




FIFTH OPINION ON NORWAY

Advisory Committee
on the Framework
Convention for
the Protection of
National Minorities
(ACFC)



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SUMMARY OF THE FINDINGS

1. Norway continues to offer a good and increasing level of financial support to persons belonging to national minorities, and the Sami people. There have also been many positive legislative developments over the monitoring cycle. Norwegian society continues to be generally tolerant, but minorities and the Sami were alarmed at hate speech targeting them in particular. Low levels of awareness of minorities persist, and existing resources should be more positively used and enforced. Underpinning many of the issues is also a lack of disaggregated equality data. However, mistrust between some minorities and the authorities persists, and a number of minorities expressed their disappointment at the policies of the Norwegian authorities. Work needs to be undertaken to rebuild trust, and the authorities are in a position to take the first steps.

Scope of Application

2. For the first time under the reporting of the Framework Convention, the Sami Parliament, or Samediggi, has approved the inclusion of the Sami under the protection of the Framework Convention, which is a welcome development and underlines the high levels of trust between the Sami and the Norwegian authorities. Otherwise the Framework Convention is applied to the five groups previously covered: Forest Finns, Jews, Kven/Norwegian Finns, Roma, and Romani/Taters.

Anti-Discrimination Framework

3. During the monitoring period the Equality and Antidiscrimination Ombud and the Equality and Anti-Discrimination Tribunal were restructured allowing each to focus more on their core task – that is, offering support to victims for the former, and handling individual discrimination complaints for the latter. For its part, the Ombud cooperates successfully with several national minorities and the Sami in raising awareness of antidiscrimination norms and developing action plans. The Tribunal cannot collect data disaggregated by ethnicity among its complaints, but may only record if a complaint is on the grounds of ethnicity. This is part of a broader lack of equality data, which makes it difficult to assess the situation accurately. Some minorities, and some Sami, have recently begun advocating for the collection of such data.

Support for minority and Sami cultures

4. The Sami receive a high level of structural funds along with also individual project funds. Likewise, national minorities are entitled to operating grants for organisations as well as project funding. However, this is subject to competition between minorities, and some, for instance the Kven/Norwegian Finns, complained of the lack of increase in funding over years. Furthermore, key initiatives such as minority language kindergartens are subject to annual funds which have to be reapplied for annually. The Forest Finns continue to ask the authorities to support their museum and involve them in the future running of it; the authorities have now granted the funds, but the involvement of the Forest Finns remains open to question.

Administration of collective reparation

5. The Romani/Tater Cultural Fund was transferred to the Arts Council in 2019, following a temporary period of administration by the Ministry for Local Government and Modernisation, which in turn was preceded by the annual grant being withheld and the Foundation (which previously administered the Fund) being stopped from doing so. The situation has heightened levels of mistrust between the minority associations and the authorities, and urgent steps are needed to facilitate dialogue, rebuild trust and build confidence in the collective reparation as this minority remains in a disadvantaged position in Norwegian society.

Child Welfare Services

6. Measures to improve child welfare services have been taken, with a view to ensuring non-discrimination in decisions to remove children from families, and to ensure that minority children continue to maintain links with their minority culture. There have been notable findings of violations at the European Court of Human Rights, which Norway is remedying with several measures, including a new Child Welfare Act. This Act should prevent the issues which caused previous violations. Further awareness raising measures among Roma and Romani/Tater minorities are however needed to ensure they are aware of the new procedures and safeguards now in place, as fear of these services – also in light of historical assimilation policy – persists.

Tolerance and Intercultural Dialogue

7. There are a number of commendable policy initiatives which aim to foster intercultural dialogue. Nonetheless there appears to be persistent antisemitism and racism among some parts of Norwegian society. Moreover, efforts aiming at the integration of society as a whole are consistently hampered by the majority population's lack of awareness of Norwegian national minorities.

Protection from hostility and violence

8. Whilst there is no data on the victims of hate crime or hate speech, the Advisory Committee has been informed by its interlocutors of the antigypsyism to which Roma and Romani/Taters are exposed daily. There has been success in the Action Plan on Antisemitism 2017-2020 to collect data on antisemitic hate crimes specifically; this has recently also been widened to include anti-Muslim hate crime. The authorities can build on this success further by creating an action plan on antigypsyism – which would also include anti-nomadism – and collect data specifically on crimes with an antigypsyist motive.

Law Enforcement

9. Relations between Roma and the police continue to cause concern for the Advisory Committee, and further outreach is needed to build trust between Roma and police. Furthermore, the Samediggi has played an important role in opening up a discussion about gender-based violence against women and child sexual abuse in the Sami region, working with the national authorities and the Ombuds to come up with an action plan on violence in close

relationships targeting the Sami too. They highlight too the mistrust between the Sami and the police, and the difficulties in communicating with law enforcement.

Media

10. Sami language television and media receives high levels of support, including via the state broadcaster NRK. However, the offer of NRK regarding Kven requires improvement, as well as increased trained journalists who speak Kven. Further financial support for other media in Kven would be welcome, while positive initiatives such as podcasts are being launched, even on small budgets. Efforts are hampered by a lack of media professionals able to speak Kven. Further programming about all national minorities, but especially Romani/Taters and Roma, would be necessary to raise awareness of national minorities among wider society.

Language policy

11. The Kven language plan, launched in 2018, created a number of Kven language centres. The Kven/Norwegian Finns want this plan to continue and to have broader support for the revitalisation of the Kven language – which has been given higher status in the new Language Act. There is concern among some of this minority that the Finnish language is being insufficiently protected and promoted. The authorities need to look into this matter further and begin to address the concerns of this part of the minority too.

Personal names and topographical indications

12. The Personal Names Act allows minorities to reclaim the names of their ancestors when they were 'Norwegianised', but some of the documentation required for this is difficult for minorities to acquire. The authorities are open to working with the minorities concerned to resolve these issues. There is a lack of staff among the mapping authority and also an unwillingness among some parts of the state administration to spend money on multilingual signage in national parks. Minorities now have the right to complain to the county governor if municipalities do not follow the law in place.

Intercultural Education

13. Resources for boosting intercultural education and the knowledge of school students about national minorities and indigenous people are in place. However, they are insufficiently implemented and the authorities are working on assessing this. The 'Pathfinders' scheme, which initially was for Jews and the Sami, with also a pilot ran for the Kven, is a positive way to raise awareness of minorities and the Sami and to put youth in contact with minority youth to share experiences. The authorities could engage more actively to expand this scheme to other national minorities.

Access to Education

14. Roma and Romani/Taters continue to experience issues in accessing education. For the Roma, school guides appear to be having a beneficial effect. More structurally, and in order to facilitate parents sending their children to preschool, a bilingual Romanes/Norwegian preschool could be set up – in collaboration with the minority and potentially hosted at their cultural centre, beginning to address

insufficient knowledge of Norwegian for Roma pupils while offering them education in their first language.

15. Romani/Taters continue to be concerned about the potential consequences of taking a child out of school in order to travel during their traditional time for doing this. Work is ongoing to ensure that Romani/Tater children are still able to travel and receive proper schooling.

Education in minority and Sami languages

16. Sami language education is available within and outside Sapmi, although some discrepancies between the Kindergarten Act and the Education Act should be addressed. For the Kven/Norwegian Finns, language education is available upon request for three or more children from this minority who request to receive instruction in Kven or Finnish in Troms and Finnmark. However, further incentives to ensure the continuation of Kven or Finnish education through secondary school are needed, and also further efforts to train more teachers and stabilise the funding and position of Kven language nests or kindergartens.

Effective participation in public affairs

17. The Contact Forum has been a contested arena for minority participation and consultation by the authorities. Many minorities reported dissatisfaction with its past running. However, the authorities are willing to try new methods to make it work. Further developments could include holding meetings in the traditional areas of settlement of the minorities and ensuring higher level participation on the side of the authorities.

Cross-border cooperation

18. Cooperation across borders is facilitated by Norway, though minority representatives and the Sami emphasised the difficulties caused by the Covid-19 restrictions – even as some traditional Sami occupations were exempted from quarantine obligations. Other initiatives across borders could also be supported further by Norway, including for the Kven/Norwegian Finns.

Nordic Sami Convention

19. Work on the Nordic Sami Convention had developed well, but has been halted since some amendments to the final text were suggested by the three Sami Parliaments. The Norwegian authorities are uniquely placed to reconvene discussions and work towards the ratification of this instrument, which should provide additional protections for the Sami and complement the Framework Convention.

RECOMMENDATIONS

20. 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.

21. The authorities are invited to take account of the detailed observations and recommendations contained in the present opinion of the Advisory Committee. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action

22. The Advisory Committee urges the authorities to take active steps on their part to pursue the historic reconciliation process with regard to the Romani/Tater minority, with the effective participation of all parties concerned, in particular to rebuild trust in the collective reparation scheme. It also urges the authorities to take steps to build confidence between the Romani/Tater organisations, persons belonging to the minority and the authorities, with a view to distributing funds from the collective reparation with the full and effective participation of the Romani/Tater minority;

23. The Advisory Committee urges the authorities to elaborate and adopt an action plan to combat antigypsyism, in close cooperation with the Roma and Romani/Taters, as well as the non-Norwegian Roma where appropriate. The plan should also target anti-nomadism. The authorities should, on this basis, collect data on crimes with an antigypsyist motive and ensure that alleged offences are promptly and effectively investigated, and where appropriate prosecuted and sanctioned. The measures in the action plan should be evaluated periodically in close cooperation with the minorities concerned; the authorities should also increase the number and strengthen the mandate of Roma community facilitators in the framework of the new police action plan on diversity, dialogue and trust, and to urgently increase training of law enforcement about national minorities, especially the Roma, and to engage with the minorities concerned to ensure cooperation with them and increase awareness of legal remedies;

24. The Advisory Committee urges the authorities to take further steps to ensure equal access to education for Roma children, for example through developing a bilingual kindergarten for Roma, using Romanes and Norwegian as languages of instruction, to enable Roma children to attend preschool and learn Norwegian before starting primary education while still receiving education in their first language;

25. The Advisory Committee urges the authorities to open a dialogue with representatives of national minorities and the Sami on the kind of equality data needed on which to devise targeted measures and to identify together with them appropriate methods of collecting such data;

26. The Advisory Committee urges the authorities to further cooperate with the Samediggi to ensure a full range of textbooks are available in North Sami for primary and secondary education, which are adapted culturally and to the new curriculum in place since 2020.

Further recommendations¹

27. The Advisory Committee calls on the authorities to continue working with the Forest Finns to establish a museum of Forest Finn history and culture, and to involve their organisations and representatives in order for them to effectively participate in the management of such a museum;

28. The Advisory Committee calls on the authorities to improve awareness among persons belonging to the Romani/Tater and Roma minorities of the new Child Welfare Act, for example by holding outreach events and establishing Romani/Tater and Roma mediators in the child welfare services personnel. The authorities should continue to raise awareness among child welfare personnel of the rights of national minorities in this respect, to ensure that national minorities' family ties and cultural identities are preserved in the child welfare service's work;

29. The Advisory Committee calls on the authorities to periodically review the Action Plan on Antisemitism in cooperation with the Jewish minority, to ensure it continues to respond to current challenges effectively, and in addition, look into further measures to counteract antisemitism;

30. The Advisory Committee calls on the authorities to work with Roma representatives and organisations to address gender-based violence against Roma women in a non-stigmatising way; the Advisory Committee calls on the authorities to continue working with the Samediggi and Sami to combat gender-based violence against Sami women in a non-stigmatising way;

31. The Advisory Committee calls on the authorities to cooperate with the Norwegian Public Broadcaster (NRK), whilst respecting the freedom of the media and NRK's editorial independence and with the effective participation of these minorities, to increase high-quality broadcasting about and for national minorities, especially Roma and Romani/Taters, including potentially in the Romanes and Romani languages.

32. The Advisory Committee calls on the authorities to look into the specific language dynamics and preferences within the Kven/Norwegian Finn minority, including in the education system and other areas of public life, and use this as a basis for future language policy;

33. The Advisory Committee calls on the authorities to take active steps to increase societal awareness about national minorities and the Sami, for instance by expanding the 'Pathfinders' scheme to other national minorities, while working with national minorities and the Sami, as well as

¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

educators and schools, to ensure the existing curricula, plans and resources in place are implemented in practice and to ensure the effectiveness of these initiatives in fostering knowledge of the culture, history, language and religion of national minorities and the Sami;

34. The Advisory Committee calls on the authorities to provide long-term and structural funding to Kven language kindergartens, to provide incentives – including financial – to continue to learn Kven or Finnish beyond grade 8, and to ensure that there are trained teachers able to provide high-quality teaching at kindergarten, primary and secondary levels. The production of teaching materials should also be expanded to ensure there is sufficient, high-quality provision at primary and secondary levels of education;

35. The Advisory Committee calls on the authorities to pursue work with national minority organisations to improve the Contact Forum, and to continue to hold bilateral meetings and to maintain an open and ongoing dialogue with each national minority group, respecting the diversity, including diversity of views, of each group in preparation for the annual Contact Forum. Adequate opportunities for

persons belonging to national minorities to have their voice heard and have a substantial influence on all decisions and issues affecting them should be ensured in this regard;

36. The Advisory Committee calls on the Norwegian authorities to take an active role in facilitating a regional dialogue on the conclusion of the Nordic Sami Convention, with a view to improving cross-border cooperation between Norway, Finland and Sweden on Sami issues and ensure the protection of the rights of the Sami.

Follow-up to these recommendations

37. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth cycle opinion. It considers that a follow-up dialogue to review the observations and recommendations made in this opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying possible ways of implementing the recommendations contained in the present opinion, drawing from its experience in the States Parties to the Framework Convention.

MONITORING PROCEDURE

Follow-up activities related to the recommendations of the fourth opinion of the Advisory Committee

38. No follow-up activity took place in respect of the fourth opinion of the Advisory Committee. The authorities report that the fourth cycle opinion was presented at the Contact Forum (see Article 15) in 2018, and the documents were published in English and Norwegian on www.regjeringen.no.² It appears that neither the fourth opinion nor the fourth Committee of Ministers' Resolution was translated into minority languages.

Preparation of the state report for the fifth cycle

39. The state report was received on 14 September 2020. Organisations representing and promoting the rights of persons belonging to national minorities were consulted in its preparation. The 5th cycle state report outline asked states to provide elements relating to gender equality.³ One paragraph of the state report addresses gender-related aspects of minority rights.⁴

Country visit and adoption of the fifth opinion

40. This fifth-cycle opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter "the Framework Convention") by Norway was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fifth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Børselv/Pyssyjoki/Bissojohka,

Karasjok/Karášjohka, Tromsø and Oslo from 23 to 27 August 2021. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit,⁵ as well as to its interlocutors it met during the country visit. The draft opinion, as approved by the Advisory Committee on 27 October 2021 was transmitted to the Norwegian authorities on 28 October 2021 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Norwegian authorities on 5 January 2022.

The visit took place in coordination with the Eighth Monitoring Round of the Committee of Experts on the European Charter for Regional or Minority Languages. In addition to its own assessment, the Advisory Committee refers also to the conclusions of the Committee of Experts.

In the following part of the opinion, a number of articles of the Framework Convention are not addressed. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signaling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

² Available [here](#).

³ Available at <https://www.coe.int/en/web/minorities/country-specific-monitoring>.

⁴ See [state report](#), p.19.

⁵ On 13 September 2021, Norway held elections. The Advisory Committee's opinion will address the political and legal situation prevailing before these elections, but has been updated with further information until its adoption.

ARTICLE-BY-ARTICLE FINDINGS

Personal scope of application (Article 3)

41. The Forest Finns, Jews, Kvens/Norwegian Finns, Roma, and Romani people/Taters⁶ are recognised as national minorities in Norway and covered by the Framework Convention's protection. The authorities maintain their position, expressed in the fourth monitoring cycle, that Roma who arrived in Norway from EU member states and elsewhere in Europe (non-Norwegian Roma) are not entitled to protection under the Framework Convention, as they do not "have a long-standing connection to Norway".

⁷ However, the Advisory Committee notes that some of these Roma benefit from measures in place for the Norwegian Roma – for instance at the Romano Kher centre (see Article 5 and Article 12 on Roma school guides).

42. The Sami Parliament of Norway, or Samediggi, confirmed in December 2019, its wish to include Sami People's rights under the monitoring of the Framework Convention, as an indigenous people entitled to protection under this Convention in Norway.⁸

43. Representatives of the Sami Parliament informed the committee of the open dialogue they had experienced with the authorities, and the pragmatic approach they take to realising their protection under the Framework Convention. However, representatives of national minorities reported low awareness of the Framework Convention among authorities, particularly on local and regional levels, to such an extent that it hampers the effective implementation of many of the provisions of the Framework Convention.

44. While recognising that state parties have a margin of appreciation in determining the personal scope of application of the Framework Convention, the Advisory Committee reiterates that it is part of its duty to assess whether the approach taken to the scope of application does not constitute a source of arbitrary or unjustified distinctions among communities with regard to access to rights.⁹ It reiterates too that, when examining the implementation of the Framework Convention by states parties, it consistently encourages the authorities to consider, on an article-by-article basis, which rights should be made available to whom in order to ensure the most effective implementation of the Framework Convention based on facts rather than on status.¹⁰

45. The Advisory Committee is pleased to note that Non-Norwegian Roma from EU member states and elsewhere in Europe living in Norway in practice benefit from some of the measures taken to implement the Framework Convention for the officially recognised Norwegian Roma, despite the formerly expressed position of the authorities. It also notes with satisfaction the inclusion of Sami in the protection under the Framework Convention, and commends the dialogue between the Samediggi and the Norwegian authorities. In this regard, the Advisory Committee wishes to express its position that the Sami falling under the protection of the Framework Convention in no way lessens the rights or protection of the Sami flowing from their status as indigenous people.

46. The Advisory Committee strongly encourages the authorities to raise awareness of the Framework Convention and the protection it offers among officials at all levels, in particular the municipal level, and among society in general, for example through public awareness campaigns.

47. The Advisory Committee encourages the authorities to consider applying the Framework Convention on an article-by-article basis to non-Norwegian Roma.

48. The Advisory Committee welcomes the cooperation between the Sami Parliament and the Norwegian authorities which has resulted in the Sami falling under the protection of Framework Convention.

Anti-discrimination legislative and institutional framework (Article 4)

49. Discrimination continues to be prohibited on the basis of the constitution (Article 98) and the Equality and Anti-Discrimination Act (EADA), bringing an additional layer of protection against discrimination on the basis of a list of grounds, including ethnicity, religion or belief.¹¹ It is explicitly stated in the law that ethnicity comprises *inter alia* national origin, descent, skin colour and language. It also tackles intersectional and multiple forms of discrimination.¹² It requires¹³ employers to make active, targeted and systematic efforts to promote equality and prevent discrimination on the enumerated grounds.¹⁴ 'Positive differential treatment' is also expressly permitted by the act.¹⁵

⁶ The Norwegian state report refers to Romani people/Taters whereas the Advisory Committee will continue to use the term 'Romani/Taters' in the present opinion.

⁷ See para. 11.

⁸ State report, p.5 and p.15. See also shadow report from the Samediggi, p.4. The shadow report is available in Norwegian and Sami here: <https://innsyn.onacos.no/sametinget/mote/norsk/wfinnsyn.ashx?response=mote&moteid=4650&>. All references in the present opinion are to the English version, received by the secretariat of the Advisory Committee on 16 November 2020.

⁹ [Thematic Commentary No.4](#), para. 26.

¹⁰ [Thematic Commentary No.4](#), para. 43.

¹¹ EADA, section 6, available at: [Act relating to equality and a prohibition against discrimination \(Equality and Anti-Discrimination Act\)](#).

¹² State report, Part III, p. 17

¹³ In 2020, the activity duties of employers and public authorities were strengthened and clarified, see: <https://www.regjeringen.no/en/dokumenter/action-plan-to-combat-discrimination-and-hatred-towards-muslims-2020-2023/id2765543/>.

¹⁴ EADA, section 24.

¹⁵ EADA, section 11.

50. A new system of enforcement in discrimination matters was introduced in 2018.¹⁶ There are now two separate institutions dealing with anti-discrimination. The Equality and Anti-Discrimination Ombud gives legal advice in individual cases¹⁷ and functions as a government coordinator of measures aiming to raise awareness of anti-discrimination standards among Norwegian society, working also with the ministries concerned, the Samediggi and national minorities. The other institution is the Equality and Anti-Discrimination Tribunal which has the mandate for the enforcement of the discrimination law. The Tribunal tries cases and gives enforceable judgments, and if it finds that discrimination has occurred in cases of employment, it can award damages or compensation where they have been claimed. In non-employment cases, only compensation can be awarded – again, when claimed.¹⁸ When the Tribunal handles matters concerning regulations or administrative decisions made by a public administrative body, it can issue a 'statement' on contravention of the EADA, rather than a 'decision'.¹⁹

51. Both the Tribunal and the Ombud carry information in North Sami on their respective websites,²⁰ and awareness raising campaigns on how to lodge complaints against discrimination have been launched in the framework of the Action Plan against Racism and Discrimination (see Article 6). The government increased in 2020 the budget allocations to the Ombud and the Tribunal by 3 million NOK each to help the processing of discrimination cases.

52. In the cases handled by the Tribunal, 'ethnicity' is the grounds of discrimination which may concern persons belonging to national minorities – but the Tribunal does not record whether the alleged victim of discrimination belongs to any national minority and it is not possible to search its database to assess the number of complaints concerning the Sami or national minorities. The Advisory Committee was informed that around 40% of the cases relating to ethnicity are dismissed, which is not as high as some other grounds (see EADA, section 6). In 2019, 71 cases concerning ethnicity and religion were handled, and in 2020 the figure was 112, corresponding to a 58% growth rate.²¹ The overall number of cases handled by the Tribunal has been increasing since the organisational restructuring in 2018, and the average case-handling time is decreasing year-on-year – from two years in 2018 to under one year in

2019.²² The European Network of Legal Experts report however indicated that up until 2020 at least, the Tribunal had "no visibility" in the public domain.²³

53. The Ombud's coordinating function means it works across different initiatives, such as an online portal to collect data of non-Norwegian Roma experiences of racism. The Ombud is working closely with Norwegian Roma and non-Norwegian Roma to put this in place, and to ensure those concerned have the capacity and technology to report any racism they face. The Ombud also has a cooperation agreement with the Samediggi, working on a wide spectrum of issues including equality in services, LGBTI issues, racism and violence in close relationships.

54. The Norwegian Human Rights Institution (NHRI) has A-status, recognising compliance with the UN Principles relating to the Status of National Institutions (the Paris Principles), and works to promote and protect human rights in Norway and monitor the authorities' compliance with international human rights obligations. It works also extensively on national minority issues and has an ongoing dialogue with the ministries responsible for different aspects of the implementation of the Framework Convention in Norway (see Article 12 for instance).

55. The Norwegian Courts Administration is conducting awareness raising activities among judges in order for them not to be influenced by factors such as ethnicity or religion. In addition, a special forum, the Sami forum, was created to increase knowledge and expertise about legal protection for indigenous people and their cultures.

56. National minority representatives reported the good cooperation they had with the Ombud, particularly the Roma, but regretted with reference to the Tribunal the limited possibilities for awarding damages and that there was a low number of cases related to ethnicity taken forward. The Roma reported too that they perceived that the levels of structural discrimination they experience in daily life, including in accessing housing or employment, are not sufficiently addressed by the Tribunal – indicating the lack of faith they have in anti-discrimination remedies. They also stated that Roma were not sufficiently aware of the improved anti-discrimination standards. Roma and Romani/Taters also informed the Committee of the difficulties they face while following their itinerant lifestyle –

¹⁶ See Equality and Antidiscrimination Ombud Act, Act 19 December 2017 No. 114 (in force 1 January 2018): <https://lovdata.no/dokument/NLE/lov/2017-06-16-50?q=equality%20and%20antidiscrimination>.

¹⁷ State report, Part III, p. 18.

¹⁸ State report, Part III, p. 33. See also Equality and Antidiscrimination Ombud Act, section 12. The Tribunal supervises: Chapter 13 of the Working Environment Act, with the exception of section 13-1(3); section 6 of the Ownership of Property Units Act; section 1-8 of the Tenancy Act; section 1-4 of the House-Building Cooperatives Act; section 1-5 of the Housing Cooperatives Act; chapter 10 of the Ship Labour Act, with the exception of section 10-1; the Equality and Anti-Discrimination Act, except a) section 18 on universal design of ICT; b) section 24 on the activity duty of public authorities and the duty to issue a statement; c) section 25 on the duty of employer and employee organisations to promote equality; d) section 26 on the activity duty of employers; e) section 26 b on the employer's disclosure duty relating to equality work; f) section 28 on the gender balance of public committees, etc.; section 32, second paragraph, on the processing of information on pay; h) section 39 on penalties for aggravated contravention of prohibitions against discrimination by several persons acting together. More information can be found here: <https://www.diskrimineringsnemnda.no/spr%C3%A5k/1230>.

¹⁹ EELN report, 2021, p. 73, at: <https://www.equalitylaw.eu/downloads/5514-norway-country-report-non-discrimination-2021-1-77-mb>.

²⁰ State report, Part III, p. 14 and p. 33.

²¹ Information received by the secretariat from the Norwegian authorities, 13/9/2021.

²² See Tribunal's Activity Report 2019, p. 11-12: <https://www.diskrimineringsnemnda.no/%C3%A5srapporter>

²³ EELN report, 2021, p. 73.

including discrimination in access to campsites. Sami representatives pointed out that the courts need to have further expertise on the Sami way of life, culture and customs and on indigenous rights in general. They argue that a course on Sami law and Sami property law should be established. They highlighted the Indre Finnmark District Court, where cases can be tried in North Sami, and where, according to the Samediggi, there is greater focus on taking account of Sami customs, interpretations of law and Samediggi statements.²⁴ They also stated that the closure of the Legal Aid Office in Karasjok will have a bearing on effective access to justice for the Sami.²⁵

57. The Advisory Committee reaffirms that a low number of complaints on grounds of discrimination may not necessarily be indicative of low rates of discrimination, as those most exposed to discrimination may not have the means, the capacity or the knowledge to lodge a complaint. It may also point to the need for training of those involved with the implementation of the relevant legislation. It is also important for equality bodies to work in the regions where minorities and indigenous peoples live.

58. The Advisory Committee welcomes the changes made to the institutions of the Ombud and the Tribunal, which appear to provide each institution with more focused tasks. However, for the Advisory Committee, it appears that the low number of cases taken forward by the Tribunal, as well as the lack of sanctions beyond employment for those found to have discriminated, contributes to a lack of faith among minorities in the anti-discrimination framework. However, the increase in cases from 2019 to 2020 could be indicative of the improving case handling of the Tribunal, or of growing awareness of anti-discrimination standards and remedies. However, the absence of disaggregated data from the Tribunal is especially concerning as it makes it impossible for the authorities to know which groups or individuals are most exposed to discrimination, and to remedy any worrying trends. Having this information would allow the authorities to react rapidly to any increase in discrimination targeting a particular group. Regarding the Sami concerns specifically, the authorities should pay close attention to the impact of the halting of legal aid in Karasjok, and work with the County Governor to ensure Sami continue to have effective access to justice. Taking measures to provide training to the judiciary on Sami culture, customs and way of life – as well as that of national minorities – should also be considered as a means to ensure that their rights are adequately considered and enforced by the Norwegian courts (see also Article 5 on traditional use of Sami lands). The addition of North Sami language on the institutions' websites is a positive development, and could be followed up with

information in minority languages and in other Sami languages.

59. The Advisory Committee strongly encourages the authorities to take the necessary steps, in cooperation with persons belonging to national minorities and the Sami, to allow the Tribunal to begin collecting disaggregated data on those who submit complaints, especially on ethnicity, so that the authorities might track and react to any rise in complaints against a particular group.

60. The Advisory Committee encourages the authorities to continue to raise awareness of anti-discrimination standards and remedies and build trust among persons belonging to national minorities in the anti-discrimination institutions, for instance through strengthening the mandate to impose sanctions in a wider range of fields, providing training for those responsible for applying legislation, including the judiciary, on culture, customs and way of life of the Sami and national minorities, and to continue to provide the resources to the Equality and Anti-Discrimination Ombud and the Anti-Discrimination Tribunal to fulfil their respective mandates effectively.

Collection of Equality Data (Article 4)

61. As previously, the collection of personal data relating to ethnicity or some other personal characteristics is strictly regulated, indeed prohibited, according to Norwegian privacy laws.²⁶ The authorities further indicated no plans to amend these laws. The authorities did not report on other initiatives taken to collect equality data or even on the numbers of persons belonging to each national minority.

62. Some representatives of national minorities, particularly the Forest Finns, the Kven/Norwegian Finns, and the Sami reported their wish to have more information or data about their communities, including its numerical size. For instance, the Samediggi indicated that it was working to mobilise Sami to register knowledge of one of the three Sami languages according to the Sami Act in the Population Register (though they also wanted to have Ume Sami, Skolt Sami and Pite Sami registered too – see Article 10).²⁷ The Samediggi also indicated that it was working on methods to enumerate the number of Sami in Norway in compliance with privacy laws. National minorities and the Sami reasoned that more information on their communities would allow them to better advocate for their rights to the authorities at all levels. However the Advisory Committee also understands that for some national minorities the collection of ethnic data remains problematic for historical reasons.

63. The Advisory Committee reaffirms that reliable information about the ethnic composition of the population

²⁴ Shadow Report of the Samediggi, para. 44.

²⁵ Shadow report of the Samediggi, para. 47. Available online (in Norwegian) at: <https://innsyn.onacos.no/sametinget/mote/norsk/wfinnsyn.ashx?response=mote&moteid=4650&>

²⁶ See ACFC, Fourth Opinion on Norway, para. 29. 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. The Advisory Committee previously noted Statistics Norway's reluctance to try and introduce ethnicity as a variable into the registers (4th Opinion, n.3).

²⁷ Samediggi shadow report, para. 60.

is an essential condition for designing and implementing effective policies and measures to protect minorities, for helping to preserve and assert their identity as well as for addressing their needs. In the same vein, the Advisory Committee cannot but repeat 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. Such relevant data can be gathered through research carried out by or in cooperation with persons belonging to national minorities and Sami themselves, and should meet human rights and data protection standards, notably the principles of consent, anonymity and the purposes of processing.²⁸

64. The Advisory Committee also notes with interest that studies engaging with, for example, Muslim youth, have been used as the basis for targeted policy interventions in the Action Plan to Combat Discrimination and Hatred towards Muslims (see Article 6), proving that such data can be collected and used in policy making.²⁹ The Advisory Committee emphasises that states have a margin of appreciation in this matter, and that the historical and political context are important factors in implementing any data collection policy. The wishes of the national minorities concerned should also be of paramount importance in considering any such exercise. Support should therefore be given to those minorities who wish to carry out research in their own communities.³⁰

65. The Advisory Committee urges the authorities to open a dialogue with representatives of national minorities and the Sami on the kind of equality data needed on which to devise targeted measures and to identify together with them appropriate methods of collecting such data.

Promotion of national minority cultures (Article 5)

66. The principal source of funding for national minorities comes from the Ministry of Local Government and Regional Development,³¹ administered through the Arts Council Norway. Since 2019, Arts Council Norway administers project grants dedicated for national minorities (for the promotion of language, culture and identity) and operating grants for national minority organisations (for projects on culture, language and self-organisation). Before 2019, initiatives were administered through the Ministry of Local Government and Modernisation. The Arts Council is also now responsible for the administration of the fund for Collective Reparation of Romani people/Taters, since 2019

(see below). From 2020, Arts Council Norway was awarded NOK 4.4 million to serve as national coordinator for increased diversity, inclusion and participation in the cultural sector, aiming to mobilise cultural institutions and the cultural sector on these issues.

67. The Ministry of Culture also provides funds for projects and initiatives, including the Kven Institute (see below). Further sources of funding include the Norwegian Cultural Fund (NCF), which is used in particular to finance Sami activities, specific grant schemes for museums and for creative industries,³² and the Kven/Norwegian Finns have funds administered at the local level (see below).

68. In terms of the rules and regulations governing the disbursement of funds from the Arts Council, those applying for operating grants must prove they fulfil several criteria, including having more than 100 members; however, this criterion is waived for numerically small national minorities – although the Advisory Committee has not been made aware of how this is defined. For the project grants, applicants may be individuals, voluntary organisations, municipalities, institutions, and enterprises with activities connected to national minorities.³³ Funding under both schemes is generally administered annually, with a need to apply for new funding each year, as well as reporting on the funds spent in the previous year.

69. Overall, taking into account the sources of funding under the grant scheme given in the state report from 2016 to 2019, Romani/Taters received a generally stable share of available funding, with a drop in 2018; the Forest Finns share modestly increased; funding for Roma and Jews dropped, where for Kven, the share of funds increased by 10%. In 2020 and 2021, according to information submitted to the Advisory Committee from the authorities, the overall amount of funding decreased slightly, although overall funding for the Kven/Norwegian Finns increased substantially.³⁴

70. From the Norwegian Cultural Fund, national minorities received a generally low level which decreased over time, with the Kvens/Norwegian Finns' share of the overall funding decreasing from 12% to 7%, the Forest Finns decreasing from 7% to 1%, and the Roma from 5% to 1%. The vast majority of this funding goes to the Sami.

71. Also under the Ministry of Culture, the Language Council of Norway's task is to contribute to preserving the national minority languages Kven, Romanes and Romani, promoting their status and to increase the use of these languages through publication in the media and its website.

²⁸ See for instance: ACFC, Thematic Commentary No.4 (2016) paras. 18, 66; ACFC, Thematic Commentary No.2 (2008) para.30.

²⁹ <https://www.regjeringen.no/en/dokumenter/action-plan-to-combat-discrimination-and-hatred-towards-muslims-2020-2023/id2765543/>.

³⁰ Further inspiration on how to improve the collection and use of equality data could be drawn from the guidelines and tools developed by the Subgroup on Equality Data of the EU High Level Group on Non-discrimination, Equality and Diversity: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/equality-data-collection_en.

³¹ On 1 January 2022, the Ministry of Local Government and Modernisation changed its name to the Ministry of Local Government and Regional Development. In the present opinion, when referring to activity before 1 January 2022, the Advisory Committee will use the former name, whilst when referring to ongoing or future activity, the new name of the Ministry will be used.

³² State report, p.59-79.

³³ Information received by the secretariat on 13/9/2021.

³⁴ Information received by the secretariat on 13/9/2021.

72. The Directorate for Cultural Heritage under the Ministry of Climate and Environment is establishing a register for cultural and historical landscapes of national interest. Cultural history associated with the Sami and national minorities was ensured by selection criteria and the involvement of the Samediggi in preparing proposals for areas to be considered as cultural heritage. In addition, The Ministry of Climate and Environment commissioned the Directorate for Cultural Heritage to prepare a representative protection list, as part of the 2015 Strategy for cultural management. It was noted that cultural heritage associated with national minorities was heavily underrepresented. Thus, the Minority Project, involving minority groups in the elaboration of priorities for the protection of cultural heritage, was created to counterbalance this lack of representation of national minorities, and resulted in the adoption of a work plan for each minority group. Forest Finns and Kven/Norwegian Finn minorities are the most advanced in this process. The development of the Jewish community's work plan started in 2020 and the work for other minorities is to follow.

73. In 2018, in line with the work of reconciliation and reparation to the Norwegian Roma, the Romano Kher Centre³⁵ opened, financed out of the collective reparation paid to the Roma. The Advisory Committee was pleased to visit this institution at its new premises, and see for itself what it offers to Roma: a place to acquire knowledge, skills and facilitate access to services for Roma adults, youth and children, while also being a meeting place between the Roma and the majority population and hosting the online TV Channel Nevimo Norvego, which provides content in Norwegian and Romanes (see Article 9). It also provides guiding and counselling for those encountering problems with municipal and state agencies.³⁶

74. In general terms, the Advisory Committee's interlocutors were pleased with the level of funding granted to national minorities, and the high level of support the development of national minority cultures receives from the Norwegian authorities. Although much of the funding is project based, including for high-profile initiatives and important aspects such as the Kven kindergartens (see Article 14) and language centres, persons belonging to national minorities did not raise any particular issues in this regard. Roma representatives in particular highlighted how positive the Romano Kher Centre is for improving their self confidence, and demonstrates that Roma culture and language is more accepted in the majority society.³⁷

75. The Advisory Committee reaffirms the importance of sustainable, secure funding for national minority organisations. It emphasises that persons belonging to national minorities must have access to all publicly available funding opportunities, in addition to the special support for the preservation and development of their identities and cultures. Such funds should be made available to persons belonging to national minorities in a sustainable manner,

ensuring the continuation of the activities of national minority organisations on a foreseeable basis.

76. The Advisory Committee wishes to praise the authorities for the Minority Project and the work in remedying the lack of representation of minority cultural heritage, and looks forward to the outcome of this work. It commends the high level of funding for national minorities, including operating grants for organisations, guaranteeing some level of stability. This, combined with the project funding, allows for a diverse and large number of minority initiatives, both from inside and outside national minority organisations. It welcomes too that the line ministry responsible for minority affairs has passed its responsibilities for administering funding to other bodies within the government, which should, with time, foster a better relationship between the minorities and the authorities. Whilst the grant scheme appears to be working well, the authorities should also pay attention to the share of funding disbursed to each national minority community, to ensure no sudden drop-off in support for a particular minority culture.

77. The Advisory Committee welcomes the funding granted to national minorities, and encourages the authorities to continue their positive approach in this respect, in active consultation with minority organisations and persons belonging to national minorities.

Promotion of Forest Finn culture (Article 5)

78. Forest Finns also have access to the Arts Council administered funding described above, as well as the Norwegian Cultural Fund. However there has been a long-standing wish to establish an independent museum on Forest Finn culture in their historical region (at Svullrya, Finnskogen Forest). The authorities report that the museum for Forest Finn Culture in Norway as it exists currently (as an open-air museum in Grue Finnskog) 'serves as a hub for Forest Finnish culture by documenting and mediating the Forest Finns' distinctive history, culture, and traditions' which receives 3.2 million NOK per year to operate and has the equivalent of four permanent staff.³⁸ Regarding its expansion, the authorities explained that funding had been granted in 2021 to finance the building of the new museum, amounting to 106.6 million NOK (approximately 10 million Euros), on top of the 90 million NOK already granted in 2019 for a new building at the Glomdal Museum in Elverum, which will function as the repository for the future Forest Finn museum too. They stated that, owing to the current small size of the museum and small number of staff, the funding had to be co-administered by a larger public museum, owing to the scale of the funding and the complexity of the project, as well as the current policy of the Ministry of Culture to amalgamate museums to pool expertise. They argued that some expertise in handling

³⁵ <https://kirkensbymisjon.no/romano-kher/>.

³⁶ Shadow report of Romano Kher, section 3.

³⁷ Shadow report of Romano Kher, section 3.

³⁸ State report and information received by the secretariat on 13/9/2021.

artefacts and exhibitions would be beneficial to the Forest Finn Museum.

79. Forest Finn representatives indicated their dissatisfaction at this process, which, they said, has been ongoing for around twenty years.³⁹ They also expressed disappointment about the museum being managed by a larger museum, even after the construction project was completed. They explained that this would mean the Forest Finns themselves would not have control over their cultural artefacts, despite the authorities' view that this expertise could be beneficial for the Forest Finn artefacts, and argued that Norway has a strong tradition of minorities being responsible for their own culture, and thus felt like they received different treatment as a numerically small minority.

80. The Advisory Committee emphasises that Article 5 calls on states parties to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture. It underlines that this should be in line with national and international norms on transparency and accountability on the spending of public funds. However, it also underlines that in order for the rights contained in Article 5 to be effective, it is essential that persons belonging to national minorities can effectively participate in and have a substantial influence on the decision-making process surrounding the maintenance and development of their culture.⁴⁰ Such participation is considered essential for national minorities to maintain and develop their culture.

81. The Advisory Committee welcomes the progress made in granting funding to construct the new building of the Forest Finn museum, but regrets that this process has resulted in a negative experience on the part of the Forest Finns. The authorities should take active steps to ensure the involvement, beyond simple consultation, of Forest Finns in the planning and administration of the museum, and more broadly in the management of their cultural heritage.

82. The Advisory Committee calls on the authorities to continue working with the Forest Finns to establish a museum of Forest Finn history and culture, and to involve their organisations and representatives in order for them to effectively participate in the management of such a museum.

Promotion of Kven/Norwegian Finn culture (Article 5)

83. As well as having access to the general cultural funding outlined above, Kvens/Norwegian Finns have received funding for several museums or centres and to promote their culture, language and history. In the reporting period, the responsibility for funding Kven/Norwegian Finn cultural projects shifted from the central authorities to Troms and Finnmark County Council, who now administer the grants from the National budget for Kven language and cultural measures. This, the authorities reported, was to shift control of the financing closer to its beneficiaries. In 2020, this amounted to NOK 10.5 million, with the aim of revitalising

the Kven language and promoting Kven/Norwegian Finn culture, notably for measures targeting children and youth.

84. The Kven Institute, opened in 2007 in Børselv, is the national centre for Kven language and culture. Its main task is to operate the Kven Language Assembly as well as develop, document and mediate knowledge and information on Kven language and culture. The Advisory Committee was pleased to visit the institute during its visit and see first-hand how it operates to promote Kven/Norwegian Finnish language and culture. The Kven/Norwegian Finns were allocated NOK 43 million by the Ministry of Culture through the Vadsø Municipality in order to be used by Varanger Museum as a national museum for this minority and to host Kven/Norwegian Finn cultural activities. The Museum is also the venue for a Kven Language Centre and is responsible for the cultural history of this minority. The Vadsø Kven Centre is one of the three Kven language centres newly funded by the Ministry of Local Government and Modernisation since 2019. There are now language centres in Porsanger, Kvænangen, Vadsø and Storfjord. In addition, there is Halti Kven cultural centre which also supports Kven language. In June 2017, the Storting approved the appointment of a Commission to investigate the extensive policy of assimilation historically practiced towards Kvens/Norwegian Finns and Sami. This Commission extended its scope to also include Forest Finns. It aims to undertake a historical mapping of policies and actions carried out by Norwegian authorities against these minorities, at a regional and a national scale; investigate the long-term effect of the 'Norwegianisation'⁴¹ policy and to propose measures for reconciliation. It will present its findings in 2022.

85. Some Kven/Norwegian Finn representatives spoke of the importance of the Kven language centres for revitalising the language, though some wished to underline that this revitalisation may be at the cost of promoting the use of modern Finnish as the language used by some Kvens/Norwegian Finns today – which a part of the Kven/Norwegian Finn minority claims (see also Article 10). Regarding the shift in funding to regional level, interlocutors of the Advisory Committee explained that this had made applying for funds more complicated, and that there may not be the expertise available at the regional level to deal with specific requests. Also, Kven/Norwegian Finns living outside of the traditional area in Troms and Finnmark county, who can still be granted funds, were said to be in a 'democratic deficit', as funding decisions are taken by county councillors who can only be elected by those resident inside the county. Owing to the lack of data (see Article 4), it is unclear how many people this affects.

86. On the amount and sustainability of the funding, representatives reported disappointment at the modest increases in operating grants for organisations which are at, or slightly above, inflation. They explained that this does not allow Kven/Norwegian Finn organisations to expand their activities substantially. They reported also that having to

³⁹ The Advisory Committee also referred to this issue in its [Second Opinion on Norway](#) in 2006 (see para. 64). See also the Committee of Ministers' Resolution on Norway of 2007: [CM/Res/CMN\(2007\)11](#).

⁴⁰ Thematic Commentary No.2, 2008, para. 19.

⁴¹ 'Norwegianisation' is used in the Norwegian state report in the context of past assimilation policy, in relation to the assimilation policy imposed on Sami, Kvens/Norwegian Finns and Forest Finns, see p.7.

apply for funds was burdensome, but they accepted it and also stated that the amount of funding received tended to be predictable. One other problem they indicated was the fact that Kven/Norwegian Finn organisations and those proposing projects were put into competition with one another to secure funding, and that this is a particular problem for a national minority with as large and active a membership as the Kven/Norwegian Finns.

87. The Advisory Committee emphasises the importance of sustainable, secure funding for national minority organisations. It emphasises that it may be a positive step to decentralise funding where possible, to put those making the funding decisions closer to the beneficiaries. Furthermore, it reaffirms that making grants available solely on the basis of competition between projects may not allow all parts of the minority to have access to funds and to run their cultural activities on a regular and stable basis.

88. The Advisory Committee notes with satisfaction the substantial increase in the share of funding allocated to the Kven/Norwegian Finns, including through the new arrangement with the Troms and Finnmark county, although the authorities should remain attentive to the complexity and burdensome nature of the application and reporting processes. The Advisory Committee notes that the increase appears to be more in the number of projects granted funding via the project grants, whilst the operating grants for organisations remain stable, increasing slightly above inflation. The Advisory Committee commends the authorities for setting up the Truth and Reconciliation Commission, and looks forward to seeing the results of this process during the next monitoring cycle.

89. The Advisory Committee invites the authorities to continue working with Kven/Norwegian Finn organisations and representatives to continue to provide project and operating grants, as well as working with Kven/Norwegian Finns outside the traditional area of settlement to ensure their access to funding for the promotion of their culture.

Promotion of Sami culture (Article 5)

90. Initiated in 2018, the Government presents an annual white paper to the Storting on future Sami Policy, notably discussing trends in Sami language culture and way of life, as well as services provided to the Sami population. This white paper must be presented with the Samediggi's annual report and assessment appended. This practice was developed in coordination with the Samediggi to allow the authorities to group allocations to the Samediggi into a single budget chapter and item in the national budget.

91. Funding for Sami culture and language is allocated from the national budget therefore, to allow the Samediggi itself to decide how best to use the funding. The state report informs that Sami organisations can apply to the Arts

Council for funding on an equal footing with other cultural actors. Sami organisations received over 2 million NOK from this source from 2017 to 2019. On top of this, as already noted, the Sami received the most substantial amount from the Norwegian Cultural Fund, amounting to 47 million NOK (approximately 4.6 million EUR) between 2016 and 2019. There are also other sources of funding for more specific initiatives. For example, in 2020, 1.5 million NOK were allocated to support traditional Sami sports; 123.2 million NOK were allocated in 2018 by the Storting for the construction of a new building for the South Sami Museum and Cultural Centre (*Saemien Sijte*); 19 million NOK have been allocated to the preliminary planning of a new building for the Sami national theatre, *Beaivváš*, on the same site as a Sami upper secondary and reindeer husbandry school.

92. The Directorate of Cultural Heritage also provided the Samediggi with 2 million NOK from 2015-2020 for the upkeep and protection of selected archaeological and cultural environments belonging to Sami cultural heritage. The funds also help to provide signposting and cultural trails to make the area more accessible to the public.

93. Samediggi representatives informed the Advisory Committee that they were satisfied with the levels of funding received from the central authorities, and that they could also complement this funding with taxes levied within the Sapmi area. In its shadow report, the Samediggi reports on a positive development in Norway, with Sami institutions, museums and artists becoming increasingly known nationwide,⁴² although they state that their museums are underfunded compared with other Norwegian museums.⁴³ The Samediggi highlights the challenge of the repatriation of Sami cultural heritage artefacts as a particular issue. They are seeking extra funding to upgrade storage space and exhibition facilities, as well as staff competences, so that they can receive Sami artefacts back from Norwegian museums, as well as other European museums.⁴⁴ Furthermore, the Samediggi underlines the difficult situations of some smaller Sami communities; for instance, the need to preserve the Skolt Sami material culture, proposals for which – made by the Samediggi – have not been followed up by the Norwegian authorities.⁴⁵ They also underline the difficulties faced by the Coastal Sami.⁴⁶

94. The Advisory Committee emphasises that the authorities should consider the needs of the whole diversity of the group in question when taking funding decisions, and the specific problems of numerically smaller groups should also be given due consideration. It also considers that, regarding the repatriation of cultural artefacts, solutions should be found through continued dialogue in order to facilitate the return of such objects, which are of crucial importance to the maintenance of the religious and cultural identities of the Sami, at a national and international level, with the active involvement of the Norwegian authorities.

⁴² Shadow report of the Samediggi, para. 63.

⁴³ Shadow report of the Samediggi, para. 67.

⁴⁴ Shadow report of the Samediggi, para. 70-72.

⁴⁵ Shadow report of the Samediggi, para. 75.

⁴⁶ Shadow report of the Samediggi, para. 78.

95. The Advisory Committee welcomes the high levels of support granted to the Sami for the preservation and development of Sami culture and that the Samediggi is primarily responsible for disbursing the funding. It encourages the authorities to continue to take an active part in finding solutions for the return of Sami cultural artefacts from Norwegian and other European museums.

Promotion of Sami culture - lands traditionally used by the Sami (Article 5)

96. The authorities did not report on any aspects relating to lands⁴⁷ used by the Sami. The Advisory Committee however takes note of a recent (October 2021) judgment by the Supreme Court of Norway finding a violation of Article 27 of the UN Convention on Civil and Political Rights in relation to the construction of windfarms at Storheia and Roan. According to the judgment, the construction violated the reindeer herding Sami's right to practice their culture, even with the mitigating measures in place.⁴⁸ Permission to continue with the construction of the windfarm was however granted in the meantime, and the windfarms were completed in 2019 and 2020.

97. The Advisory Committee takes note of other ongoing disputes over the use of traditional Sami lands for the construction of wind farms and the mining of minerals for the manufacturing of components for renewable energy sources.⁴⁹ In the processes by which such industry is granted permission to be constructed, the national authorities delegate some responsibility for balancing the competing concerns of the rights of the Sami to use their land for reindeer herding and the transition to green energy to the businesses and the local authorities. Consultations on mitigating or remedial measures to reduce the impact of such development on the traditional Sami way of life take place at the local level, following the agreement in principle from the national authorities. If there is no agreement, it may be passed back up to the national level. The government has put forward a White Paper in 2020 on future policy in

this area, stating that the views of communities would be more rigorously taken into account before granting licenses for windfarms, and that the Samediggi and reindeer herders would also be consulted.⁵⁰ The Advisory Committee further takes note that in June 2021 an amendment to the Sami Act (Chapter 4) enshrined the Samediggi's, as well as representatives for "affected Sami interests", right to be consulted. According to the new chapter of the Act, the provisions apply throughout the country for legislation, regulations, decisions and other measures that may directly affect Sami interests, and to measures and decisions related to the natural resource base for Sami culture that are planned in traditional Sámi areas.⁵¹

98. The Sami are concerned at the impact of windfarms on reindeer herding, as reindeer herding is an integral part of Sami culture and cultural heritage, and a livelihood of many Sami. Reindeer tend to avoid wind turbines meaning that the land used by windfarms can no longer be used by the Sami to maintain and develop their culture through reindeer herding.⁵² They also are concerned about the environmental impact of mining, as the waste from the process may pollute the land and the ocean or fjords, meaning that coastal Sami for whom fishing is an expression of their cultural heritage are also affected by this, as well as the impact of the noise and visual impact on reindeer herding.⁵³ The Advisory Committee also notes that the Sami may have differing views internally on a given project or planning application.⁵⁴ The Samediggi reported on instances concerning mining and energy production being one of the few negative examples of consultation with the authorities – although they underlined the generally positive relationship they maintain.⁵⁵ They also underlined that the judgment, coupled with the White Paper, will, in the future, allow them to more effectively advocate for their rights, and will help to ensure that the authorities sufficiently take Sami concerns into consideration.

99. The Advisory Committee reaffirms the primacy of the authorities' role in creating the conditions necessary for, in

⁴⁷ In line with International Labour Organisation Convention 169 (1989), Article 13(2), the Advisory Committee considers "the use of the term lands [...] shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use."

⁴⁸ Licence for wind power development on Fosen ruled invalid as the construction interferes with Sami reindeer herders' right to enjoy their own culture, Supreme Court judgment 11 October 2021, HR-2021-1975-S (case no. 20-143891SIV-HRET, case no. 20-143892-SIV-HRET and case no. 20-143893SIV-HRET), available at: <https://www.domstol.no/en/enkelt-domstol/supremecourt/rulings/2021/supreme-court---civil-cases/hr-2021-1975-s/>.

⁴⁹ See for instance the Øyffellet case: https://www.theguardian.com/world/2021/jan/18/sami-reindeer-herders-file-lawsuit-against-oyffellet-norway-windfarm-project?CMP=share_btn_link.

⁵⁰ Meld. St. 28 (2019–2020) Vindkraft på land — Endringer i konsesjonsbehandlingen, available at: <https://www.regjeringen.no/no/dokumenter/meld.-st.-28-20192020/id2714775/?ch=1>.

⁵¹ Section 4(1), Lov om Sametinget og andre samiske rettsforhold (sameloven), at: https://lovdata.no/dokument/NL/lov/1987-06-12-56#KAPITTEL_4. Unofficial translation.

⁵² See for example Anna Skarin, Per Sandström, Moudud Alam, Yann Buhot & Christian Nellemann, Renar och vindkraft II - Vindkraft i drift och effekter på renar och renskötsel https://pub.epsilon.slu.se/135627/skarin_a_et_al_160818.pdf. The study carried out principally in Sweden, but also in Norway, shows that reindeer tend to avoid areas around wind farms, pushing the reindeer closer to roads and increasing risks of accidents. It also restricts the use of higher ground for grazing during winter.

⁵³ See statement of Samediggi on impact of mining in Repparfjorden (in Norwegian): <https://sametinget.no/aktuelt/oppstart-av-nussir-gruven-bryter-norsk-lov.8070.aspx>. See also Minority Rights Group International, Minority and Indigenous Trends 2020 <https://minorityrights.org/trends2020/norway/>.

⁵⁴ See for instance: Elisabeth Angell, Vigdis Nygaard & Per Selle, 'Industrial development in the North – Sámi interests squeezed between globalization and tradition', *Acta Borealia*, Vol. 37, issue 1-2, 2020. <https://www.tandfonline.com/doi/full/10.1080/08003831.2020.1751995>

⁵⁵ Shadow report of the Samediggi, para.140.

this case, indigenous people to protect and promote their cultures and identities. It reaffirms that the use of land in Sami territory is of vital importance for the protection of the culture, identity and traditional way of life of the Sami as an indigenous people, and that land traditionally used by them should be given particular and effective protection. Furthermore, representatives of the Sami should be closely involved in any decision-making affecting the use of land in areas traditionally inhabited by them (see also Article 15).⁵⁶ The authorities should aim to ensure that the Sami's participation has a substantial influence on decisions which are taken, including in relation to the use of this land, and that there is, as far as possible, a shared ownership of such decisions.⁵⁷

100. The Advisory Committee is concerned by some past instances where it appears that the Sami have not had a substantial influence over decisions taken which may, ultimately, negatively affect their ability to make use of their traditional lands. It emphasises the responsibility of the Norwegian authorities to promote the conditions necessary for Sami to maintain and develop their culture and to preserve the essential elements of their identity – in particular in this instance their traditional use of land. The Advisory Committee considers that the authorities should guarantee the Sami's effective participation in all decisions affecting them and aim to ensure that the Sami have a substantial influence on decisions taken. In this regard, the Advisory Committee welcomes the amendments made to the Sami Act and the recent policy developments, which the Sami also expect to lead to more positive outcomes for them in the future. However, the authorities could play a more active role in negotiations, specifically of mitigating measures to limit the impact of any industrial development on the Sami's ability to maintain and develop their culture – including reindeer herding – at local or national level. The effects of the June 2021 amendment to the Sami Act should also be evaluated.

101. The Advisory Committee encourages the authorities to ensure that decisions relating to lands traditionally used by the Sami are taken with their effective participation, that they have a substantial influence on these decisions, taking into account the diversity of views within the Sami people, and that industrial development on such land does not negatively affect the Sami's possibilities to maintain and develop their culture in those areas. In this regard, the effects of the June 2021 amendment to the Sami Act should be evaluated with the effective participation of the Sami.

Administration of collective reparation for Romani/Tater minority (Article 5)

102. As previously noted by the Advisory Committee, in 2007 the Romani People/Taters' Cultural Fund of 75 million

NOK was established for the reparations for the historical wrongs done to the Romani/Tater minority in order to promote and develop Romani/Tater culture. As part of the reparations, the annual return on the 75 million NOK was managed by the Romani/Taters themselves, as a Foundation, with three representatives on the board from the three Romani/Tater organisations receiving state support in 2007.⁵⁸ From 2014, the annual return scheme was replaced by an annual grant scheme from the Storting.⁵⁹ In addition to cultural initiatives, the Fund also financed the Romani/Tater legal aid and counselling centre which, according to ECRI, had dealt with around 150 cases by the time of its closure in 2017.⁶⁰

103. The Advisory Committee has been informed by the authorities⁶¹ that in 2015 a decision was taken to withhold the annual grant for the Fund. The Ministry of Local Government and Modernisation considered on several grounds that the risk of "inadequate management of the grant was increased" as time progressed, and it decided to investigate more closely whether the funds were used properly. In parallel, the Norwegian Foundation Authority, an independent oversight agency, had opened an investigation into the Foundation. This body concluded that there had been breaches of the rules. Subsequently, Romani/Tater organisations opposed a proposal to end the annual grants to the Fund in 2017, but in May of that year the government continued with its proposal, and the Storting unanimously voted to end the annual grant scheme, asking the Ministry to develop an alternative solution. One organisation who had been on the board of the Foundation appealed this decision in the courts, but failed at each of the three instances. The Advisory Committee also notes that at the time of adoption of this Opinion there is still one court case in the appeals process relating to this matter.

104. From the second half of 2017 and through 2018 a temporary grant scheme was set up under the Ministry, distributing 5.5 million NOK in 2017-2018⁶². The authorities then proposed a grant scheme managed and administered by Arts Council Norway, which was discussed in a reference group set up by the Ministry where the Romani/Taters' organisations and some individuals from the minority were represented. The majority of the members of the group supported this model, while some opposed it. Since 2019, this has been the scheme for Romani/Taters to access funds specifically for their minority. The Arts Council has established an expert group in 2020, involving representatives of Romani/Tater organisations, to ensure the minority's involvement in the administration of the Fund. This group consists of two representatives from the Romani/Tater organisations; as well as two independent experts and two representatives of the Romani/Tater minority appointed by the Arts Council. These latter persons are chosen via a call for nominations, to which any person

⁵⁶ ACFC, Thematic Commentary No.2, para. 53.

⁵⁷ See Advisory Committee, Thematic Commentary No.2, para. 19.

⁵⁸ Stiftelsesdokument for Stiftelsen romanifolkets/taternes kulturfond, 12 October 2007.

⁵⁹ ACFC, Fourth Opinion on Norway, para. 40. See also Fourth State report of Norway, p.18.

⁶⁰ ECRI, Sixth Report on Norway, para.99.

⁶¹ The subsequent explanation does not appear in the state report. The authorities submitted the information on 13/9/21.

⁶² 2.5 million NOK in 2017 and 3 million NOK in 2018.

can submit nominees, and from which the Arts Council selects the representatives. The authorities have indicated that they wish to try out this new system for some time to see whether and how it works according to the intentions, and indicated openness to make adjustments to this model over time.

105. According to Romani/Tater organisations met during the visit and those who submitted shadow reports, they are disappointed at the situation, stating that the Arts Council administered scheme does not meet the original intentions of the collective reparation in terms of their participation in the disbursement of the fund.⁶³ They expressed the damage this had done to their relationship with the authorities, as they felt they had lost their collective reparation with the transformation of the Foundation into a cultural grant scheme, and with it the distinguishing feature of their reparations – as opposed to any other cultural funding grant. They underlined that the progress made over the past twenty years in building trust and making amends for past wrongs had been undone in a matter of two years. As well as the increased mistrust, organisations of Romani/Taters emphasised that the whole process had also created new divides between the organisations and individual members of the Romani/Tater minority.

106. Other interlocutors, in particular from the human rights and research fields outside of the Romani/Tater minority, also shared this view and underlined the symbolic importance of the original intentions of the Fund. Indeed, it was suggested by one of the Advisory Committee's interlocutors that rebuilding trust could be achieved for example with the mediation of neutral and independent outsiders and experts in dispute settlement. Others suggested a plan to increase Romani/Tater involvement in the new funding mechanism should be developed, drawing representatives from different age groups, with due regard to gender and geographical balance too, aiming to transfer decision-making authority to these representatives ultimately.

107. In a similar vein, Romani/Tater organisations also regret that only 2 out of 6 members of the Arts Council's expert group are elected from Romani/Tater minority organisations. Some representatives indicated that, in relation to the disbursement of funding, they have a satisfactory dialogue with the Arts Council. However, the above-mentioned mistrust also permeates this relationship, it was reported, and some organisations do not wish to engage in the process as they feel used by the government to carry out work which ultimately goes against their interests. The organisations further expressed their regret that they had to discontinue their free legal aid and counselling centre, which, they stated, helped them to enforce their rights.

108. The Advisory Committee reiterates that it is essential that persons belonging to national minorities have an effective opportunity to be involved in the decision-making process surrounding the allocation of funds, as this is essential for the preservation of their identity.⁶⁴ It reiterates further that all national minority representatives, including those not formally linked with such associations or those representing different views, must be consulted and provided with effective opportunities to obtain funding for the preservation of their identities and cultures.⁶⁵ In general, the Committee also emphasises that it is essential to take into account the diversity within the national minorities' communities.⁶⁶ However, in order for national minorities to be able to decide how they want to maintain and develop their culture and identity, their representatives should be effectively involved in processes of allocation of public support for their cultural initiatives and have a substantial influence on decisions taken. The authorities should further, as far as possible, strive for shared ownership of such decisions. Appropriate attention should be paid to the inclusiveness and representativeness of consultative bodies. This implies, *inter alia*, that the proportion between minority representatives and officials should not result in the latter dominating the work.⁶⁷

109. The Advisory Committee emphasises the symbolic importance of collective reparation in light of the historical wrongs done to the Romani/Tater minority – including of its participatory element. Based on the exchanges the Advisory Committee held with civil society and organisations representing Romani/Taters, the Advisory Committee regrets that, over the monitoring cycle, the process of transferring the Fund from a self-managed institution to an Arts Council-administered grant has seriously depleted levels of mutual trust and confidence between minority organisations themselves, between the organisations and the individual members of the Romani/Tater minority, and between the organisations and the authorities. The Advisory Committee acknowledges the divergent views within the community and minority on matters relating to the Fund. In this light, the Advisory Committee reminds the authorities that a recommendation for immediate action from the previous monitoring cycle was to improve trust between the Romani/Taters organisations, individuals and the authorities in the context of the historical reconciliation process.⁶⁸

110. The Advisory Committee considers that urgent and concrete action is needed on the part of the authorities to remedy this situation. In general terms, the authorities should take it upon themselves to acknowledge and address the current situation and to restart the process of reconciliation. In the Advisory Committee's view, until the authorities have rebuilt a degree of trust, this process will remain at a standstill. Proceeding with the current model as it stands appears not to address the fundamental issues

⁶³ Shadow report of Romanifolkets/taternes rådgivningstjeneste (The Romani/Tater Counselling Service), Taternes landsforening and Landsorganisasjonen for romanifolket, p.3. See also Second Opinion of the Advisory Committee on Norway, para.58.

⁶⁴ See ACFC, Thematic Commentary No.2, 2008, para. 66.

⁶⁵ ACFC, Thematic Commentary No.4, 2016, para. 67.

⁶⁶ ACFC [Thematic Commentary No. 2](#), paras. 110-111.

⁶⁷ See also [ACFC Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, paras. 66,19 and 109.

⁶⁸ ACFC, Fourth Opinion on Norway, p.1-2.

brought by the Romani/Tater organisations – their perception that their collective reparation has been taken away from them, and is now being managed by the institutions which imposed and enacted assimilation in the past. This requires dialogue and a process of mutual accommodation, so that the process of reconciliation in light of past assimilation policy can continue effectively to the benefit of the minority as a whole.

111. In the framework of the current funding model, the authorities should consider strengthening the role of the minority in the Arts Council expert group, for example by reviewing its composition in order to involve more organisations or individuals and giving them an opportunity to have a substantial influence on decisions. In this context the Advisory Committee also finds it regrettable that there appears to be a lack of transparency over how the members of the group belonging to the Romani/Tater minority appointed by the Arts Council are chosen. The authorities should therefore pay close attention to the proportion of minority representatives and representatives appointed by the Arts Council, both for the influence they each may have and the symbolic effect this may have for persons belonging to the Romani/Tater minority. However, the Advisory Committee emphasises that these measures will only be effective once the first step of opening a dialogue to rebuild trust has been taken.

112. The Advisory Committee notes that two of the organisations involved in the management of the Fund continue to receive the operating funds from the national minorities' grant, indicating that some level of cooperation and trust is still possible between the authorities and the minority organisations, though it is regrettable that the legal aid centre for Romani/Taters has had to close.

113. The Advisory Committee urges the authorities to take active steps on their part to pursue the historic reconciliation process with regard to the Romani/Tater minority, with the effective participation of all parties concerned, and in particular to rebuild trust in the collective reparation scheme. It also urges the authorities to take steps to build confidence between the Romani/Tater organisations, persons belonging to the minority and the authorities, with a view to distributing funds from the collective reparation with the full and effective participation of the Romani/Tater minority.

Child Welfare Services relations with Roma and Romani/Tater (Article 5)

114. The historical trauma of assimilation and forced adoption of Romani/Taters plays a significant role in this minority's relationship with child services,⁶⁹ whilst the Roma

too have troubled relations with these services. In its previous opinion, the Advisory Committee asked the Norwegian authorities to 'aim to preserve to the maximum extent possible family ties and cultural identities of children' when placement in foster families occurs.⁷⁰ In 2016, Official Norwegian Report 2016:16⁷¹ proposed several measures to improve child welfare services in Norway, including the adoption of a new Child Welfare Act. Some of these measures were adopted through amendments to the existing act in 2018, and subsequently, the new Child Welfare Act was adopted. The authorities report that a key feature of the newly adopted act is the establishment by law that the child welfare service must take children's cultural, linguistic and religious background into account in its work. Furthermore, the child's family and network must be involved in choosing a foster family, and in all phases of the child welfare case. The authorities also report that they have increased considerably the number of foster homes in the child's family and network; The official statistics illustrate this development. The share of placements in family or network-based foster homes was 24% in 2013, rising to 31% by the end of 2020. These numbers however vary widely from municipality to municipality. The responsible Ministry also reports that it continues to strengthen the recruitment of foster homes from the children's family and network, through increased funding to municipalities and also to county governors, for them to follow up this process. The Advisory Committee takes note of the judgments of the Supreme Court which also address these issues through domestic jurisprudence and create a precedent for lower courts to follow.⁷²

115. The authorities also report on the competence building initiative carried out for the child welfare service, in which considerable importance is attached to raising the levels of relational competence and cultural understanding among child welfare service personnel. Several education programmes in minority competence have been launched in Norway in recent years, developed with universities, including the University of Stavanger.⁷³ In exchanges with the Advisory Committee, the authorities also underlined the need for continued training of child welfare personnel, and that this was a matter of priority going forward.

116. The Advisory Committee takes note of the *Jansen v. Norway* case,⁷⁴ concerning the placement in long-term foster care of a child whose parents belong to the Roma minority, in respect of which the European Court of Human Rights found a violation of Article 8.⁷⁵ The Court found that "the potential negative long-term consequences of losing contact with her mother for [the child] and the positive duty to take measures to facilitate family reunification as soon as reasonably feasible were not sufficiently weighed in the balancing exercise [by the domestic Court of Appeal]",

⁶⁹ English translation of White Paper on National Minorities, p.54: <https://www.regjeringen.no/contentassets/b3beb7e9982f4cd3a6ab324cbe6f3a9b/white-paper-no.-12-national-minorities-in-norway.pdf>.

⁷⁰ ACFC, Fourth Opinion on Norway, para.47. See also para.45.

⁷¹ NOU 2016:16: 'Ny barnevernslov – sikring av barnets rett til omsorg og beskyttelse'; see State report p.11.

⁷² hr-2020-661-s.pdf (domstol.no); hr-2020-662-s.pdf (domstol.no); hr-2020-663-s.pdf (domstol.no).

⁷³ State report, page 12.

⁷⁴ *Jansen v. Norway*, ECtHR, 6 December 2018, app. No. 2822/16.

⁷⁵ Council of Europe Execution of Judgments Department, *Strand Lobben and Others group*: <http://hudoc.exec.coe.int/eng/?i=004-54045>.

entraining the risk of long-term “alienation” from the child’s Roma identity.⁷⁶ The authorities informed the Advisory Committee that the ECHR principles underpin the new Child Welfare Act, following the cases where Norway was found to be in violation.⁷⁷ The Advisory Committee observes that the issues raised by the case continue to be examined by the Committee of Ministers under the *Strand Lobben* group of cases.⁷⁸ The Advisory Committee also takes note of the 2020 Concluding Observations of the Committee on Economic, Social and Cultural Rights which mentions this same issue,⁷⁹ as well as the 2018 Concluding Observations of the Committee on the Rights of the Child. The latter specifically addressed recommendations under, *inter alia*, Article 20 of the UN Convention on the Rights of the Child (UNCRC), to review current practices regarding ‘out-of-home placements’, with a particular emphasis on children of Roma families ‘who, it seems, are being separated from their families with disproportionate frequency’. The UN Committee also asked Norway to take the necessary measures to ensure minority and indigenous children placed in care ‘can learn about and maintain their connection to their native culture’.⁸⁰

117. Interlocutors emphasised that there was on one side the problem of using the Roma or Romani/Tater background ‘against’ a family when taking a decision – meaning that such a family would be seen in a negative way by the child welfare personnel – and on the other side the problem of finding culturally or linguistically appropriate foster parents or homes. Despite the new Child Welfare Act, representatives from both of these minorities underlined the fear which child welfare services instil in persons belonging to these minorities. They explained that this had a ‘chilling effect’ on their ability to practice traditional parts of their culture, including traveling during the summertime for some of the Romani/Taters, as this entails taking the children out of school which could be a possible basis for intervention by the child welfare services. Romani/Tater representatives also spoke of the need for more foster parents belonging to national minorities, and how they had tried to use their networks to engage people to enrol as such. According to them, the authorities did not engage in this process. Echoing the UN Committee on the Rights of the Child, Roma representatives also reported of the disproportionate number of Roma children in care – which they claim to be around 40 or 50 – disproportionate considering the size of the Roma population in Norway is around 500 - 1000.⁸¹ As no official figures are available on this, the authorities cannot confirm or deny this figure. The Roma reported that this lack of data made it impossible to challenge any

possible imbalances. The role of Roma guides was also mentioned in this context (see Article 12).

118. Considering the above, the Advisory Committee reiterates that Article 5(1) calls on states parties to promote the conditions necessary for the maintenance and development of minority cultures, and to preserve the essential elements of their identity – namely religion, languages, traditions and cultural heritage – while Article 5(2) obliges States Parties to refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and to protect these persons from any action aimed at such assimilation. It further reiterates the rights contained within Article 14 of the Framework Convention, obliging states to recognise that every person belonging to a national minority has the right to learn their minority language. The Advisory Committee affirms that these rights correspond to Article 30 UNCRC concerning the right of the child ‘to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language’.⁸² It further affirms the importance of these obligations in line with Article 20 UNCRC, concerning the due regard to paid during periods in care for ‘the child’s ethnic, religious, cultural and linguistic background’.⁸³

119. The Advisory Committee welcomes the Child Welfare Act as well as the relevant judgements of the Norwegian Supreme Court, which appear to build on the principles taken from the ECtHR jurisprudence, and the measures taken to build capacity among child welfare personnel to raise awareness of the new provisions and minority culture as a factor in child welfare decisions. However, from its exchanges with minorities, the Advisory Committee finds that there is much more work to do on the part of the authorities to build trust with the Romani/Tater and Roma, and begin to address the fears of parents belonging to these minorities, which still persist despite the change in law. Moreover, measures to raise awareness of the new law and its provisions are clearly needed to ensure persons belonging to minorities know their rights. It appears that for the Roma at least, some of the initiatives already started, such as Romano Kher, could serve as a venue for the beginning of this trust-building process. The authorities could also consider using mediators to carry out this work, as have been successful in the education (see Article 12) and law enforcement (see Article 6) fields.

120. The Advisory Committee calls on the authorities to improve awareness among persons belonging to the Romani/Tater and Roma minorities of the new Child Welfare Act, for example by holding outreach events and establishing Romani/Tater and Roma mediators in the child

⁷⁶ *Jansen v. Norway*, ECtHR, 6 December 2018, app. No. 2822/16., para. 103-104.

⁷⁷ See also *Hernehult v. Norway*.

⁷⁸ Resolution CM/ResDH(2021)43, Execution of the judgment of the European Court of Human Rights, *Jansen against Norway* (Adopted by the Committee of Ministers on 11 March 2021 at the 1398th meeting of the Ministers’ Deputies). https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a1bdc2.

⁷⁹ See : UN CESCR, [Concluding Observations](#) on the sixth periodic report of Norway, 2020.

⁸⁰ See: UNCRC [Concluding Observations](#) on the combined fifth and sixth periodic reports of Norway, 2018, para. 21(a).j.

⁸¹ See ACFC, Fourth Opinion on Norway, para. 11, n.3.

⁸² UN CRC, Article 30.

⁸³ UN CRC, Article 20.

welfare services personnel. The authorities should continue to raise awareness among child welfare personnel of the rights of national minorities in this respect, to ensure that national minorities' family ties and cultural identities are preserved in the child welfare service's work.

Tolerance and intercultural dialogue (Article 6)

121. In late 2019, the Action Plan against Racism and Discrimination (2020-2023) was launched, containing measures targeting children and youth, housing and employment, criminal proceedings and public services. It aims to promote closer dialogue and develop knowledge about racism and discrimination among those groups most exposed to these, including Sami and national minorities – who also participate in the reference group which will give direction as to the next steps. Additionally, the Action Plan on Anti-Semitism 2016-2020 was extended to 2023 (see below), and in 2020 an Action Plan to Combat Discrimination and Hatred towards Muslims (2020-2023) was launched by the Ministry of Culture.⁸⁴

122. Norway reports that grants from the Ministry of Children and Family Affairs budget go to the Christian Council of Norway and the Council for Religious and Life Stance Communities which serve to facilitate interfaith dialogue, building bridges between religious and belief communities, civil society and the public sector, as well as being the main interlocutors for the authorities on matter relating to religion and belief. Additionally, the Jewish congregation in Oslo in particular receives strong state support for security of the premises and its community.

123. In 2016 the Government launched the Strategy against Hate Speech (2016–2020), to which the Samediggi provided input,⁸⁵ containing the following focus areas: forums for discussion, children and youth, the legal system, employment, the media sector, and knowledge and research. “No Hate Speech Movement Norway” is a national campaign committee and youth movement, started on an initiative of the Council of Europe’s Advisory Council on Youth in 2011. It aims in Norway to use human rights education for youth workers, workshops on democracy for school students and working with local councils, both urban and rural, to promote democracy and human rights. Some of the youth ambassadors involved belong to national minorities and some events focus specifically on different national minorities. The Norwegian authorities contribute to the campaign regularly, and in 2021 gave 1.1 million NOK.

124. In terms of statistics on social distance, the Advisory Committee takes note of a 2019 study on social distance, including Roma, which found that 38% of respondents

would not wish to have a Roma person for a neighbour.⁸⁶ A different survey in 2017 looked at social distance relating to the Jewish and Muslim communities.⁸⁷ It shows that attitudes towards Muslim and Jews have improved modestly since 2011, but there still remains some troubling results. For instance, 39% of respondents find that the statement ‘Muslims pose a threat to Norwegian culture’ fits ‘rather well’ or ‘completely’ with their own opinions.⁸⁸ Almost 50% of respondents said that Muslims largely have themselves to blame for their own harassment. Regarding majority opinions of the Jewish minority, 14% agreed that ‘Jews have always caused problems in the countries in which they live’, and 19% that ‘world Jewry is working behind the scenes to promote Jewish interests’. In terms of trends, in 2011, 12.6% of respondents said they would ‘dislike a lot’ having a Muslim neighbour, while in 2017 this figure was 10.9%. For Jews, this fell from 3.2% in 2011 to 1.7% in 2017. In a study included in the Action Plan to Combat Discrimination and Hatred towards Muslims, it is reported that 67 of 90 young Muslims had experienced harassment, ‘often in the form of insults and derogatory comments.’ This had the effect of preventing some of them from wearing traditional religious clothing.⁸⁹

125. Researchers interviewed by the Advisory Committee explained that there is a wide range of experiences of racism in Norway, from extreme forms (see below) to more ‘everyday aggressions’ which leave their mark too. Drawing on the experiences of people of minority backgrounds, including persons belonging to national minorities, they explained that even ‘invisible minorities’ – that is, those who appear visibly to be “ethnically Norwegian” – may be stigmatised when they speak out and talk about their identity or use their own language. So-called ‘visible minorities’ may often be assumed to be Muslim, which opens them up to more stigmatisation. They explained that an exhibition on everyday racism, based on extensive field interviews with national minorities and other communities in Norway, to be held at the Holocaust and Minorities Centre in Oslo in 2021 would shine a light on these experiences of racism and begin to tackle them.⁹⁰ In this context, the Advisory Committee notes the Norwegian Helsinki Committee’s initiative to investigate hate speech against national minorities in Norway in late 2021, and looks forward to seeing the results.⁹¹

126. Representatives of the Jewish minority welcomed the action plans on antisemitism and insisted that they had a positive effect for their community. They also reported that, during the monitoring period, incidents of antisemitism had increased, linked closely with developments in the Israel/Palestine conflict. They also reported that incidents in the press of criticism of Israel which crossed over into

⁸⁴ [Action plan on combating discrimination towards Muslims.](#)

⁸⁵ Shadow report of the Samediggi, para. 87.

⁸⁶ <https://fafo.no/en/publications/english-summaries/item/norwegians-attitudes-towards-gender-equality-hate-speech-and-the-instruments-of-gender-equality-policy-2nd-edition>.

⁸⁷ https://www.hlsenteret.no/aktuelt/publikasjoner/hl-report_digital_8mai_full.pdf.

⁸⁸ *Ibid.*, p.53-4.

⁸⁹ [Action plan on combating discrimination towards Muslims](#), p.22-23.

⁹⁰ <https://www.hlsenteret.no/forskning/minoritetsforskning/hverdagsrasisme-i-norge/>.

⁹¹ <https://www.nhc.no/vi-styrker-vart-engasjement-mot-hatefulle-ytringer-og-diskriminering/>.

antisemitism occurred occasionally. These representatives informed the Committee that they prefer to solve these issues through dialogue with the people concerned, and that they receive strong political support in their work. They further reported that they had good relations, through the Council on Religion and Life-Stances, with the Muslim community in Norway, dating back even to 2015 when Norwegian Muslims formed a human chain around the synagogue in Oslo to protect it.⁹²

127. Sami interlocutors of the Advisory Committee raised the increasing hate speech they experience online as an issue for them, to the extent that they no longer engage as much with social media or newspaper articles where Sami were concerned – as many of the instances of hate speech occur on ‘below-the-line’ comments or on social media.⁹³ Long term, this serves to exclude Sami youth from the broader political arena and public affairs. The Samediggi points out that hate speech today takes up the tropes of the ‘Norwegianisation’ of the Sami.⁹⁴ It argues too that, whilst Norway’s targeting of youth and children to prevent future hate speech and intolerance is worthwhile, adults also need to be targeted.

128. As already noted, Romani/Tater representatives stated that the controversy around their Cultural Fund which progressed over the past five years has led to them being targeted far more by hate speech online, and has even led some of the minority leaders to seek police protection for their families.

129. The Advisory Committee reiterates that ‘it is essential that all segments of society, majorities and minorities alike, are addressed in order for integration strategies to effectively facilitate the formation of societal structures where diversity and respect for difference are acknowledged and encouraged as normal, through recognition, mutual accommodation and active engagement on all sides’.⁹⁵

130. The Advisory Committee commends the authorities for the number of good initiatives pursued in the area of religious cooperation and interfaith dialogue, which appears to be functioning well at bringing different religious groups together and promoting solidarity between them. The Advisory Committee considers that this model ought to be studied by other parts of the Norwegian government to improve other participation mechanisms (see Article 15). Additionally, the contribution to the ‘No Hate Speech’ campaign is welcome, as is the strategy on combating hate speech. Concerning the latter, this should be reviewed in consultation with all national minority communities and the Sami to properly assess how it works for them; representatives of the Muslim community should also be involved.

131. The statistics contained in the attitudes surveys are a cause for concern, despite the modest improvements on 2011. The prejudice of the majority population towards Roma is marked, as it is for Muslims – for whom little has

changed in the intervening six years. The Advisory Committee welcomes the high priority given to tackling this issue through the action plan, and considers that the measures should be implemented and evaluated in close cooperation with the Muslim community.

132. More generally regarding antisemitism, the Advisory Committee is concerned at the increasing numbers of antisemitic incidents in Norway, but it positively notes the good cooperation between the Jewish minority and the state authorities, as well as the strong, high-level political support the minority receives and the solidarity amongst religious communities. Whilst noting the Jewish minority’s welcoming of the action plan on antisemitism, it emphasises the need to critically review the measures contained within the plan on a regular basis – especially in light of the reported increase in incidents and the views held by the majority population. Referring to the above-mentioned study, the Advisory Committee acknowledges that the overall reduction in social distance in the period 2011 to 2017 between the majority and the Jewish minority is a positive development. and it considers the level of cooperation between this minority and the authorities to be a positive example. Nevertheless, it considers in this context that measures contained within the plan may need to be intensified in the coming years in order to adequately address the current challenges

133. Concerning the Sami, the Advisory Committee is deeply worried by the intolerance to which they are exposed, and the long-term effects this may have on young people raising their voices in the public arena. However, online intolerance is a wide phenomenon affecting national minorities and the Sami, and the authorities appear to be aware of this and taking steps to tackle it, including through the ‘Stop Hate Speech Online’ initiative in the Strategy against Hate Speech (2016-2020).⁹⁶

134. At the base of the problems faced by the Sami, the Jewish minority, Muslims and others, there appears to be a lack of awareness in Norwegian society about the historical and societal place of indigenous people, minorities and more recently arrived immigrant groups. The Advisory Committee considers that all measures addressing intolerance need to address society as a whole, including the majority population. Awareness needs to be raised of the culture, language and traditions of the Sami, national minorities and other groups in society, and in this regard the Advisory Committee refers also to its findings under Article 9 (media) and Article 12 (intercultural education). More than that, though, wider society needs to be made aware of the contemporary situation of the Sami, minorities and others.

135. The Advisory Committee calls on the authorities to periodically review the Action Plan on Antisemitism in cooperation with the Jewish minority, to ensure it continues to respond to current challenges effectively, and in addition, look into further measures to counteract antisemitism.

⁹² Reuters, ‘[Norway’s Muslims form protective human ring around synagogue](#)’, 21 February 2015: (accessed 16 September 2021).

⁹³ Shadow report of the Samediggi, para. 88.

⁹⁴ Shadow report of the Samediggi, para. 87.

⁹⁵ ACFC Thematic Commentary No.4, 2016, para. 54.

⁹⁶ Norwegian Government’s [Strategy Against Hate Speech](#) 2016-2020, p.19.

136. The Advisory Committee firmly encourages the authorities to intensify their efforts to tackle intolerance and promote intercultural dialogue. Measures should be primarily targeted at persons belonging to the majority as well as the Sami, national minorities and other groups, including Muslims and migrants and should also seek to raise awareness about the Sami and national minorities

Protection from hostility, violence, hate crime and hate-motivated violence (Article 6)

137. The General Civil Penal Code of 2005 (hereafter Penal Code), which replaced the Penal Code of 1902, entered into force on 1 October 2015.⁹⁷ It provides criminal protection against discriminatory or hateful statements, which fall within the scope of its section 185. Discriminatory or hateful statements mean threatening or insulting a person or promoting hate of, persecution of or contempt for another person based on specific characteristics such as skin colour, national or ethnic origin, religion or life stance. In addition, some forms of discriminatory treatment based on such grounds may be punishable as discrimination under section 186 of the Penal Code.⁹⁸ Furthermore, in determining whether certain criminal acts are deemed to be aggravated, special emphasis is placed on whether the acts were motivated by the aggrieved person's skin colour, national or ethnic origin, religion or life stance.⁹⁹ Pursuant to section 77 of the Penal Code, which applies in all criminal proceedings, it is also an aggravating circumstance in connection with sentencing that the offence was motivated by factors as mentioned or by other circumstances relating to groups with a particular need for protection.¹⁰⁰ The EADA prohibits as "harassment" conduct not covered by the Penal Code (see also Article 4).¹⁰¹

138. In 2019 the number of decisions on whether a prosecution should be brought in cases registered as hate crimes was 744. The number of such decisions has more than doubled since 2015. The clearance rate for the whole period has been between 46 and 49 per cent. Seventy-five legally binding penalties were imposed in 2019 for violations of the Penal Code, section 185 (hate speech) and section 186 (discrimination). These comprise 15 writs, eight waivers of prosecution, eight transfers to the National Mediation Service and 44 convictions. Six cases ended in acquittal.¹⁰²

The Police Directorate states that the increase is first and foremost due to the fact that there is more knowledge and awareness, including in the police, of these types of crimes.

139. In 2016 the Government announced the Strategy against Hate Speech (2016–2020) and the Action Plan against Antisemitism (2016–2020). Both documents contain measures for investigation into cases of hate crime in all the country's police districts. As part of this effort, the police have developed a guide on how to apply the Penal Code and how these types of cases should be registered by the police. Effective registration procedures help improve the quality of the subsequent steps in an investigation. Accurate registration also reduces the number of unrecorded cases and improves data collection and internal quality assurance of statistics on hate crimes.

140. In line with the Action Plan against Antisemitism, the police has implemented a function for registering hate crimes with antisemitic motives. The Government's Action Plan on Combating Racism (2020–2023) also contains measures for building police competence in dealing with hate crimes. Hate crime is also a priority of the Director of Public Prosecutions, who gives direction to Norway's police districts. The National Police Directorate is to consider how a national specialist unit in hate crime could be set up to provide support for all police districts, and police training institution offers further education on the prevention and investigation of hate crime. Moreover, the Action Plan on Combating Racism has specific measures targeting anti-Muslim racism.¹⁰³ There is no data available as to the ethnicity, religion or first language of the victims of hate crime and hate speech.

141. Additionally, representatives of almost all minorities and the Sami stated that reporting of hate crime and hate speech was low, due at least in part to the low chances of conviction.¹⁰⁴ For example, in ECRI's latest report on Norway, it pointed out only one example of anti-Sami hate speech which was convicted and sanctioned with a fine – only for the perpetrator to republish their comments shortly after the verdict. Sami perceived that cases such as this dissuade Sami from reporting hate speech to the authorities.¹⁰⁵ According to Sami representatives, hate speech is *de facto* subject to criminal proceedings only

⁹⁷ See: https://lovdata.no/dokument/NLE/lov/2005-05-20-28/*#*

⁹⁸ State report, p.38-9. Furthermore, in determining whether certain criminal acts shall be deemed to be aggravated, special emphasis shall be placed on whether the acts were motivated by the aggrieved person's skin colour, national or ethnic origin, religion or life stance; see section 264 (aggravated threats), section 272 (aggravated physical assault), section 274 (aggravated bodily harm) and section 352 (aggravated vandalism). Pursuant to section 77 of the General Civil Penal Code, which applies in all criminal proceedings, it is also an aggravating circumstance in connection with sentencing that the offence was motivated by factors as mentioned or by other circumstances relating to groups with a particular need for protection.

⁹⁹ See section 264 (aggravated threats), section 272 (aggravated physical assault), section 274 (aggravated bodily harm) and section 352 (aggravated vandalism).

¹⁰⁰ See also European Commission on Racism and Intolerance (ECRI) on Norway, 2021: <https://rm.coe.int/6th-report-on-norway-/1680a17dd8>, para. 60.

¹⁰¹ 'acts, omissions or statements that have the purpose or effect of being offensive, frightening, hostile, degrading or humiliating' – Section 13, EADA.

¹⁰² See also: <https://hatecrime.osce.org/norway?year=2018>.

¹⁰³ [Action Plan on Combating Racism](#).

¹⁰⁴ See for example. Samediggi's shadow report, para. 91.

¹⁰⁵ ECRI's Sixth Report, para. 46.

when it reaches the threshold of a threat of violence to an individual or group, although the law provides otherwise.

142. Representatives of the Jewish minority spoke of the high levels of antisemitism which persist in Norwegian society, but praised the authorities' efforts in launching the two action plans against antisemitism as a good initiative which showed demonstrable political will to resolve the problems faced by the Jews in Norway. The Advisory Committee's interlocutors belonging to the Roma minority and the Romani/Tater minority however explained the high levels of antigypsyism to which they are exposed in every day life, including in accessing housing and employment (see Article 4), but also at the level of hostility and violence. They further stated that the absence of evidence – meaning even recordings or CCTV footage of what occurred – often means that cases of hate crime against the Roma are dropped by the police. Roma also stated that they would be reluctant to report hate crime to the police owing to issues of distrust (see below).¹⁰⁶ Against this background, the Roma and Romani/Taters have asked an action plan on antigypsyism to be launched, along the lines of the action plan on antisemitism and anti-Muslim hatred, but focusing on the unique challenges faced by the Roma and Romani/Taters. In their view, this would go some way to addressing the problems they face daily. They also state that such a plan should include measures to tackle anti-nomadism, as Romani/Taters and Roma continue to be discriminated against based on their itinerant lifestyle (including in the education sphere – see Article 12). Additionally, one concrete result of the antisemitism action plan was the collection of data on hate crimes with an antisemitic motive; a similar database of hate crimes with antigypsyist motives could also be considered as a component of any future action plan on antigypsyism, according to the Advisory Committee's interlocutors.

143. The Advisory Committee, like ECRI,¹⁰⁷ is troubled by the attempted murder of worshippers at the Al-Noor Islamic Centre near Oslo in August 2019. The perpetrator had been radicalised online, and had previously tried to join a neo-Nazi organisation. Interlocutors of the Advisory Committee expressed the view that Norway had not dealt with the problem of the perpetrator of the 22 July 2011 attacks 'at root'; that the ideology remained a persistent threat, particularly online but spilling over to have real-world consequences. High profile incidents, such as the one described above, and others – for instance the vandalism of a memorial to Benjamin Hermansen, who was murdered by neo-Nazis in 2001, before the 22 July anniversary in 2021 – are troubling for the Advisory Committee. Such acts are however condemned at the highest political level.

144. Article 6(2) contains the obligation to protect all persons against violence and discrimination on ethnic grounds, in other words not only persons belonging to national minorities. The Advisory Committee has consistently underlined the "broad application of Article 6 as

the lack of respect for or ill-treatment [...] individuals who are, for whatever reason, considered to be different from the majority population, may prompt a general environment of fear. This may entice persons belonging to minorities to strive for conformity rather than for the active enjoyment of their rights."¹⁰⁸ The Advisory Committee further reiterates that a general rise in hate crime with a xenophobic motive could very well have a spillover effect to national minorities. It further underlines that it is an obligation of States Parties to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as result of their ethnic, cultural, linguistic or religious identity. Minorities cannot thrive in a society in which diversity is not tolerated or even serves as a pretext for hate crimes and discrimination.¹⁰⁹

145. The Advisory Committee welcomes the introduction of aggravating circumstances in the Penal Code and the ongoing training to deal with hate speech and hate crimes more effectively. However, the Advisory Committee is deeply concerned at the rise in hate crime during the past five years, and finds it equally regrettable that there is no data as to which protected grounds are concerned by each complaint. This makes it difficult to assess or define any trends on hostility targeting national minorities or other individuals or groups within society. The Advisory Committee regrets furthermore the latent stereotyping and prejudice to which members of the Muslim community are exposed, particularly online, and considers that this also presents risks for national minorities. The authorities should take urgent measures to address this, and the Action Plan on Combating Discrimination and Hatred towards Muslims is a positive step as hate crime targeting Muslims is being introduced as a separate hate-based motive/ground in the police's criminal record system.¹¹⁰

146. The authorities should be encouraged by the results of the Action Plan against Antisemitism, at least in how it has been received by the Jewish minority and even if there is more work to do to effectively combat antisemitism. The success of this initiative could serve as a source of inspiration to be applied elsewhere, as has already been enacted in respect of Islamophobia.

147. The Advisory Committee is concerned that the Roma and Romani/Tater minorities continue to be exposed to antigypsyism. It is of the view that an action plan on combating antigypsyism should be developed, also having in mind the positive reception of the Action Plan on Antisemitism by the Jewish minority. The Advisory Committee reminds the authorities that antigypsyism is a specific form of racism¹¹¹ requiring targeted efforts to stamp out; to deal with effectively, it also requires that the authorities work in a relationship of trust with the Roma and Romani/Taters themselves. In this plan, the Advisory Committee would also expect to see data on crimes with an antigypsyist motive collected, analogously with the Action Plan against Antisemitism and the Action Plan on

¹⁰⁶ Shadow report of Romano Kher, section 4.

¹⁰⁷ See ECRI's sixth report on Norway, para. 62.

¹⁰⁸ ACFC, Thematic Commentary No.4, 2016, para. 52.

¹⁰⁹ ACFC Thematic Commentary No. 4, 2016, para. 55.

¹¹⁰ Action plan on combating discrimination and hatred toward Muslims (2020-2023), p.40.

¹¹¹ See ECRI, edited [General Policy Recommendation No.13 on combating antigypsyism and discrimination against Roma](#), preamble.

Discrimination and Hatred towards Muslims, as well as specific measures promoting gender equality and protecting against intersectional discrimination or hate crime against Roma women in particular, with targeted measures for Roma children too. Specific measures and activities to fight anti-nomadism should also be included, taking into consideration the itinerant lifestyle of some of the Romani/Tater minority, and the Roma too. It should also ensure that particular attention is paid to prevent discrimination, hostility or violence against persons belonging to the Roma minority and that alleged offences are promptly and effectively investigated, prosecuted and sanctioned.

148. The Advisory Committee urges the authorities to elaborate and adopt an action plan to combat antigypsyism, in close cooperation with the Roma and Romani/Taters, as well as the non-Norwegian Roma where appropriate. The plan should also target anti-nomadism. The authorities should, on this basis, collect data on crimes with an antigypsyist motive and ensure that alleged offences are promptly and effectively investigated, and where appropriate prosecuted and sanctioned. The measures in the action plan should be evaluated periodically in close cooperation with the minorities concerned.

149. The Advisory Committee calls on the authorities to redouble their efforts to tackle hate crime and hate speech, especially online, including through collecting disaggregated data on the motives of hate crimes in order to assess any trends on hostility targeting national minorities or other individuals or groups within society.

Roma relations with law enforcement (Article 6)

150. In exchanges with the Advisory Committee, the authorities reported on efforts made to improve cooperation with some national minorities, including the Roma, with law enforcement. For the Roma, they reported that two community facilitators in Oslo and Eastern police district formed a link between the community and the police, and that this was an effective tool to build trust between the minority and law enforcement. It was reported that the dialogue takes place even on a daily basis. Oslo police have regular meetings with Romano Kher centre. The Norwegian police is also now developing a new action plan on diversity, dialogue and trust, which targets the Roma minority as well as other national minorities. The authorities state that consideration will be given in the development of this action plan to expanding the community facilitator programme. Regarding the relations of other groups in society with the police, in the Action Plan on Discrimination and Hatred towards Muslims, there are also measures to promote dialogue between the Muslim community and the police.¹¹² In June 2020, during the worldwide “Black Lives Matter” protests, the Prime Minister stated that ethnic or racial

profiling of young men with a minority background was a problem in Norway, although the situation was improving.¹¹³

151. On 22 September 2021, the Equality and Antidiscrimination Tribunal found that a Roma woman had been discriminated against by police who had entered her house to conduct a search in 2020, because the police officers concerned had used the term “gypsy” against her, which also met the threshold for harassment.¹¹⁴

152. Representatives of the Roma informed the Advisory Committee of the continuing distrust between their minority and the police in particular. They gave a number of examples of police brutality or abuse of power by police of Roma. They reported a disproportionately high level of “stop-and-search” of Roma. Whilst they welcomed the role of the community facilitators in their dealings with the police, they indicated that two community facilitators is not a sufficient number, and that they should not be responsible for ensuring the police takes seriously the concerns of Roma when reporting crime. For example, Roma reported that when calling the police for an ‘intra-community issue’ the police do not take it seriously until they call the facilitators, who then call the police control centre to inform them of the seriousness of the situation. Roma organisations informed the Advisory Committee of the difficulties faced by Roma women who may undergo early marriages and may be more at risk of gender-based violence as a result.¹¹⁵

153. The Advisory Committee underlines that beyond the individual harm caused to persons subjected to the practice of being disproportionately stopped and searched as a Roma – i.e. racial or ethnic profiling – it tends to stigmatise the groups of persons targeted in the eyes of the general public, generates feelings of humiliation, injustice and resentment amongst these groups, and leads to a direct loss of trust in the police on their part. Crucially, minorities who lack confidence in the police due to ethnic profiling practices will be particularly reluctant to turn to the latter in cases where they have been victims of racist offences, meaning that such crimes may go unpunished. The Advisory Committee also observes that victims of police abuse generally lack confidence in internal police investigation mechanisms.

154. The Advisory Committee finds the relations between the Roma and law enforcement to be particularly troubling, requiring the immediate attention of the authorities. This is especially so in view of its previous recommendations to the Norwegian authorities to increase awareness among law enforcement officials of minorities through increased training,¹¹⁶ and to raise awareness among minorities of the legal remedies available.¹¹⁷ Whilst the community facilitators are a welcome development, there is a clear need for their numbers to be increased and their mandate and prominence within the police force to be strengthened. Moreover, it would be welcome for the

¹¹² Action plan on combating discrimination and hatred toward Muslims (2020-2023), p.40.

¹¹³ See: <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/norway/> and Dagbladet, “Erna: - Etnisk profilering skjer i norsk politi”, <https://www.dagbladet.no/nyheter/erna---etnisk-profilering-skjer-i-norsk-politi/72546024>.

¹¹⁴ The term used in Norwegian was “sigøyner”. See the case details here: <https://www.diskrimineringsnemnda.no/showcase/2020000338>.

¹¹⁵ Shadow report of Romani Kher, section 3.

¹¹⁶ ACFC, Third Opinion on Norway, 2011, para. 74.

¹¹⁷ ACFC, Fourth Opinion on Norway, 2016, para. 58.

authorities to work with community centres and with the minority themselves in safe spaces to actively build better relations with the Roma. The current situation, through both a lack of trust on one side, and a perceived unwillingness to take the Roma's concerns seriously on the other, leaves many persons belonging to the Roma minority – especially women – at risk of harm, beyond the reach of law enforcement. In view of the present situation and its previous recommendations, the Advisory Committee now considers that urgent measures are needed to address this situation. Furthermore, whilst the authorities underline the lack of ethnic data on stop and search and the involvement of Roma with the police, the Advisory Committee notes with some interest that in the above-mentioned (see Article 5) *Jansen v. Norway* judgment of the ECtHR in 2018, police representatives in the domestic court case claimed that 'the Roma community was statistically overrepresented in child abduction cases'.¹¹⁸ The reaching of this conclusion raises questions.

155. The Advisory Committee is concerned about reports of early marriage and gender-based violence against Roma women¹¹⁹ and considers that the distrust which is evident between the minority and the police and state institutions may put Roma women and children at further risk of harm. Moreover, the implications of this practice for education and economic participation (see Article 12 and 15) are also serious, and it considers the authorities should work with the Roma to tackle this issue in a non-stigmatising way.¹²⁰ Where violence is present, a culturally sensitive and non-stigmatising approach from the police will also be necessary. The Advisory Committee highlights the responsibility of the state to address these issues affecting minority women in this context. Lastly, the Advisory Committee welcomes Romano Kher's openness in dealing with these issues, and the cooperation between state institutions to tackle them.

156. The Advisory Committee urges the authorities to increase the number and strengthen the mandate of Roma community facilitators in the framework of the new police action plan on diversity, dialogue and trust, and to urgently increase training of law enforcement about national minorities, especially the Roma, and to engage with the minorities concerned to ensure cooperation with them and increase awareness of legal remedies.

157. The Advisory Committee calls on the authorities to work with Roma representatives and organisations to address gender-based violence against Roma women in a non-stigmatising way.

Sami relations with law enforcement (Article 6)

158. Regarding the Sami, the authorities reported on the difficulties faced by the police when interviewing those affected by the Tysfjord matter (over 150 cases of abuse over six decades, in a community of 2000 in the village of Tysfjord. This was outlined in a report published by the police in 2017¹²¹). Police representatives informed the Committee that the difficulty consisted in Sami being unable to adequately explain what had happened to them, owing to a lack of such words in their language. They also reported the need for a more culturally sensitive approach to interviewing in cases such as this, taking into account the specificities of the situation of the Sami. They framed this as a question of cultural translation, rather than simply linguistic translation.

159. The UN Committee on the Rights of the Child asked Norway in 2018 to research into and develop interventions against sexual abuse of Sami children, with a view to ensuring that perpetrators are brought to justice.¹²² The Samediggi also pointed out in its shadow report its concern at the violence to which women and girls belonging to indigenous peoples are exposed, including in their own communities.¹²³ They indicated that Sami women are much more likely to have been victims of abuse in childhood than the majority population (17% vs. 11%), and more generally that Sami women are more exposed to mental, physical or sexual violence (49% report this, vs. 31% in the general population). In terms of accessing justice and getting help, the Samediggi reports that Sami face cultural and linguistic barriers to accessing the police and support services, to get the help they need. The Samediggi emphasised however that the authorities are taking this seriously, and are enacting a strategy for dealing with violence in close relationships, with also focuses on violence in the Sami community, in cooperation with the Ombuds institution (see Article 4).

160. The Samediggi also indicated that police and support personnel in Norway, including in the Sapmi area, generally lack expertise in understanding Sami language and culture, and they referred to a 2017 study which demonstrates this. They referred to the Tysfjord example of abuse as an example where the authorities were unwilling or unable to communicate effectively with those who needed help. They also stated that more Sami language and cultural expertise on the part of the police and support services might help improve trust and understanding. Concretely, they suggest that Sami linguistic and cultural expertise should be a part of police training established by

¹¹⁸ ECtHR, *Jansen v. Norway*, app. no. 2822/16, para. 47.

¹¹⁹ In the Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), Article 3 offers the following definition: "gender-based violence against women shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately."

¹²⁰ See also CAHROM(2015)8: Thematic report by the experts of the CAHROM thematic group on child/early and forced marriages within Roma communities in the context of the promotion of gender equality: <https://rm.coe.int/1680651475>.

¹²¹ Sami people make up one half of the inhabitants of the municipality, but accounted for around two thirds of the cases of abuse, as victims and perpetrators. See: <https://www.bbc.com/news/stories-43478396>, BBC News, 22 March 2018.

¹²² UN Committee on the Rights of the Child, *Concluding Observations* on fifth and sixth periodic reports of Norway, 2018, para. 33(b).

¹²³ Shadow Report of the Samediggi, para. 55.

law in the Sapmi area, and there should be obligatory skills upgrading for employees working in the Sapmi area too.¹²⁴

161. Whilst recognising that gender-based violence against women¹²⁵ does not only arise in the Sami population, the Advisory Committee is concerned by the comparatively high levels of gender-based violence against Sami women. The persistent cultural and linguistic barriers between the Sami and the police are a particular concern, as they may leave persons belonging to the Sami people, especially women and children at risk, beyond the reach of the law and at heightened risk of violence. In this regard it welcomes the new strategy on 'violence in close relationships' which includes a chapter on the Sami. The Advisory Committee wishes to underline that, whilst training and increasing linguistic and cultural competences across the police force is a necessary step, along with increasing the numbers of Sami employed by the police, especially Sami women, there is also a need, as the Samediggi itself states, to talk about such issues more openly in Sami schools, in the Sami language, to ensure that children have the awareness and the linguistic knowledge to report any abuse.¹²⁶ Lastly, the Advisory Committee welcomes both the Samediggi's openness in dealing with these issues, and the cooperation between state institutions to tackle them

162. The Advisory Committee calls on the authorities to continue working with the Samediggi and Sami to combat gender-based violence against Sami women in a non-stigmatising way.

Public broadcaster - NRK (Article 9)

163. The Norwegian Public Broadcaster, NRK, has a number of obligations with regard to national minorities and the Sami. For one, NRK must provide programmes specifically for national minorities and must promote the Sami languages and Sami identity and culture, including by offering content in all three Sami languages (through NRK Sapmi). Furthermore, it must promote knowledge of different groups and of the diversity of Norwegian society.¹²⁷

164. NRK Sapmi provides a daily media service to the public and plays a role in making the Sami languages and culture more widely known to the general public. It offers multilingual content, content directed at younger audiences, and produces content which is for both the Sami and the Norwegian public in general. It also invests in digital content through social media to reach Sami youth audiences. The Chair of NRK Sapmi sits on the board of the Broadcasting Council, which does not contain any representatives of national minorities.¹²⁸

165. NRK also has a Kven language division,¹²⁹ which works on the NRK Kven website (NRK Kvensk / NRK Kvääni) to maintain news stories. It features a weekly news digest ("Weekly news in Kven") in the Kven language. On the radio, the 12-minute Kven language radio programme disappeared following the digitisation process, meaning NRK has had to find another solution on the website.

166. Concerning the provision of intercultural programming, one good example is highlighted from 2020. The Muslim festival Eid al-Fitr was impossible to hold in person owing to coronavirus pandemic regulations; but NRK broadcast 'Festen etter fasten' (the Feast after the Fast) giving Muslims a shared experience during the pandemic, but also raising awareness of Muslim traditions to the wider population.¹³⁰

167. The Norwegian Media Authority (NMA) monitors the compliance of NRK with its obligations, and in 2018 states that NRK was satisfying the requirements to provide this programming. According to the 2020 report, "[w]ork is underway to reflect the individual minority cultures more systematically in NRK's content offerings, by giving specific regional newsrooms a special responsibility. NRK Troms is already responsible for Kven content. NRK Innlandet will have a special responsibility for content about the Forest Finns, the region southeast of Roma and Romani/Taters, and the philosophy editorial staff at NRK Tyholt will have a dialogue with the Jewish communities."¹³¹ One example given is also the New Year's speech in 2020 which was given in Kven on NRK by the leader of the Kven/Norwegian Finnish minority in Norway, and there are also a wide range of programs dealing with the Jewish and Roma minority through the year. Whilst NRK reported to the NMA that it was difficult to obtain information across all platforms for 2020, they said it would be easier to do this from 2021 as responsibilities for programming would be more anchored in each branch office or newsroom.¹³²

168. It is also reported that NRK is trying to diversify its workforce, including through recruiting more journalists with immigrant or non-European backgrounds. In this regard, NRK also makes efforts to raise awareness of the immigrant communities present in Norway, including the Muslim and Somali communities.

169. However, in its conclusion, the NMA stated that it "believes that NRK must strengthen its offer to national minorities if the requirement is to function as a tool for representation and visibility for these groups in the future" and that "the number of programs for national minorities is at a low level, especially for programs for Roma and Romani". It further states that NRK "meets the requirements to disseminate knowledge about different groups, about the

¹²⁴ Shadow Report of the Samediggi, para. 52.

¹²⁵ See also Norway's first (baseline) state report to GREVIO, 2020, p.6, 22.

¹²⁶ Shadow Report of the Samediggi, para. 58.

¹²⁷ State report, part III, p.40-41.

¹²⁸ Information received on 13 September 2021, p.20.

¹²⁹ <https://www.nrk.no/kvensk/>.

¹³⁰ Action plan on combating discrimination and hatred towards Muslims, p.30.

¹³¹ Norwegian Media Authority, 2020 report, p.60.

¹³² *Ibid.*, p.62.

diversity in Norwegian society and about creating arenas for debate and information about Norway as a multicultural society.¹³³ The Norwegian Media Authority concluded that NRK was meeting its obligations to strengthen the Sami languages and provide daily broadcasts to the Sami.¹³⁴

170. National minority representatives reported a low level of awareness of national minorities in Norway, and, linked to this, it was reported to the Advisory Committee that NRK took a long time to apologise for a particularly offensive show concerning blatant antisemitic tropes. Kven/Norwegian Finn representatives regretted the lack of staff given to the NRK Kven language section (equivalent of 3 permanent positions) and stated that this was not sufficient to sustain at minimum a news service for the Kven/Norwegian Finn minority – underlining that there was comparatively little Kven-language content on the NRK Kven news website.¹³⁵ They also highlighted that this was also linked to a lack of trained journalists (see below), and that in terms of having programmes made by freelancers commissioned by NRK, this was impossible as there were not enough Kven freelancers to make such programmes.

171. The Advisory Committee underlines that in order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages. This is especially important for languages spoken only by a small number of speakers, where the media may play a central role in a long-term process of revitalisation. It reiterates the significance of a role played by the media in the integration of society and emphasises that an active and diverse media scene, including in languages of national minorities, may considerably influence the sense of belonging and participation of persons belonging to national minorities. The Advisory Committee reaffirms the role of the media as a tool for the promotion of intercultural understanding and a sense of solidarity in society¹³⁶ and reiterates that “it is important for the formation of an open and pluralist media environment that issues of concern to minority communities generally are given weight in the broader public media debate and that persons belonging to such minorities are portrayed as integral members of society”.¹³⁷ The Advisory Committee reaffirms too that the principles of the Framework Convention also imply adequate representation of persons belonging to national minorities in the media and on their boards and supervisory bodies.

172. The Advisory Committee commends the offer of broadcasting for the Sami via NRK Sapmi. It notes with satisfaction that there are a number of programmes about different national minorities in Norway on NRK, and that these appear to address more than just folkloric elements of

culture. However, it is concerned by the findings of the Norwegian Media Authority, which seem to demonstrate a worsening situation with regard to the Roma and Romani/Tater minorities since 2018, when the previous NMA report was published. The persistent low levels of awareness of national minorities in Norwegian society are also troubling, and the Advisory Committee wishes to underline the special responsibility of the public broadcaster in the context of the integration of society as a whole and promote knowledge of national minorities and the Sami in Norway, to promote tolerance, safeguard against xenophobia and to avoid stereotyping and negative portrayal of persons belonging to different ethnic groups in the media. The training and recruitment of journalists and media professionals belonging to national minorities and speaking minority languages is also indispensable to this task, both through formal and informal means (i.e. increased collaboration with national minority youth on content) as is representation on broadcasting councils of national minorities, or at the very least their regular consultation by such councils.

173. The Advisory Committee calls on the authorities to cooperate with the Norwegian Public Broadcaster (NRK), whilst respecting the freedom of the media and NRK’s editorial independence and with the effective participation of these minorities, to increase high-quality broadcasting about and for national minorities, especially Roma and Romani/Taters, including potentially in the Romanes and Romani languages.

Other Minority-language media (Article 9)

174. The authorities report that the Norwegian Media Authority administers a grant scheme for Sami newspapers and Sami-language pages of newspapers, in order to stimulate and facilitate democratic debate and language development. Almost 34 million NOK were distributed by the Media Authority in 2019.¹³⁸ The government is trying to make the scheme platform neutral and open up more possibilities also for South and Lule Sami. Furthermore, there are two local radio stations broadcasting in north Norway in North Sami and Norwegian, receiving funds through a grant scheme for local audio and visual media, plus other sources amounting to 20 million NOK.¹³⁹

175. For Kven/Norwegian Finns, the Ministry of Culture allocates grants to *Ruijan Kaiku* which is a monthly print newspaper and online news site for Kvens/Norwegian Finns in Norway, founded in 1995. It is trilingual, with content in Norwegian, Kven and Finnish – as well as some articles in Swedish and Meänkieli. The newspaper received generally stable funding from the Ministry of Culture,¹⁴⁰ as well as from the grant scheme for Kven language and culture

¹³³ Ibid., p.64.

¹³⁴ Ibid., p.56.

¹³⁵ Shadow report of Norwegian Kven Association – Ruijan kvääniliitto, p.6.

¹³⁶ ACFC Thematic Commentary No. 4, para. 63.

¹³⁷ ACFC Thematic Commentary No. 4, para. 63.

¹³⁸ State report, p.40.

¹³⁹ State report, p.41.

¹⁴⁰ 1.176 million NOK in 2017, 1.2 million in 2018, and 1.23 million in 2019.

(administered then by the Ministry of Local Government and Modernisation).¹⁴¹ *Ruijan Kaiku* also produces radio programmes and podcasts in the Kven language, through *Ruijan Radio*, funded by the Norwegian Media Authority (25 000 NOK) and the Ministry of Local Government and Modernisation which paid for its establishment.¹⁴² The Roma minority at Romano Kher also produces videos for its Facebook channel, supported by the Ministry too.

176. Kven/Norwegian Finn representatives stated that funding and recruitment were the two very serious challenges they faced. They struggled to find Kven speakers who had the solid background in journalism necessary to sustain working for a newspaper. They also stated that the funding allocated for all the media – the newspaper and the radio combined – amounted to less than 1 million EUR, which was not sufficient to run all they needed.

177. The Advisory Committee was not made aware of any media produced in Romani, or in Romanes besides the Romano Kher video channel, which provides Romani-language shows with Norwegian subtitles.

178. The Advisory Committee emphasises that in media policy, particular attention needs to be paid to overcoming the difficulties experienced by numerically smaller minorities, particularly when it comes to recruitment of journalists and having access to sufficient funds. Numerically smaller minorities clearly work with a smaller market, and with a smaller pool of professionals to choose from or who might become journalists.

179. The Advisory Committee considers that the commendable support given to Kven language publications and radio stations may need to be increased further, year-on-year. Further efforts are needed to boost the number of Kven speakers studying journalism and working within Kven language media organisations in Norway. For this, it is foreseeable that higher salaries would be needed at the Kven language media organisations to attract such talent. The authorities could consider providing bursaries or grants for Kvens/Norwegian Finns wishing to study to become journalists, for example. The Advisory Committee also notes with satisfaction the support given by the authorities to the initiative of the Kven/Norwegian Finn minority media organisations to move into new areas such as podcasting.

180. The Advisory Committee encourages the authorities to increase funding of Kven language media to ensure its sustainability and presence in the digital media. Long term investment in journalism courses for Kven speakers needs to be considered by the authorities to ensure the viability of Kven as a language of communication in the media.

181. The Advisory Committee encourages the authorities to continue to support Romanes language productions, and to seek to expand this offer in cooperation with the Roma.

Use of minority languages in public life (Article 10)

182. A new Language Act was adopted in 2021, drawing together provisions from various instruments. It aims to strengthen Norwegian as a national and societal language, but also to ensure the protection of the Sami languages, minority languages and Norwegian sign language. It establishes the Sami languages as indigenous languages in Norway, and “of equal worth”¹⁴³ to Norwegian; it also legislates Kven, Romani and Romanes as national minority languages in Norway, establishing that as linguistic and cultural expressions, these languages are equivalent to Norwegian. Beyond these declaratory functions, it also enshrines in law the use and development of the Sami languages, and the protection and further development of the minority languages.

183. In January 2018, a targeted plan for the Kven language was launched by the Ministry of Local Government and Modernisation. The establishment of Kven language centres was included in the plan, along with Kven kindergartens, primary and lower secondary educations, as well as at universities. The Language Council contributes to the follow-up of this plan, working with the Kven Institute and the Kven Language Assembly on standardisation. Separately, the Kven Institute works on Kven language technology and also promotes Kven language in kindergartens (see Article 14). The authorities also refer to two language cafes organised in 2017 by the Language Council allowing the Kven/Norwegian Finn minority to use Kven in a different setting.¹⁴⁴

184. Kven/Norwegian Finn representatives welcomed the plan and wanted it to be followed up by a new one. Specifically, they welcomed the new language centres which had been set up thanks to the plan, but could not point to any other concrete outcomes. They also asked that the authorities make the language centres into a permanent scheme in receipt of greater funding¹⁴⁵ and develop more specific, measurable and realistic targets for the next plan. Owing to their small numerical size and a lack of expert staff, organisations also reportedly find it difficult to manage the work of standardisation and at the same time being a Norwegian-Kven translation agency for the authorities, among others.

185. As previously, the Advisory Committee heard that the standardisation of Kven and its promotion was raising questions among those Kven/Norwegian Finns who consider their first language to be Finnish. In concrete terms they regretted strongly that Finnish had not been included as one of the minority languages officially recognised in the new Language Act.¹⁴⁶

186. The Advisory Committee reaffirms the benefits of multiculturalism and multilingualism in promoting tolerance and respect for diversity in society. The Advisory Committee emphasises that it is important to develop and promote

¹⁴¹ 750 000 NOK in 2016, 800 000 NOK in 2018, and 805 000 NOK in 2019.

¹⁴² State report, p.41.

¹⁴³ State report, p.44.

¹⁴⁴ State report, p.46.

¹⁴⁵ Shadow report of the Norwegian Kven Association – Ruijan kvääniliitto, p.15.

¹⁴⁶ Shadow report of Kvensk Finsk Riksförbund, p.24.

coherent and balanced strategies to promote the conditions necessary for persons belonging to national minorities – particularly where they are numerically small – to revitalise and develop their language.

187. The Advisory Committee considers that the past assimilation of the Kven/Norwegian Finns makes support for the revitalisation of the Kven language essential. It emphasises that the use of languages by local authorities is non-existent whereas the promotion of different languages in public life, such as in local administration bodies, enhances their visibility and recognition in society at large and demonstrates that a given territory is shared among different groups. This is particularly important in the Kven/Norwegian Finn area of traditional settlement. In this context, the Advisory Committee welcomes the language plan which ran through the monitoring cycle whilst noting that it should be evaluated in cooperation with Kven/Norwegian Finn representatives. It agrees with the assessment of the Kven/Norwegian Finn minority to have the plan extended or renewed with more targeted measures.

188. It also notes the concerns of the part of the minority wishing to maintain Finnish as the minority language of the Kven/Norwegian Finns.¹⁴⁷ The Advisory Committee takes note of the Norwegian authorities' declaration that Finnish is considered a variant of the Kven language, and that modern Finnish is not a minority language in Norway. Nevertheless, it appears to the Advisory Committee that a part of the Kven/Norwegian Finn minority is using Finnish as a language of communication, and wishes to see Finnish explicitly protected. It notes that both languages are covered by the Education Act which refers to "Kven or Finnish" languages (see Article 14). According to the Finnish-speaking part of the Kven/Norwegian Finn minority, this indicates an inconsistency in the approach of the Norwegian authorities. The Advisory Committee notes with concern the worry this situation is provoking between different parts of the Kven/Norwegian Finn minority. In parallel with the funding granted to the Kven language and its protection, the authorities could also consider giving appropriate support to maintaining and developing Finnish in public life, as a language spoken by some persons belonging to a recognised national minority (owing to a lack of data in Norway, it is impossible to say how many – see Article 3 and 4). In connection with the concerns raised by the Finnish-speaking part of the Kvens/Norwegian Finns relating to education (see Article 14), the Advisory Committee considers that the Norwegian authorities should assess the language dynamics within the minority in more detail, and study which languages are being chosen and the motivations lying behind those choices in the framework of education in Kven or Finnish. The Committee is pleased to

note that this quantitative data is being gathered already in the school statistics database (see Article 14). This should ensure that future language policy for the Kvens/Norwegian Finns proceeds on the most solid foundation possible.

189. The Advisory Committee regrets the lack of information on measures taken to improve the use of other minority languages in the public sphere, particularly Romani and Romanes, although it takes positive note of their new status under the Language Act.

190. The Advisory Committee calls on the authorities to look into the specific language dynamics and preferences within the Kven/Norwegian Finn minority, including in the education system and other areas of public life, and use this as a basis for future language policy.

191. The Advisory Committee encourages the authorities to continue working with Kven/Norwegian Finn organisations to continue to revitalise the Kven language, for example by developing a new action plan with targeted measures for revitalisation, including further language nests and language centres, promoting the use of Kven in local administrations and further innovative methods to bring the language into everyday use.

Personal names (Article 11)

192. In the new Population Registry Act, names can be used in their original scripts prior to being transliterated into Norwegian alphabet, meaning that Sami scripts can be used in the registry. This applies to North Sami, Lule Sami and South Sami.

193. In the Personal Names Act (2002) (welcomed in the Advisory Committee's First Opinion¹⁴⁸) there is a requirement for persons wanting to change their name to one which is held by under 200 people in Norway already to seek the permission of all of these persons before being able to go through with the name change. This requirement is however waived if the person concerned can prove that the name was also their great-great grandparents, great-grandparents, grandparents or parents' surname or middle name.¹⁴⁹

194. The Samediggi expressed some disappointment at not having Ume Sami, Skolt Sami and Pite Sami recognised for the population register.¹⁵⁰ Persons belonging to the Forest Finn minority, who as a minority were assimilated over 300 years ago, reported this issue as one of their main concerns. They wish to change their names back to that of their ancestors before they were assimilated, which may be further back in time than the 'great-great grandparent'; also, it may be difficult to find proof which dates back sufficiently to allow the Forest Finns to take their ancestors' names.

¹⁴⁷ The Norwegian authorities, in their [8th periodic report](#) under the European Charter for Regional or Minority Languages, reported that they 'are aware that some users of the traditional language use other names for their language, such as 'Old Finnish', 'Our Finnish', 'Kven Finnish' and 'Finnish'. The measures for 'Kven' in the present report cover all variants of the traditional language, irrespective of what the language is called by the users.' Further, they state that "modern Finnish, understood as being the majority language in Finland, is not considered to be covered by the Charter in Norway" [p.5].

¹⁴⁸ ACFC, First Opinion on Norway, 2002, ACFC/INF/OP/I(2003)003, para. 50.

¹⁴⁹ Personal Names Act (2002), Section 4.

¹⁵⁰ Sadow report of the Samediggi, para. 113.

Kvens/Norwegian Finns also stated that more and more of their minority were seeking to reinstate their 'pre-Norwegianisation' names. They explained a further problem in obtaining the documentation: Kven surnames may have historically been passed down orally, without written record. Where written records may have existed, the names may have been recorded according to Norwegian spelling rules. This makes it impossible for them to provide the proof.¹⁵¹

195. In general terms, the Advisory Committee reiterates that 'the right to use one's personal name in a minority language and have it officially recognised is a core linguistic right, linked closely to personal identity and dignity.'¹⁵² The Advisory Committee reiterates too that "in cases where persons have been obliged to change or give up their names ... it should be possible for the original form of the name to be added to passports, identity documents or birth certificates. Registration should occur at the request of the person concerned or his/her parents. The requirement to produce documentary evidence thereof should not, in practice, unduly restrict the right to have the original form of the names added to identity documents".¹⁵³

196. The Advisory Committee considers that the link of the personal name to personal identity and dignity is all the stronger in cases where names have been forcibly changed historically. It reminds the Norwegian authorities of its First Opinion on Norway of 2002 where it dealt with the same issue.¹⁵⁴ The Advisory Committee recognises the need for some objective criterion for the name change, and of the rights of other persons possessing the names in question, and in this regard the flexibility in the law is welcome. However, clearly the situation of the Forest Finns and the Kvens/Norwegian Finns is specific, and requires special attention – as the authorities indicated they are aware to the Advisory Committee. The Advisory Committee appreciates this positive attitude to cooperating with the minorities concerned to resolve the problems of personal names.

197. The Advisory Committee invites the authorities to maintain an open and constructive dialogue with the Forest Finns and Kven/Norwegian Finns about the possibilities for amending the Personal Names Act, and allowing the minorities concerned to reclaim their ancestral names.

Display of traditional local names, street names and other topographical indications (Article 11)

198. Section 11 of the Place Names Act provides that Sami and Kven place names that are used by persons who reside permanently in or have commercial ties with a place must normally be used by public authorities, for example on maps, signposts and in registers, along with a Norwegian name where relevant. The individual municipality decides what the place name is to be and is responsible for

circulating proposed names among the local inhabitants for comments. Organisations or individuals with a connection to the name can appeal the decision. A regulatory amendment in 2017 provides that Sami place names can also be written with Lule and Skolt Sami spelling, in addition to North and South Sami. A legislative amendment in 2019 ensures that names of reindeer pasture districts must have decisions on spelling according to the rules of the Place Names Act. Reindeer pasture districts bear traditional Sami place names and are the names of Sami 'administrative' subdivisions of the countryside.

199. The legislative amendment in 2019 also ensures a clear right to complain to the county governor if municipalities do not follow the rules for using Sami and Kven names. When government bodies break the law, a complaint can be submitted to a higher body. In 2019, about 180 new places in Troms and Finnmark, Nordland and Trøndelag received, or are in the process of receiving, signs with names in Sami or Kven.

200. Representatives of the Kven/Norwegian Finns expressed dissatisfaction at the current situation, despite welcoming the progress made. They stated in a shadow report that the use of Kven place names in national parks, such as Lyngen and Varanger, is non-existent despite the Place Names Act obliging them to be used.¹⁵⁵ They regret that this process has been ongoing for so long, and what they perceive as the lack of movement of the national park and central authorities in this regard. They also implied that there was an unwillingness on the part of the authorities, including the Environment Agency, to pay the additional costs the display of the Kven language place names would incur. It was also reported that the Language Council, the state agency responsible for language promotion, had written to the national park authorities to advise them on their obligations. For the Kven/Norwegian Finns, these regions are part of their core settlement, and as such, Kven language place names have to be used to preserve their cultural heritage. Regarding maps, the Kven/Norwegian Finns representatives pointed out that the Norwegian Mapping Authority has only one official working for the whole of northern Norway, dealing with all place name requests for Sami and Kven languages. In their view, this was insufficient for the workload and led to blockages in the recognition of new place names on maps.¹⁵⁶

201. The Advisory Committee reiterates that bi- or multilingualism in signage should be promoted as it conveys the message that a given area is shared in harmony by different groups.¹⁵⁷ Moreover, displaying topographical indications in minority languages, in addition to the official language, in regions traditionally inhabited by national minorities, helps to enhance these persons' visibility.

¹⁵¹ Shadow report of the Norwegian Kven Association – Ruijan kvääniliitto, p.16.

¹⁵² ACFC, Thematic Commentary No.3, 2012, para. 61.

¹⁵³ ACFC, Thematic Commentary No.3, 2012, para. 62.

¹⁵⁴ ACFC, First Opinion on Norway, 2002, para. 48.

¹⁵⁵ Shadow report of the Norwegian Kven Association – Ruijan kvääniliitto, p.16-7.

¹⁵⁶ Ibid., p.18.

¹⁵⁷ ACFC, Thematic Commentary No.3, 2012, para. 67.

202. The Advisory Committee welcomes the 2019 amendments to the Place Names Act, and considers that close consultation with the Kven/Norwegian Finns and Sami in its implementation will ensure its effectiveness. It notes with satisfaction the number of bi- and tri-lingual signs in Troms-Finnmark county, which it saw for itself. However, it notes with concern the problems reported by the Kven/Norwegian Finns in the national parks. The Advisory Committee considers that this issue may also reflect a wider lack of awareness among the different branches of the authorities of the rights contained within the Framework Convention, and, in this regard, Norway's international obligations (see Article 3). It considers that, in the absence of data relating to the numbers of Kven/Norwegian Finns in these areas, and these areas forming a part of the traditional Kven/Norwegian Finn area, and a demand for topographical indications being made by the minority themselves, the conditions for Article 11 may be met. The Advisory Committee regrets that the Kven/Norwegian Finns are facing this issue again, which it met previously.¹⁵⁸ It reiterates, therefore, that the lack of resources does not represent sufficient justification for refusing to put up a bilingual or multilingual sign, and it hopes that the request of the people concerned will quickly be met.

203. The Advisory Committee strongly encourages the authorities to promote close consultations among local authorities with representatives of national minorities and the Sami regarding the display of multilingual topographical indications as a demonstration of the diverse character of the region, traditionally and at present.

Intercultural education (Article 12)

204. A new framework plan for the content and tasks of kindergartens (2017) stresses that kindergartens must contribute to children learning about the national minorities by highlighting, valuing and promoting diversity and mutual respect and using diversity as a resource in their pedagogical practices.¹⁵⁹ Kindergarten staff must highlight linguistic and cultural diversity. The framework plan concerns Sami kindergarten education in particular, stressing that all pre-school children should know that the Sami are the indigenous people of Norway and learn about Sami culture. An information booklet 'Norway's national minorities' targeting Kindergarten and school staff was produced in 2014 in collaboration with national minorities themselves. It was updated to reflect changes to the

framework plans in 2020.¹⁶⁰ No information on the use of this document was given.

205. Democratic preparedness against racism and antisemitism (Dembra) is a government-funded programme that supports schools and teacher education programmes in activities to prevent group hostility and undemocratic attitudes: prejudice, racism, antisemitism, Islamophobia, hate speech and extremism. In 2018 Dembra launched Dembra for Teacher Education, a collaboration between six teacher education institutions to develop learning resources for teacher education and teachers in schools.¹⁶¹ From 2020, the initiative was expanded to also include primary education. Resources are also available in North Sami.¹⁶² Dembra also provides input to schools on how best to implement activities on human dignity and diversity and has resources on indigenous peoples and national minorities.

206. The new core curriculum for primary and lower secondary education was established in 2017, and from school year 2020 it applies to Norwegian and Sami schools alike. It also establishes that Sami cultural heritage is a part of Norway's cultural heritage, and that the Sami languages are equal in worth to Norwegian. The core curriculum contains information about the national minorities as five peoples with century-long ties with Norway. It stresses that they have the status of national minorities, that they have contributed to shaping the Norwegian cultural heritage, and that educational programmes are intended to impart knowledge about these groups. There is explicit content on Sami/indigenous peoples/national minorities in other subjects such as Norwegian, natural science, Christianity, religion, philosophies of life and ethics, food and health, arts and crafts. Teaching Plans for social sciences include important content about the indigenous status of Sami in Norway, and of the history, culture and significant events for Sami and national minorities.¹⁶³

207. Additionally, the 'Sami Pathfinders' scheme gives four young Sami the possibility to visit schools in Norway and give talks on the situation of the Sami to pupils, to raise awareness of the Sami and to facilitate intercultural dialogue between the Sami youth and other young people. The Ministry of Local Government and Regional Development finances the scheme and it is managed by the Sami University of Applied Sciences in Kautokeino.¹⁶⁴ The scheme is also undertaken for the Jewish minority, and the young people which take part visit schools to inform on the experience of being Jewish in Norway today.

¹⁵⁸ ACFC, Second Opinion on Norway, 2008, para. 216.

¹⁵⁹ State report, p.49.

¹⁶⁰ The document is available in Norwegian here: https://www.udir.no/globalassets/filer/laringsmiljo/nasjonale-minoriteter/nasjonale_minoriteter_udir.pdf (accessed 17 September 2021).

¹⁶¹ State report, p.37.

¹⁶² 'The Dembra resources are available at www.dembra.no. The teaching materials and information published on the website cover topics such as 'the mechanisms of group hostility', 'racism and other forms of group hostility', 'radicalisation and violent extremism', 'identity, diversity and belonging' and 'democracy, citizenship and critical thinking' and are freely available for use in all schools and teacher education institutions.' State report, p.37.

¹⁶³ See Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), [Study on the active political participation of national minority youth](#), p.46.

¹⁶⁴ State report, p.20.

208. In terms of teacher training, the framework plans in place since 2017 require teachers to be able to teach about Sami affairs and to know about the rights of Sami pupils in line with the Education Act and the Kindergarten Act.

209. The Norwegian Human Rights Institution informed the Advisory Committee that it has called for a dialogue with the Ministry of Education on implementing the handbook on national minorities and ensuring the provisions of the legislation and the framework plans are implemented in practice. The Advisory Committee was informed that the authorities are open to this dialogue and to ensuring that, in practice too, teachers and kindergarten staff are effectively teaching about the culture and history of national minorities and the Sami.

210. Representatives of national minorities shared their experiences of low awareness of their communities among the majority population, despite the above-mentioned efforts.¹⁶⁵ For instance, 19% reported to know about Kvens/Norwegian Finns, only 7% about Roma, 6% Romani/Tatars, 4% Jews and 3% Forest Finns.¹⁶⁶ The Samediggi too believes that there is more to be done to teach about Sami culture in Norwegian schools to combat prejudices and negative attitudes.¹⁶⁷ It also underlines the difficulties faced by Sami pupils with special needs, and the need for a comprehensive programme for such pupils owing to the difficulties parents and guardians face when trying to arrange special education programmes in Sami and based on Sami culture. However they also stated that the teaching plans for social sciences had strengthened Sami content in the school system.

211. Sami and Jewish interlocutors of the Advisory Committee indicated their strong support for the Pathfinders scheme, which they found to be effective in raising awareness of the Sami and Jews and their experiences, as well as building confidence in the youth from their minorities who give the talks in schools. Other representatives of other national minorities also stated their wish to have such a project set up for them, especially the Roma and the Kven/Norwegian Finns.¹⁶⁸ The Kvens/Norwegian Finns also pointed out in a shadow report that a Kven/Norwegian Finn pilot project with the same methodology and aims was initiated in 2015, but with annual project funding. They ask that this scheme be continued under the auspices of the Arctic University in Tromsø so it could be continued permanently.¹⁶⁹

212. The Advisory Committee reiterates that Article 12(2) calls for the development of intercultural exchanges and competencies through the facilitation of “contacts among students and teachers of different communities”.¹⁷⁰ It also reaffirms 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. Adequate information on the composition of society, including national and other minorities, must form part of the public curriculum and of textbooks and education materials used in all schools throughout the territories of states parties, not only to promote intercultural understanding and respect among all students, but also to raise the prestige and self-awareness of persons belonging to numerically smaller or disadvantaged groups.¹⁷¹

213. The Advisory Committee notes with satisfaction the regulations and framework plans which include teaching about the Sami and national minorities in Norway as a key part of the curriculum, especially insofar as they extend to kindergartens and teacher training courses. The depth of the curriculum for primary and secondary education is also to be welcomed. The Advisory Committee is concerned, however, at the regularity in which it heard of the problems of national minority education lacking in practice from national minority and Sami representatives. The guide for kindergarten personnel and teachers in schools is a praiseworthy resource – including in how it was elaborated – but as the authorities have told the Advisory Committee, there is a need to ensure that the tools in place work effectively in practice from school to school.

214. The Advisory Committee praises the Pathfinders Project which is a positive step to improve knowledge of national minorities and boost intercultural dialogue. Based on these encouraging experiences, the Advisory Committee recommends that the project be extended to other minorities. The authorities informed the Committee that such a request had to be made in the frame of a project. It notes however that the Action Plan on Combating Discrimination and Hatred towards Muslims contains as one of its goals to ‘undertake a feasibility study of an advisory scheme for insight into Muslim identity based on the methodology for the Sami and Jewish Pathfinders’.¹⁷² In the same vein, the authorities may wish to consider the feasibility of a similar measure relating to Roma and Romani/Tatars under any future action plan on antigypsyism. Regarding the Kven/Norwegian Finn pilot project, the authorities should carefully consider the minority’s wishes. In general, the authorities should be more active in seeking to provide such projects which have been tried so successfully in relation to other minorities. The Advisory Committee wishes to clarify that whilst knowledge about national minorities in society is vital, it is not a precondition for initiating positive action for minorities; nor can it be used as an excuse for the absence of such action. Lastly, the Advisory Committee wishes to praise the Norwegian authorities for the Dembra programme, which appears to effectively mainstream human rights education into the curriculum, and ensures also that such resources are available in indigenous and foreign languages.

¹⁶⁵ For instance, Shadow report of Romano Kher, p.4.

¹⁶⁶ English translation of the [White Paper on National Minorities](#), p.57, based on research done by IPSOS in November 2020.

¹⁶⁷ Shadow report of the Samediggi, p.23.

¹⁶⁸ Shadow report of Norwegian Kven Association, Ruijan kvääniliitto, p.19.

¹⁶⁹ Shadow report of Norwegian Kven Association, Ruijan kvääniliitto, p.19.

¹⁷⁰ Thematic Commentary No.4, para. 59.

¹⁷¹ ACFC, Fourth Opinion on Norway, para. 79.

¹⁷² Action plan to combat discrimination and hatred toward Muslims, p.33 (one of the measures to be taken).

215. The Advisory Committee calls on the authorities to take active steps to increase societal awareness about national minorities and the Sami, for instance by expanding the 'Pathfinders' scheme to other national minorities, while working with national minorities and the Sami, as well as educators and schools, to ensure the existing curricula, plans and resources in place are implemented in practice and to ensure the effectiveness of these initiatives in fostering knowledge of the culture, history, language and religion of national minorities and the Sami.

Access to education for Roma and Romani/Taters (Article 12)

216. The school guidance programme for Roma pupils in Oslo was supplemented by the appointment of more staff in 2019. The school guides (formerly called 'Roma mentors') aim to improve Roma pupils' learning outcomes, reduce absenteeism and increase the number of pupils who complete primary and lower secondary education. The school guides also assist in coordination between school, pupil and home.¹⁷³ The authorities also told the Advisory Committee of their work on raising awareness of pre-school among Roma parents. The Ministry has initiated a project which should be hosted at Romano Kher to build awareness of the Norwegian school system and strengthen Romanes knowledge among children.

217. Roma representatives noted how important the school guides are in preventing drop out and absenteeism. They stated that drop-out rates had substantially improved thanks to the guides. One of the guides however reported to the Advisory Committee of the contractual uncertainty they faced, at least in the beginning, although it appears this may still be ongoing. In general, Roma underlined that these guides helped to address the fears parents have about the child welfare service (see Article 5), and by being a member of the minority within the education system, they have a key role as trust-builders. They also work to make sure that the markers which may be used to begin the process of launching an investigation on taking a child into care – for instance absenteeism – are addressed before they become a problem engaging the child welfare services. Also, the guides help to raise awareness among teachers of Roma culture and traditions.

218. One persistent problem identified by the Roma is Roma children's lack of knowledge of Norwegian when they enter primary school – their first language being Romanes. Roma children often do not attend preschool, either because their carers – by choice or for lack of employment opportunities – are able to take care of them at home or are reluctant to engage in the Norwegian education system, by distrust of it or lack of knowledge (see also Articles 5 and 6). The authorities are aware of this problem and are taking steps as described above.

219. Romani/Tater representatives highlighted the problems faced by taking children out of school during their traveling season – summertime. They stated that this process is a fearful one for them, as removing the child can

be seen as absenteeism and result in the child welfare services being involved – pressurising the minority to live a sedentary lifestyle. The authorities state that travel in itself does not provide a basis for taking over care of a child, and that a pilot project was concluded some years ago to elaborate how travel can be made compatible with school for instance through distance learning (which is possible for Kven/Norwegian Finnish and Sami, but not for other subjects). Both representatives of the Roma and Romani/Taters pointed out that, owing to the socio-economic situation of these minorities, distance learning during the Covid-19 pandemic had been more difficult because it was more likely that the families lacked the necessary hardware – laptops or computers, cameras. Roma also informed the Advisory Committee of the particular difficulties faced by Roma women and girls in the education sphere; for instance, early marriages may lead to girls dropping out of school.¹⁷⁴

220. The Advisory Committee reiterates that "the existence of education or some levels of education exclusively in the official language may be blocking access to education for children belonging to national minorities"¹⁷⁵ and that "Shortcomings in the availability of pre-school education, school facilities, [...], as well as parents socio-economic problems, lack of confidence in the educational system may all result in reluctance of parents to send their children to pre-schools and schools and a lack of willingness by children to attend classes".¹⁷⁶

221. The Advisory Committee reaffirms that flexible learning/teaching solutions adapted to persons with itinerant ways of life should be developed, and the families concerned should be involved in the development of new projects, in order to guarantee and balance the right of children to education and the right to choose itinerant ways of life.

222. The Advisory Committee notes with satisfaction the outreach work being carried out in respect of the Roma, as building awareness of the Norwegian education system is crucial in building the trust of Roma. The guides too play an important role in liaising between the community and the education authorities, and ensuring effective access to education for Roma – although the lack of data means that analysing the dropout rate is not possible. Additionally, the lack of contractual certainty for the guides could lead to them feeling devalued and, over time, lead to fewer Roma willing to take on the role. The contractual position of the guides, including as to their position within the school staff, should be reviewed and clarified. A study, also taking into account the role of gender, would be useful for future policy-making in this field. The Advisory Committee also finds that preschool being available only in Norwegian may be a key inhibiting factor for Roma, and the Roma met by the Advisory Committee proposed a bilingual Romanes/Norwegian kindergarten. In the Advisory Committee's view, this could help assure Roma parents that their children will get the linguistic education in their first language, whilst preparing them for primary education in

¹⁷³ State report, para. 49.

¹⁷⁴ Shadow report of Romano Kher, section 3.

¹⁷⁵ ACFC, Thematic Commentary No.1 (2006), p.21.

¹⁷⁶ ACFC, Thematic Commentary No.1 (2006), p.21.

Norwegian, boosting their chances of success in the overall system. This sort of measure could address the structural difficulties faced by Roma in accessing education. Further support for children not speaking Norwegian at primary level should also be granted.

223. Regarding Romani/Taters, the Advisory Committee is encouraged by the authorities' intentions to accommodate the itinerant lifestyle of some members of the minority better in the education system via the new Education Act. It considers this to be a crucial part of a child's minority identity and education systems should be flexible. Also, the authorities should seek to ensure that distance learning does not, as far as possible, leave children belonging to the Romani/Tater minority at any disadvantage compared to their peers from the majority population.

224. On education during the Covid-19 pandemic, the Advisory Committee is concerned by the reports of a reduced access to education for Roma and Romani/Tater children and the lack of equipment they experienced. It expects the authorities to evaluate the measures taken and seek to address any shortcomings identified, and to learn from the outcome of the evaluation in preparation for possible future crises.

225. The Advisory Committee urges the authorities to take further steps to ensure equal access to education for Roma children, for example through developing a bilingual kindergarten for Roma, using Romanes and Norwegian as languages of instruction, to enable Roma children to attend preschool and learn Norwegian before starting primary education while still receiving education in their first language.

226. The Advisory Committee strongly encourages the authorities to guarantee compulsory education for all children and further reduce school absenteeism and early dropouts among Roma children, including through increasing the number of Roma school guides and ensuring they are employed on secure, long-term contracts; to this end, the Advisory Committee strongly encourages the authorities to conduct an in-depth, gender-sensitive study on both internal and external causes of early dropouts and absenteeism, closely involving members of the Roma communities, as well as all competent authorities at state and municipal levels, with a view to adjusting educational policies and measures.

227. The Advisory Committee firmly encourages the authorities to continue to make efforts to accommodate those children and parents or guardians with itinerant lifestyles in the education system in a way that balances the right to education and the right to choose itinerant ways of life.

Teaching in and of minority languages (Article 14)

228. In Norwegian public report NOU 2019:23 the government-appointed committee looking at the regulations of primary and secondary schooling proposed a new

education act, and that Sami education should be expanded and Kven and Finnish language education should be maintained at current levels. This public report formed the basis of the new Education Act, presented in spring 2021. The Advisory Committee has not seen the draft Act, and the analysis below is based on the Education Act in force as of October 2021.

229. Regarding Romani and Romanes, the Language Council has an advisory role in the work of the Romani people/Taters and the Roma to develop a standardised written language, which, the authorities report, will be an important factor for teaching in these two languages.¹⁷⁷ An 'ABC' book for children has been developed for the Romanes language in cooperation with the Language Council.

230. Regarding Kven at kindergarten level, the authorities report on projects they funded to promote Kven, as well as funding given by the Ministry for Education and Training to the Language Council to develop learning materials for Kven children in kindergartens. The website, www.kvensk.no, has also been developed with such funding, providing songs, rhymes, an audio dictionary, fairy tales and teacher guidance. The Arctic University offers one-year courses in Kven and bachelor's and master's degrees in Kven and Finnish. Regarding Kven teacher training, in 2018, the Ministry of Education and Research granted resources to the Arctic University, which has developed a course in Kven which can form part of the primary and lower secondary school teacher education programmes for grades 1-7 and 5-10. A scheme for reducing the study loans of Kven teachers has also been introduced. The Norwegian Directorate of Education and Training also offers financial support to kindergarten and school owners whose employees attend basic courses in Kven given at language centres.

231. Since 2019, Article 2(7) of the Education Act provides that pupils with a Kven/Norwegian Finnish background in Troms and Finnmark have the right to be taught Kven or Finnish when so required by at least three pupils.¹⁷⁸ The Directorate for Education and Training produced a video raising awareness of this right by August 2020. The Troms and Finnmark county governor has funded a Kven textbook series at primary and secondary level, along with a Kven grammar for secondary education. In the White Paper on National Minorities, the authorities state that they have set-up a data collection system for secondary schools which differentiates between Kven and Finnish language teaching; they also state that a study on reasons for dropping Finnish as a second language was conducted in 2015, and the reasons include a lack of teachers, teaching materials, and a lack of awareness and information about the subject.¹⁷⁹

232. Kven/Norwegian Finn representatives underlined the importance and success of kindergartens for teaching Kven. They stated that demand in some places had increased by a large margin over the past five years. However, they regretted that this crucial service had to be applied for via project grants (see Article 5). They found the

¹⁷⁷ State report, p.54.

¹⁷⁸ Education Act (1998), section 2.7.

¹⁷⁹ English translation of [White Paper on National Minorities](#), p.52.

bureaucratic burden to do this heavy, especially alongside their teaching duties. Regarding teacher training, they stated that further efforts are needed as any expansion in the Kven-language education offer at all levels is limited by the number of teachers able to teach it. They reported that in Troms and Finnmark, some students are having to learn Kven outside of school hours, making it difficult and unattractive for students to participate. Furthermore, they stated that there was little incentive for students to choose Kven language education in upper secondary education.

233. The territoriality of the right to education was also raised as a problem; Kvens/Norwegian Finns stated that the minority is spread over the whole country, and some provision of teaching in Kven or Finnish should be extended beyond the Troms and Finnmark county. Regarding the teaching of Finnish, some representatives informed the Advisory Committee that over the past 20 years the number of children learning Finnish has decreased by over 50%, and that more focus was also required on Finnish as a language of the Kven/Norwegian Finns to ensure it survives in Norway. They also however stated that an overwhelming majority of the pupils currently choosing to learn Kven or Finnish were in fact learning Finnish.¹⁸⁰

234. Romani/Tater representatives strongly regretted the loss of their language over years, owing to a fear of using it in public and thereby teaching it to their children, and because it was not seen as a source of cultural wealth, but quite the contrary.¹⁸¹

235. The Advisory Committee reiterates that the adoption of legislative guarantees for the protection and promotion of minority languages in education is encouraged, and the implementation of these provisions should be monitored.¹⁸² Additionally, “there must be continuity in access to teaching and learning in and of minority languages at all levels of the education system, from pre-school to higher and adult education.” Further, “lack of incentives or insufficient possibilities at pre-school, secondary or higher level can seriously reduce the attractiveness of minority language learning at primary level.”¹⁸³ It reiterates furthermore that “it is essential that teachers working in minority languages are trained in sufficient numbers and that such training is of adequate quality, preparing teachers for all levels of education”.¹⁸⁴

236. The Advisory Committee reiterates that Article 14 applies ‘in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand’. A margin of appreciation is left to the authorities to determine the sufficiency of this demand. Assessing this requires more than a passive approach; the Advisory Committee reaffirms that the authorities should regularly monitor the demand for teaching in and of minority languages and should stimulate such demand through awareness-raising among parents and pupils.

237. The Advisory Committee praises the authorities for making the statutory amendment to the Education Act to

ensure Kven and Finnish can be taught at schools in Troms and Finnmark. The creation of a wide range of resources in cooperation with Kven/Norwegian Finns themselves is also to be welcome, particularly at kindergartens. However the Advisory Committee can only agree with its Kven/Norwegian Finn interlocutors that the crucial service of kindergarten should not be subject to the kind of uncertainty which an annual project grant entails. For the revitalisation of the language and for ensuring its long-term viability as a means of communication, investment needs to be made in pre-school education, including through ensuring that there are sufficient numbers of teachers able to lead these classes in Kven or Finnish. The steps taken by the authorities to bolster teacher training are also to be welcomed – though in view of the general shortage of teachers, further measures and financial incentives may be required. Sustained positive measures throughout the grades of education are needed, including to incentivise children to learn Kven or Finnish through upper secondary school, beyond grade 8, and ultimately to go on and study to teach Kven or Finnish at university. Further innovative ways to teach Kven or Finnish, within regular school hours also need to be pursued, as after-school classes make the subject less attractive for students and teachers.

238. With regard to the territoriality of the right to learn Kven or Finnish, the Advisory Committee regrets that there may be some Kvens/Norwegian Finns unable to access minority language education. Whilst the ‘traditional’ area of settlement according to Article 14 FCNM of the Kvens/Norwegian Finns is provided for by the law, and in the absence of data on whether there are ‘substantial numbers’ of Kvens/Norwegian Finns elsewhere (see Article 5 above), the Norwegian authorities now should concretely assess the level of demand for learning Kven or Finnish outside of the traditional area in Troms and Finnmark in areas where Kvens/Norwegian Finns may live in substantial numbers, as per Article 14 of the Framework Convention. This should be complemented with awareness raising measures of the right, and should be carried out in cooperation with Kven/Norwegian Finn organisations. This should be done with a view to potentially expanding the application of Article 2(7) of the Education Act beyond Troms and Finnmark county, and should also be met with a corresponding expansion in incentives for learning Kven or Finnish and for training teachers in these languages. Only with an associated package of measures can the sustainability and long-term viability of Kven or Finnish teaching be ensured.

239. In relation to Finnish specifically, the Advisory Committee is concerned by the apparent decreasing numbers of students choosing to learn Finnish. In line with its findings under Article 10, the authorities should allocate sufficient resources to ensure it can be maintained in schools, as per the legislation in force and Norwegian public report NOU 2019:23, and so that it is protected as a language spoken by one of Norway’s national minorities.

¹⁸⁰ Shadow report of the Kvensk Finsk Riksforbund, p.25.

¹⁸¹ National Minority Network Shadow report, p.2.

¹⁸² ACFC, Thematic Commentary No.3, para. 70.

¹⁸³ ACFC, Thematic Commentary No.3, para. 75.

¹⁸⁴ *Ibid.*, para. 76.

240. Regarding Romani and Romanes teaching, the Advisory Committee regrets the lack of progress made with regard to providing education in these languages, although it emphasises that the wishes of the community concerned should be paramount in taking any decision regarding teaching these languages. It refers here to its findings under Article 12, above, and to the recommendations of the Committee of Experts on the European Charter on Regional or Minority Languages.

241. The Advisory Committee calls on the authorities to provide long-term and structural funding to Kven language kindergartens, to provide incentives – including financial – to continue to learn Kven or Finnish beyond grade 8, and to ensure that there are trained teachers able to provide high-quality teaching at kindergarten, primary and secondary levels. The production of teaching materials should also be expanded to ensure there is sufficient, high-quality provision at primary and secondary levels of education.

242. The authorities should also take steps to assess the level of demand for Kven or Finnish language education in areas outside the traditional area of settlement where Kven/Norwegian Finns may live in substantial numbers, and on this basis decide on appropriate measures relating to Kven or Finnish language education in such areas.

243. The Advisory Committee encourages the authorities to continue to work with the Roma community on the standardisation of Romanes and the development of teaching resources, and to promote Romani and Romanes taking into consideration the needs and wishes expressed by the Romani/Taters and the Roma.

Teaching of and in Sami language (Article 14)

244. Sami education at primary and secondary is also regulated by the 1998 Education Act. Pupils have an individual right to instruction in all subjects in a Sami language if they reside in the Sami language administrative district. Pupils living outside said district have the right to instruction of Sami as a subject, while receiving instruction in and through the medium of Sami in all subjects depends on whether 10 or more pupils in a municipality request such instruction.¹⁸⁵

245. There is no equivalent right of Sami to attend a Sami language kindergarten. Rather, kindergartens have to be 'based on the Sami language and culture' in the Sami language administrative district, whereas outside 'steps must be taken to enable Sami children to secure and develop their language and their culture.'¹⁸⁶

246. The University of Applied Sciences in Kautokeino provides all instruction in Sami, while the Arctic University also provides courses up to and including doctoral level in Sami.¹⁸⁷

247. Since 2018, Nord University has provided a South and Lule Sami primary and lower secondary teacher education programme. In 2021 the university started a South and Lule Sami kindergarten teacher education programme (workbased). The Arctic University also offers lower and upper secondary level teacher training, and Sami language is an elective subject in other teacher training courses.¹⁸⁸

248. Regarding teaching materials, the authorities report (in the state report submitted to the Committee of Experts on the European Charter for Regional or Minority Languages) that this is the responsibility of the Samediggi, funded out of the allocation given by the *Storting*. To update the Sami language teaching materials for the new curriculum from 2020, 15 million NOK were allocated from the National Budget in 2020.¹⁸⁹

249. The Samediggi finds that the current situation regarding kindergartens needs clarifying, as some children 'do not receive an adequate offer of Sami kindergarten'.¹⁹⁰ They wish to see a stronger offer of Sami language kindergartens required by law. They also expressed a wish to see the thresholds on learning North Sami language at primary and secondary levels outside of the administrative district lowered. On its teaching materials, it underlines that the current allocation it receives is not sufficient to keep up with the developments in curricula quickly enough. They ask that the current allocation is increased substantially, and that access to such teaching materials be guaranteed by law (in the new Education Act).

250. Other Sami representatives, including teachers of Sami languages at university, raised the issue of the shortage of Sami language teachers at primary and secondary level. They indicated that this was reflective of a general shortage, but that this was particularly acute for the Sami.

251. The Advisory Committee reiterates that in order to develop minority language skills as an added value for their speakers as well as society, there must be continuity in access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher and adult education.¹⁹¹ The Advisory Committee reiterates that "the availability of textbooks in minority languages [is] a prerequisite for raising interest among students and parents in minority language learning

¹⁸⁵ Shadow report of the Samediggi, para. 120. See also section 6.2 of Education Act (1998).

¹⁸⁶ Section 8, Kindergarten Act (2011): 'The municipality is responsible for ensuring that kindergartens for Sami children in Sami districts are based on the Sami language and culture. In other municipalities, steps must be taken to enable Sami children to secure and develop their language and their culture.'

¹⁸⁷ [State report of Norway](#) submitted to Committee of Experts on European Charter for Regional or Minority Languages [hereafter State report to ECRML], p.15.

¹⁸⁸ State report to ECRML, p.15.

¹⁸⁹ State report to ECRML, p.14.

¹⁹⁰ Shadow report of the Samediggi, para. 121.

¹⁹¹ ACFC Thematic Commentary No. 3, "The language rights of persons belonging to national minorities under the Framework Convention" (2012), para. 75.

and [is] an indispensable element for providing quality education."¹⁹² Finally, The Advisory Committee also emphasises the importance of promoting the recruitment and retention as teachers of persons belonging to national minorities: "it is essential that teachers working in minority languages are trained in sufficient numbers and that such training is of adequate quality, preparing teachers for all levels of education, including at pre-primary or nursery levels."¹⁹³

252. The Advisory Committee commends the offer of Sami language in the Sami language administrative district, and the high levels of provision of education in Sami up to university level. However, the disparity between primary and kindergarten level education is of some concern, as it may be an inhibiting factor in pupils and parents choosing to begin primary education in Sami – if such education has not been made available at kindergarten level. Whilst acknowledging that bringing the Education Act and Kindergarten Act into harmony would be resource-intensive in practical terms, the Advisory Committee considers that the education offer should indeed be harmonised to secure the long-term future of Sami-language education. The Advisory Committee is also under no illusions that this would require further kindergarten teachers. In this regard, the Advisory Committee welcomes the steps already taken to expand Sami language teacher training. Further positive incentives could be considered to increase the offer further, including through financial means in the form of bursaries or grants. Any planned expansion should also target all levels of education, to ensure there are more teachers at all stages. Lastly, the Advisory Committee praises the authorities' increase in allocations to the Samediggi for producing or translating teaching materials in line with the new curriculum. The Advisory Committee considers the production of these resources indispensable for the quality of education, and the authorities should work with the Samediggi to ensure a full set of North Sami textbooks for primary and secondary education is available as soon as feasibly possible.

253. The Advisory Committee strongly encourages the authorities to bring the Kindergarten Act into line with the Education Act in terms of the availability of instruction through the medium of North Sami language.

254. The authorities should also expand possibilities for teacher training in Sami language at all levels, including through financial incentives to students where appropriate.

255. The Advisory Committee urges the authorities to further cooperate with the Samediggi to ensure a full range of textbooks are available in North Sami for primary and secondary education, which are adapted culturally and to the new curriculum in place since 2020.

Participation in public affairs - Consultative bodies and the Samediggi (Article 15)

256. National minority organisations attend the annual Contact Forum between the minorities and the national authorities. Further meetings between ministries and directorates and the national minority organisations are also held. The minorities can also request meetings with the Ministry for Local Government and Regional Development, which from 2019 it holds annual meetings with the national minority organisations in addition to the Contact Forum. Participants from the minorities in the Contact Forum remain those organisations in receipt of operating grants from the authorities. In a positive development, the number of members from each organisation was increased to five in 2018, on the condition that two of the five members were under 30. The authorities report that they receive positive feedback from the minorities about the most recent Contact Fora.

257. Regarding the Samediggi, the consultation scheme in place should guarantee the Sami's involvement in decisions that may affect them. The authorities may also have to consult other Sami interests besides the Samediggi as necessary, particularly concerning reindeer husbandry for example. Since July 2021, a new chapter of the Sami Act provides for the duty to consult for government bodies at central, county and municipal level. Individual ministries may also dialogue with the Samediggi on specific issues.

258. As part of the follow-up of the official government report on the Sami languages,¹⁹⁴ work has been initiated to establish a forum for network gatherings across the justice sector so that the police, the correctional services and the courts more easily can exchange knowledge and experience relating to the recruitment of Sami-speaking employees, and to skills enhancement with respect to Sami language and culture in the different agencies.¹⁹⁵

259. The Samediggi reported excellent cooperation with the Ministry of Education, the Ministry of Culture as well as with Arts Council Norway.¹⁹⁶ Regarding the agreement between the state authorities and the Samediggi, reached in 2005, the Samediggi reported that they were satisfied with the consultation procedures in general, but that a few individual decisions were not agreeable for the Samediggi.¹⁹⁷

260. In exchanges with the Advisory Committee, there were mixed views from national minority organisations about the Contact Forum as a venue for consultation between the minorities and the authorities.¹⁹⁸ They informed the Advisory Committee that the Ministry may occasionally have decided the agenda for them, and excluded certain

¹⁹² ACFC, Thematic Commentary No.3, (2012), para. 77.

¹⁹³ ACFC, Thematic Commentary No.3, (2012), para. 76.

¹⁹⁴ Hjertespråket (Language of the Heart) NOU 2016: 18.

¹⁹⁵ State report, p.56.

¹⁹⁶ Shadow report of the Samediggi, para. 136-7.

¹⁹⁷ Ibid., para. 140. The Samediggi stated that the cases involved energy development issues and mining where the state 'does not attach enough importance to consideration for the Sami culture'.

¹⁹⁸ Shadow report of the Norwegian Kven Association – Ruijan kvääniliitto, p.21. See also shadow report of National Minority Network, p.9.

topics from discussion. Further, it may appear to the minorities that they are of lower priority, as more senior figures such as ministers do not attend. However, the Advisory Committee was told that in recent years, an outside moderator had been hired in order to lead the meetings and moderate, which had a positive effect on the running and outcome of the meetings.

261. Beyond the mechanism itself, minorities across the board reported that their views may be heard, but they were not taken into account when it came to policy making. National minorities, coordinated by the Forest Finns, have organised themselves a National Minority Network in 2019 in order to be able to speak with one voice on minority issues. This Network is a registered NGO and submitted a shadow report to the secretariat of the Advisory Committee. In this report, they dismissed the idea of the five national minorities being different from one another and not sharing the same concerns as “a myth”, and that knowledge about the national minorities is not a precondition for any action or improvement in the field.¹⁹⁹

262. The Advisory Committee reiterates that consultation of persons belonging to national minorities is particularly important in countries where there are no formal arrangements to enable participation of persons belonging to national minorities in parliament and other elected decision-making bodies. Consultation alone, does not however, constitute a sufficient mechanism for ensuring effective participation of national minorities.²⁰⁰ Rather, effective participation means a right to a substantial influence in matters concerning national minorities and that the authorities in their decision making should strive to achieve shared ownership of decisions taken.²⁰¹ Furthermore, the authorities “may also [...] enter into a direct dialogue with representatives of individual national minorities [...], to consider those issues which concern only a specific national minority.”²⁰²

263. The Advisory Committee notes with satisfaction the high levels of cooperation between the authorities and the Sami, and the success this holds for both sides. In this regard, the Advisory Committee also refers to its findings under Article 5 on traditional use of Sami lands.

264. The Advisory Committee is pleased to note the establishment of the National Minority Network as a forum for minorities to share experiences and practice, and jointly conduct advocacy on national and international levels.

265. Regarding the Contact Forum, the Advisory Committee welcomes that the authorities appear willing to experiment with the format to make it more effective for the minorities themselves. Likewise, it welcomes the initiative to insist on greater age diversity from the national minorities and the improvements made in recent years through the engagement of outside moderators. The Advisory Committee wishes to point out, however, that taking steps

to resolve the issues raised relating to the Romani/Tater Cultural Fund (see Article 5) may also facilitate the overall constructive atmosphere of the Contact Forum.

266. However, the Advisory Committee sees several possibilities for improvement of the existing consultation mechanism: higher level political participation from the relevant ministers would signal that minorities are of higher priority; holding the meetings in the traditional areas of the minorities themselves would show a degree of goodwill from the authorities toward the minorities; involving state agencies and the management of front-line services in the forum could also offer new avenues for dialogue. Bilateral meetings should be continued and carried out with full respect for the diversity of the minority group, and holding separate meetings with different representatives of each national minority may indeed be necessary – besides only those in receipt of operating grants. Giving each minority the chance to have its voice heard individually could allow the Contact Forum to open up to be more about working together for common solutions – as the National Minority Network demonstrates is possible. Additionally, the use of the external moderator should be continued. Overall, the authorities should be encouraged by the results of recent innovations with the Forum, based on feedback from the minorities themselves.

267. The Advisory Committee calls on the authorities to pursue work with national minority organisations to improve the Contact Forum, and to continue to hold bilateral meetings and to maintain an open and ongoing dialogue with each national minority group, respecting the diversity, including diversity of views, of each group in preparation for the annual Contact Forum. Adequate opportunities for persons belonging to national minorities to have their voice heard and have a substantial influence on all decisions and issues affecting them should be ensured in this regard.

Effective participation in economic and social life (Article 15)

268. As in other areas, there is no data available disaggregated by ethnicity, language, religion or other category related to participation in economic and social life. There are no special national labour market policy programmes or measures as such that target the groups covered by the Framework Convention from the Norwegian Labour and Welfare Administration (NAV). Statistics Norway (SSB) does not prepare individual-based employment statistics (or statistics of any other type) for the groups targeted by the Framework Convention. In December 2020, the Government launched their new strategy for the social housing policy “Everyone needs a secure home” (2021-2024). In this strategy the government will make a special effort towards those young people who are disadvantaged in the housing market.²⁰³ The Ministry of Local Government and Regional Development will also

¹⁹⁹ Shadow report of the National Minority Network, p.2-3

²⁰⁰ ACFC, Thematic Commentary No.2, 2008, para. 71, 106.

²⁰¹ ACFC, Thematic Commentary No.2, 2008, if I para.19.

²⁰² ACFC, Thematic Commentary No.2, 2008, para. 108.

²⁰³ Information received on 13 September 2021, p.23. The strategy is called “Everyone needs a secure home”.

investigate the extent of discrimination on the housing market.

269. With regard to the impact of Covid-19 on national minorities, the authorities reported that they have “essentially been affected in the same way as the majority population”.²⁰⁴

270. Interlocutors of the Advisory Committee from the Roma minority reported on the issues they have in effectively accessing housing, including on the private rental market. They indicated that having a Roma name prevents them from renting an apartment. Roma also reported discrimination they faced when trying to access campsites.²⁰⁵ Romano Kher told the Advisory Committee that difficulties faced in the labour market are not addressed adequately by public support agencies, and Roma are often forced into the informal labour market and even criminality. That NAV has not made Roma a priority group, and in particular Roma women, has also not helped their integration into the labour market.²⁰⁶ Roma also informed the Advisory Committee that Roma women may be at particular risk of early marriages which puts them at higher risk of gender-based violence against women, and furthermore, limits their possibilities to participate effectively in economic and social life. The care responsibilities which befall Roma women also contribute to limiting these possibilities.²⁰⁷ Regarding Covid-19, national minorities reported that they had been affected in a similar way to the majority population, with the socio-economically disadvantaged minorities faring worse than others.

271. The Advisory Committee reiterates that “In order to promote effective integration of persons belonging to disadvantaged minority groups in socio-economic life, comprehensive and long-term strategies should be designed and implemented. (...) Adequate resources need to be provided in a timely manner at all levels of operation, especially locally. Furthermore, the implementation of such policies should be carefully monitored and their impact evaluated, in close co-operation with representatives of the minorities concerned, with a view to adapting and strengthening them over time.”²⁰⁸ Lastly the Advisory Committee reaffirms that persons belonging to certain national minorities may suffer from unemployment to a greater extent. This situation may often be aggravated by direct and indirect discriminatory practices and the low level of education of persons belonging to these disadvantaged groups (see Article 12). The absence of reliable statistics in the field of employment of the most disadvantaged groups is an obstacle in analysing the actual situation and drawing up adequate policies and measures to address their unemployment.

272. The Advisory Committee welcomes the Ministry’s investigation of discrimination on the housing market, and expects it to carry this out in close cooperation with persons

belonging to national minorities. The social housing strategy appears to lack Roma as a specific focus group, which is regretful; the Advisory Committee nonetheless expects the authorities to bear in mind the needs of Roma as it progresses the strategy. In the absence of data, the Advisory Committee would also encourage the authorities to include camping sites within the scope of its investigation, and to build on this initiative and investigate cases of discrimination on the labour market.

273. The Advisory Committee strongly encourages the authorities to commission or conduct studies on the effective participation of the Sami and national minorities in economic life, in particular concerning Roma on the labour market, and gather disaggregated data, especially taking into account gender and age, cooperating closely with persons belonging to national minorities to assess the level of unemployment, and tackle any disparities on this basis.

Effective participation in social life – access to healthcare (Article 15)

274. There is no information about ethnic affiliation and healthcare in Norway, and so no information about how national minorities or the Sami experienced the Covid-19 pandemic compared to the rest of Norwegian society. However, the Centre for Sami Health Research has begun a new international project looking at how Covid-19 has affected Arctic communities. This will run in parallel with the SAMINOR 3 data collection exercise, and look at the pandemic’s influence on daily life, work, family relations, health situation (both mental and physical) and the management of the public health system.

275. The authorities informed of a positive practice relating to the Sami Health Team in Røros municipality, aiming to provide equal healthcare to the Sami there and focusing on Sami patient rights.²⁰⁹ The personnel of this initiative informed the Advisory Committee that specific health problems related to a traditional way of life, as well as mental health issues as one of the consequences of the historical ‘Norwegianisation’ policy,²¹⁰ persist in the Sami community. There exists also a specialist ‘Sami national competence service for mental health care and intoxication’ (SANKS) in Troms and Finnmark county where specialist mental health support for Sami is available.

276. Interlocutors of the Advisory Committee reported issues concerning health and social care institutions, affecting in particular elderly people whose first language is a Sami language, as there is a lack of staff to provide services in Sami languages at such institutions. They also raised a lack of information in minority languages about the pandemic as an issue. It was reported that the central authorities produced little information in Sami languages or Kven-language during the pandemic, as to the restrictions

²⁰⁴ Information received by the secretariat from the authorities, 13 September 2021.

²⁰⁵ Shadow report of Romano Kher, section 4.

²⁰⁶ Shadow report of Romano Kher, section 3.

²⁰⁷ Shadow report of Romano Kher, section 3.

²⁰⁸ ACFC, Thematic Commentary No.2 (2008) para. 49.

²⁰⁹ <https://roros.kommune.no/helse-og-omsorg/samiske-helsetjenester/>.

²¹⁰ See also: Rita Sørly, Vår Mathisen, Siv Kvernmo, “We belong to nature”: Communicating mental health in an indigenous context’, *Qualitative Social Work* vol.20 iss.5, 2020, available at: <https://journals.sagepub.com/doi/full/10.1177/1473325020932374>.

in force or hygiene recommendations to be followed by individuals.

277. During the visit, the Advisory Committee was informed by its interlocutors that in encounters with the health service, Roma and Romani people/Tatars are often met with ignorance and little knowledge of the abuses the ethnic groups have experienced. It was argued that cultural considerations are rarely taken into account in health situations.

278. The Advisory Committee emphasises that states parties should ensure the effective involvement of persons belonging to national minorities concerned in the design, implementation, monitoring and evaluation of measures taken to address problems affecting their healthcare. The Advisory Committee considers that this extends also to vaccination strategies, communication strategies, and any measures or restrictions implemented with regard to Covid-19. Such involvement is necessary to enable health services to respond most effectively to their specific needs.²¹¹

279. The Advisory Committee regrets the lack of data currently available on the health outcomes in the context of Covid-19. However it welcomes the authorities' initiative in supporting the study by the Centre for Sami Health Research; nonetheless, considering the range of factors which interplay in determining health outcomes, the authorities should consider commissioning or conducting similar research on national minorities in Norway, in cooperation with the minorities themselves. Gathering as much data to reflect the fullest picture possible of what happened will help in readying for future crises. The Advisory Committee would welcome any such research investigating any inequalities in health outcomes.

280. The Advisory Committee strongly encourages the authorities to look into any potential inequalities in health outcomes for national minorities and Sami in Norway, both in relation to the Covid-19 pandemic, and in general, in close cooperation with Sami and persons belonging to national minorities. The authorities should also look into any potential impact of not sufficiently disseminating materials in minority languages during the pandemic, and on the ability of healthcare institutions to provide healthcare in minority languages.

Cross-border cooperation (Articles 17 & 18)

281. The authorities report that Sami and Kven/Norwegian Finn organisations may cooperate internationally, the Kven/Norwegian Finns out of their operating grants, and the Sami *inter alia* through the Nordic civil service body for Sami issues which holds annual meetings and includes the Samediggi and through meetings of the Sami parliaments in the Sami parliamentary council, including the Swedish and Finnish Sami Parliaments.

282. The Sami Giellagaldu is an international resource centre for Sami languages, aiming to strengthen and develop the languages and to ensure this development is equally shared across borders. Initially this began as an international project, but now the Sami Parliaments in Norway, Sweden and Finland have decided which organisational model they wish to see, which should be established soon. The Nordic broadcasters (NRK Sapmi, Finnish YLE and Swedish SVT/Sapmi / SR Samediggi) are also working together regularly to boost cooperation between them. The Ministry of Culture also funds projects enhancing Norwegian-Russian cultural cooperation, in which indigenous culture is one of the focus areas. In 2020 this amounted to a little over 1 million NOK.

283. In relation to border restrictions relating to Covid-19, the authorities informed the Advisory Committee²¹² that reindeer herding Sami with reindeer in border areas were able to cross the borders without quarantining, as their work constitutes a critical societal function. This applied only to active reindeer herders necessary to maintain 'sound reindeer husbandry', and not to reindeer husbandry families/reindeer owners as a group. The authorities also allocated an additional 4 million NOK in 2020 and 2021 for business stimulus and adjustment in Sami business and cultural life.

284. The Sami and persons belonging to national minorities, such as the Kven/Norwegian Finns, informed the Advisory Committee of difficulties they had faced during the border closures during 2020 and 2021. For the Sami, this had impacted their traditional activities such as reindeer herding, which relies on open borders across the Sami territories.²¹³ It had also impacted the Sami tourism industry negatively. The Sami were also unable to attend funerals or go and see relatives across the border, and the Samediggi expressed regret at the lack of coordination between the Nordic states which led to divides between families and communities. The Advisory Committee also takes note of the Sami Council's statement of 15 January 2021 calling for the rights of cross-border families and communities to be respected even in times of crisis.²¹⁴

285. Kven/Norwegian Finn organisations have also expressed a keen interest in deepening international cooperation with Finno-Ugric peoples in the Nordic states, Baltic states and the Russian Federation, with whom Kvens/Norwegian Finns share linguistic and cultural roots. For example, a Kven delegation participated in the work of the 8th World Congress of Finno-Ugric Peoples. There is a wish to continue and deepen such international collaboration among some of the Kven/Norwegian Finn minority.

286. While underlining that the primary responsibility for protecting the rights of persons belonging to national minorities rests with the authorities of the state where they reside, the Advisory Committee nonetheless recalls that bilateral agreements as well as informal cross-border co-

²¹¹ The Advisory Committee reaffirms in this context the statement of the Chair of the Committee of Experts on the European Charter for Regional or Minority Languages on using regional or minority languages during the health crisis. The statement is available [here](#), Strasbourg, 25 March 2020.

²¹² Information received by the secretariat from the authorities, 13 September 2021.

²¹³ Information received by the secretariat from the authorities, 13 September 2021.

²¹⁴ <https://www.saamicouncil.net/news-archive/covid-19-and-sami-people>.

operation can contribute to the promotion of the rights of persons belonging to national minorities and of tolerance, stability and peace in the region.

287. In this context, the Advisory Committee considers the ability to cooperate across borders as highly significant for persons belonging to national minorities, and any restrictions on this should be carefully considered and proportionate to the aims. Furthermore, persons belonging to national minorities concerned should be consulted before any restrictions are imposed, whether they be in the context of the pandemic or otherwise.

288. The Advisory Committee welcomes the high level of political support given to facilitating cross-border contacts for the Sami, both at the political level and in terms of revitalising or developing languages.

289. The Advisory Committee encourages the authorities to support the aspirations of the Kven/Norwegian Finnish minority to maintain and develop relations with Finno-Ugric minorities and peoples in the Nordic states, Baltic states and Russian Federation. This could be positive step and allow them to exchange good practices in language and cultural revitalisation.

290. The Advisory Committee encourages the authorities to step up their support for Kven/Norwegian Finnish international cooperation.

Nordic Sami Convention (Article 18)

291. The authorities informed the Advisory Committee that work on the Nordic Sami Convention had been concluded with the adoption of a preliminary text by the Finnish, Swedish and Norwegian authorities in 2016. The Samediggi was asked for its formal approval in 2017. It then, together with the other Sami parliaments, submitted further amendments to the text, both of a technical and substantial nature – the latter sort, according to the authorities, would require the reopening of the text of the draft Convention, which the authorities are reluctant to do. The authorities however indicated willingness to accept some of the more ‘technical’ amendments suggested by the Sami parliaments. The three states replied to the Sami parliaments in June 2019 in this regard, and communication between the Norwegian authorities and the Samediggi has been ongoing, including through 2020.

292. Representatives of the Samediggi informed the Advisory Committee that they wanted to see the draft convention ratified and enter into force, but that they had modest proposals to alter some ‘ambiguous’ wording in the preamble and in some of the articles of the draft convention. From their point of view, it is now for the authorities to respond to the proposals of the Sami parliaments. Representatives also reported that Norway was in a unique position, with the largest Sami population of the Nordic countries, to gather all parties back around the table again and to be more proactive in bringing the process to a conclusion. They insisted on Norway’s potential leadership role in this regard. In general, they stated that they see the Nordic Sami Convention as an opportunity for increased regional protection of their rights.

293. The Advisory Committee reiterates that the conclusion of bilateral or regional agreements can serve to strengthen minority protection and contribute positively to the development of cross-border relations. It also recognises the potential complementarity of these regional, European and international systems of protection. It emphasises the importance of this, especially in the context of the Sami and the nature of their traditional area of settlement.

294. The Advisory Committee notes with satisfaction the positive attitude shown towards cooperation on the part of the authorities and the Samediggi. It is however concerned that the ratification process of this draft convention has stalled and that there appears to be something of an impasse between the authorities and the Samediggi, despite the positivity shown. The Advisory Committee finds that both protection schemes, the Framework Convention and regional treaties on indigenous rights may provide parallel and complementary benefits to individuals affiliated with the people.

295. The Advisory Committee calls on the Norwegian authorities to take an active role in facilitating a regional dialogue on the conclusion of the Nordic Sami Convention, with a view to improving cross-border cooperation between Norway, Finland and Sweden on Sami issues and ensuring the protection of the rights of the Sami.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Norwegian, Sami and Finnish.

This opinion contains the evaluation of the Advisory Committee following its 5th country visit to Norway.

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