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

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**OPINION ON NORWAY**

(adopted on 12 September 2002)

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## EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Norway on 2 March 2001 (due on 1 July 2000), the Advisory Committee commenced the examination of the State Report at its 10<sup>th</sup> meeting on 2-6 April 2001. In the context of this examination, a delegation of the Advisory Committee visited Norway, on 22-26 April 2002, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on Norway at its 15<sup>th</sup> meeting on 9-13 September 2002.

The Advisory Committee considers that Norway has significantly increased the attention paid to the protection of national minorities. It has made particularly valuable efforts in respect of the Sami, including by strengthening the role of the Sami Parliament and by improving the status of their language in such fields as media and education.

There remains, however, scope for improvement in both legislation and practice concerning national minorities. In this respect Norway's recent efforts to address shortcomings in the legislation and practice pertaining, *inter alia*, to ethnic discrimination as well as to personal names are to be welcomed and should be pursued further. Furthermore, the on-going work aimed at improving the legal situation concerning land rights in the areas inhabited traditionally by the Sami is of central relevance to the protection of the culture and identity of the Sami.

Norway has improved the protection afforded to the Kvens in recent years. This pertains, in particular, to the field of education, albeit lack of teachers and other problems still need to be addressed. At the same time, the Advisory Committee considers that despite some commendable efforts, the position of the Kvens is not yet satisfactory in the field of electronic and print media and that there is also a need to promote further their language rights, e.g. in relation to place names.

Despite some commendable efforts, the implementation of the Framework Convention has not been fully successful as concerns Roma and Romanies, who continue to face discrimination. The Advisory Committee is concerned that the traditions and cultures of these minorities are not consistently taken into account in the relevant norms and administrative practices, which has caused certain obstacles, e.g. in guaranteeing their equal access to education and ensuring their effective participation in employment.

The Advisory Committee is of the opinion that the Norwegian authorities should consider further development of consultation structures for representatives of national minorities - involving also numerically small minorities such as Skogfinns - in order to improve their participation in decision-making affecting them.

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## **I. PREPARATION OF THE CURRENT OPINION**

1. The initial State Report of Norway (hereinafter: the State Report), due on 1 July 2000, was received on 2 March 2001. The Advisory Committee commenced the examination of the State Report at its 10th meeting on 2-6 April 2001.
2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the Norwegian authorities on 5 November 2001. The Norwegian Government's reply to this questionnaire was received on 15 February 2002 .
3. Further to an invitation from the Government of Norway, and in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a delegation of the Advisory Committee visited Norway from 22 April to 26 April 2002 in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources on the implementation of the Framework Convention. In preparing this opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted this opinion at its 15<sup>th</sup> meeting on 12 September 2002 and decided to transmit it to the Committee of Ministers<sup>1</sup>.
5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

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<sup>1</sup> The Advisory Committee decided, at its 12<sup>th</sup> meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a "Proposal for conclusions and recommendations by the Committee of Ministers" (Section V of the earlier opinions) and to introduce a new Section IV, entitled "Main findings and comments of the Advisory Committee". The Advisory Committee also decided to submit its "Concluding remarks" in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

## II. GENERAL REMARKS

6. The Advisory Committee notes that the State Report, which was received several months late, provides substantial information on the pertinent legislative framework and its implementation. It is particularly commendable that the State Report describes not only positive developments but also shortcomings that still persist in the implementation of the Framework Convention. At the same time, the State Report provides only a limited amount of statistical data pertaining to the provisions of the Framework Convention.

7. The Advisory Committee obtained a fuller picture of the situation through the Government's written reply to the questionnaire of the Advisory Committee and, in particular, through the above-mentioned visit to Norway (see paragraph 3 of the present opinion). The Advisory Committee finds that the visit, which included meetings in Oslo and Tromsø, provided an excellent opportunity to have a direct dialogue with the authorities and various other sources. The additional information provided by the Government and by other sources, including by representatives of national minorities, was most valuable, especially as concerns the implementation of relevant norms in practice. The Advisory Committee recognises the co-operative spirit in which Norway has participated in the process leading to the adoption of the present opinion.

8. The Advisory Committee notes with satisfaction that the Government carried out consultations with independent bodies dealing with minority issues in the process of the drafting of the State Report, although some of the NGOs concerned consider that these consultations should have been more extensive. The Advisory Committee commends the launching of a regular newsletter of the Ministry of Local Government and Regional Development on issues pertaining to national minorities and encourages the Government to take further measures to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through publication and dissemination of the State Report and other relevant documents.

9. The present opinion deals with the protection of the Sami minority without using the term "national minority" to describe the population concerned. This approach of the Advisory Committee reflects the applicability of the Framework Convention to indigenous peoples while taking into account the views expressed by the Sami Parliament with respect to the applicability of the Norwegian policy for national minorities to the persons belonging to this indigenous people (see related comments in paragraph 19 of the present opinion).

10. The Advisory Committee is aware of the debate as to whether the language of the Kven minority should be Kven or Finnish in the educational system and in other contexts. The Advisory Committee shares the view of the Norwegian Government that in principle the users of the language themselves are entitled to clarify whether their language is to be regarded as a separate language or a dialect. The Advisory Committee therefore encourages the Government to pursue further their dialogue with a wide range of parties concerned with a view to finding a pragmatic way forward and avoiding artificially imposed solutions.

11. In general, the monitoring of the implementation of the Framework Convention is complicated by the fact that Norway does not collect official statistical data on the ethnic breakdown of the population. The only existing register based on ethnic origin is the Sami electoral register. The authorities recognise that their estimates concerning the number of

persons belonging to each national minority are imprecise (and they have been challenged, for example, by representatives of the Romanians and the Kvens) and no data is available on their status in such key fields as employment. In these circumstances, it can be difficult for the Norwegian authorities to monitor and take effective measures and for international monitoring bodies to ensure that Norway is honouring its commitments under the Framework Convention. The Advisory Committee therefore is of the opinion that the Government should consider designing means of obtaining more reliable statistics on national minorities while bearing in mind the Committee of Ministers' Recommendation (97) 18 to Member States concerning the protection of personal data collected and processed for statistical purposes and other pertinent norms. The Advisory Committee acknowledges that the sensitive nature of this information as well as historic reasons need to be taken into account in this context and that these may prevent the collection of exhaustive statistical data pertaining to national minorities. Nevertheless, the Government should consider, in co-operation with national minorities, whether such methods as estimates based on *ad hoc* studies, special surveys, polls or any other scientifically sound methods could be used to improve the scope and accuracy of the data in this field (see also comments under Article 15 below).

12. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

### III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19

#### Article 1

13. The Advisory Committee notes that Norway has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

#### Article 2

14. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### Article 3

15. The Advisory Committee notes that, upon ratifying the Framework Convention, Norway did not make a declaration as to which groups it considers this treaty to apply and that the term “national minority” is not defined in the Norwegian legislation. However, the authorities conclude in the State Report that the Jews, Kvens, Romanies, Roma<sup>2</sup> and Skogfinns fall within the scope of the Framework Convention and that the Sami are also a national minority “in the terms of international law”.

16. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Norwegian Government is therefore deemed to be the outcome of this examination.

17. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

18. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

19. In the light of the above principles, the Advisory Committee notes that particular questions arise with respect to the position of the Sami in relation to the Framework Convention. These stem from the fact that the Sami Parliament has taken the view that the Government’s policy in respect of national minorities should not encompass the Sami. Therefore, the Government, rather than addressing the protection of the Sami in detail in its State Report, has only appended to the State Report the reports it has previously submitted on the implementation

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<sup>2</sup> The State Report draws a distinction between “Roma/Gypsies” and “Romani/Travellers”, as do many of the representatives of these minorities. In the present opinion the terms “Romani” and “Roma” are used when referring to these national minorities.

of the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Advisory Committee understands that the authorities have taken into account the views of the Sami Parliament when formulating their approach. At the same time, the Advisory Committee recalls that the recognition of a group of persons as constituting an indigenous people does not exclude persons belonging to that group from benefiting from the protection afforded by the Framework Convention. Furthermore, the Advisory Committee underlines that the applicability of the Framework Convention does not necessarily mean that the authorities should in their domestic legislation and practice use the term “national minority” to describe the group concerned. Against this background, the Advisory Committee considers that the protection of the Framework Convention remains available to the Sami should persons belonging to this indigenous people wish to rely on the protection provided therein. The Advisory Committee encourages the authorities to continue their dialogue with the Sami Parliament and others concerned on this issue, with a view to ensuring that the Framework Convention and the treaties designed for indigenous peoples are not construed as mutually exclusive regimes and that the Sami can continue to rely on a wide range of international norms (see also related comments in paragraph 9 of the present opinion).

20. The Advisory Committee notes the existence in Norway of other ethnic and linguistic groups that the Government does not consider, at this stage, to be covered by the Framework Convention. The Advisory Committee is of the opinion that it would be possible to consider the inclusion of persons belonging to these groups, including non-citizens as appropriate, in the application of the Framework Convention on an article-by-article basis, and the Advisory Committee takes the view that the Norwegian authorities should consider this issue in consultation with those concerned. In this connection, the Advisory Committee notes with satisfaction that the Government considers that non-citizens belonging to the national minorities listed above in paragraph 13 can benefit from the general measures aimed at the protection of national minorities.

#### **Article 4**

21. The Advisory Committee notes the normative guarantees against discrimination contained in the 1902 Penal Code and in the 1977 Act relating to Worker Protection and Working Environment (as amended on 4 May 2001) and that some additional protection was put in place through the incorporation of specific human rights treaties by the 1999 Human Rights Act. However, the Advisory Committee notes with concern that the scope of these guarantees is very limited and that there are no detailed and comprehensive civil and/or administrative law provisions pertaining to a number of pertinent fields, such as housing.

22. The Advisory Committee notes that the need to improve legislation in the sphere of ethnic discrimination is recognized by the authorities and that a detailed report on the ways in which to improve the content and implementation of legislation against ethnic discrimination was submitted by a legislative committee, appointed by the King in Council, to the Ministry for Local Government and Regional Development on 14 June 2002. The legislative committee concluded that more comprehensive legislation against ethnic discrimination is indeed needed and it called for an Act on Ethnic Discrimination that would generally apply in all areas of society with the exception of private relations and family life as well as for a number of changes in other pertinent laws. The Advisory Committee expects that the authorities will consider the implementation of the findings of the said committee as a matter of priority with a view to improving the legislative framework pertaining to the implementation of Article 4 of the Framework Convention.



23. The Advisory Committee notes with concern that in practice, persons belonging to national minorities are still subject to discrimination in a number of fields. For example, Romanies and Roma have in some cases been denied access to campsites in a discriminatory fashion. In addition to abolishing such discriminatory practices, the authorities should ensure that an adequate number of sites suitable for caravans of persons belonging to these minorities are made available, bearing in mind the lack of such sites in the city of Oslo and elsewhere in the country.

24. The Advisory Committee is also concerned about reports of ethnic discrimination of persons belonging to minorities in connection with access to bars and certain other places of entertainment and welcomes the recent efforts of the authorities to stamp out such practices.

25. The Advisory Committee notes that the authorities have also designed a number of measures to address concerns pertaining to discrimination in other spheres. The Government's action plan against racism and discrimination for 2002-2006 contains important initiatives in such fields as education and employment and, while it focuses on recent immigrant groups, the concerns of persons belonging to national minorities should also be taken into account in its implementation. The Advisory Committee finds it is essential that the authorities allocate adequate resources to support and monitor the implementation of the new action plan, bearing in mind the criticism that was expressed by certain independent bodies with respect to the implementation of the previous plan in this field covering the period from 1998-2001.

26. It is also essential that there are adequate structures in place to monitor and address the issue of discrimination. In this connection, the Advisory Committee welcomes the work carried out by the Centre for Combating Ethnic Discrimination, established by the King in Council in 1998, which has also drawn on the Framework Convention in a commendable fashion. The Advisory Committee encourages the Government to pursue its plans to turn the Centre, which is operating on a trial basis until the end of 2002, into a permanent office with promotional and documentary functions, and urges the authorities to allocate adequate funding to enable the Centre to pursue its activities. From the perspective of national minorities, it would also be advisable to strengthen the presence of the Centre in those regions where national minorities reside in high numbers. Furthermore, the Advisory Committee is of the opinion that the Government should consider the establishment of a special supervisory body to ensure compliance with the proposed laws against ethnic discrimination, as proposed by the legislative committee mentioned above in paragraph 22. The Advisory Committee furthermore notes with satisfaction the sensitivity shown by the Office of Parliamentary Ombudsman towards the protection of national minorities and the fact that he has resorted to the Framework Convention in formulating views in this sphere (see related comments under Article 11 below).

27. Regardless of the efforts mentioned in the preceding paragraph, there is no systematic collection of data pertaining to ethnic discrimination in Norway. In such circumstances, it is difficult to evaluate the effectiveness of the current mechanisms and to examine to what extent the principles contained in Article 4 of the Framework Convention are being implemented. Therefore, the Advisory Committee urges the authorities to design new methods of collecting data in this sphere, bearing in mind the experience gained by the Centre for Combating Ethnic Discrimination in its related activities. It further notes that there is a need to improve the methods of collecting statistical data on the number of discrimination cases pursued, and decided upon, on the basis of the penal and administrative/civil law provisions.

28. Aside from a range of positive measures designed to promote the effective equality of the Sami, there are only a limited number of positive measures put in place to address, *inter alia*, the socio-economic differences between the majority population and the Romani and Roma populations. A survey conducted by the Centre for Combating Ethnic Discrimination in 2000 concerning the implementation of Article 4, paragraph 2, of the Framework Convention by municipalities suggests that such measures are also extremely limited at the local level. At the same time, reports indicating that shortcomings exist in terms of ensuring effective equality for persons belonging to these minorities, e.g in the field of employment and housing, suggest that more efforts are required in these spheres. In addition to supporting additional special measures in these specific fields, the Advisory Committee is convinced that improvements in the sphere of education - addressed elsewhere in this opinion - may also yield positive results in the field of employment and housing. Finally, the Advisory Committee underlines that, when implementing special measures, particular attention should be paid to the situation of Romani and Roma women.

## Article 5

29. As regards the Sami, the Advisory Committee notes with satisfaction that an increasing amount of financial support is allocated for promotion of the Sami culture and the activities of Sami organisations. Furthermore, it is commendable that decisions on the use of the budget allocation for the promotion of the Sami culture are now taken by the Sami Parliament. The Advisory Committee is of the opinion that these positive examples should be drawn upon by the authorities when they decide on the allocation criteria and procedure for the promotion of the cultures of Roma, Romanies and other national minorities which, to date, have received only a relatively modest amount of financial support from public sources.

30. In this connection, the Advisory Committee notes, in particular, that the support extended for the cultural initiatives of persons belonging to the Kven minority appears not to be commensurate with the needs and the estimated size of this national minority. This is particularly apparent in the field of print and electronic media, where an increase in the support from the authorities would be warranted (see related comments under Article 9).

31. With regard to the allocation procedure for funding, the Advisory Committee considers that the involvement of representatives of national minorities in the decision-making process is essential to ensure that the public support, allocated through the Council for Cultural Affairs or other relevant bodies, is provided in an optimum manner. Bearing in mind that such involvement is at present secured only on an *ad hoc* basis, the Advisory Committee is of the opinion that the authorities should make their involvement more systematic (see also related comments under Article 15 below).

32. Given the importance of reindeer herding, fishing and hunting to the Sami as an indigenous people, the issue of land rights in the traditional areas of Sami is of central relevance to the protection of their culture and identity. Therefore, the Advisory Committee attaches great importance to the on-going work aimed at improving the legal situation in this sphere and hopes that the new legislation pertaining to land rights, a draft of which is scheduled to be presented to Parliament in 2003, is formulated in such a manner that it will contribute to the protection of the culture of the Sami taking into account the views of the Sami Parliament and without unduly interfering with the rights of the non-Sami population of the region.

33. The Advisory Committee welcomes the fact that the State Report as well the Government's Report on National Minorities submitted to Parliament on 8 December 2000 openly describe the negative consequences of the past policies of assimilation/"Norwegianisation" pursued with respect to persons belonging to national minorities, including Kvens and Romanies, as well as other past injustices, such as sterilization of Romani women. The Advisory Committee furthermore notes that in order to address the negative consequences of these policies and other past injustices to which national minorities were subjected, the authorities have supported specific cultural initiatives for Jews and Romanies. These negative consequences are also addressed in the context of the *ex gratia* payment scheme. With regard to the access to the latter scheme, however, the Advisory Committee refers to the reported difficulties that, for example, Romani applicants have encountered in terms of securing adequate documentation and considers that the authorities should consider additional ways of supporting applicants with a view to improving the accessibility of the procedure.

34. The Advisory Committee also takes note of the support given to the numerically smallest national minority, the Skogfinns. The Advisory Committee considers it important that such support is pursued further so as to enable persons belonging to this national minority to maintain their historic identity.

#### **Article 6**

35. The Advisory Committee notes that despite the generally prevailing spirit of tolerance towards persons belonging to national minorities there are nevertheless some negative developments in this respect. For example, there have reportedly been some incidents of hostility towards Sami-language signs and some manifestations of intolerance towards the use of the Finnish language in the workplaces. The Advisory Committee is of the opinion that such incidents call for careful attention from the authorities and that additional initiatives should be launched to encourage inter-ethnic dialogue in the areas concerned between the majority and minority as well as between the minorities concerned.

36. The Advisory Committee notes with concern that the situation appears considerably more problematic as regards some immigrants and asylum-seekers. In this connection, the Advisory Committee recalls that Article 6 of the Framework Convention has a wide personal scope of application, covering also asylum-seekers and persons belonging to other groups that have not traditionally inhabited the country concerned. There have been cases of violence and other manifestations of hostility towards persons belonging to these minorities, including by persons affiliated to extremist groups, as is described, for example, in the report of a legislative committee submitted to the Ministry for Local Government and Regional Development on 14 June 2002 (see also paragraph 22 above). Lack of tolerance prevailing in certain circles is also reflected in the public opposition that has emerged in some cases towards the initiatives to build mosques. The Advisory Committee considers that such developments merit maximum vigilance on the part of the authorities, in particular in the light of the reports suggesting that societal attitudes towards some of the groups concerned have hardened further following the terrorist attacks of 11 September 2001. Furthermore, the Advisory Committee would like to encourage efforts aimed at ensuring that recent developments concerning Roma asylum-seekers in Norway do not contribute to a climate of intolerance *vis-à-vis* Roma in general, in the media and the society at large.

37. The Advisory Committee is concerned about reports suggesting that there is not enough sensitivity with respect to minority cultures amongst police officers. For example, problems related to the caravans of Romanies have reportedly been handled at times in a manner that does not show adequate respect for the cultures of the persons concerned. The Advisory Committee considers that there is a need to increase training and other initiatives aimed at ensuring that the standards of the Framework Convention are consistently taken into account in the work of law-enforcement bodies. In this connection, the Advisory Committee notes with satisfaction that the Oslo police force has organised training courses on “diversity and dialogue” and urges the authorities to consider the proposal of the Centre for Combating Ethnic Discrimination to introduce compulsory courses on multicultural understanding for all the police personnel dealing with related issues.

#### **Article 7**

38. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### **Article 8**

39. The Advisory Committee notes that the Evangelical Lutheran Church of Norway enjoys a number of benefits not available to other religious communities, although the latter are also eligible for financial support from the central and local government in accordance with specific regulations. While considering that a state church system is not in itself in contradiction with the Framework Convention, the Advisory Committee is of the opinion that such a system needs to be coupled with particular attention to the situation of other religions with a view to guaranteeing all persons belonging to national minorities their rights under Article 8 of the Framework Convention as well as their right to equality before the law and equal protection of the law as guaranteed under Article 4 of the Framework Convention. The Advisory Committee takes note of the fact that reforms in this sphere were proposed by the Church of Norway Commission on Church-State relations in its report of 7 March 2002 and expects that the principles of Article 8 and other provisions of the Framework Convention are fully taken into account during further consideration of this issue.

40. The Advisory Committee notes that the introduction of the subject “Knowledge about Christianity, including religious and ethical education” in the public schools curriculum has caused some controversy, and critics have argued that the content and educational structure of the new subject does not adequately reflect various religious backgrounds of the pupils. The Advisory Committee supports the efforts to adapt the syllabus taking into account such criticisms and the decision to change the name of the subject to “Christianity, Religion and Ethics”. It further considers that the content of the teaching of this subject merits an on-going review aimed at ensuring its compatibility with the principles of Article 8 of the Framework Convention in all schools. The Advisory Committee also welcomes the fact that in October 2001 the Ministry of Education, Research and Church Affairs improved the procedure for granting partial exemptions from the subject at issue and encourages the authorities to ensure consistent implementation of the procedure and also to consider proposals to make it possible to grant full exemptions.

**Article 9**

41. The Advisory Committee notes with approval the support given to the Sami language in the print and electronic media, as reflected, for example, in the extensive broadcasting of the Sami Radio of the Norwegian Broadcasting Corporation. The Advisory Committee considers that these positive experiences should also be drawn upon in the context of other minority media.

42. The Advisory Committee notes that some measures have been taken to support radio broadcasting for persons belonging to the Kven minority. These measures are however rather limited, as the broadcasting time allocated by the Norwegian Broadcasting Corporation for broadcasting in Finnish has been reduced to 12 minutes per week and its coverage is limited to Tromsø and Finnmark counties. The Advisory Committee considers that the volume and coverage of such broadcasting should be expanded, as has been proposed by the Public Service Broadcasting Council.

43. The Advisory Committee considers that the subsidy scheme designed for Sami newspapers is commendable - in 2001 subsidies amounted to 10 million NOK - and it has facilitated the regular availability of Sami print media.

44. The Norwegian authorities have also allocated support for the only newspaper of the Kven minority, which is the main information source on issues pertaining to this minority. Although there has been an increase in these subsidies (from 250 000 to 350 000 NOK in 2001), a shortage of resources continues to hamper the operation of the newspaper and there appears to be a need for a considerable increase in the level of public support in order to ensure the regular publication of the said newspaper.

45. Finally, the Advisory Committee notes that the general public, as far as it does not access minority media, receives only very limited information through other media about cultural life of national minorities and events and problems affecting them. In this respect the Advisory Committee draws attention to the Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance and considers that its implementation should be actively pursued.

**Article 10**

46. The Advisory Committee recognises the fact that the Sami enjoy extensive normative protection in the administrative areas designated by the Sami Act. There are, however, still some shortcomings in the implementation of these provisions as was concluded by the Committee of Experts of the European Charter for Regional or Minority Languages in its Report on Norway, adopted 1 June 2001.

47. With respect to the use of other minority languages, the present legislation neither prohibits nor provides any guarantees for their use in contacts with administrative authorities. In practice, it appears that Kvens have, at least in some cases, been able to use their language in oral contacts with the administrative authorities in certain municipalities. The Advisory Committee encourages the authorities to examine to what extent there exists demand for the use of minority languages in health care and other relevant public facilities in the areas inhabited by persons belonging to national minorities traditionally or in substantial numbers and to examine to what extent such demands have been met in practice. Such an examination would help to

determine whether there is a need to introduce additional legislative guarantees in this sphere, pursuant to Article 10 of the Framework Convention.

### **Article 11**

48. The Advisory Committee notes that many of the ancestors of persons belonging to national minorities were in the past pressured to “Norwegianize” their surnames. Therefore the possibility to revert to the original surname is of particular relevance for national minorities in Norway. The Advisory Committee notes that according to Article 11, paragraph 1, of the Framework Convention those persons belonging to national minorities who have been forced to give up their original name should be entitled to revert to them. The Advisory Committee considers that the applicability of this rule extends not only to situations where the person at issue was himself/herself directly the subject of a forced change of a surname but also to cases where the ancestors of the person were forced to change their name.

49. The Advisory Committee notes that the 1964 Act on Personal Names placed a number of restrictions on the right to revert to an old surname of one’s ancestors. For example, pursuant to Article 7, if the name at issue was not a “usual name”, the person seeking the name had to obtain the consent of all the persons bearing that surname. The Law, notably its Article 9, paragraph 6, provided the authorities a certain degree of discretion to provide exceptions in this sphere, but this discretion was at times exercised in a manner that placed undue obstacles for persons belonging to national minorities attempting to revert to the old surnames of their families. This was reflected in the decision of the Parliamentary Ombudsman of 23 April 2002, in which he criticised a rejection by the Ministry of Justice of an application by a Kven to revert to an old Kven surname and considered that the authorities’ approach did not adequately reflect the relevant principles of the Framework Convention.

50. The Advisory Committee notes with satisfaction that the above-mentioned shortcomings are being addressed by the authorities. Parliament adopted on 7 June 2002 a new Law on Personal Names containing less restrictions on the possibilities to change one’s surname. The Advisory Committee encourages the authorities to ensure that, once it enters into force, the law is interpreted and implemented in a manner that fully reflects the principles of Article 11, paragraph 1, of the Framework Convention.

51. The Advisory Committee welcomes the measures taken by Norway to display topographical indications in the Sami language (see, however, related comments under Article 6 above). The Advisory Committee further notes that the 1990 Place Names Act provides for the possibility to use Finnish place names in certain circumstances and that the authorities now accept also trilingual place names. The Advisory Committee urges the authorities to consider the introduction, in this context, of a specific reference to the Kven minority in the course of the current evaluation by the Ministry of Culture of the law at issue. Bearing in mind that in practice, in a number of municipalities at issue, there is reluctance to introduce minority language place names, the Advisory Committee encourages authorities to monitor the developments in this field carefully and, where necessary, take measures to encourage the introduction of minority language place names.

**Article 12**

52. The Advisory Committee welcomes the commitment of the authorities to support research pertaining to national minorities, including the numerically small ones such as Jews and Skogfinns and encourages the authorities to pursue and expand their plans in this sphere.

53. The Advisory Committee has received representations from national minorities suggesting that the current history and other relevant text-books do not contain adequate information on the various national minorities of Norway. At the same time, the ministry concerned has stated that it is not in a position to give information on the current situation in this respect because the system of national recognition of textbooks to be used in primary and secondary schools has been abolished. The Advisory Committee considers that there is a need for the authorities concerned to increase vigilance in this area and to improve monitoring of the current situation with a view to addressing any shortcomings that may exist.

54. The Advisory Committee is concerned about the reports suggesting that the educational system does not take adequately into account the itinerant culture of Romanies and Roma and thereby risks placing the children concerned at a disadvantage. The Advisory Committee is of the opinion that the authorities should pursue further their efforts to accommodate better the itinerant culture and the specific traditions and needs of Romanies and Roma with a view to promoting their equal access to education at all levels, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

55. As regards teacher training, the Advisory Committee notes that a lack of qualified teachers who can teach Finnish is identified as a problem by both the authorities and representatives of the Kven minority. While acknowledging that some measures have been taken to address these shortcomings, the Advisory Committee encourages the authorities to increase these efforts and to allocate adequate resources for related initiatives.

**Article 13**

56. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

**Article 14**

57. The Advisory Committee welcomes the fact that instruction in and of Sami has greatly expanded in recent years, albeit there is still scope for improvements, *inter alia*, as concerns schools outside the designated Sami districts.

58. The Advisory Committee notes that in practice the authorities have in recent years significantly improved the position of the Finnish language in the educational system (see also related comments above in paragraph 10). The 1998 Education Act provides in its Section 2-7 that when so required by at least three pupils of Kven-Finnish descent attending primary or lower secondary schools in Tromsø and Finnmark, the pupils have the right to receive tuition in Finnish. The Advisory Committee recognises this as an important step in the implementation of Article 14 for Kvens and welcomes the fact that, as a result, an increasingly high number of pupils follow Finnish education in the regions concerned. The Advisory Committee notes that the legislation at issue restricts the right to receive instruction in Finnish to pupils "of Kven-

Finnish descent". The Advisory Committee questions the advisability of maintaining such a restriction in the scope of the right at issue and notes that, if implemented, it would cause certain practical difficulties, notably as there is no system in place for determining whether the persons concerned are of the required descent.

59. As regards other national minorities, the Advisory Committee understands that there are no legislative guarantees for instruction in or of their languages, as the 1998 Education Act, in its Section 2, leaves this matter for the relevant ministry to regulate. The existing regulations envisage bilingual basic education, as a maximum, for minorities other than Sami and Kven-Finnish (in the designated regions) only until they have acquired a sufficiently good knowledge of Norwegian to be able to follow the ordinary teaching programme. Bearing in mind that the guarantees of Article 14 are not conditioned upon lack of knowledge of the state language, the Advisory Committee considers that the authorities should examine to what extent there is demand amongst the national minorities, and in the regions not covered by the said guarantees, to receive instruction in or of their language and, depending on the results, improve the current legal and practical situation if necessary.

### **Article 15**

60. The Advisory Committee considers that the Sami Parliament is an important body contributing significantly to the effective participation of the individuals concerned in cultural, social and economic life and in public affairs.

61. As regards other minorities, the Advisory Committee considers that the establishment of a Coordination Council on National Minority Issues in 1999 was a positive step. However, the membership of the Council is restricted to the public authorities only and there is no permanent consultation structure for representatives of national minorities. While recognising that the Ministry of Local Government and Regional Development and a number of other relevant authorities maintain *ad hoc* contacts with the relevant organisations of national minorities, the Advisory Committee is of the opinion that the Government should consider creating a more consolidated structure for such consultations, involving all national minorities, including the numerically smallest ones such as Skogfinns. In this context, the authorities could draw on the experiences gained in the functioning of the existing consultative forums, such as the Council of Religious Communities.

62. In terms of participation of persons belonging to national minorities in public life or in economic affairs, the Advisory Committee regrets that there are few accurate statistics on which to base conclusions on compliance with Article 15 of the Framework Convention (see also related comments under general remarks).

63. The Advisory Committee notes that there is a need to ensure that the legislative framework is such that it poses no undue obstacles to the implementation of Article 15 of the Framework Convention and it accommodates, for example, the itinerant culture of the Romani and Roma minority. In this context, the Advisory Committee encourages the authorities to monitor whether the legal requirements on trade in second-hand goods, which currently include permanent business premises, or local residency requirements pertaining to access to public housing, have a negative impact on the implementation of Article 15 with respect to Romanies and Roma and to introduce amendments if necessary. Furthermore, the Advisory Committee encourages authorities to examine further whether the current legislation pertaining to trade certificate requirements in certain professions adequately take into account Romani and Roma



culture, bearing in mind the reported problems in this sphere. In this context, the authorities should draw on the principles contained in the Committee of Ministers' Recommendation No. (2001)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe.

64. The Advisory Committee notes that the Worker Protection and Working Environment Act provides the possibility to request from a job applicant information regarding her/his political, religious or cultural views, if the purpose of the employer's activities is aimed at promoting these matters and the position at issue is essential for the fulfilment of that objective. The Advisory Committee considers it essential that the implementation of this provision is carefully monitored so as to ensure that it is not interpreted too broadly and/or in a manner that constitutes undue obstacles for persons belonging to national minorities in their access to employment.

#### **Article 16 and 17**

65. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations.

#### **Article 18**

66. The Advisory Committee recognises the relevance for persons belonging to minorities of the 1971 Nordic Treaty on Cultural Co-operation and of the regional co-operation aimed at strengthening the protection of the Sami population in such fields as education and reindeer herding. The Advisory Committee encourages expansion of regional and bilateral co-operation with respect to all minorities concerned.

#### **Article 19**

67. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### **IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE**

68. The Advisory Committee believes that the main findings and comments set out below, could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

##### **In respect of the General remarks**

69. The Advisory Committee *finds* that the monitoring of the implementation of the Framework Convention is complicated by the fact that Norway does not collect official statistical data on the ethnic breakdown of the population and *considers* that new methods could be used to improve the scope and accuracy of the data in this field.

##### **In respect of Article 3**

70. The Advisory Committee *finds* that the Sami Parliament has taken the view that the Government's policy in respect of national minorities should not encompass the Sami whereas the Government, while recognising them as an indigenous people, also considers that the Sami are a national minority in the terms of international law. The Advisory Committee *considers* that the protection of the Framework Convention remains available to the Sami should persons belonging to this indigenous people wish to rely on the protection provided therein and encourages the authorities to continue their dialogue with the Sami Parliament and others concerned on this issue, with a view to ensuring that the Framework Convention and the treaties designed for indigenous peoples are not construed as mutually exclusive regimes.

71. The Advisory Committee *finds* that it would be possible to consider, where appropriate, the inclusion of persons belonging to other groups in the application of the Framework Convention on an article-by-article basis and *considers* that Norway should consider this issue with those concerned.

##### **In respect of Article 4**

72. The Advisory Committee *finds* that the scope of the normative guarantees against discrimination is very limited and *considers* that the authorities should examine, as a matter of priority, the proposals by the legislative committee to adopt a specific law against ethnic discrimination, combined with a number of changes in other pertinent laws.

73. The Advisory Committee *finds* that persons belonging to national minorities are still subject to discrimination in a number of fields, including in terms of their access to certain services, and *considers* the authorities should pursue their plans to address these problems and allocate adequate resources to support and monitor the implementation of such plans.

74. The Advisory Committee *finds* that adequate structures need to be in place to monitor and address the issue of discrimination and *considers* that the Government should examine the establishment of a special supervisory body to ensure compliance with the proposed laws against ethnic discrimination. It further *considers* that the Government should pursue its plan to turn the Centre for Combating Ethnic Discrimination into a permanent office with promotional and documentary functions, and allocate adequate funding to enable the Centre to carry out its activities, including in those regions where national minorities reside in high numbers.

75. The Advisory Committee *finds* that there is no systematic collection of data pertaining to ethnic discrimination in Norway and *considers* that the authorities should design new methods of collecting data in this sphere.

76. The Advisory Committee *finds* that there are only a limited number of positive measures put in place to address, *inter alia*, the socio-economic differences between the majority population and the Romani and Roma populations, despite reports indicating that shortcomings exist, *e.g.* in the field of employment and housing. It *considers* that additional special measures should be considered in these specific areas, paying particular attention to the situation of Romani and Roma women.

### **In respect of Article 5**

77. The Advisory Committee *finds* that the support extended for the cultural initiatives of persons belonging to the Kven minority appears not to be commensurate with the needs and the estimated size of this national minority and *considers* that an increase in the support from the authorities would be warranted, particularly in the field of media.

78. The Advisory Committee *finds* that the involvement of representatives of national minorities in the decision-making process pertaining to the allocation of public support is secured only on an *ad hoc* basis and *considers* that the authorities should make this involvement more systematic.

79. The Advisory Committee *finds* that the issue of land rights in the traditional areas of the Sami is of central relevance to the protection of their culture and identity and *considers* that the legislation in this field should be formulated in such a manner that it will contribute to the protection of the culture of the Sami, taking into account the views of the Sami Parliament and without interfering with the rights of the non-Sami population of the region.

80. The Advisory Committee *finds* that Romani applicants have reported difficulties in terms of securing adequate documentation to access the *ex gratia* payment scheme, which is designed to benefit victims of past injustices. It *considers* that the authorities should examine additional ways of supporting applicants belonging to national minorities with a view to improving the accessibility of the procedure.

81. The Advisory Committee *finds* that support has been given to the Skogfinns and *considers* it important that such support is pursued further.

### **In respect of Article 6**

82. The Advisory Committee *finds* that despite the generally prevailing spirit of tolerance towards persons belonging to national minorities, there are nevertheless some negative developments in this respect, including manifestations of hostility towards persons belonging to some immigrant groups and asylum-seekers. It *considers* that these developments call for careful attention from the authorities and that additional initiatives should be launched to encourage inter-ethnic dialogue in the areas concerned.

83. The Advisory Committee *finds* that there is reportedly not enough sensitivity with respect to minority cultures amongst police officers and *considers* that there is a need to increase

training and other initiatives aimed at ensuring that the standards of the Framework Convention are consistently taken into account in the work of law-enforcement bodies.

### **In respect of Article 8**

84. The Advisory Committee *finds* that the Evangelical Lutheran Church of Norway enjoys a number of benefits not available to other religious communities. While noting that a state church system is not in itself in contradiction with the Framework Convention, the Advisory Committee *considers* that such a system needs to be coupled with particular attention to the situation of other religions and that the principles of Article 8 and other provisions of the Framework Convention need to be fully taken into account in the consideration of proposed reforms in this sphere.

85. The Advisory Committee *finds* that the introduction of the subject “Knowledge on Christianity, including religious and ethical education” in the public schools curriculum has caused some controversy and *considers* that the content of the teaching of this subject merits on-going review aimed at ensuring its compatibility with the principles of Article 8 of the Framework Convention in all schools.

### **In respect of Article 9**

86. The Advisory Committee *finds* that measures taken to support radio broadcasting for persons belonging to the Kven minority are rather limited and *considers* that the volume and coverage of such broadcasting should be expanded.

87. The Advisory Committee *finds* that a shortage of resources continues to hamper the operation of the only newspaper of the Kven minority and *considers* that there appears to be a need for a considerable increase in the level of public support.

88. The Advisory Committee *finds* that the general public receives only very limited information through the media about national minorities and *considers* that the implementation of the Committee of Ministers' Recommendation No. (97) 21 on the Media and the Promotion of a Culture of Tolerance should be actively pursued.

### **In respect of Article 10**

89. The Advisory Committee *finds* that the present legislation neither prohibits nor provides any guarantees for the use of minority languages other than Sami in contacts with administrative authorities and *considers* that the authorities should examine to what extent there exists demand for such use in the relevant public facilities in the areas concerned.

### **In respect of Article 11**

90. The Advisory Committee *finds* that the possibility to revert to the old surname of one's ancestors is of particular relevance for national minorities in Norway and that the 1964 Act on Personal Names placed a number of restrictions in this respect. The Advisory Committee *considers* that the authorities should ensure that the new law in this sphere is interpreted and implemented in a manner that fully reflects the principles of Article 11, paragraph 1, of the Framework Convention.

91. The Advisory Committee *finds* that, in a number of municipalities, there is reluctance to introduce minority language place names and *considers* that the authorities should monitor the developments in this field carefully and, where necessary, take measures to encourage the introduction of minority language place names.

#### **In respect of Article 12**

92. The Advisory Committee *finds* the authorities are committed to supporting research pertaining to national minorities, including numerically small minorities, such as Jews and Skogfinns, and *considers* that the authorities should pursue and expand their plans in this sphere.

93. The Advisory Committee *finds* that relevant text-books reportedly do not contain adequate information on the various national minorities of Norway and that the ministry concerned is not in a position to give information on the current situation in this respect. It *considers* that there is a need to improve monitoring of the current situation with a view to addressing any shortcomings that may exist.

94. The Advisory Committee *finds* that the educational system reportedly does not take adequately into account the itinerant culture of Romanies and Roma and *considers* that the authorities should pursue further their efforts to accommodate better the culture and specific needs of Romanies and Roma.

95. The Advisory Committee finds that there is a lack of qualified teachers who can teach Finnish and considers that the authorities should increase their efforts in this sphere and allocate adequate resources for related initiatives.

#### **In respect of Article 14**

96. The Advisory Committee *finds* that, whereas the instruction in Sami and Finnish in designated areas has greatly expanded in recent years (albeit there is still scope for improvement), there are no legislative guarantees for instruction in or of languages of other national minorities. The Advisory Committee *considers* that the authorities should examine the extent to which there is a demand amongst the national minorities and in the regions not covered by the existing guarantees to receive instruction in or of languages of national minorities and, depending on the results, improve the current legal and practical situation if necessary.

#### **In respect of Article 15**

97. The Advisory Committee *finds* that there is no consolidated consultation structure for all national minorities and *considers* that the Government should give thought to creating such a structure.

98. The Advisory Committee *finds* that there is a need to ensure that the legislative framework is such that it poses no undue obstacles to the implementation of Article 15 of the Framework Convention and that it accommodates, for example, the itinerant culture of the Romani and Roma minorities. It *considers* that the authorities should monitor whether the relevant existing norms contain such obstacles and introduce amendments if necessary.

99. The Advisory Committee *finds* that the Worker Protection and Working Environment Act provides the possibility to request from a job applicant information regarding her/his

political, religious or cultural views in specific circumstances. The Advisory Committee *considers* it essential that the implementation of this provision is carefully monitored so as to ensure that it is not interpreted too broadly.

**In respect of Article 18**

100. The Advisory Committee *finds* that there is regional co-operation between Norway and its neighbouring countries that is of relevance to persons belonging to minorities and *considers* that regional and bilateral co-operation could be expanded with respect to all minorities concerned.

## V. CONCLUDING REMARKS

101. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

102. The Advisory Committee considers that Norway has significantly increased the attention paid to the protection of national minorities. It has made particularly valuable efforts in respect of the Sami, including by strengthening the role of the Sami Parliament and by improving the status of their language in such fields as media and education.

103. There remains, however, scope for improvement in both legislation and practice concerning national minorities. In this respect Norway's recent efforts to address shortcomings in the legislation and practice pertaining, *inter alia*, to ethnic discrimination as well as to personal names are to be welcomed and should be pursued further. Furthermore, the on-going work aimed at improving the legal situation concerning land rights in the areas inhabited traditionally by the Sami is of central relevance to the protection of the culture and identity of the Sami.

104. Norway has improved the protection afforded to the Kvens in recent years. This pertains, in particular, to the field of education, albeit lack of teachers and other problems still need to be addressed. At the same time, the Advisory Committee considers that despite some commendable efforts, the position of the Kvens is not yet satisfactory in the field of electronic and print media and that there is also a need to promote further their language rights, e.g. in relation to place names.

105. Despite some commendable efforts, the implementation of the Framework Convention has not been fully successful as concerns Roma and Romanies, who continue to face discrimination. The Advisory Committee is concerned that the traditions and cultures of these minorities are not consistently taken into account in the relevant norms and administrative practices, which has caused certain obstacles, e.g. in guaranteeing their equal access to education and ensuring their effective participation in employment.

106. The Advisory Committee is of the opinion that the Norwegian authorities should consider further development of consultation structures for representatives of national minorities - involving also numerically small minorities such as Skogfinns - in order to improve their participation in decision-making affecting them.

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