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European Charter for Regional or Minority Languages

APPLICATION OF THE CHARTER NORWAY

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter Norway**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of the regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for the initial periodical report that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the initial periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a just and fair overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee submits, if necessary, a number of questions to each Party to procure supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee to better evaluate the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter could decide to address to one or more Parties as may be required.

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Strasbourg, 1 June 2001

European Charter for Regional or Minority Languages

A. Report of the Committee of Experts on the application of the Charter

presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

NORWAY

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Chapter 1 Background information

1. Norway signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 5 November 1992 and deposited its instrument of ratification on 10 November 1993. The Charter entered into force for Norway on 1 March 1998. The Norwegian authorities published the text of the Charter in a Royal Decree of 1 October 1993.

2. In accordance with Article 15.1 of the Charter, Norway presented its initial periodical report to the Secretary General of the Council of Europe on 27 May 1999. The Norwegian authorities did not publish the initial periodical report in accordance with Article 15.2 of the Charter. They did however consult the Sami Parliament in the preparation of the report. Representatives of other languages were not made aware of the drafting or existence of the report until shortly before the visit of the delegation of the Committee of Experts to Norway in July 2000.

3. The present report was adopted by the Committee of Experts on 1 June 2001.

1.1. The work of the Committee of Experts

4. After the Committee of Experts had made its preliminary examination of the report, a questionnaire was drawn up and addressed to the Norwegian authorities. Shortly after the Committee had received the replies, a delegation of the Committee undertook an “on-the-spot visit” to Norway. The delegation travelled to Karasjok and Kautokeino, where it met representatives of the Sami language; in Tromsø, it met the representatives of the Kven/Finnish language. In Oslo, the delegation had meetings with representatives of the Romani, Romanes and Yiddish languages and representatives of Nynorsk. The delegation also met representatives of the central authorities, the magistrate of the Alta County Court and the Norwegian Ombudsman. The Committee also received written comments from the Norske Kveners Forbund on the situation of the Kven language, in accordance paragraph 2 of Article 16 of the Charter. On the basis of the information gathered from the initial periodical report, the questionnaire and the “on-the-spot visit”, the Committee of Experts was able to prepare its evaluation of the application of the Charter in Norway.

5. The Committee has established a list of proposals for the preparation of recommendations of the Committee of Ministers to Norway, as required by Article 16.4 of the Charter (see Chapter 3.2 of this report). Furthermore, where necessary, the Committee has made, in the body of the report, more detailed observations which it encourages the authorities of Norway to take into consideration when developing their policy with regard to regional or minority languages.

6. This report is based on the political and legal situation at the time when the Charter entered into force in Norway (March 1998) and at the time when the latter presented its initial periodical report to the Council of Europe (May 1999). It is based on the information that the Committee was able to obtain through the sources mentioned above.

1.2 Presentation of the regional or minority language situation in Norway

7. According to the information gathered by the Committee, the languages covered by the Charter on the territory of Norway are the Sami language(s), Kven/Finnish and the two non-territorial languages: Romani and Romanes.

8. All these languages are covered under Part II of the Charter. The Sami language(s) has/have been granted protection under Part III, with paragraphs and sub-paragraphs chosen separately, as indicated in the instrument of ratification (Appendix I). In the territory where Part III is applied only North Sami is traditionally used. Lule and South Sami will consequently be dealt with as Part II languages.

9. The Sami language as identified in the instrument of ratification consists of three variants: North, South and Lule Sami. North Sami is spoken by the majority of the Sami population. The Norwegian authorities decided to identify these three variants in the instrument of ratification as one language, the Sami language.

10. Most of the users of the Sami language are situated in Northern Norway, in a specific administrative area made up of the following municipalities: Deatnu – Tana, Gaivuotna-Kåfjord, Guovdageaidnu-Kautokeino, Karasjohka-Karasjok, Porsa?gu -Porsa?ger and Unjarga-Nesseby. The Norwegian authorities have informed the Committee that the total population in the Sami administrative area is 16 828 and that the majority of them are fluent in Sami. However it is difficult to assess the total number of speakers because many users of the Sami language live outside this area. The Sami Language Council was to publish a report in October 2000 that would include the estimated number of speakers of Sami languages but this report is still not public.

11. The Kven/Finnish language is identified in the initial periodical report of Norway as one of the languages covered under Part II of the Charter. This language is an old variant of the Finnish language. According to the Norwegian authorities, the estimated number of users of this language varies from 2000 to 8000 speakers, depending on the criteria and methods used. In Norway, this language is mainly used in areas of Troms and Finnmark Counties.

12. The Romanes language is the language of the Gypsy/Roma population of Norway. The authorities estimate that the total number of people able to speak Romanes is around 400. They are mainly situated in the Oslo area.

13. The Romani language is the language of the Travellers. The Norwegian authorities estimate the number of speakers to be between 100 and a few thousand. The Travellers themselves presented the Committee with the figure of around 700 people able to speak the language. The speakers mostly live in Western, Southern and Eastern Norway, as well as in the area around the capital.

14. There are two standard written variants of Norwegian, Bokmål (Book Language) and Nynorsk (New Norwegian). Both have the status of national official languages. Bokmål is the most used language. Its origin is written Danish, which was the only official written language during the 400 years Norway was under Danish rule. Nynorsk is the less widely used official language, originally formed on the basis of Norwegian dialects in the middle of the 19th century.

15. The Yiddish language is not mentioned in the instrument of ratification or in the initial periodical report. The Committee was informed that only a few people speak Yiddish but some hundred Jews have a command of Hebrew. They came first to Norway in the 1800's, and in the early 1900's the Yiddish language was still the mother tongue of the Jews. After the Second World War, the language disappeared, and today, the language is not in daily use. There seems however to be a revival of the Jewish culture and the Yiddish language.

16. The general legal framework governing the use of regional or minority languages in Norway is the following:

- a. Article 110 of the Constitution of Norway
- b. Section 11 of the Act of 18 May 1990, No. 11, relating to Place Names, Regulations of 5 July 1991, No. 456 laid down pursuant to section 12 of the Act
- c. Act of 12 June 1987, No. 56 relating to the Sameting and other Sami legal matters (the Sami Act), Chapter 3 concerning the Sami language, No. 79 regarding the language provisions of the Sami Act, adopted pursuant to sections 3-2, 3-3, 3-7, 3-10 and 3-12 of the Sami Act, Regulations of 31 March 1992, No. 204 laid down pursuant to section 3-8 of the Sami Act
- d. Act of 17 July 1998, No. 61 relating to education, which came into force on 27 November 1998 and 1 August 1999.

17. The Charter was introduced into the Norwegian legal system by a Royal Decree of 1 October 1993. The obligations Norway undertook through its ratification were regarded by the authorities as already covered by existing regulations.

1.3. Particular issues arising in the evaluation of the application of the Charter in Norway

18. The instrument of ratification of Norway identifies the concrete undertakings in Part III of the Charter in respect of the Sami language. This language, mainly used in Northern Norway, has a privileged status in Norway. The general minority language policy of Norway has through the years been focused on the Sami language(s). The adoption of the Sami Act also underlines these efforts.

19. The official term for the language of the Kven people or the Kven dialects is Kven/Finnish. There is a debate in Norway as to whether the language should be considered as a separate language from Finnish or not. The authorities use the term Kven/Finnish, while the Kvens themselves, or at least some of them, consider the language to be a separate language from Finnish and would like to have the term Kven used. The Kvens consider their language to be different from the Finnish language, especially since Finnish was standardised with no effect on the Kven language itself. The Kven language can therefore be considered as an ancient Finnish variant, which has developed differently from Finnish over the years, with the effect that, today, it is a separate but threatened language.

20. Various measures undertaken by the authorities designed to protect and promote Kven/Finnish do not distinguish between Kven and Finnish. For this reason the Committee has found it difficult to evaluate the exact measures carried by the Norwegian authorities vis-à-vis the Kven language. In the view of the Committee the fundamental problem regarding protection and promotion of the use of Kven or Kven/Finnish is that there is no official distinction between the two languages. Therefore it is difficult for the authorities to direct positive measures specifically towards the Kven language. The Committee will return to this matter in its recommendations at the end of this report. In the evaluation of the individual obligations of Article 7, the Committee has confined itself to examining measures or activities which can be clearly defined as related to the Kven language.

21. A specific linguistic trait of Norway concerns the two written standards of Norwegian, Nynorsk being the less widely used official language. After the second world war, the use of Nynorsk decreased from 35% to 16 %, which is the present estimation of its use. The legal position of Nynorsk is that it was formally made official in 1885, and a number of laws have been adopted in favour of the language. The 1980 Act on the official use of the two Norwegian languages gives a person the right to receive official information in the language of his/her choice, and a duty for the state administration to provide information in the respective language. Information from the Ministry of Culture shows that the authorities do not fulfil the legal requirements of minimum use of Nynorsk. The representatives of Noregs Mållag, the association for users of Nynorsk, maintained that they have to be very active to promote their language and to secure and strengthen its position at government level. They informed the delegation that they had to struggle to be included in the Norwegian programme for the European Year of Languages, organised by the Council of Europe and the European Union.

Chapter 2 The Committee's evaluation in respect of Part II and Part III of the Charter

22. The text of the Charter, when read in conjunction with the instrument of ratification, indicates in some detail the exact undertakings that apply in respect of the different languages in the areas covered by the Charter. The Committee has therefore evaluated how the State has fulfilled each undertaking in Article 7 for Part II and in Articles 8-14 in Part III, using the paragraphs and sub-paragraphs specified in the instrument of ratification.

2.1. The evaluation in respect of Part II of the Charter

23. Part II of the Charter (Article 7) sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. In its initial periodical report, Norway declares that the non-territorial languages used on its territory are the Romanes and Romani languages. The provision applicable to these two languages is therefore Article 7 paragraph 5, whereby Norway must apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 of the said Article to these two languages. The initial periodical report of Norway furthermore identifies the Kven/Finnish language as a regional or minority language in Norway.

24. Article 3 of the Charter provides possibilities for a ratifying party to extend the Charter's protection to less widely used official languages. Norway has not opted for this possibility in relation to Nynorsk. Accordingly the Committee has not dealt with this language.

25. Norway has not mentioned Yiddish in the initial periodical report. To the Committee's knowledge, there has not been any request by users of this language for special protection under the Charter. On the basis of the information received, the Committee decided not to deal with Yiddish in this first report. The Committee wishes however to bring this situation to the attention of the Norwegian authorities, giving them the possibility to return to this issue in later periodical reports.

26. In the paragraphs that follow, the Committee presents its evaluation of the application of Article 7 to Sami, Kven/Finnish, Romanes and Romani. As the Sami languages are covered by both Part II and Part III of the Charter, some of the observations concerning these languages are further developed under Chapter 2.2 of this report.

Article 7 - Objectives and principles

“In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- a. the recognition of the regional or minority languages as an expression of cultural wealth;”***

27. The Norwegian Constitution, in its Article 110 a, states that it is the responsibility of the authorities of the State to create conditions enabling the Sami people to develop their language, culture and way of life. The adoption of the Sami Act is also a form of recognition, which is considered as fulfilling the obligation of the State to recognise the Sami languages as an expression of cultural wealth.

28. The Kven/Finnish language is identified in the initial periodical report as being a regional or minority language in Norway. The authorities seem to treat the Kven/Finnish language as being Finnish. Users of this language oppose this identification by the authorities. They wish their language to be qualified or identified as “K ven”, a language distinct from the Finnish language. This position is maintained by the Norske Kvener’s Forbund which is an organisation promoting this language and its culture. The authorities seem to be open to discussions on the subject, and the Committee would welcome a special comment on this issue by the authorities in their next periodical report.

The Committee encourages the Norwegian authorities to clarify their position as concerns the Kven/Finnish language in consultation with the users of this language.

29. The Romanes and Romani languages have been identified in the initial periodical report of Norway as non-territorial languages used on the territory of Norway. This is in itself a certain recognition of these languages by the authorities. There are, however, no provisions in Norwegian law which grant these two languages any kind of recognition in a formal sense. The users of these languages have confirmed that they have not had any difficulty in receiving funding for cultural activities. The Committee has however not identified any policy adopted by the authorities for the furthering of these languages. It should be noted that according to the representatives of the Romanes language there is no wish on their part to have their language protected through official policy.

The Committee encourages the Norwegian authorities to consult with the representatives of the users of the Romani and Romanes, in order to establish whether the users of these languages want special protection and/or promotion.

“b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;”

30. This undertaking only applies to the Sami language. At present, the authorities envisage making changes in the administrative divisions, which may affect the Sami language. It was confirmed by the authorities that the Sami Parliament has been and will be consulted on any changes that might be proposed.

“c. the need for resolute action to promote regional or minority languages in order to safeguard them;”

31. This will be elaborated for the North Sami language in the next chapter of this report. The Committee has not received sufficient information to assess the situation of Lule and South Sami.

The Committee encourages the Norwegian authorities to elaborate on the situation for the Lule and South Sami languages in the next periodical report.

32. The Committee has noted certain initiatives by the Norwegian authorities to promote the Kven language, such as financial support for the Kventunet Centre in Porsanger and for the Kven/Finnish bilingual magazine and the possibility of taking a course in Kven at the University of Tromsø. There seems however to be a problem in targeting the promotion of Kven, since no distinction is made between the two languages

33. At present the representatives of the Romanes and Romani languages have only requested funding for cultural activities.

“d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;”

34. The Norwegian authorities have facilitated and encouraged the use of the Sami language in speech and writing, in public and in private life. This will be further developed in the next chapter.

35. The Norwegian authorities have provided the representatives of the Kven/Finnish language with funding for various cultural activities, including the use of the written language in the press and to some extent in radio broadcasting. Aside from this the language is not used in public life.

36. The Committee has not been informed of any structured policy for the Romani and Romanes languages with the aim of facilitating the use of these languages in speech and writing, in public and private life.

“e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;”

37. The Sami languages are represented by the Sami Parliament, its institutions and other organisations in Norway.

38. The Committee is satisfied that the Norske Kveners Forbund is the national association for users of Kven language.

39. There are national organisations for the Romani and Romanes language users.

40. No structured links have been developed between the users of all the various regional or minority languages in Norway, and there seems to be no general policy towards all the regional or minority languages.

The Committee encourages the Norwegian authorities to contribute to the development of links between the users of the different regional or minority languages.

“f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;”

41. The North Sami language is protected under Part III of the Charter and the use of that language in education will therefore be discussed in the next chapter. The Committee has not received sufficient information to evaluate the situation of the Lule and South Sami languages.

42. The Committee has been informed of teaching and study of Kven/Finnish, however no distinction has been made between Kven and Finnish. Based on information received, the Committee has the impression that most of the education deals with Finnish. According to information given by the Norske Kveners Forbund, municipalities have established pre-schools in the Norwegian and Sami languages and a special reduction in the fees for children attending these schools is granted. The representatives of the association feel that this makes it more difficult and expensive for parents to have pre-school education in Kven language for their children.

43. No general support scheme exists for the teaching and study of the Romanes and Romani languages. It has been pointed out by the representatives of the Romani language that they would welcome the encouragement of initiatives such as the establishment of a formal method for teaching the language, the organisation of teacher training, the production of teaching materials and the attempt to standardise the language. According to information received by the Committee, the Romanes are not open to public support for their language and do not wish the language to be taught in a structured way.

“g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;”

44. There are facilities for non speakers of Sami to learn the language if they wish to do so.

45. The Committee has no information as to whether facilities exist for the teaching of the Kven language to non-speakers.

“h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;”

46. The Sami language will be discussed in the next chapter.

47. It is possible to study and research the Kven language at the University of Tromsø. No facilities exist for the study of and research in the Romani and Romanes languages.

“i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.”

48. The Sami language will be discussed in the next chapter.

49. The Committee is not aware of any active promotion of exchanges between users of Kven in Norway and users of similar languages in other countries. The authorities have supported the participation of users of the Kven/Finnish language at one international seminar on a “Network for Finno-Ugric minorities in the Barents Region”.

50. The users of the Romani language have received support from the Norwegian authorities to attend international conferences. Romanes speakers have received support to organise international music festivals in Oslo.

“Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.”

51. Article 110 c of the Norwegian Constitution states that the authorities are obliged to respect and secure human rights. The Act on the strengthening of the position of human rights in Norwegian legislation of 21 May 1999 makes in Article 2 among others the European Convention for the Protection of Human Rights and Fundamental Freedoms and the UN Covenant on Civil and Political Rights as well as the UN Covenant of Social, Economic and Cultural Rights an integral part of Norwegian law. Article 3 of the above-mentioned act states that in case of contradictions with other legislation, the conventions mentioned in Article 2 shall have precedence. The Act entered into force immediately.

“Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.”

52. The Committee is aware of initiatives that have been taken to promote mutual understanding between all linguistic groups of the minority languages, especially in the field of education.

“Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.”

53. Associations and bodies to further the Sami language and culture have been consulted in the policy making of the Norwegian authorities. They were made aware of the ratification of the Charter and were also consulted when the authorities drafted the initial periodical report.

54. The Committee was informed that the various minority languages have their own representative bodies. During the “on-the-spot visit” the Committee was informed that the Ministry of the Interior consulted representatives of the minorities in the preparation of the White Paper on policy regarding national minorities.

“Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.”

55. In the case of Norway, the Romanes and Romani languages are considered non-territorial languages. In its appreciation of their situation *vis-à-vis* paragraphs 1 to 4 of article 7, the Committee kept in mind that those principles should be applied *mutatis mutandis*.

2.2. The evaluation in respect of Part III of the Charter

56. The Committee of Experts examined in more detail the existing protection of the Sami language, which has been identified under the protection mechanism of Part III of the Charter. The Norwegian authorities did not identify the territory where the Sami language is used in Norway in its instrument of ratification. This is however defined in the Sami Act.

57. The paragraphs and sub-paragraphs quoted in bold italics are the actual obligations chosen by Norway.

Article 8 - Education

“Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Pre-school Education

- “a. i. to make available pre-school education in the relevant regional or minority languages; or***
- ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or***
- iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;”***

58. Pre-school education in Norway is the responsibility of the municipalities. The Act on nursery schools of 5 May 1995 states in Article 7 that local authorities have the responsibility to establish and run nursery schools. It is further stated that nursery schools for Sami children in Sami districts shall build on Sami language and culture. Access to pre-school education in the Sami language in practice appears to be well organised and subsidised. Those parents who wish their children to have access to pre-schools in Sami have good facilities and support from the municipalities in the Sami districts. Everyone has a right to pre-school education in the Sami language inside the Sami districts. The demand of parents to enrol their children in Sami pre-schools is however not always very high. The Committee considers this undertaking fulfilled.

Primary Education

- “b i to make available primary education in the relevant regional or minority languages; or***
- ii to make available a substantial part of primary education in the relevant regional or minority languages; or***
- iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***
- iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;”***

59. The possibility to receive instruction in and of the Sami language is guaranteed in Article 3.8 of the Sami Act and in chapter 6 of the Education Act. According to the latter Act, the individual right of a person to receive tuition in the Sami language in primary and lower and upper secondary schools is guaranteed. This is applicable within the Sami district. The classes are organised through the normal Norwegian education system and the schools receive special funding to accomplish this. The undertaking is fulfilled.

Secondary Education

- “c i to make available secondary education in the relevant regional or minority languages; or***
- ii to make available a substantial part of secondary education in the relevant regional or minority languages; or***
- iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;”***

60. The situation described in paragraph 59 above also applies to this undertaking. The undertaking is fulfilled.

Technical and Vocational Education

- “d i to make available technical and vocational education in the relevant regional or minority languages; or***
- ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or***
- iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;”***

61. Vocational training, dealing with reindeer herding and Sami handicraft is available in the Sami language. The Committee has received no information as to whether there have been cases where pupils were denied education in Sami. On the basis of the information received, the Committee considers this undertaking fulfilled.

University and Higher Education

- “e ii to provide facilities for the study of these languages as university and higher education subjects;”***

62. Sami is taught at the University of Tromsø and in the Sami College in Kautokeino. The undertaking is fulfilled.

Adult and Continuing Education

- “f ii to offer such languages as subjects of adult and continuing education;”***

63. There are facilities offering Sami as a subject of adult and continuing education. For instance the Sami Upper Secondary School in Kautokeino offers courses for adults and those interested in further education. This undertaking is fulfilled.

Teaching of the history and culture of the minority language

“g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;”

64. The Sami Education Council has, with the assistance of the Norwegian Ministry of Education, produced a special Sami Curriculum. This curriculum is exemplary: it is very detailed and concentrates mostly on matters relating to the Sami population. Norwegian teachers have been provided with teaching materials on the Sami population for use in regular Norwegian state schools. These materials include information on the teaching of the history and the culture reflected by the Sami language. This is obligatory in the Norwegian curriculum. This undertaking is fulfilled.

Basic and further training of teachers

“h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;”

65. The Sami College in Kautokeino offers basic education and training of teachers in the Sami language. This college was established in 1989 and has an average of 200 students per year. This undertaking is fulfilled.

Monitoring

“i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.”

66. The Sami Education Council monitors the education in Sami and produces various teaching materials in Sami. The Council has recently been reorganised and is now part of the Sami Parliament. The undertaking is fulfilled.

“Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education. “

67. Outside the traditional Sami districts, a minimum number of three pupils is required to organise teaching of Sami. 10 pupils are required to organise a class in Sami. The undertaking is fulfilled.

Article 9 - Judicial authorities

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
- iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”*

68. The Sami Act is applicable in the Sami District. Accordingly, a person has the right to use Sami in criminal proceedings pursuant to the above obligations chosen by Norway. The Sami Act guarantees this right from a legal point of view. At the initial stage of the court proceedings, the judge normally asks the party to the proceedings if he or she wishes to use the Sami language. The costs of the interpretation and translation are borne by the court. During the visit of the Committee to Norway, it was pointed out on various occasions that, in practice, the Sami language is seldom used in courts. The reasons for this are quite simple: the proceedings take more time because they become more complicated, there is a lack of legal terminology and of qualified interpreters, and finally, there seems to be a reluctance on the part of the persons involved to ask for the proceedings to be in the Sami language in order not to be regarded as trouble-makers. The Sami people themselves often prefer not to use their language because they have no practice in the use of their language in court. It can be estimated that about 20% of the proceedings are carried out in the Sami language. Judges may be taught Sami upon request. The Committee considers the undertaking formally fulfilled, but there are difficulties in implementing the undertaking.

<p><i>The Committee encourages the Norwegian authorities to further facilitate the possibility to exercise the formal rights.</i></p>

“b in civil proceedings:

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
 - iii to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;”*

69. The situation is very similar in civil proceedings. The Sami Act guarantees the above undertakings, but in practice, Sami is rarely used. It is estimated that around 5% of the proceedings are conducted in the Sami language. The explanations put forward above for criminal proceedings apply equally to civil proceedings. To conduct the proceedings in Sami will also in most cases be more expensive for the client. Even if the State finances the costs of translation and interpreters, the costs for the solicitor tend to increase, because the proceedings will take longer and consequently the party will have to pay a higher fee. The Committee considers the undertaking formally fulfilled; however, there are difficulties in implementing it.

The Committee encourages the Norwegian authorities to further facilitate the possibilities to exercise the formal rights.

“d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.”

70. This undertaking is guaranteed in the Sami Act. There is, however, as stated above, a lack of qualified interpreters and a lack of legal terminology. The consequence of this is that many of the users of the language do not feel at ease to use it in this context. Even if the State finances the costs of translation and interpreters, the cost for the solicitor tends to increase, because the proceedings will take longer and consequently the party will have to pay a higher fee. The undertaking is formally fulfilled but there are practical difficulties in implementation.

“Paragraph 2

The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or”*

71. This undertaking is guaranteed in the Sami Act. The undertaking is fulfilled.

“Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.”

72. The Committee has been informed that national statutory texts relating to the Sami people are available in the Sami language. The Committee considers this undertaking fulfilled.

Article 10 - Administrative authorities and public services

“Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;”

73. On the basis of the Sami Act, the Committee considers the undertaking fulfilled.

“b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;”

74. Forms such as tax forms, social and health documents and information brochures are available in Sami. During the “on-the-spot visit” the Committee was informed that there are technical and practical difficulties in translating, especially updated versions of these kinds of documents. The Committee considers this undertaking partly fulfilled.

“c to allow the administrative authorities to draft documents in a regional or minority language.”

75. This undertaking is fulfilled.

“Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- a the use of regional or minority languages within the framework of the regional or local authority;*
- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*
- c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

- d the publication by local authorities of their official documents also in the relevant regional or minority languages;*
- e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.”*

76. On the basis of the information received, the Committee considers these undertakings fulfilled. In some municipalities in the Sami district, there is a policy to employ Sami-speaking staff and to provide teaching of the Sami language for other employees.

“Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; ”*

77. Public services in Norway, as understood in this undertaking, are institutions such as schools, day care and health services. In the Sami administrative area, as it is defined in the Sami Act, a person may submit a request in the Sami language and is, according to the Sami Act, entitled to receive an answer in that language. This undertaking is fulfilled.

“Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

- a translation or interpretation as may be required;”*

78. According to the Sami Act, access to an interpreter is unlimited. Special procedures, as regards public services in hospitals for example, are made available to identify the need to provide an interpreter. There is, however, a lack of interpreters, which means that when there is a need for an interpreter, “a person who understands the Sami language “ is found. This person is not necessarily a professional interpreter. This undertaking is fulfilled from a formal point of view. It is unclear to the Committee whether the lack of professional interpreters and the reported use of persons knowing the language creates practical difficulties. The Committee would appreciate further information Norway on this matter in future reports.

The Committee encourages the Norwegian authorities to strengthen their efforts to provide professional interpreters.

“Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.”

79. The use of Sami names is in principle permitted. There is however a practical difficulty because official registers do not accept all Sami names which have diacritics. The Committee does not consider this undertaking fulfilled.

The Committee encourages the Norwegian authorities to solve this practical difficulty in order to ensure that the registers accept Sami names in their original form.

Article 11 - Media

“Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;”

80. The Norwegian Broadcasting Corporation (NRK) provides a public radio and television service at national and regional level. One of its aims is to help safeguard and develop the Sami language and culture, as well as to broadcast programmes for ethnic and linguistic minorities. The Sami Radio is one of the regional broadcasters of NRK. NRK Sami Radio produces radio programmes mostly in the Sami languages, but also in Norwegian. The Sami Radio also produces television programmes, mostly for children, and some news and political and cultural programmes. NRK Sami Radio began its radio broadcasts in 1946. Today, it broadcasts more than 1 500 hours of radio per year. The Sami radio cooperates with Sami radio stations in Inari, Finland and in Kiruna, Sweden. Sami Radio has eight local offices in eight municipalities, which all have one journalist at their disposal. All journalists working for Sami Radio are obliged to have command of one of the Sami languages used in Norway. This undertaking is considered fulfilled.

“b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; ”

81. There exist special schemes for creating private radio and television stations. The Committee therefore considers this undertaking fulfilled, but would welcome further information as to whether licences have been granted in this respect.

“c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;”

82. NRK Sami Radio is also responsible for television production in the Sami language. It produces around 30 hours of television programmes per year. The production for television mostly comprises children’s programmes. The television programmes produced are mostly in North Sami. Sami Radio also produces news text TV in Lule and South Sami. This undertaking is considered fulfilled.

“e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;”

83. Newspapers have been produced in the Sami language since 1870. The oldest publication is Nuorttanaste, which was published by the Norwegian Evangelical Lutheran Free Church and has appeared on a regular basis since 1898. The Sami language newspaper, Sami Aigi was first issued in 1979. One other newspaper is published in the Sami language, as well as a monthly magazine. The newspapers are published in North Sami, with one page in South Sami and one page in Lule Sami. A special youth magazine is also published, as well as a women’s social magazine in Sami.

84. In 1978, the Norwegian authorities initiated a special financial assistance programme for Sami newspapers. The Ministry for Cultural Affairs adopted special regulations concerning these grants in 1996. According to these regulations, subsidies are allocated to newspapers aimed at the Sami population in Norway. The subsidy is measured according to the annual number of editions and pages produced, with different subsidy rates for pages produced in Norwegian and Sami respectively. The Mass Media Authority in Norway is responsible for implementing this regulation.

85. This undertaking is considered fulfilled.

“f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;”

86. The Nordnorsk Filmsenter AS is a regional institution, which is publicly financed. This centre maintains and develops the production of short films and videos in Northern Norway. The centre produces at least one film per year in the Sami language. Teaching materials are also produced in Sami. This undertaking is fulfilled.

“g to support the training of journalists and other staff for media using regional or minority languages.”

87. In 2000, the Sami College in Kautokeino initiated a new programme for the education and training of journalists in the Sami language. This undertaking is therefore fulfilled.

“Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language.

They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

88. Norway is a party to the European Convention on Transfrontier Television and has also implemented the EU TV Directive. The Committee considers this undertaking fulfilled.

Article 12 - Cultural activities and facilities

“Paragraph 1

With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*
- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*
- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*
- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*
- h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.”*

89. One of the responsibilities of the Sami Parliament is to encourage and to support the culture of the Sami population. The Parliament administers the funding of various cultural

and language organisations. The Sami culture is expressed in various ways, such as in poetry, music, literature, handicrafts, graphic arts, theatre and modern Sami art. The Sami Parliament is responsible for distributing the funding for various activities to preserve this heritage. The Sami Parliament is composed of representatives of all the Sami languages in Norway.

90. A new Sami Parliament building has recently been built. This building also houses the Sami Library. The library collects works in all the Sami languages of Norway, as well as all audio and visual productions. It also organises reading groups for children. The Sami Language Council, now a part of the Sami Parliament, also works with developing Sami terminology in various areas.

91. These undertakings are considered fulfilled.

“Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.”

92. The Sami language and culture are also represented outside the Sami administrative district. Cultural centres are funded and financially supported in the Lule and South Sami area by the Norwegian authorities. There is a special library bus, which travels both inside the Sami district, and outside the district. This depends on the policy of the Sami Parliament, since it is responsible for granting financial assistance for cultural activities in Sami also outside of the Sami administrative district. The Committee considers this undertaking fulfilled.

“Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.”

93. The foreign policy of the Norwegian Government includes highlighting the Sami dimension in Norwegian society and communicating Sami forms of cultural expression to an international public. The Ministry of Foreign Affairs considers it a priority to integrate information on Sami issues and to make active use of Sami culture in cultural exchanges and efforts when disseminating information on Norway abroad. Various articles have been written on the Sami culture and audiovisual works have been distributed to the foreign media. This also applies to the production of Sami literary material used for distribution in foreign educational institutions. This undertaking is fulfilled.

Article 13 - Economic and social life

“Paragraph 2

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;”*

94. This undertaking is guaranteed in Article 3-5 of the Sami Act. It is stated that there is a right to use Sami in the health and social sector, within the Sami administrative district. However, the implementation of this provision depends very much on the staff of the institution in question. There is no special policy concerning the use of the language within old people’s homes or hospitals. At present, there are not enough speakers of Sami available within the health sector in Northern Norway. The Norwegian Doctors’ Association has been encouraged to provide for teaching of the Sami language in areas where Sami is used. The Sami College has organised classes to teach Sami to staff in the health sector. This is however not obligatory, and the Committee has received no information as to whether the staff is encouraged to follow these courses. There is a special quota for Sami to study medicine. The Ministry of Health and Social Affairs has recognised the need to further encourage these facilities, so that they may have at their disposal a team of people able to communicate in the Sami language. This undertaking is partly fulfilled.

The Committee encourages the Norwegian authorities to intensify their efforts to provide staff having a command of Sami.

- “e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.”*

95. The authorities have published a brochure which contains a Sami translation of the most important consumer legislation. This undertaking is fulfilled.

Article 14 - Transfrontier exchanges

« The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.”*

96. The Norwegian authorities support transfrontier exchanges with the other Scandinavian countries and the Russian Federation, where the Sami language is used. These exchanges are in the field of culture, media etc. The Sami Parliament is also an important element in these exchanges, since it represents the Sami population in Norway and also encourages these kinds of exchanges through the financial assistance it allocates. This undertaking is fulfilled.

Chapter 3 Findings

The Committee hereby presents its general findings on the application of the Charter in Norway.

A. The protection of regional or minority languages in Norway has a long tradition and is a long-term policy of the Norwegian State. The safeguarding and promotion of the Sami languages, in particular North Sami, is significant. The Committee expresses its appreciation of the language policy towards the Sami. In the past years Norway has also developed measures to protect other regional or minority languages. The Committee is aware that since these measures are fairly new, they will have to be further developed.

B. The overall situation of the Sami language shows how the speakers of the languages and the Norwegian authorities have developed constructive co-operation in which the representatives of the Sami play an important part in the development of national policies having an impact on Sami issues. A very thorough and complete legal structure exists for the protection and promotion of the North Sami language. This has been supported by extensive funding and the establishment of institutions which are important in developing both Sami culture and language.

C. Part III of the Charter applies only to the North Sami language. The Lule and South Sami languages, together with the Kven, Romanes and Romani languages are covered by Part II of the Charter. The situation of these languages seems to be more complex than that of North Sami. Since the three Sami languages in some instances have been dealt with separately and in other instances have been treated as one language, it has been difficult for the Committee to assess the situation of Lule and South Sami.

D. The main difficulty concerning the Kven language is the confusion as to its official status. The Norwegian authorities seem, on the one hand, to acknowledge the Kven as a national minority, but on the other hand, not to take a stand as to whether the Kven language is a separate language from Finnish. The Committee is of the opinion that this uncertainty has to be clarified. An acknowledgement of Kven as a separate language would probably facilitate the formulation of structured proposals for concrete measures.

E. The other languages covered by Part II are Romani and Romanes. The speakers of these two languages have different approaches as to the protection and promotion of their languages by the authorities. The speakers of the Romanes language are not open to public support for their language. On the other hand it seems that Romani speakers would welcome the encouragement of various measures that could be supported by the authorities. In the

Committee's opinion, the authorities should continue the dialogue with a view to improving cooperation and developing a policy in relation to these languages.

F. For North Sami, the situation is satisfactory. In the field of education, the Committee has found all undertakings fulfilled. The same applies to the undertakings relating to the media and cultural activities. The Committee noted some difficulties in the implementation of undertakings relating to judicial and administrative authorities as well as some aspects of economic and social life. The main problem seems to be the lack of employees having a command of Sami and of a sufficient number of qualified interpreters. A particular problem exists in registering some Sami names. This seems to be primarily a technical problem.

G. The Committee has also noted that there seems to be very little contact between representatives of the various regional or minority languages. The Committee believes that closer cooperation would improve overall understanding, tolerance and respect *vis-à-vis* all the regional or minority languages. The authorities will have to play an important role in initiating and supporting such a dialogue. The Committee is aware that the Norwegian authorities have started this work and it will welcome further information in Norway's next periodical report.

The Norwegian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Norway. At the same time it emphasised the need for the Norwegian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 773rd meeting on 21 November 2001, the Committee of Ministers adopted its Recommendation addressed to Norway, which is set out in Part B of this document.

**APPENDIX I
INSTRUMENT OF RATIFICATION**



Norway :

**Declarations contained in the instrument of ratification, deposited on 10 November 1993
- Or. Engl.**

We undertake to carry out the provisions contained in Parts I, II, IV and V of the Charter and also in accordance with Article 2, paragraph 2, the provisions contained in the following articles, paragraphs and sub-paragraphs of Part III of the Charter :

In Article 8 :

Paragraph 1, sub-paragraphs a (iii), b (iv), c (iv), d (iv), e (ii), f (ii), g, h, i
Paragraph 2

In Article 9 :

Paragraph 1, sub-paragraphs a (i-iv), b (i-iii), d
Paragraph 2, sub-paragraph a
Paragraph 3

In Article 10 :

Paragraph 1, sub-paragraphs a (iii), b, c
Paragraph 2, sub-paragraphs a, b, c, d, e, f, g
Paragraph 3, sub-paragraph b
Paragraph 4, sub-paragraph a
Paragraph 5

In Article 11 :

Paragraph 1, sub-paragraphs, a (iii), b (i), c (ii), e (i), f (ii), g
Paragraph 2

In Article 12 :

Paragraph 1, sub-paragraphs a, d, e, f, g, h
Paragraph 2
Paragraph 3

In Article 13 :

Paragraph 2, sub-paragraphs c, e

In Article 14 :

sub-paragraph b

The above-mentioned paragraphs and sub-paragraphs shall, in accordance with Article 3, paragraph 1, apply to the Sami language.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 10, 11, 12, 13, 14, 2, 3, 8, 9

APPENDIX II

COMMENTS BY THE NORWEGIAN AUTHORITIES CONCERNING THE REPORT OF THE COMMITTEE OF EXPERTS¹

The report of the Committee of Experts regarding Norway's policy pursued in accordance with the Charter has been carefully considered by the relevant government Ministries. The Ministry of Cultural Affairs thanks the Committee of Experts for its thorough work with the present report. We also appreciate the work done by the Committee during their "on the spot mission" to Norway in September 2000. The Ministry notes with satisfaction the Committee's understanding that the protection of regional or minority languages in Norway has a long tradition, and its appreciation of the language policy towards the Sami.

In the following, we will comment on the Committee of Experts' four proposals for recommendations in accordance with article 16, paragraph 3 of the Charter. We have carefully noted the Committee's more detailed observations, and will take these into consideration in the future work in this field. Moreover, these observations will be commented on in Norway's next periodical report that is due in 2002. This report will also provide more information about the various topics underlined by the Committee of Experts.

Proposal for recommendation No. 1:

The access of the Sami ethnic group to the legal system is an issue that is dealt with in a white paper from the Ministry of Justice, St.meld. nr. 23 (2000-2001). Please find enclosed a copy of the relevant chapter of the white paper (see footnote).

The Ministry of Justice believes that Norway has a particular responsibility to protect the interests and culture of the Sami ethnic group, and that this should be reflected in the Sami people's access to the court system.

On the basis of a proposal from the Ministry of Justice, the Norwegian parliament (Stortinget) has agreed to the establishment of a court in central Finnmark county, which will serve the five municipalities of Karasjok, Kautokeino, Nesseby, Porsanger, and Tana. These municipalities constitute (together with Kåfjord in Troms county) the administrative area of the Sami language.

St.meld. nr. 23 (2000-2001) focuses on the lack of legal terminology and of qualified interpreters. The Ministry of Justice acknowledges the need for a development of the Sami legal language, for instance through co-operation between the Sami College (Samisk høyskole), the Nordic Sami Institute (Nordisk Samisk Institutt) and the legal profession. The

¹ Together with its comments, the Norwegian authorities presented to the Secretariat the following supplementary documents:

1. Survey of the use of the Sami language, by the Sami Centre for Industry and Research (in the Norwegian and Sami languages)

2. *The Access of the Sami People to the Judicial System (in Norwegian)*

These documents are available for consultation in the Secretariat.

Ministry of Justice believes that the establishment of the court of Central Finnmark may contribute to dispatch this development. The court of Central Finnmark is also believed to contribute to the recruiting of judges with Sami origin.

Proposal for recommendation No. 2:

The term “Kven” is used by Norwegian authorities to refer to the spoken language of the Kvens, i.e. Kven dialects traditionally used in North Norway. There is no agreement among the Kvens as to whether this language should be referred to as “Kven” or “Finnish”, and the Norwegian government has chosen the more neutral term “Kven/Finnish”.

Further, there is no agreement, neither among the Kvens nor among linguists, as to whether Kven is a separate language or a variety of Finnish. The number of Kvens who regard Kven as a separate language seems to be growing, but this development is quite recent, and the Kvens are clearly divided over the issue. Until 1997 the language spoken by Kvens was referred to as Finnish even by Ruijan Kveeniliitto – Norske kveners forbund (The Association of Kvens in Norway).

The position of the Norwegian government is 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. As the Kvens are still discussing these matters, it would not be proper if the Government were to take a clear stand at the time being. Still, the Government has chosen to support activities and practices that could reinforce and develop Kven as a separate language, but, on the other hand, it has been regarded as premature to introduce a separate written standard for Kven in the public schools.

Therefore, the Norwegian government regards it as premature for the Committee of Ministers to recommend the Norwegian authorities to clarify the status of the Kven language at the current stage.

Proposal for recommendation No. 3:

In paragraph 40 the Committee maintains that no structured links have been developed between the users of all the various regional or minority languages in Norway, and that there seems to be no general policy towards all the regional or minority languages. The government is aware of this, and agrees with the Committee that closer co-operation would help improve tolerance and respect vis-a-vis all the regional or minority languages.

The government initiated a conference held at the Glomdal museum in 1999 titled “The national minorities and the authorities, a conference for contact and dialogue.” We will also draw attention to the governments support scheme for organisations representing national minorities. One of the purposes of this scheme is to encourage dialogue and co-operation between the national minorities.

The Committee states that there seems to be no general policy towards all the regional or minority languages. As far as the users of Romani and Romanes languages are concerned, the Norwegian authorities consulted with representatives of these groups as a part of the preparations for *the Report to the Storting no. 15 (2000-2001) on national minorities*, in order to find out whether the users of these languages wanted special protection and/or promotion.

The users of Romanes did not want an official policy for their language.

The users of Romani pointed out that their language is threatened and expressed concern over its future. However, they also underscored that the Romani language must be kept within their group, and not be exposed to linguistic researchers or teachers from the majority population. One Romani NGO has received some initial funding from the Ministry of Local Government and Regional Development to develop teaching materials for Romani.

Proposal for recommendation No. 4:

When Norway presented its initial report to the Secretary General of the Council of Europe in 1999, the Sami Parliament and representatives of the national minorities were not informed. We would, however, like to point out that as a main rule all documents treated by governmental bodies at all levels in Norway are public, cf. The Freedom of Information Act § 2. As a result, anyone can contact the relevant authorities and get a copy of the documents of a file unless specific regulations justify an exception.

Norway's initial report was distributed to the different ministries, the Sami Parliament and representatives of the national minorities in August 2001 for use in the preparation of Norway's second periodical report, which will be presented to the Secretary General in 2002. As soon as this report is available, the Norwegian authorities will make it public in accordance with article 15, paragraph 2 of the Charter.

Finally, for clarification reasons, we would like to comment on paragraph 10 in the Committee's report. The report referred to in paragraph 10 was made public by The Sami Language Council in October 2000. The report includes that an estimated number of speakers of Sami languages in Norway would be 25 000 persons. The report further estimates that 53% of these people are able to read and write Sami. A copy of the report is enclosed.

Another report, from the Nordic Sami Institute, which is soon to be made public, will focus on information in Sami language from local and central authorities.



European Charter for Regional or Minority Languages

**B. Recommendation of the Committee of Ministers
of the Council of Europe on the application of the Charter
by Norway**

(adopted on 21 November 2001 at the 773rd meeting
of the Ministers' Deputies)

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

Recommendation RecChL(2001)5
of the Committee of Ministers on the application of the
European Charter for Regional or Minority Languages by Norway

*(Adopted by the Committee of Ministers
on 21 November 2001
at the 773rd meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Norway on 10 November 1993;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Norway;

Having taken note of the comments made by the Norwegian authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Norway in its initial periodical report, supplementary information given by the Norwegian authorities, information submitted by bodies and associations legally established in Norway and on the information obtained by the Committee of Experts during its "on-the-spot" visit,

Recommends that the Norwegian authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. create conditions that will facilitate the use of North Sami before judicial authorities;
2. clarify the status of the Kven language with a view to improving the situation of the language in conformity with Part II of the Charter;
3. take action to improve the dialogue and cooperation between representatives of the various regional or minority languages;
4. make its periodical reports on the application of the Charter public, thus ensuring that all organisations and persons concerned are informed of the rights and duties established through the Charter and its implementation.