, [www.coe.int/t/dghl/monitoring/ecri/activities/Themes/Ethnic\\_statistics\\_and\\_data\\_protection.pdf](http://www.coe.int/t/dghl/monitoring/ecri/activities/Themes/Ethnic_statistics_and_data_protection.pdf)).

<sup>4</sup> The extension of the internal market means parallel rights and obligations in the area of free movement, including the right to free movement of persons, between the EU and Norway, Iceland and Liechtenstein.

<sup>5</sup> See Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) Thematic Commentary on The Scope of Application of the Framework Convention for the Protection of National Minorities, paragraph 51, at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a8fe8>.

<sup>6</sup> *Ibid*, n. 3.



immigrants are compiled on the basis of the country of birth of parents' criterion, while the Sami Parliament maintains its own registry.

13. The Advisory Committee observes that, as on previous occasions, the government did not report on the situation as regards the Sami people, in keeping with the wish of the Sami Parliament.<sup>7</sup> In line with previous practice, the authorities referred to their reporting under the International Labour Organisation (ILO) Convention No. 169 on Indigenous and Tribal Peoples. In this respect, the Framework Convention is primarily concerned with access to and enjoyment of individual rights by persons belonging to national minorities, rather than with the status of a particular group. It is the established opinion of the Advisory Committee that protection offered by the Framework Convention may also extend to persons belonging to indigenous peoples, without this having an effect on their status as members of indigenous peoples. The Advisory Committee considers that both protection schemes, the Framework Convention and the ILO No. 169 Convention, are not mutually exclusive and may provide parallel and complementary benefits to individuals affiliated with the group.<sup>8</sup>

14. In this context, the Advisory Committee notes that the authorities, when reporting on the Sami Language Act, already took into consideration certain provisions of the Framework Convention relating to the use of the Sami languages.<sup>9</sup> It also understands that individuals living outside the Sami administrative area are also interested in maintaining and developing their cultural identity and provisions exist to achieve this goal.<sup>10</sup> The Advisory Committee welcomes these measures and recalls that state parties should constantly assess on an article-by-article basis which rights should be made available to whom to allow individuals to benefit the most from the Framework Convention.

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<sup>7</sup> The Sami Parliament has declared that it does not consider the Framework Convention to be applicable to the Sami since as an indigenous people they have legal and political rights protected by other international instruments, in particular ILO Convention No. 169.

<sup>8</sup> See ACFC Thematic Commentary on The Scope of Application, paragraph 48, n. 5. Article 35 of ILO Convention No. 169 points to the same direction, where it reads: "The application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national law, awards, custom or agreements". In Finland and Sweden the Sami are officially recognised as national minorities and indigenous people, although none of these countries has ratified ILO Convention No. 169 yet.

<sup>9</sup> In the 2014 Report on the Review of the Sami Language Act Regulations, prepared by the Ministry of Local Government and Modernisation, the provisions of the Framework Convention dealing with language are taken into consideration as a legal framework Norway must abide by. In this context, the report indicates that the "Sami Parliament has previously stated that they do not wish to be covered by the Framework Convention [...but] groups or individuals along the Sami may nevertheless invoke its provisions if they wish", p. 33, at [www.regjeringen.no/globalassets/upload/kmd/sami/same/gjennomgang\\_av\\_samelovens\\_sprakregler.pdf](http://www.regjeringen.no/globalassets/upload/kmd/sami/same/gjennomgang_av_samelovens_sprakregler.pdf).

<sup>10</sup> As regards education, for instance, Section 6.2 of the Education Act ([www.regjeringen.no/contentassets/b3b9e92cce6742c39581b661a019e504/education-act-norway-with-amendments-entered-2014-2.pdf](http://www.regjeringen.no/contentassets/b3b9e92cce6742c39581b661a019e504/education-act-norway-with-amendments-entered-2014-2.pdf)) provides that outside the administrative district at least ten pupils in one municipality who wish to have their education in Sami, as well as Sami as a subject, have the right to do so as long as there are at least six pupils in a group. In areas outside the administrative district for Sami languages, Sami children of primary and lower secondary education age are entitled to Sami as a subject.

### *Recommendation*

15. The Advisory Committee encourages the authorities to engage in a dialogue with the Sami Parliament and other Sami representatives on an article-by-article application of the Framework Convention, in particular in relation to the additional protection the Convention may provide in terms of substantive rights, for instance linguistic rights, including for those living outside the Sami administrative area so as to enable them to maintain and develop their cultural identities.

### **Article 4 of the Framework Convention**

#### **Legal and institutional framework for the promotion of equality of persons belonging to national minorities**

##### *Present situation*

16. Since 2014, the constitution includes a new provision (Article 98) providing for a general non-discrimination clause. Equality legislation was also reorganised in 2014 with the adoption of four acts, among which the Ethnicity Anti-Discrimination Act that prohibits discrimination on the basis of ethnicity, religion and belief.<sup>11</sup> As ethnicity, according to this act, covers national origin, descent, skin colour and language, it also applies to persons belonging to national minorities. Amongst other issues, the law provides for a proactive duty to promote equality amongst the staff of public and private employers with more than 50 employees and to report on results. However, the implementation of the equality legal framework appears particularly complex (see below) and the government is currently preparing comprehensive equality legislation in the form of a single act incorporating the different acts.<sup>12</sup> The Advisory Committee recalls that persons belonging to minorities may also experience multiple discriminations arising from factors unrelated to national minority background such as age, gender, sexual orientation and other criteria.<sup>13</sup>

17. In 2013, the Ministry for Local Government and Modernisation incorporated the former Ministry of Government Administration, Reform and Church Affairs and became responsible for national minorities. Since 2014, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) in the Ministry for Children, Equality and Social Inclusion was also assigned the task to raise awareness and combat ethnic discrimination through dialogue with the organisations representing national minorities. The National Human Rights Institution (NHRI) was established in 2015 and has been entrusted with monitoring and reporting the human rights situation in Norway, including as regards national minorities.<sup>14</sup>

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<sup>11</sup> Act No. 60, of 21/6/2013. The other three are, respectively, the Sexual Orientation Anti-Discrimination Act (No. 58), the Gender Equality Act (No. 59) and the Anti-Discrimination and Accessibility Act (No. 61), all of which were adopted in 2013.

<sup>12</sup> The government is currently working on a Bill based on a proposal prepared by the Discrimination Act Committee in 2009. The delay is due amongst others to the change of government; the Bill should be presented to Parliament in spring 2017. Civil society was consulted.

<sup>13</sup> See ACFC, Thematic Commentary on The Scope of Application, paragraphs 66, n. 5.

<sup>14</sup> Act No. 33 of 22/5/2015 relating to the Norwegian National Human Rights Institution. The NHRI however has no competence to examine individual complaints.

18. National minorities continue to fall under the remit of the Equality and Anti-Discrimination Ombudsperson (LDO), who is in charge of promoting equality, enforcing anti-discrimination legislation through a complaint procedure, and providing guidance and advice to individuals and on legislation falling under its mandate.<sup>15</sup> In its 'enforcing' role the Equality and Anti-Discrimination Ombudsperson gives opinions as to whether a breach of the equality legislation has occurred. The decisions of the ombudsperson may be appealed to the Equality and Anti-Discrimination Tribunal. The ombudsperson informed the Advisory Committee about the projects it carried out to promote the rights of persons belonging to national minorities, i.e. access to camping sites and to schooling for Roma children. The ombudsperson also assisted in the creation of a temporary forum for Tater/Romani and Roma women in order to encourage co-operation and dialogue between the groups on issues of common concern, such as education, child welfare services and employment. The forum was also a platform for the women to define areas of co-operation with the government.

19. The Equality and Anti-Discrimination Ombudsperson criticised the implementation of anti-discrimination legislation on ethnic grounds and questioned its effectiveness to ensure equality for persons belonging to minorities. For instance, the Office of the Ombudsperson encountered difficulties in fulfilling its task of monitoring and enforcing its reporting duty with respect to the obligation to foster equality by public and private employers. Apparently the law is not sufficiently precise for employers to understand what is expected from them.<sup>16</sup> Moreover, notwithstanding that the Office of the Equality and Anti-Discrimination Ombudsperson, and its appeal body, are free of charge, the number of complaints they receive from persons belonging to national minorities remains lower than expected given both the socio-economic situation of persons, in particular women, belonging to those minorities and their exposure to discrimination, hate speech and hate crime. Ethnic minorities, including national minorities continue to be the target of hate speech and hate crime and to experience three-times more unemployment and language barriers in relation to work or health care.<sup>17</sup> In 2012-2015, only 16 complaints were filed. The ombudsperson gave an opinion on 13 of them, finding one or more breaches of law in five cases, whereas three cases were dismissed.<sup>18</sup> Only two cases were transferred to the Equality and Anti-Discrimination Tribunal, one of which was dismissed on appeal. The complaints were mainly filed by Roma or Tater/Romani and dealt with access to goods and services, housing, education, employment and equal treatment in connection with authorities, police and the judicial system.<sup>19</sup>

20. Several of the Advisory Committee's interlocutors explained the low number of complaints filed by persons belonging to national minorities, in particular Tater/Romani and Roma, to be the consequence of both the low level of awareness of the procedure among the

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<sup>15</sup> No opinion on legislation has been provided to the government specifically concerning national minorities.

<sup>16</sup> Written information submitted by LDO after the visit.

<sup>17</sup> See LDO, CERD 2014 Report to the UN Committee on the Elimination of Racial Discrimination supplementing Norway's 21/22 periodic report, at [www.ldo.no/globalassets/03\\_nyheter-og-fag/publikasjoner/cerd-2014\\_web\\_engelsk\\_ny1.pdf](http://www.ldo.no/globalassets/03_nyheter-og-fag/publikasjoner/cerd-2014_web_engelsk_ny1.pdf).

<sup>18</sup> Overall, from 2012-2015, the Equality and Anti-Discrimination Ombudsperson received 300 complaints, half of them on ethnic grounds. The following are protected under the category of 'ethnic grounds': national background (but not citizenship), origin (tribe, family), skin colour, ethnicity and language. The large majority of ethnic cases were introduced by migrants (LDOs *Statistikk* at [www.ldo.no/nyheter-og-fag/ldos-statistikk/](http://www.ldo.no/nyheter-og-fag/ldos-statistikk/))

<sup>19</sup> Since 2007, besides 20 complaints by Sami persons, there have been 30 complaints involving persons belonging to national minorities (eight by Tater/Romani, 21 by Roma, one by a Jew and none by Kven and Forest Finns). The complaint filed by a Jewish woman concerned harassment at work and was dismissed.

relevant communities and the lack of trust in an institution which is perceived to be closely associated with the authorities. Furthermore, complaints can only be submitted in Norwegian. Finally, neither the ombudsperson, nor the tribunal can award damages or compensation. Although compensation can be sought before the courts, free legal aid is not available in general for anti-discrimination proceedings.<sup>20</sup> Both the Office of the Equality and Anti-Discrimination Ombudsperson and the authorities indicated that a reform has been undertaken in connection with the adoption of the comprehensive equality legislation to improve the performance of the ombudsperson, *inter alia* by drawing a distinction between its roles of enforcing and promoting equality and anti-discrimination legislation.<sup>21</sup> The Advisory Committee observes that, besides the matters mentioned above, the budget cuts imposed on the Office of the Equality and Anti-Discrimination Ombudsperson also seems to have prevented it from carrying out its tasks effectively. Therefore, in the Advisory Committee's opinion the potential separation of tasks may be beneficial, but the resulting new mechanism will have to be provided with the necessary powers and adequate financial and human resources.

21. The Advisory Committee finally notes that the government works on the presumption that each component of the administration (both central and local) takes responsibility for promoting the legal equality framework. Municipalities are key players in achieving equality as they provide most of the public services in the country, i.e. health and care services, day care, education and welfare. However, some of the Advisory Committee's interlocutors were of the opinion that local authorities seldom have the necessary competence to comply with national and international standards in their equality policies. In addition, even equality in the workplace on ethnic grounds within the public sector is weakly implemented due to an unclear division of responsibility.<sup>22</sup> Bearing in mind that persons belonging to national minorities are also covered by the equality legal framework under the notion of ethnicity, the Advisory Committee is of the opinion that this framework is not applied as effectively as it should be with regard to these persons (see also paragraphs 24 and 28-30 below). Improving communication and co-ordination among the various actors at central level, as well as between the central and local levels could help to this end.

### *Recommendations*

22. The Advisory Committee calls on the authorities to ensure that the outcome of the reform of the Equality and Anti-Discrimination Ombudsperson will strengthen effectively the complaint mechanism, amongst others by increasing awareness of persons belonging to national minorities about this instrument, including by targeting women and by providing information in languages other than Norwegian. National minority representatives should be consulted on the reform. Authorities should also grant free legal aid enabling victims to bring discrimination cases on ethnic grounds before judicial and administrative bodies.

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<sup>20</sup> The Equality and Anti-Discrimination Ombudsperson has recommended the government to redress these shortcomings on several occasions, including in its CERD 2014 report, p. 28, n. 17. The Legal Aid Act does not cover discrimination cases, although discrimination can be an element taken into consideration in cases concerning evictions and dismissal.

<sup>21</sup> See, *inter alia* the Report to the *Storting* (white paper), Gender Equality in Practice, Meld. St. (2015-2016), p. 11, at [www.regjeringen.no/contentassets/835065f3bbcc4bc191bbd90f56212a12/annex-3.pdf](http://www.regjeringen.no/contentassets/835065f3bbcc4bc191bbd90f56212a12/annex-3.pdf).

<sup>22</sup> See the LDO CERD Report 2014, p. 17, n. 17.

23. The authorities should take steps to ensure that with respect to the application of the equality legislation to persons belonging to national minorities, the co-ordination between the central and local levels is improved and that on the local level awareness about these matters is raised. Comprehensive equality legislation should be adopted without delay and address the problem of possible compound multiple and intersecting forms of discrimination.

### **Measures to promote the full and effective equality of persons belonging to national minorities**

#### *Present situation*

24. The Advisory Committee notes that the 2009 Action Plan for Equality and Prevention of Ethnic Discrimination was assessed in 2013 as being successful, but so far no follow-up has taken place.<sup>23</sup> The Plan applied to immigrants, the Sami and other national minorities, and it included measures covering working life, education, housing, public services, culture and the media.<sup>24</sup> However, the Advisory Committee notes that the Plan was criticised by national minority organisations precisely because, notwithstanding its broad scope, its implementation focused mainly on immigrants.<sup>25</sup> Indeed, the Advisory Committee finds it difficult to understand the extent to which the generic measures contained in the Action Plan have been applied also in respect of persons belonging to national minorities, including as regards women (e.g. the duty to make active efforts and report on equality in employment and access to public services) and whether the measures specifically addressing persons belonging to national minorities have been implemented (e.g. survey on Roma dwelling and access to services). It understands that the prohibition to gather data on ethnicity and the lack of research,<sup>26</sup> as well as knowledge about national minorities in Norway had and continue to have a negative impact on policy making addressing these groups.

25. Several of the Advisory Committee's interlocutors were of the opinion that it was necessary to increase awareness and knowledge of national minorities, as well as competences to deal with the cultural diversity of society in the public sector and in society at large if measures striving towards equality were to achieve their purpose.<sup>27</sup> Some progress has been accomplished, for instance in understanding the situation of the Tater/Romani minority by shedding light on past assimilation practices in order to start a reconciliation process (see Article 5). However, more remains to be done in order to increase awareness and knowledge of

<sup>23</sup> Norwegian Institute for Urban and Regional Research (NIBR) 13:11, *Evaluering av handlingsplanen for å fremme likestilling og hindre etnisk diskriminering*,

[www.regjeringen.no/globalassets/upload/bld/siste\\_evaluering\\_av\\_handlingsplan.pdf](http://www.regjeringen.no/globalassets/upload/bld/siste_evaluering_av_handlingsplan.pdf).

<sup>24</sup> Ministry of Children and Equality, 2009 Action Plan for Equality and Prevention of Ethnic Discrimination, at [www.regjeringen.no/globalassets/upload/bld/rapporter/2010/cedaw\\_rapporten/annex\\_14.pdf](http://www.regjeringen.no/globalassets/upload/bld/rapporter/2010/cedaw_rapporten/annex_14.pdf).

<sup>25</sup> The Tater/Romani minority considered that their interests had not been sufficiently taken into consideration.

<sup>26</sup> According to the Institute for Social Research report on "Discrimination among the indigenous Sami population, national minorities and immigrants and their descendants in Norway" (2015), studies directly examining discrimination of persons belonging to national minorities are few, but there is some research-based evidence on the incidence of discrimination against Jews, Roma and Romani, at [www.socialresearch.no/Publications/Reports/2015/2015-001](http://www.socialresearch.no/Publications/Reports/2015/2015-001).

<sup>27</sup> See English Summary, p.4 of the "Assimilation and Resistance: Norwegian policies towards Tater/Romani people from 1850 to the present", Reports NOU 2015:7 ([www.regjeringen.no/en/dokumenter/assimilation-and-resistance/id2459458/](http://www.regjeringen.no/en/dokumenter/assimilation-and-resistance/id2459458/)) which highlights this lack of knowledge about and interest in this minority, including among civil servants and recommend education and training activities. The 2009 Action Plan for Equality and Prevention of Ethnic Discrimination, however, had already pointed out the overall lack of knowledge as regards national minorities and the need to improve it, in particular in the public sector.

national minorities. This applies in particular to the public sector, considering the pivotal role of central and local administration in the conception and implementation of measures against discrimination on ethnic grounds.

26. The City of Oslo Action Plan for Roma, adopted in 2009, was assessed in 2014.<sup>28</sup> The Advisory Committee learnt from national minority organisations that, with the exception of a few education-related measures, overall the 2009 Plan had not been successful in improving the disadvantaged situation of the Roma. It understands that the City of Oslo has decided not to adopt a comprehensive follow-up plan, but to concentrate on measures targeting the education of Roma children instead (see also Article 12)<sup>29</sup> and to relocate guidance on access to welfare services at district level with a view to facilitating access to these services by the target population.

### *Recommendations*

27. The Advisory Committee calls on the authorities to ensure that increased attention is given in future to the adoption of measures which effectively and appropriately address the needs of persons belonging to all national minorities and specifically those of women, within the broader framework of measures targeting the fight against ethnic discrimination. These measures should be thoroughly implemented by the various authorities responsible and adequately resourced in order to ensure effective access to rights for persons belonging to national minorities.

28. It also encourages central and local authorities to ensure that knowledge about national minorities and competences to deal with cultural diversity are improved in the public sector, for instance through training. Care should be taken during this process to ensure effective participation of persons belonging to national minorities.

### **Collection of equality data**

29. The Advisory Committee notes that the collection of disaggregated data on persons belonging to national minorities remains problematic due to the existing legal framework banning ethnicity as a criterion for registration.<sup>30</sup> It also understands that, for historical reasons, this type of registration is met with strong resistance by some minority groups, who consider ethnicity to be a very sensitive and personal issue and who urge the authorities to refrain from gathering such data. However, the Advisory Committee also heard several interlocutors underlining how the lack of precise knowledge about the socio-economic situation of national minorities hinders the drafting of meaningful policies. For their part, the authorities acknowledge that more comprehensive and systematic collection of data is

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<sup>28</sup> *Fafo-rapport 2014:50, Et skritt på veien, 2014*, [www.fafo.no/index.php/nb/zoo-publikasjoner/fafo-rapporter/item/et-skritt-pa-veien](http://www.fafo.no/index.php/nb/zoo-publikasjoner/fafo-rapporter/item/et-skritt-pa-veien).

<sup>29</sup> The Equality and Anti-Discrimination Ombudsperson for Children, and Roma representatives, also suggested a stronger focus on children's education, given that the 2009 Plan targeted mainly adult education, guidance and mediation services with the authorities and municipal services, and youth activities. See also the Norwegian Centre for Human Rights, Parallel report related to the fifth periodic report of Norway to the Covenant on Economic, Social, and Cultural Rights, 23/9/2013.

<sup>30</sup> See n. 3.

required on both the nature and the scope of discrimination against persons belonging to national minorities in different social areas, as well as on the causes of such discrimination.<sup>31</sup>

30. The Advisory Committee observes that a number of research projects have targeted persons belonging to national minorities,<sup>32</sup> and that, as a result of the 2009 Action Plan for Equality and Prevention of Ethnic Discrimination, the Ministry for Children and Equality set up a forum to collect equality data useful to the government. However, it appears that no follow-up has taken place for instance to provide an overview of the number of Kvens in Norway even though the minority itself expressed the wish for such an exercise.<sup>33</sup>

31. The Advisory Committee considers that the regular gathering of reliable and disaggregated equality data related to the number and situation of persons belonging to national and ethnic minorities allows for a deeper understanding of the specific challenges faced by members of the various groups. It also helps in the process of adoption and implementation of effective minority protection and equality promotion policies. Such relevant data can be gathered through studies or other tools.

#### *Recommendation*

32. The Advisory Committee encourages the authorities to identify alternative ways of gathering disaggregated, anonymous data on the situation of persons belonging to national minorities to enable the adoption and implementation of effective policies for the protection of national minorities.

### **Article 5 of the Framework Convention**

#### **Support for the preservation and development of national minority identities and cultures**

##### *Present situation*

33. Support for the development of the languages and cultures of persons belonging to national minorities is provided annually through funds allocated to projects selected via an application procedure by the Ministry for Local Government and Modernisation, as well as through earmarked budgets by other ministries (e.g. Culture, Education).<sup>34</sup> Applications are submitted by organisations considered to represent a national minority if they have more than 100 members, which appears to be non-problematic for certain smaller minorities (e. g. Jews) and problematic for others (in particular the Tater/Romani who are less organised). Furthermore, organisations representing the Kven minority were of the opinion that the annual procedure did not ensure regular funding and therefore the sustainability of projects. For instance, the Kven Institute stressed that the lack of earmarked, regular funding is endangering the continuation of kindergarten education in the Kven language, notwithstanding a very

<sup>31</sup> 2009 Action Plan for Equality and Prevention of Ethnic Discrimination, p.22, n.24.

<sup>32</sup> Institute for Social Research, *2015:1 Diskriminering av samer, nasjonale minoriteter og innvandrere i Norge*, at [www.socialresearch.no/Publications/Reports/2015/2015-001](http://www.socialresearch.no/Publications/Reports/2015/2015-001).

<sup>33</sup> *Ibid*, p. 25.

<sup>34</sup> In 2015, the MLGM allocated 5.33 million NOK (600 000 euros) in operating aid to nine organisations and 1.57 million NOK (175 000) to nine different projects. Applications were received for a total of 15.3 million NOK (1.7 million euros), of which 13.4 million NOK (1.5 million euros) were for operating aid. Annexes to the report provide detailed information about the grants disbursed under the budget item for national minorities during the period of reference.

successful pilot project in the Porsanger municipality (see Article 14). Furthermore, the Advisory Committee's interlocutors criticised the fact that a large proportion of the funding is directed towards the promotion of the history of national minorities, in particular through museums and exhibitions, rather than the promotion of more contemporary aspects of their culture. In addition, the Advisory Committee notes with concern that the minorities themselves are not involved in decision-making process concerning the fund allocations and that the budgets, as the authorities indicated, are sometimes not even disbursed in their entirety.

34. More particularly as regards the Kven minority, the Advisory Committee notes the efforts made so far by the central and local authorities to revitalise the Kven language: standardisation of the language, support for full-immersion Kven language early day care (so called language nests), the teaching of Kven in kindergartens, the creation of the Storfjord Language Centre and the Halti Kven Cultural Centre, financial support for the activities of cultural events such as the Paaskiviikko and the Kippari festivals (see also Articles 10 and 14). These activities are supported by the 4.5 million NOK (around 500 000 euros) dedicated to projects and managed by the Ministry for Local Government and Modernisation, as well as by the budgets of the Ministry of Education and the Ministry of Culture and by municipalities' budgets. However, several of the Advisory Committee's interlocutors representing Kven organisations criticized the lack of financial support to make the language revitalisation possible in practice. In particular, they claimed that the funds available for the language nests were too limited and only one such nest in Porsanger is currently functioning, that Kven language education is not widespread (see Article 14), and that Kven is seldom visible in public places (see Articles 10 and 11). The National Kven Association (*Norske Kveners Forbund*) has asked the government to shed light on past abuses against the minority which led to forced assimilation, *inter alia* through restrictive land rights and education policies banning the use of Kven in schools until the 1960s.

35. The Advisory Committee understands that the priorities of the Forest Finns include the building of a new museum (combining the existing structures) and the reopening of a Finnish language school in the Skog area. On both issues, their representatives indicated to the Advisory Committee that discussions with the authorities were difficult. As regards the museum, discussions are further complicated by diverging views as to the status of the museum. Contrary to the opinion of the authorities, the minority representatives wish the museum to remain organisationally independent from other similar regional institutions.

#### *Recommendation*

36. The authorities should ensure that the existing support at the local, regional and national level for cultural activities of persons belonging to national minorities is administered in a way which allows for sustainability of minority institutions and of projects. All decisions on the local, regional and national level should be taken in close consultation with minority representatives thus taking into consideration their priorities, such as the museum project proposed by the Forest Finns.



## Tater/Romani

37. Positive steps have been taken by the government since the Advisory Committee's Third Opinion in 2011 taking responsibility for the past policy of assimilation towards the Tater/Romani minority. The government officially apologised in 2015 on the occasion of the public presentation of the report titled "Assimilation and Resistance: Norwegian policies towards Tater/Romani people from 1850 to the present".<sup>35</sup> The report complemented previous measures, such as financial compensation<sup>36</sup> for past abuses, and the recognition of this group as a national minority in 1999. It also contributes to the ongoing reconciliation process. The report was prepared by an ad hoc Committee established in 2011, composed of independent experts and representatives of the Tater/Romani community. It exposed heavy-handed assimilation policies during the 1890-1970 period aiming to change the group's lifestyle by forced placement of children in foster care, forced settlement of families in labour camps and forced sterilisation of women. The policies were mainly implemented by a private religious organisation, the Norwegian Mission for the Homeless, under the direction of the authorities.

38. The report on the Tater/Romani also examined the present situation and highlighted the long-term negative consequences these policies have inflicted on individuals and the minority as a group, such as broken families, loss of language and culture, high mortality and lower levels of education and employment. It highlights on the one hand, how these policies produced among the Tater/Romani, a heightened distrust and even fear of the authorities and, on the other hand, prejudice and ignorance among the majority of the population, noticeable even today. For instance, discrimination and mistrust hinders access to the job market and public services, and creates difficulties in dealing with certain institutions such as child welfare.<sup>37</sup> The report recommends that the government adopts robust implementation measures in order to achieve reconciliation and to build trust through improving knowledge about the Tater/Romani. It also asks the authorities to facilitate the participation of this minority in public life, ensure equal access to education and welfare services, offer support for reporting discrimination and for obtaining redress, as well as the revision of the existing compensatory schemes, which are deemed by some to be unfair.

39. The Advisory Committee welcomes the constructive initiative taken by the government following the presentation of the report to organise public hearings in order to gather a maximum number of opinions on how to proceed further in the process of both reconciliation and rebuilding trust between the minority group on the one hand and public institutions and

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<sup>35</sup> See "Assimilation and Resistance" Report, n. 27. This report followed two previous research papers from the Research Council of Norway and the Norwegian Helsinki Committee which laid the basis for the investigation.

<sup>36</sup> In 2005-2014, compensation and redress schemes provided *ex gratia* payments to around 1 200 persons of Tater/Romani extraction for bullying, forced sterilisation and forced settlement. An additional unknown number of Tater/Romani received payments for abuse and neglect suffered during placement in orphanages. The schemes have however been criticised as unfair by some parts of the community because they vary greatly among municipalities and not all persons belonging to the minority received adequate information and guidance about how to apply for compensation.

<sup>37</sup> See also CommDH(2015)9, Commissioner for Human Rights of the Council of Europe Report on Norway, 18/5/2015, p.16, at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2751937&SecMode=1&DocId=2272542&Usage=2>.

society at large on the other hand.<sup>38</sup> While welcoming the reconciliation process, representatives of Tater/Romani organisations alerted the Advisory Committee about certain shortcomings in this process, such as an insufficient public apology from both the church and health institutions for past abuse and the fact that the report did not examine in detail the policies of the last 30 years. They also highlighted the need to strengthen organisations representing the community, as well as the need to protect the Romanes language, which is considered to be the characteristic of this minority.<sup>39</sup> The Advisory Committee shares the opinion of several of its interlocutors that the reconciliation process has revealed deep cleavages in the community between those who wish public recognition including redress and those who do not wish to be singled out from the majority for fear of being stigmatised. The Advisory Committee recognises that the government is facing a difficult challenge to strike a delicate balance between the needs of both parts of the community and the aim of promoting an integrated society where persons belonging to the minority enjoy access to rights.<sup>40</sup>

40. The Advisory Committee notes that during the reference period the Tater/Romani People's Cultural Fund, established in 2008 as part of the compensation scheme, carried out several activities to promote and preserve the culture, language and history of the minority. Furthermore, it provided advice and guidance to those who suffered abuse from the previous assimilation policies. In 2014, the fund created a 'centre of competence' in order to develop training in language and craft traditions. In that year the fund, originally amounting to 75 million NOK (about 8 million euros), was transformed into an ordinary annual grant of about 5 million NOK (about 540 000 euros). Nevertheless, it appears that for the years 2015 and 2016, no disbursements were made. The Advisory Committee understands from minority representatives and other interlocutors that, currently, the situation of the fund is complicated as the allocation of financial resources and the structure of the fund itself are disputed.<sup>41</sup> Nonetheless, financial support continues to be disbursed to Tatar/Romani organisations other than through the fund.<sup>42</sup> The representatives of the Tater/Romani organisations who met the Advisory Committee stressed that the financial questions surrounding the fund compound the mistrust towards the government.

### *Recommendations*

41. The Advisory Committee calls on the authorities to address adequately and without delay the problems identified in the ad hoc Committee's 2015 report on assimilation policies

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<sup>38</sup> See also in this respect the submission of the NHRI on the 2015 Report, at [www.regjeringen.no/no/dokumenter/horing---oppfolging-av-tater-romaniutvalgets-rapport/id2464464/?uid=32e5b3bd-d3c3-4c13-99b2-b847784f1d40](http://www.regjeringen.no/no/dokumenter/horing---oppfolging-av-tater-romaniutvalgets-rapport/id2464464/?uid=32e5b3bd-d3c3-4c13-99b2-b847784f1d40).

<sup>39</sup> Written submission by *Taternes Landsforening* to the public consultation regarding the report "Assimilation and resistance: Norwegian policies towards Tater/Romani people from 1850 to the present".

<sup>40</sup> The opening of the archive of the Norwegian Mission among the Homeless which was thought by the ad hoc Committee's members to be a useful means to shed light on past abuses has been met with diffidence by part of the minority who wished this information to be kept private.

<sup>41</sup> Both the *Stiftelsen romanifolkets/taternes kulturfond* and *Taternes Landsforening* pointed out that no legal remedy was available to the organisations to appeal against the decision of changing the nature of the funding due to the fact that funding decisions for national minority organisations are not considered an 'individual decision' and are as such dealt with in accordance with Section 23 of The Statutory Administration Law (*Norw. forvaltningsforskriften*) and Sec. 567 item 70 of the government budget.

<sup>42</sup> For an overview in 2016 see [www.regjeringen.no/no/tema/urfolk-og-minoriteter/nasjonale-minoriteter/midtpalte/fordeling-av-tilskudd-til-nasjonale-mino/id516798/](http://www.regjeringen.no/no/tema/urfolk-og-minoriteter/nasjonale-minoriteter/midtpalte/fordeling-av-tilskudd-til-nasjonale-mino/id516798/).

towards the Tater/Romani minority in close consultation with persons belonging to minority groups. To this goal they should take effective measures to rebuild trust, including by broadening awareness of the recognition of public responsibility, to expand knowledge about this minority and to encourage dialogue within the community, with the authorities and society at large.

42. It also calls on the authorities to acknowledge the trans-generational effects of past traumatising policies of assimilation and to improve the understanding of discriminatory patterns still affecting the Tater/Romani minority. Access of persons belonging to the Tater/Romani minority to the existing redress mechanism, such as the Equality and Anti-Discrimination Ombudsperson, and smooth management of the Tater/Romani People's Cultural Fund, as a means of promoting the minority culture and language, should be improved.

### **Norwegian Roma**

43. The Advisory Committee acknowledges the positive steps taken by the government towards the Norwegian Roma since the adoption of its Third Opinion, in particular the publication of the report on past abuse suffered by this national minority, which led to the public apology by the authorities in April 2015.<sup>43</sup> The government recognised its responsibility for past exclusion policies, such as the stripping of nationality, before and in the aftermath of the Second World War and for the tragic consequences Norwegian Roma had to endure during the Holocaust due to this policy. The so-called 'Gipsy clause', introduced in the Aliens Act in 1927, which prevented them from re-entering Norway before and after the war, was abolished only in 1956 and their nationality was reinstated only in the 1970s. The Advisory Committee understands from the minority representatives that reparation for past abuse has taken the form of individual and collective compensation. Roma organisations decided in dialogue with the Ministry of Local Government and Modernisation to use the funds of the collective reparation to establish and operate a Roma cultural centre in Oslo, which is due to open in 2017. The centre will promote Roma culture and history, provide a meeting place for persons belonging to this minority and also be a venue where Norwegian society can become better acquainted with Roma culture.

44. Roma organisations reiterated to the Advisory Committee their concerns regarding discrimination in access to campsites and services, education (see Article 12), housing and employment (see Article 15), as well as ill-treatment by the police (see Article 6). In its follow-up to the 2009 City of Oslo Action Plan for Roma, the City of Oslo municipality is addressing some of these concerns (see Article 4). With respect to access to campsites, the Advisory Committee notes that Roma organisations pointed out that the remedies available, such as the complaint procedure before the Equality and Anti-Discrimination Ombudsperson, have not led to the effective results and that discriminatory attitudes towards the travelling lifestyle of this minority continue to put at risk the preservation of the cultural identity of Roma.<sup>44</sup>

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<sup>43</sup> Rosvoll, Maria et al., "*Å bli dem kvit*" – Utviklingen av en "sigøynerpolitikk" og utryddelsen av norske rom, *Senter for studier av Holocaust og livssynsminoriteter*, 2015, at [www.regjeringen.no/contentassets/a10ae43b518a4a80b98dd4df0f1c3964/a\\_bli\\_dem\\_kvitt\\_hl\\_senteret.pdf](http://www.regjeringen.no/contentassets/a10ae43b518a4a80b98dd4df0f1c3964/a_bli_dem_kvitt_hl_senteret.pdf).

<sup>44</sup> According to academic research, policies for Roma have always been based on a 'superficial understanding' of the Romani way of life and culture, limited to expressions such as music, dress, art and language. Roma culture was also seen as static and 'a total make-over deemed necessary for the Roma to adapt to society', see

45. These concerns were expressed even more substantially both by Roma organisations and by independent bodies as regards the disproportionate number of Roma children placed with the child welfare services, in particular in foster-care families.<sup>45</sup> While acknowledging that decisions are taken on the basis of the best interest of the child and because of serious situations of distress (violence, drugs, physical abuse), interlocutors expressed a disagreement with the imposed restrictions in contacts with the family of origin and moreover questioned the cultural appropriateness of the placement in non-Roma families.<sup>46</sup> By severing ties and not providing adequate cultural support to help children to preserve and develop their Roma identities, opportunities for later inclusion in the community are deemed to be very low. The Advisory Committee understands from the City of Oslo municipality that there have been initiatives to improve the protection of the cultural identity of children in foster care. Nevertheless, many of the Advisory Committee's interlocutors, including ombudspersons and Roma organisations were of the opinion that the child welfare services did not make sufficient efforts to put in place alternative measures before taking children into care. Moreover, when foster care was the retained option, placement only exceptionally occurred in Roma families. Placement of children in non-Roma families has adversely affected the development of their cultural identities, the continuation of family ties and language acquisition and use.

#### *Recommendations*

46. The Advisory Committee calls on the authorities to make efforts to ensure that Roma cultural identity is preserved and developed by facilitating their travelling lifestyle, for instance with respect to access to campsites.

47. As regards Roma children, the authorities should step up efforts to ensure that alternative measures to placing children into care are put in place whenever possible, that adequate support is provided to families during the process and that child welfare services remain a measure of last resort. When placement in foster families occurs, the authorities should aim to preserve to the maximum extent possible family ties and cultural identities of the children, including through the recruitment of foster families belonging to the respective minority. Finally, a broad understanding of Roma culture should be promoted among child welfare services.

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A. Engebrigsten, *Educating the Roma: the struggle of cultural autonomy in a semi-nomadic group in Norway*, in *Social Inclusion*, 2015, vol. 3, issue X, p.2.

<sup>45</sup> Oslo municipality did not offer numbers, but it appears that the number of children of Roma families taken into care is disproportionately higher than the average. Concerns that minorities in general were affected by such placements were also expressed. Official statistics do not distinguish children on the basis of ethnicity; hence Roma children are covered by the general population statistics. In 2014, there were 9 982 children aged 0-17 under the care of child welfare services. They were placed in either foster families or institutions. A significant growth was reported in recent years. From 2003 to 2014, there was an increase of 44%. From 2013 to 2014, there was 6% growth - the equivalent of 478 more children, at [www.bufdir.no/en/English\\_start\\_page/Children\\_under\\_the\\_care\\_of\\_the\\_child\\_welfare\\_services/](http://www.bufdir.no/en/English_start_page/Children_under_the_care_of_the_child_welfare_services/). Similar concerns have already been expressed by the Human Rights Commissioner of the Council of Europe in his 2015 Report, see above n.37, as well as by the UN CESCR in its Concluding Observations – Norway, 13 December 2013, E/C.12/NOR/CO/5.

<sup>46</sup> Oral conversations with researchers and civil society. See, *inter alia* the submission by *Taternes Landsforening* to the public consultation, n. 39.

## Article 6 of the Framework Convention

### Tolerance and intercultural dialogue

#### *Present situation*

48. During the period under examination there is evidence of an increase in hate speech and xenophobic discourse by politicians, the media, and society at large, in particular in social media, directed against immigrants, ethnic and national minorities, and indigenous people.<sup>47</sup> The Equality and Anti-Discrimination Ombudsperson and civil society organisations reported examples of online newspapers, social media and websites disseminating hate rhetoric against Muslims, Tater/Romani, Roma, Jews, Sami,<sup>48</sup> as well as widespread prejudice towards these groups.<sup>49</sup> In 2012-2013, the so-called ‘new Roma’, that is Roma coming from other EEA countries, were the target of strong intolerant and discriminatory attitudes, fuelled by a political and public debate with the objective of prohibiting begging in the streets.<sup>50</sup>

49. Although thinking about how to combat this surge in hate speech, which contributes to inciting intolerance and prejudice, started in the wake of the Breivik attack,<sup>51</sup> the Advisory Committee notes and appreciates the recently intensified initiatives by the government. The 2014 Action Plan against radicalisation and violent extremism introduced measures to counter hate speech on the internet, to reinforce the presence of the police online and to strengthen the role of civil society to prevent hate speech. The 2015 Equality and Anti-Discrimination Ombudsperson Report on Hate Speech<sup>52</sup> prompted several measures included in the 2016 LGBT Action Plan to strengthen investigation and prosecution of hate crimes in general (see below).<sup>53</sup> Finally, a strategy to prevent and combat hate speech is under preparation. It is intended to be a tool to raise awareness and promote public debate on hate speech in the public sphere, including for children, in the working place, in the media and in research.

<sup>47</sup> The Norwegian Police Security Service (PST) in its Annual Threats Assessment 2014 pointed out to the increase, p. 11, at [www.pst.no/media/70068/NTV\\_2014\\_engelsk.pdf](http://www.pst.no/media/70068/NTV_2014_engelsk.pdf).

<sup>48</sup> LDO, Hate Speech and Hate Crime, 2015, p.15 and ff. at [www.ldo.no/globalassets/03\\_nyheter-og-fag/publikasjoner/hate-speech-and-hate-crime.pdf](http://www.ldo.no/globalassets/03_nyheter-og-fag/publikasjoner/hate-speech-and-hate-crime.pdf); LDO Report to the CERD 2014, p.11, n. 17. See also the examples recorded in the ECRI Report on Norway, 24/2/2015, paras. 22 and ff., at [www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Norway/NOR-CbC-V-2015-002-ENG.pdf](http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Norway/NOR-CbC-V-2015-002-ENG.pdf), and CERD Concluding Observation Norway, June 2015, [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NOR/CERD\\_C\\_NOR\\_CO\\_21-22\\_21522\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NOR/CERD_C_NOR_CO_21-22_21522_E.pdf)

<sup>49</sup> The Center for Studies of the Holocaust and Religious Minorities, Anti-Semitism in Norway? The attitudes of the Norwegian population towards Jews and other minorities, 2012. The study revealed strong prejudices in the population against minorities: while 3% of the respondents would strongly dislike having Jews as their neighbours, figures were higher, respectively, to 12% for Muslims, and 27% for Roma.

<sup>50</sup> On anti-Roma sentiments see ECRI Report on Norway, n.48 and the Commissioner for Human Rights’s Report, n. 37.

<sup>51</sup> On 22 July 2011, A.B. Breivik attacked the government district and a summer camp organised by the youth wing of the Norwegian Labour Party (*Arbeidedpartiets Ungdons Forbund, AUF*) and murdered 77 people, many of them children and adolescents, claiming that through their political commitment to a multicultural, egalitarian society, they constituted a threat to Norway.

<sup>52</sup> See above n. 48. The report stressed the harmful nature of hate speech that does not reach the threshold to be prosecuted criminally and the relevance of a government comprehensive policy answer that addresses hate speech along with the remedies offered by the judicial system.

<sup>53</sup> Ministry of Children and Equality, “Safety, openness and diversity: the government plan of action against discrimination because of sexual orientation, gender identity and gender expressions 2017–2020”, [www.regjeringen.no/contentassets/6e1a2af163274201978270d48bf4dfbe/lhbti\\_handlingsplan\\_web.pdf](http://www.regjeringen.no/contentassets/6e1a2af163274201978270d48bf4dfbe/lhbti_handlingsplan_web.pdf)

50. A Jewish minority organisation informed the Advisory Committee that the government had taken responsibility to fight anti-Semitism through measures with the aim of improving dialogue and acceptance of diversity. One such measure is the three-year long Pathfinders programme, providing training to two young people belonging to the minority who participate in school events around the country promoting dialogue and understanding of Norway's religious diversity. Moreover, the Jewish minority representatives were widely consulted on the forthcoming Action Plan on Anti-Semitism, which is intended to increase knowledge and awareness of anti-Semitism and to provide for the gathering of data on anti-Semitic incidents. Finally, the Norwegian government provides funds for targeted research, activities in schools, as well as for spreading information and carrying out physical security measures for the Mosaic Faith Community.

51. The post-Breivik debate and the campaign against 'new Roma' also highlighted the impact of the attitudes of some politicians and journalists. A general consensus was forged that there was a need to stop using derogatory language and mitigate the anti-immigrant rhetoric. In November 2015, the government made a political declaration, which has since been signed online by politicians, representatives of labour unions and organisations, to underscore a commitment to take a strong stance against hate speech including in political discourse.<sup>54</sup> The Advisory Committee recalls that it is important to ensure that public debates are held in a responsible manner, respecting those belonging to minority groups.

52. The Advisory Committee appreciates both initiatives, but notes that the press did not adhere to the declaration as it was perceived as impinging on the right to freedom of expression. Although the press self-regulation of ethical conduct was held by the government to be effective,<sup>55</sup> the media took additional responsibility in fighting against intolerant and racially hostile narratives by adopting, in 2015, a new Code of Ethics (see Article 9). The media is also committed to moderating the comment section in social media connected to the press outlets, as these have become a preferred vehicle for the expression of anti-immigrants and anti-minority sentiment.

### *Recommendation*

53. The Advisory Committee urges the authorities to ensure without delay implementation of the initiatives in place to counter hate speech and to promote tolerance and intercultural dialogue, in particular the strategy to prevent and combat hate speech, and continue firmly to condemn derogatory and intolerant language in public discourse. Trust-building measures between persons belonging to national minorities and the institutions and the society at large, including spreading knowledge and awareness of national minorities, should be an integral part of the strategy.

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<sup>54</sup> Press release from the Norwegian government at [www.regjeringen.no/no/aktuelt/hatytringer/id2464637/](http://www.regjeringen.no/no/aktuelt/hatytringer/id2464637/), and declaration at <http://nettsteder.regjeringen.no/erklaringmothatytringer/signer-erklaringen/>.

<sup>55</sup> As requested by the government, the Media Responsibility Committee of the parliament assessed the need for legal rules to safeguard individuals in their dealing with the media and concluded that "self-regulation by the press in ethical matters works well and the mechanisms for press ethics will also play a role in the future in holding the journalistic media responsible for their actions", see NOU 2011:12, "Freedom of expression and responsibility in a new media world".

## Protection against hate crime

### *Present situation*

54. The Advisory Committee notes that hate crime is covered by Section 185 of the 2005 Criminal Code, which prohibits public statements which threaten or insult people or incite hatred, persecution or contempt for people due to, *inter alia* their skin colour or their national or ethnic origin. Since 2012, expressions published on the internet have also been included under the scope of the prohibition. Under Section 77(1), racial and xenophobic motivation is recognised as an aggravating circumstance. The Advisory Committee understands that there has only been a limited number of prosecutions under Section 185, which may be partially due to the strict interpretation of that provision by courts giving priority to freedom of expression and in consequence the high threshold required for a crime to fall under the definition.<sup>56</sup> Furthermore, under-reporting due to fear of reactions from the perpetrator or the environment, the lack of confidence in the police, the perception of not being taken seriously, widely shared by the Roma, coupled with discrepancies in recording incidents are among other factors which can explain the low numbers of prosecution.<sup>57</sup>

55. According to data collected by the National Police Directorate in 2014 there is serious under-reporting of hate crimes to the police.<sup>58</sup> In total, out of 228 cases of alleged violation of Section 185, 156 cases were registered as relating to race or ethnicity in general. This represents a decrease as compared with 2010-2012. Currently, no statistics are available on the number of prosecuted cases but according to the authorities there are only a few cases which concern persons belonging to national minorities, including Jews.<sup>59</sup> Finally, the Advisory Committee is particularly concerned by the alleged discriminatory behaviour of the police towards the Romani/Tatars and the Roma. Interlocutors from these organisations indicated to the Advisory Committee that discrimination generates further mistrust in the police and a higher level of under-reporting based on the perception that their complaints are not taken seriously.

56. The Advisory Committee notes that several of the concerns expressed by the Equality and Anti-Discrimination Ombudsperson with respect to the weaknesses of the measures in place to fight against hate crime have been addressed in the 2016 Action Plan on LGBT persons. The Action Plan foresees, amongst others, providing a common definition and registration procedures for hate crime in all police districts, producing a guide for police to know how to recognise and deal with hate crime, extending the best practice of the Oslo Police specialised unit on hate crime to the other eleven police districts in the country, improving statistics and data collection, including on prosecution decisions by courts. The authorities were of the opinion that these measures, which will apply to everyone and not only to LGBT persons, will improve recording and investigation procedures so as to make more effective the

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<sup>56</sup> To fall under Section 185 a person must wilfully or through gross negligence publicly utter a discriminatory or hateful expression. Furthermore, the expression must threaten or insult someone, or promote hatred, persecution or contempt for someone because of their skin, colour or national or ethnic origin, amongst others; see LDO Report on Hate Speech, p.32, n. 48.

<sup>57</sup> National Police Directorate, *Anmeldelser med hatmotiv 2010-2014*, at [www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/Vedlegg\\_3037.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_3037.pdf).

<sup>58</sup> National Police Directorate, Citizens survey 2015, [www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/Vedlegg\\_3493.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_3493.pdf).

<sup>59</sup> LDO Report, n. 48.

prosecution of hate crimes. While staff in the Norwegian Police Service already receives training in cultural understanding and diversity,<sup>60</sup> training on hate crime will soon be provided.

### *Recommendations*

57. The Advisory Committee calls on the authorities to ensure that the measures foreseen concerning hate crime are effectively implemented so as to guarantee that hate crimes against persons belonging to national minorities are more efficiently recorded and investigated by the police, and the alleged culprits duly prosecuted.

58. The authorities should intensify efforts to raise public trust in the police by both improving the knowledge of law enforcement officials about minorities in close consultation with them, in particular about the Tater/Romani and the Roma minorities, and by sanctioning discriminatory attitudes. The authorities should take appropriate steps to raise awareness about the legal remedies available and to build trust among persons belonging to national minorities regarding the effectiveness of such remedies.

## **Article 9 of the Framework Convention**

### **Access to and presence in the media**

#### *Present situation*

59. Representatives of the Ministry of Culture informed the Advisory Committee that both programmes on national minorities and in the languages of national minorities were mainstreamed into general programming. The government indicated that the national broadcaster (the Norwegian Broadcaster Corporation, NRK) has programming in the Kven language. However, despite the mainstreaming, the NRK noted in its 2010-2014 report that overall the programming for national minorities and in minority languages was limited.<sup>61</sup> On the positive side, the NRK has introduced a diversity plan to recruit employees with multicultural knowledge and background to ensure that programmes reflect the needs of ethnic/national minorities. The Advisory Committee notes with concern that the authorities indicated that the specific aid scheme for printed minority media had been discontinued during the period under examination, because it allegedly proved ineffective in reaching broadly the targeted groups and funds had not been allocated.

60. The Advisory Committee heard strong criticism from organisations representing the Kven minority as regards radio programming in Kven, which remains very limited (12 minutes weekly) and has not been given more airtime for the two to three decades, as well as the lack of regular television programming in Kven. The absence of private media outlets and radio stations in the Kven language (press, TV and radio) was frequently explained by a lack of funding. Further, the *Ruijan Kaiku* continues to be the only newspaper published in Kven with public funding. It appears nine times per year and uses, besides Kven, standard Finnish, and Norwegian. The Advisory Committee was not informed of the existence of broadcasting programmes or printed or online media in the languages of other national minorities,

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<sup>60</sup> 2009 Action Plan for Equality and Prevention of Ethnic Discrimination, p.42, n. 24.

<sup>61</sup> Sami have a dedicated channel, the *NRK Sápmi*.



notwithstanding the pivotal role media play for awareness raising, identity building, language training and policy work.

61. The Advisory Committee notes that in 2015, the Norwegian Press Association, the press self-regulatory body covering all Norwegian media, adopted a revised version of the Code of Ethics of the Norwegian Press which, *inter alia* contains provisions relevant to persons belonging to national minorities. Article 4.3 of the Code of Ethics provides for respect for the identity, ethnicity and nationality of individuals and warns against using any stigmatising terminology. Supervision of implementation of the Code of Ethics and in general of the ethical standards of all the press in Norway (radio, television, daily press, the weekly press, periodical publications and online publications) is ensured by the Press Complaint Commission (PCC). The PCC was established by the Norwegian Press Association in 1929 and is financed by it. Nevertheless, in the view of the Norwegian Press Association, the PCC's legitimacy and impartiality as a self-regulator is ensured by its composition (three members of the public, along with two journalists and two editors) and its fast, free, low threshold complaint procedure.<sup>62</sup> After an adversarial procedure, the complaint is either upheld or dismissed. In the former, a statement and a remedy are foreseen, such as rectification or a removal of the piece. Neither fines, nor monetary compensation may be imposed, but compensation may be pursued in courts. As of September 2016, 230 complaints had been filed in this year, out of which 166 have been accepted and 70 upheld. With a few exceptions concerning Sami, Jews and Roma, the majority of the complaints did not concern national minority issues. In the opinion of the Norwegian Press Association, this proves a high level of ethical conduct by journalists. However, other factors such as the lack of awareness of the existence of the PPC among persons belonging to national minorities, as well as the fact that they are quite distant from traditional media and not a target audience, may also be relevant.

62. The Advisory Committee appreciates that the Code of Ethics also applies to the comment sections of online press. Media outlets themselves take responsibility for monitoring and moderating these sections, including by closing them altogether if necessary. However, such moderation was considered by the Norwegian Press Association not to function efficiently. Since responsibility of the media for the comment section is less precisely defined, and users have the possibility of remaining anonymous, it proves more difficult to protect ethnic/national minorities from hostile language. Finally, the Advisory Committee was informed that the presence of persons belonging to a national minority among media staff is limited. This situation is, *inter alia* explained by the high qualifications and language requirements to become a journalist. The Advisory Committee recalls that it is important that persons belonging to national minorities are employed by media outlets.

### *Recommendations*

63. The Advisory Committee urges the authorities to take action in order to enhance significantly the presence of TV and radio broadcasting in Kven, as well as to secure support for all minorities to increase their media presence in broadcasting, printed and online media. The authorities should also ensure that national minority programmes are mainstreamed to expand knowledge and awareness of national minorities among the general public.

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<sup>62</sup> Anyone can complain (individuals, third parties, and organisations) but the person concerned must approve the complaint.

64. It also calls on the authorities to raise awareness among persons belonging to national minorities about the PCC complaint procedure and to encourage different media to employ more persons belonging to national minorities.

## **Article 10 of the Framework Convention**

### **Use of languages at local level**

#### *Present situation*

65. The authorities informed the Advisory Committee about their intention to develop a strategic plan for the revitalisation of the Kven language. This plan aims to build on the activities carried out so far concerning, *inter alia* early childhood education and culture and language development. Kven organisations stressed that although officially recognised as a minority language in 2005, Kven is critically endangered with at present only approximately 400 fluent speakers. In the opinion of the Advisory Committee's interlocutors, past assimilation policies make the revitalisation of the language essential.<sup>63</sup> The Language Council, which is the state's consultative body on language issues working to strengthen the Norwegian language and language diversity in Norway,<sup>64</sup> has established a special advisory service on the Kven language. The Advisory Committee welcomes various civil society initiatives to promote the use of Kven such as the 'mentors programme' which consists of creating informal local language groups headed by a mother tongue speaker, often an elderly person. Finally, the Advisory Committee notes with regret that only one county out of six in the North of the country has a language centre, the *Storfjord Språksenter*, which promotes the Kven (and Sami) languages.

66. The authorities consider the standardisation of the Kven language as one relevant aspect of the revitalisation process. The Kven Institute completed the work paying attention to respect, to a maximum extent, the differences among the various dialects in order to accommodate the largest number of speakers. A grammar book is available and an online dictionary is being developed. However, the Advisory Committee understands that the standardisation process is causing some concern among certain organisations representing the Kven minority who wish to continue writing in Finnish, as it was the case for the Kvens before a written language was developed.<sup>65</sup> Other Kven speakers consider Kven as a language in its own right and support its standardisation.

67. The Advisory Committee was not made aware of measures taken to improve the presence of Romani languages in public life, although such opportunities would be welcomed by parts of this community.<sup>66</sup>

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<sup>63</sup> See also the status report for Kven language and culture by the *Norske Kveners Forbund*, at <http://kvener.no/kven-language-and-culture-english/>.

<sup>64</sup> The Board of the Language Council is appointed by the Ministry of Culture. The Language Council has three specialist advisory boards and employs people from all sections of society.

<sup>65</sup> See also the European Charter for Regional or Minority Language Report on Norway, ECRML(2015)4 of 15 September 2015, para. 11.

<sup>66</sup> *Ibid*, para. 34 and ff.

### *Recommendations*

68. The Advisory Committee recommends that the authorities should develop and implement a comprehensive plan to revitalise and promote the Kven language including through developing further language nests, language centres and promoting adult education. It also calls on the authorities to earmark sufficient resources for this purpose, and to monitor regularly the results of such measures in order to ensure that persons belonging to the Kven minority can maintain and develop their cultural identities and actively use their minority languages in the public sphere.

69. The authorities should support the process of standardisation of Kven that takes into account a broad range of variants, whilst reinforcing confidence that Finnish will continue to be promoted.

## **Article 11 of the Framework Convention**

### **Use of topographical signs**

#### *Present situation*

70. The Advisory Committee appreciates the existing legal framework on place names. Relevant legislation respects the principle that multiple forms of place names in multilingual areas shall be used on maps, road signs and in official documents according to traditional use and in conformity with inherited name usage.<sup>67</sup> Furthermore, the legislation provides guidance on the spelling of place names in the languages of the national minorities. As regards the Kven language, the Kven place name service (*Paikannimi Palvelus*) runs a database in which all Kven place names are registered along with their Norwegian or Sami equivalents. Public bodies are responsible for using appropriate Kven names in their services and on public signs. The Advisory Committee notes that signs can be ‘bi- or tri-lingual’, the order being decided according to the presence of minorities in a given area. It understands, however, from some interlocutors that compliance with the legal framework differs among municipalities, although it has improved overall.<sup>68</sup> Regulations concerning postal addresses provide that municipalities should take into account traditional names in the different languages when deciding street names. However, as opposed to the legislation on place names, bilingual names are not an obligation for streets and practices vary among municipalities. Kven representatives considered that the implementation of the regulations may be problematic as it could favour Norwegian names.

#### *Recommendation*

71. The Advisory Committee encourages the authorities to continue ensuring the effective implementation of the existing legal framework on multilingual signs of place names, as well as to promote other public displays of multilingualism by municipalities. It calls on authorities to consult with national minorities when deciding on street names in areas inhabited by persons belonging to national minorities.

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<sup>67</sup> Act of 18 May 1990, No. 11 relating to Place Names with amendments in 2005, at [www.lovdata.no/all/hl-19900518-011.html](http://www.lovdata.no/all/hl-19900518-011.html), provides a general protection for place names as part of the intangible cultural heritage.

<sup>68</sup> See also ECRML (2015)4, para. 33, n. 65.

## **Article 12 of the Framework Convention**

### **Equal access to education**

#### *Present situation*

72. The Advisory Committee understands that for those among the Romani/Taters and the Roma who traditionally travel during the summer, access to education for children in that period continues to be difficult, although in some rare cases solutions have been found.<sup>69</sup> As the Advisory Committee was informed, part of the problem lies in the strict application of the legislation in force, which limits the number of absences from school of children under the age of 16.<sup>70</sup> Consequently, travelling Tater/Romani and Roma are forced to alter their lifestyle.

73. In addition to seasonal travelling, the Advisory Committee understood from the Ombudsman for Children that Roma children's low level of school attendance is also due to an overall lack of trust in the education system.<sup>71</sup> The Equality and Anti-Discrimination Ombudsperson has indicated that there are some measures with proven effectiveness as to school attendance, such as mentors who liaise between parents and the school and organised transport between home and school for security reasons.

#### *Recommendations*

74. The Advisory Committee calls on the authorities to show flexibility and put in place best practices, such as distance education, to allow children belonging to Tater/Romani and Roma minorities to continue to have access to quality education while travelling.

75. The authorities should also take steps to increase their support for existing good practices as regards the education of Roma children by allocating more resources for the work of Roma mentors with the aim of improving co-ordination between schools, municipal guidance services and Roma families.

### **Textbooks and other teaching materials; teacher training**

#### *Present situation*

76. The authorities indicated that the school curriculum foresees teaching and learning about national minorities but leaves a margin of appreciation to schools when applying the curriculum. Relevant pedagogical material is available online for schools,<sup>72</sup> but while textbooks were subject to the approval of authorities until 2000, today it is the responsibility of the authors and publishers to ensure the quality of the teaching materials.<sup>73</sup> In the opinion of the interlocutors of the Advisory Committee, from civil society organisations to independent

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<sup>69</sup> Distance learning was used in nine schools in Sor-Trondelag and the project was considered successful; see Written submission by *Taternes Landsforening* to the public consultation, above n. 39.

<sup>70</sup> The Education Act does not allow for more than a certain number of absences per year.

<sup>71</sup> Academic research also indicates that Roma children rarely complete schooling because of much more complex factors inherent in the Roma culture. The study concluded that, although the authorities have experimented and changed approaches to bringing Roma children into the education system on several occasions in the last 50 years, success is elusive until Roma "see their own way of life, social organisation and value systems as preferable to those of the non-Roma", see n. 44.

<sup>72</sup> See the Norwegian Directorate for Education and Training websites [www.udir.no](http://www.udir.no) and [www.minstemme.no/](http://www.minstemme.no/).

<sup>73</sup> See the Norway report 2015, International Holocaust Remembrance Alliance, p. 9, at [www.holocaustremembrance.com/sites/default/files/final\\_country\\_report\\_norway\\_0.pdf](http://www.holocaustremembrance.com/sites/default/files/final_country_report_norway_0.pdf).

bodies, school education provides an incomplete and at times ‘too neutral’ overview of the national minorities present in Norway. Teaching material does not provide a wide knowledge on the situation of national minorities and omits, for instance, information on past assimilation policies. Similarly, the wide discretion enjoyed by teachers on how to use this material, as well as their lack of knowledge and training as regards national minorities, are deemed to have a strong impact on learning. Hence, the limited awareness on Kvens/Norwegian Finns, Tater/Romani and Roma (as well as Sami) in society at large. The Jewish minority is also considered to be affected by the shortcomings described above, although more systematic attention is now devoted to the Holocaust at school and university level.<sup>74</sup>

77. The Advisory Committee also notes that the so-called ‘path-finders’ are young people belonging to national minorities who visit schools around the country in order to spread knowledge about the situation of the Sami and the Jews in Norway. The Advisory Committee considers that, when adapted to the specific circumstances of other minority groups, such projects could help to improve both the visibility and understanding of national minorities. It would be beneficial to the Roma, whose representatives pointed out the need to spread knowledge about their minority in society at large. As regards the Tater/Romani minority, it appears that this community is divided over the question of whether awareness-raising should be carried out by members of the community, as is sometimes the case already, or by the authorities. Those expressing a preference for the latter option fear stigmatisation based on being recognised as belonging to the national minority (see Article 5).

78. The Advisory Committee was informed about the lack of qualified Kven language teachers. Kven is not a subject offered at teacher training college. University education in Kven is offered only in Tromsø (see Article 14). Finally, the Advisory Committee observed that opinions differed between the authorities and minority representatives on the existence of sufficient teaching materials in Kven and to what extent the existing material is brought to the attention of municipalities and schools. It considers that a future action plan to revitalise the Kven language should include the development of teaching and learning materials in co-operation with the national minority.

79. The Advisory Committee finally notes that measures are in place to improve the understanding of cultural diversity in schools both by pupils and teachers, and to develop good practices.<sup>75</sup> It recalls that it is essential that all teachers be adequately trained to promote respect for different ethnic, cultural and linguistic backgrounds and to promote inclusion and dialogue in the classroom and throughout regular school routines, including extracurricular activities.

#### *Recommendations*

80. The Advisory Committee calls on the authorities to ensure that in co-operation with national minorities, curricula, textbooks and other teaching materials appropriately reflect the history and diversity of society in Norway so that education provides broad knowledge on minorities as forming an integral part of Norwegian society.

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<sup>74</sup> Ibid.

<sup>75</sup> 2009 Action Plan for Equality and Prevention of Ethnic Discrimination, p.22, n. 24.

81. The authorities should also direct efforts to ensure that the existing curricula are appropriately implemented and that training for teachers is provided in order to increase their knowledge of and teaching on national minorities and cultural diversity, as well as their competence to promote inclusion and dialogue in the classroom.

## **Article 14 of the Framework Convention**

### **Teaching and learning in and of minority languages**

#### *Present situation*

82. According to existing legislation, teaching and learning in Kven is part of the programme for Finnish as a second language, which is statutory in primary and lower secondary school in the counties of Troms and Finnmark only. Such teaching is offered if at least three pupils belonging to the Kven/Norwegian Finns minority or to the Finnish-speaking population request it and on condition that sufficient teaching resources are available. No such statutory right exists for the upper secondary level. The authorities indicated that, in 2014/2015 there were respectively 471 pupils in Finnmark and 123 pupils in Troms receiving instruction in Finnish as a second language in primary and lower secondary education. Instruction in Kven, as well as in Finnish, was available in only one municipality where 40-50 pupils attended school. In 2014, according to the State Report, three pupils took the final examination in Finnish at upper secondary level and none in Kven.<sup>76</sup>

83. There are several reasons which explain the low numbers and the decline in attendance from primary to secondary school. The Advisory Committee considers that the main reasons are, *inter alia* the limited information provided by schools on language learning opportunities, the rare opportunity to continue language learning in upper secondary and tertiary education, the lack of qualified teachers, the absence of financial incentive for students in the form of scholarships, as well as the very limited visibility of the language in society. In addition the insecurity about the choice of the language in which teaching and learning takes place at school, either Finnish or Kven, or both, is a factor that contributes to reluctance with respect to enrolment. This question has considerable impact, especially in areas where differences between these two languages are more pronounced.

84. The Advisory Committee further notes that Kven language learning seems to suffer from limited funding for early language education: so far only the municipality of Porsanger has established a language nest for full early language immersion while otherwise the presence of Kven in kindergarten is limited to a few hours per week when there are at least three pupils requiring it. In this respect, the Advisory Committee was informed that the pilot project put in place in the Porsanger municipality to provide Kven language immersion in early care and kindergarten, although successful, is at risk of being stopped since funds have not been earmarked by the government for it to become permanent.<sup>77</sup> With respect to higher education, there is a full-time university course only in Tromsø, but the number of registered students is

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<sup>76</sup> See State Report, p.31.

<sup>77</sup> According to information submitted to the Advisory Committee by the Kven Institute (letter of 9 September 2016), the pilot project succeeded in having children starting to talk in Kven. This was possible due to elderly persons speaking Kven who were part of the project as 'language' models and participated in the kindergartens' activities to pass the knowledge of the language from one generation to the next. Apparently, younger parents belonging to the minority who do not speak the language were also motivated to learn it along with their children.

low. More students attend the part-time, one-year long introductory course organised by the same university (there will be eight students in the academic year 2016-2017), which is often used as a qualification to teach in school, although it provides only basic training. Academics and minority representatives are of the opinion that this arrangement is insufficient to be able to boost the knowledge of the language. They suggested that regular funding and financial incentives (similar to those which exist for Sami students) could help in raising the number of prospective students, as well as contribute to the extension of the successful mentor programme. Finally, Kven tuition is not offered outside the traditional geographical areas, thereby failing to take into account social trends of people moving into the big cities.

85. Finally, the Advisory Committee observes that, with a few exceptions, the teaching of Romani and Romanes languages is virtually absent due to the lack of qualified teachers and teaching materials, as well as to other reasons more intrinsically related to these communities. As regards the Romani language, there seems to be diverging views within the Tater/Romani community between those who consider their language to be important to their identity and who would like more proactive measures to be put in place by the state in order to revitalise this language, and those against such measures, due to their increased visibility in society which would inevitably result. Roma organisations expressed the view that more opportunities for members of this minority to learn Romanes would reinforce their identity and their standing in Norwegian society. In primary and secondary school, pupils with a first language other than Norwegian or Sami have the right to special instruction in Norwegian, until they have sufficient Norwegian skills to follow ordinary education in schools.

### *Recommendations*

86. The Advisory Committee calls on the authorities to intensify their efforts to develop Kven language teaching and learning by ensuring continued funding for early education initiatives, including language nests. They should also provide teaching and learning opportunities in and of Kven in compulsory education more widely and systemically, including outside the traditional geographical areas in order to take into account social trends of moving to urban centres. In addition, the authorities should increase efforts to raise the number of students of Kven in higher education by means of financial incentives.

87. The authorities should also adopt measures to improve teacher training in the Kven language as part of the broader scheme to revitalise this language.

88. The Advisory Committee calls on the authorities to engage in a dialogue with both the Tater/Romani and the Roma minorities in order to consider flexible and pragmatic solutions to allow for the provision of teaching and learning of Romani and Romanes languages for those interested in receiving such an education.

## **Article 15 of the Framework Convention**

### **Participation in public life, decision-making processes, and public administration**

#### *Present situation*

89. The Advisory Committee notes that consultation with national minority organisations continues to take place bilaterally, as well as in the 'Contact Forum' established by the Ministry

of Local Government and Modernisation, which meets once a year to discuss issues relevant to persons belonging to national minorities. The Advisory Committee was informed, however, by independent bodies and civil society organisations that this forum is not considered very effective in advancing national minority interests. Moreover, national minorities consider their participation in decision making relating to issues of their concern very limited. Both Tater/Romani and Roma particularly resented the fact that programmes are often put in place without sufficient consultation with the minority concerned. To comply with its task to combat ethnic discrimination, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) established the 'forum to combat ethnic discrimination'. The forum is a meeting place for state actors to exchange best practices on the fight against ethnic discrimination and racism in the public sector. The Department of Sami and Minority Affairs in the Ministry of Local Government and Modernisation is represented in the Bufdir forum together with six directorates from the welfare sector and the Equality and Anti-discrimination Ombudsperson.

90. The Advisory Committee notes that the 2009 Action Plan for Equality and Prevention of Ethnic Discrimination contained measures addressing the limited participation of persons belonging to ethnic minorities in public life, in central and local elected bodies, as well as in public administration and the police. Persons belonging to national minorities, including women, were not specifically targeted although potentially covered on ethnic grounds. With the exception of the Sami who are politically organised, the level of participation of minorities in public life still seems to remain low. However, no precise data is available.<sup>78</sup>

91. The Advisory Committee reiterates its view, as expressed in its second Thematic Commentary in 2008<sup>79</sup> that political participation of minority representatives in relevant decision-making processes is crucial for their interests to be heard. It also highlights that recruitment of persons belonging to national and ethnic minorities into public administration, law enforcement bodies, and the judiciary should be promoted as a means to respond more effectively to their needs, and to attest to the government openness towards diversity in society. An increased presence of persons belonging to national minorities in police ranks may have a positive impact on the willingness of persons belonging to national minorities to address law enforcement officers when they require assistance (see also Article 6).

#### *Recommendation*

92. The Advisory Committee reiterates its call on the authorities to increase opportunities and enhance mechanisms for persons belonging to national minorities to participate in decision-making processes, in particular when measures targeting them are planned and implemented. Similarly, their recruitment to the administration and the police should be promoted in order to send a clear message that diversity as an integral part of the society is valued across Norway.

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<sup>78</sup> See also Committee on the Elimination of Discrimination against Women, Concluding observations Norway, CEDAW/C/NOR/CO/8, 2012, at [www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-NOR-CO-8.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-NOR-CO-8.pdf).

<sup>79</sup> See ACFC, Second Commentary on the Effective Participation of Persons belonging to National Minorities in Cultural, Social, and Economic Life and in Public Affairs of 27 February 2008, ACFC/31/DOC(2008)001, at [www.coe.int/minorities](http://www.coe.int/minorities).



## **Effective participation in socio-economic life**

### *Present situation*

93. The authorities, independent bodies and representatives of national minorities were of the opinion that Tater/Romani and Roma regularly experience discriminatory attitudes in employment, housing, access to camping sites and restaurants.<sup>80</sup> Although within the Tater/Romani community there are members with high qualifications and employment, there are also many others who have a lower level of education and who experience difficulties when trying to enter the labour market because of the lack of formal qualifications. While in the past there was less interest in formal education, there is now a growing interest among the group to access formal education and to benefit from mechanisms which would certify competences and skills acquired through practice.<sup>81</sup> The situation of the Roma in the labour market is even more critical and more proactive efforts conducive to facilitating access to formal education are needed. However, the Advisory Committee understands that no special measures are envisaged as regards these two minority groups. It was also informed that Roma face discriminatory attitudes when looking for housing. The Advisory Committee notes that no follow-up measure to the 2009 Action Plan of the City of Oslo has been taken in this context. The lack of data and research on this issue prevents a factual understanding of the situation and the elaboration of appropriate measures.

### *Recommendation*

94. The Advisory Committee recommends that the authorities step up their efforts to facilitate access of persons belonging to the Tater/Romani and Roma minorities to employment and apprenticeship, as well as to reduce inequalities that Roma in particular experience in access to housing, including by conducting research to assess the situation.

## **Articles 17 and 18 of the Framework Convention**

### **Bilateral co-operation**

#### *Present situation*

95. The Advisory Committee is pleased to note the existence of a variety of co-operation agreements aimed at promoting cultural co-operation and understanding between Norway and its neighbouring countries (for example, the Norwegian-Finnish Cultural Fund, the Finnish-Norwegian Arctic Partnership). The Advisory Committee also welcomes the cross border co-operation involving persons belonging to the Kven minority organised by the Kvenland Association (*Kvenlandsforbundet*) with persons belonging to minorities in Norway, Sweden and Finland. Co-operation between the Kvens and the Torne Valley Finns in Sweden (also named Meänkieli) is particularly developed due to strong historical links and parallels in culture and language. Cultural co-operation in term of projects, festivals and contacts between the Kvens in Norway and minorities in neighbouring countries also expanded covering Norway, Sweden, Finland, the Baltic states and the Republic of Karelia in Russia.

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<sup>80</sup> According to the LDO Report to the CERD, unemployment is three times higher for ethnic minorities and targeted and systematic efforts are needed to improve equality for them as regards recruitment, language, remuneration and working conditions; n. 17.

<sup>81</sup> See the 2015 LDO Report, p. 20-21, n. 48.

*Recommendation*

96. The Advisory Committee encourages the authorities to pursue their efforts to promote good relations within the region by enhancing the effective participation of persons belonging to national minorities in the development and implementation of relevant co-operation agreements and by supporting cross-border initiatives between national minorities.

### III. Conclusions

97. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Norway.

98. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion.<sup>82</sup> In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### **Recommendations for immediate action:<sup>83</sup>**

- **Address adequately and without delay the problems identified in the 2015 ad hoc Committee's report on assimilation policies towards the Tater/Romani minority by taking effective measures to rebuild trust, including by broadening awareness of the recognition of public responsibility; expand knowledge about this minority and encourage dialogue within the community, with the authorities and society at large;**
- **Step up efforts to preserve and develop Tater/Romani and Roma cultural identities by combating discriminatory attitudes towards their travelling lifestyle and by facilitating access to education; ensure that alternative measures to placing children in child welfare services are put in place whenever possible and that placement remains a measure of last resort; intensify efforts to preserve family ties and the cultural identities of the children when placement in families occurs, including through the recruitment of foster families belonging to the respective minority and the promotion of a broad understanding of Roma culture among child welfare services;**
- **Develop a comprehensive and adequately resourced plan to revitalise and promote the Kven language including through developing language teaching in education, teacher training, language centres and an increased presence in the media so as to ensure that persons belonging to the Kven minority can maintain and develop their cultural identities and actively use their language in the public sphere;**
- **Strengthen and fund adequately the complaint mechanism resulting from the reform of the Equality and Non-Discrimination Ombudsperson; increase awareness of persons belonging to national minorities about this instrument, by providing information in languages other than Norwegian.**

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<sup>82</sup> A link to the Opinion is to be inserted in the draft resolution before submission to the GR-H.

<sup>83</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

Further recommendations<sup>84</sup>

- Consider alternative ways of gathering disaggregated, anonymous data on persons belonging to national minorities to enable the adoption and implementation of effective policies for the protection of national minorities;
- Ensure that increased attention is given in future to adopting measures which effectively and appropriately address the needs of persons belonging to all national minorities and specifically those of women, within the broader framework of measures targeting to fight against ethnic discrimination and that these measures are adequately resourced and thoroughly implemented; improve knowledge relating to national minorities and competences to deal with cultural diversity in public services;
- Ensure that existing support for cultural activities of persons belonging to national minorities is administered in a way which allows for sustainability of minority institutions and projects. All decisions at local, regional and national level should be taken in close consultation with minority representatives thus taking their priorities into consideration;
- Pursue efforts to combat hate speech and to promote tolerance and intercultural dialogue through the effective implementation of the forthcoming strategy to prevent and combat hate speech, direct the strategy to building trust between national minorities and the institutions and the society at large, and continue to condemn firmly derogatory and intolerant language in public discourse; prioritise the implementation of hate crime measures in order to guarantee more effective recording, investigation and prosecuting of alleged hate crimes against persons belonging to national minorities; intensify efforts to raise public trust in the police;
- Enhance significantly the presence of TV and radio broadcasting in Kven, as well as secure support for all minorities to increase their media presence in broadcasting, printed or online media; pursue the implementation of the existing legal framework on place name signs;
- Improve access of Roma children to education by allocating more financial resources for ensuring the work of Roma mentors with the aim of improving co-ordination between schools, municipal guidance services and the families; engage in a dialogue with the Tater/Romani and the Roma minorities to consider flexible and pragmatic solutions in order to allow for provision of teaching and learning of the Romani and Romanes languages for those interested;
- Step up efforts in co-operation with national minorities to ensure that curricula, textbooks and other teaching materials reflect appropriately the history and the diversity of society in Norway and teachers are adequately trained in order to improve their knowledge and teaching on national minorities;

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<sup>84</sup> Ibid.

- Intensify efforts to develop Kven language teaching and learning by developing the offer of language nests and early education in this language; provide teaching and learning opportunities in and of Kven in schools more widely and systematically, including outside the traditional geographical areas to take into account social trends of moving to urban centres; increase efforts to raise the number of students of Kven in higher education through financial incentives;
- Increase opportunities and mechanisms for persons belonging to national minorities to participate in decision-making processes; promote their recruitment into the administration and the police in order to send a clear message that diversity is valued across Norway;
- Step up efforts to facilitate the access of persons belonging to the Tater/Romani and Roma minorities' employment and apprenticeship opportunities; reduce the inequalities which Roma in particular experience in access to housing including by conducting research in order to assess the situation.