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## **European Commission Against Racism and Intolerance**

### **First report on Norway**

Adopted on March 1998

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## **INTRODUCTION**

The European Commission against Racism and Intolerance (ECRI) was set up in 1994, at the instigation of the first Summit meeting of Heads of State and Government of the member States of Council of Europe, to combat the growing problems of racism, xenophobia, anti-Semitism and intolerance threatening human rights and democratic values in Europe. The members of ECRI were chosen for their recognised expertise in questions relating to racism and intolerance.

The task given to ECRI was to: review member States' legislation, policies and other measures to combat racism, xenophobia, anti-Semitism and intolerance and their effectiveness; propose further action at local, national and European level; formulate general policy recommendations to member States; and to study international legal instruments applicable in the matter with a view to their reinforcement where appropriate.

One aspect of the activities developed by ECRI to fulfil its terms of reference is its country-by-country approach, which involves carrying out an analysis of the situation in each of the member States in order to provide governments with helpful and concrete proposals.

The procedure adopted for the preparation of country-specific reports can be summarised thus:

- a. The preliminary collection of information as well as the preparation of the texts of the preliminary draft reports are carried out in small working groups of ECRI. Preliminary sources of information used are wide-ranging, including, inter alia, replies provided by governments to a questionnaire sent out by ECRI, input from the relevant national members of ECRI, information on national legislation collected for ECRI by the Swiss Institute of Comparative Law<sup>1</sup>, information from international and national non-governmental organisations, various publications and the media.
- b. ECRI examines and discusses the preliminary draft report on each country in plenary session and adopts a draft report.
- c. The report is sent to the relevant government for a process of confidential dialogue conducted through a government-appointed national liaison officer. The draft country report is re-examined and possibly revised in the light of the comments provided by the latter.
- d. The report is then adopted in its final form by ECRI in plenary session, and transmitted through the Committee of Ministers of the Council of Europe, to the government of the country in question. Two months after this transmission, the report is made public, unless the government of the country concerned expressly requests that it is not made public.

The first series of ECRI's country-specific reports<sup>2</sup> were made public in September 1997. A second series of country-specific reports were transmitted to the governments of the countries concerned in January 1998, and are thus now being made public<sup>3</sup>.

The following report contains ECRI's analysis and proposals concerning Norway.

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<sup>1</sup> The report prepared by the Swiss Institute (ref: CRI (97) 38), covering relevant legislation in member States of the Council of Europe is available from ECRI's Secretariat.

<sup>2</sup> Reports on Belgium, the Czech Republic, Finland, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Malta and Poland.

<sup>3</sup> Reports on Germany, Liechtenstein, Norway, San Marino, Slovenia and Switzerland.

It should be noted that ECRI is carrying out its country-by-country procedure by preparing reports for all forty member States of the Council of Europe. This second series of reports, for which the procedure was completed by January 1998, will be followed by other series of reports on the remaining member States of the Council of Europe. The order in which the reports are produced has no significance other than that these are the first reports to be completed.

The publication of this report represents the start of an on-going and active process of exchange between ECRI and the authorities of each of the member States, in order to identify solutions to the problems of racism and intolerance facing Europe. ECRI will also welcome the input of non-governmental organisations and other parties working in this field to ensure that its work is as constructive and helpful as possible.

# **REPORT ON NORWAY<sup>4</sup>**

## ***Introduction***

Norway's approach to combating racism and intolerance is well-structured and contains many examples of good practice: it was in fact on the initiative of the Norwegian Prime Minister that the Council of Europe's Plan of Action on combating racism, xenophobia, antisemitism and intolerance was set in motion. Norway also launched a Youth Campaign Against Racism, Intolerance and Xenophobia in 1992 which provided the national basis for the European Youth Campaign on this subject. The Norwegian government has recently prepared a parliamentary report on immigration and multicultural society which provides a thorough analysis, presents priorities and introduces concrete proposals to improve conditions for persons of immigrant origin in Norway.

In comparison to many other European States, the Norwegian economy is currently fairly strong, partly due to its oil revenues. In 1994, political debate focused around the proposal to join the European Union: this proposal was rejected in the referendum of 1994 by 52.2% of the electorate.

During the period between the two world wars, there was some antisemitic feeling in Norway, and the Jewish community suffered persecution during the Nazi occupation of the country. After the war, the Norwegian authorities encouraged victims of concentration camps to settle in Norway, and various measures were put in place to combat antisemitism and other manifestations of intolerance. In recent years, some studies<sup>5</sup> have shown a tendency towards an increase in intolerant attitudes, particularly among old people and people of a lower educational level. However, the majority of the population was in favour of equal rights and opportunities for immigrants, and the same survey carried out in 1996 gives indications that the Norwegian population may have become more positive with regard to receiving refugees and asylum-seekers.

Manifestations of neo-Nazism in Europe have had an effect on the growth of similar organisations in Norway, which disseminate antisemitic and racist messages through publications, records, radio broadcasting, public demonstrations and the Internet. Hostility is not only directed towards immigrants and asylum-seekers but also towards persons and organisations that condemn racism. Young people are particularly targeted by the propaganda of extreme right-wing groups. However, it should be stressed that such tendencies only represent a small minority of the population and that a large number of people and organisations have at the same time increased their activities to combat racism.

Some of the key areas identified by ECRI as meriting particular attention include:

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<sup>4</sup> Note: Any development subsequent to 7 February 1997 is not covered by the following analysis and is not taken into account in the conclusions and proposals.

<sup>5</sup> e.g. Survey carried out by the Norwegian Social Science Data Services and Statistics Norway in 1993.

- the need to take preventive measures in respect of the activities of small neo-Nazi groups and to ensure that racist, xenophobic and antisemitic acts are prosecuted;
- the need to introduce legislation against direct and indirect ethnic and/or racial discrimination which results in exclusion, prohibition of participation or unequal treatment of individuals or groups in society;
- the need to ensure that already existing legislation and any future legislation which aims to lay the foundation for equal opportunity is actually enforced through legal measures and appropriate governmental policies;

# **I LEGAL ASPECTS<sup>6</sup>**

## **A. International legal instruments**

1. Norway has ratified all the relevant international legal instruments in the field of combating racism and intolerance, with the exception of the Framework Convention for the Protection of National Minorities. ECRI welcomes and encourages the intention of the Norwegian government to ratify this instrument in the near future.

## **B. Constitutional provisions**

2. The Norwegian Constitution, which was adopted in 1814, contains no provision expressly prohibiting racial discrimination. However, in July 1994 a new provision (Article 110c) was added to the Constitution, which lays down that "it is the responsibility of the State to respect and ensure human rights. Specific provisions for the implementation of the treaties hereof shall be determined by law".
3. The Government will shortly present a law on the implementation of human rights to the Parliament. This law will make the European Convention on Human Rights, the UN Covenant on Civil and Political Rights and the UN Covenant on Economic, Social and Cultural Rights directly applicable in domestic law. It will also ensure that in case of conflict between one of the provisions of the abovementioned instruments and Norwegian law, the human right provision will prevail.
4. The degree of constitutional protection which establishes equal rights and protects against racial discrimination could however be further clarified. It would therefore be useful if the legal theory mentioned above were to be reflected in the text of the Constitution.

## **C. Criminal law provisions**

5. The Norwegian Penal Code No 10 of 1902 contains several provisions which concern racial harassment, violation and discrimination in various forms: notably Article 232 which states that racist motives may be considered as an aggravating circumstance in offences involving bodily harm, and Article 135a which penalises racist propaganda and incitement to racial hatred when directed specifically against an individual or particular group of individuals (the mere expression of racist ideas is not punishable). In recent years, the Norwegian police and prosecuting authorities have been criticised for setting aside reports of violations. This is not only because most cases are not reported, but also because the prosecuting attorney's office has not until recently followed up those cases that are reported. Over 90% of reported cases have in the past been dismissed, due to "lack of evidence". However, the Prosecuting Authority has announced a more active practice with regard to racial harassment, violation and discrimination in various forms. The enforcement of existing legal measures may not have been sufficiently strict and effective and it could be queried whether the laws are effective in ensuring equal rights or not. It would seem that the implementation of existing legal measures has not been effective in this respect. The Minister of Justice addressed this issue in February 1993 in a speech to the Norwegian Parliament, and it is hoped that improvements in the

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<sup>6</sup> A full overview of the legislation existing in Norway in the field of combating racism and intolerance is provided in the publication CRI (95) 2 rev. prepared for ECRI by the Swiss Institute of Comparative Law.

implementation of this legislation are now in evidence. It is vital that the efforts of the public prosecutor's office to take more decisive action be continued and intensified.

6. Article 349a, which makes it an offence to refuse access to a public establishment or a public event, has not served its purpose, and several NGOs active in the field of combating racism and intolerance have therefore commented that discrimination as regards entry to discos, restaurants and pubs is a real problem in Norway. Consideration could be given to ways to ensure the more effective implementation of this article, coupled perhaps with a range of non-legal measures to improve the situation (awareness-raising among owners and managers of such establishments, encouragement to adopt codes of practice for the professions concerned, etc.).
7. An amendment to section 292 of the Penal Code was adopted by the Parliament in 1995, making racial motivation an aggravating circumstance in cases of vandalism.
8. As regards the problem of small racist groups, consideration should be given to strengthening the relevant criminal, civil or administrative provisions in order to control more closely the organisation, financing and propaganda activities of such groups. Other such provisions might include the prohibition of the display, sale and wearing of symbols, objects and uniforms in so far as this infringes public order.
9. ECRI welcomes the government's recent report to the Parliament, in which it has stated its intention to strengthen the legal protection against racial discrimination. During a trial period of five years, the government will monitor the situation closely in order to investigate the extent of racially-motivated crimes and how often such cases are brought before the Courts. Judicial assistance for victims will be facilitated.

#### **D. Civil and administrative law provisions**

10. An amendment to Article 55a regarding Regulations of the Work Environment is to be presented to Parliament shortly. The proposed amendment deals with discrimination in connection with promotions, in cases where the applicant will in practice occupy a new position. Other provisions in the same act make employers responsible for monitoring the work environment including with regard to discrimination and harassment, and prohibit discriminatory dismissals.

#### **E. Specialised bodies**

11. Norway, although it does possess specialised ombudsmen in certain fields, does not have a specialised body to combat racism and discrimination. The mandate of the Parliamentary (civil) Ombudsman encompasses questions that may also be governed by human rights treaties. In an annual report, the Ombudsman points out that he should play an important part in encouraging the civil service not only to respect but also actively to promote the rules and principles of human rights treaties. To date, however, the Parliamentary Ombudsman has only received one complaint concerning racial discrimination. In this respect, it should be noted that most complaints lodged by the general public are handled by the police, the county authorities or the municipal authorities which handle disputes. There are also non-governmental agencies that specifically document and register racial discrimination. A survey conducted by a Norwegian NGO numbered several hundred complaints concerning racial discrimination during the period from January to June 1996. Since it therefore appears that problems

do exist, consideration might be given to creating a specialised body with competence in this field, such as exists in some other countries.

12. Consideration might be given to the possibility of creating specialised bodies or of empowering relevant NGOs to assist victims in racial discrimination cases or to act as a civil party in such cases.

## **II POLICY ASPECTS**

### **F. Reception and status of non-citizens**

13. The Norwegian migration policy is aimed at genuine equal status for immigrants and Norwegians: as far as possible, immigrants are to have the same rights, opportunities and obligations as the rest of the population. The policy is therefore geared to providing immigrants with equal opportunities to acquire an education and obtain employment as Norwegian citizens. A liaison committee consisting of politicians and representatives of immigrants' organisations and the government has been set up to give immigrants the opportunity to express their opinion on policies concerning them. Although non-citizens residing in Norway for more than three years have the right to participate in local elections as candidates and voters, it is not known how many actually play an active role in political life nor how many vote in local elections. Some reports indicate that there are about 15 persons of foreign background who have been politically appointed or elected to represent a party at the municipal level. Although Norwegian law allows participation, it is not known to what extent immigrants feel they are excluded from taking part in political life.
14. Black people living in Norway often complain that they are checked more frequently at immigration and other check-points than people who appear to be of Norwegian descent and that they are also stopped more often by the police on the streets for identification checks. Care should be taken to ensure that awareness of the issue of discrimination filters down to the officials who are responsible for border control and other checks, in order to avoid any such discriminatory practices towards persons of "foreign" appearance.

### **G. Education and training**

15. The national policy for compulsory education (primary and lower secondary education) is contained in the "Curriculum guidelines for Compulsory Education in Norway" which state that the daily life of schools must reflect democratic values and teach respect for others in spite of differences. Schools are explicitly required to oppose discriminatory attitudes towards groups of pupils or individual pupils. The government has also introduced guidelines for school curricula which ensure that Sami pupils are taught in their mother tongue as well as receiving supplementary training in Norwegian as the second language. In recent years, mother tongue instruction has also been granted to some extent to pupils from other minority groups: currently, approximately 45% of pupils from other minority groups receive education in their mother tongue and learn Norwegian as a second language. Consideration might be given to extending the provision of mother tongue teaching to more children from minority groups.
16. As mentioned in the introduction, Norway has undertaken a variety of awareness-raising initiatives aimed primarily at school-aged youngsters and designed to combat the

problems of racism and intolerance. The Brumunddal Action Plan<sup>7</sup> demonstrated that co-operation and commitment between various government sectors at the municipal level is vital in dealing with problems which may appear to be caused by racial unrest, but which in fact also reflect the situation of marginalised youngsters in local communities.

17. To date, there are a very limited number of textbooks for secondary-level instruction that deal with general cultural or racial issues. "Norway as a Multicultural Society" has been written and published in the Norwegian language and distributed to relevant institutions.

#### **H. Employment**

18. Immigrants in Norway, particularly from Third World countries, often experience a disparity between their qualifications and their actual opportunities on the labour market, partly because of inadequate arrangements for the recognition of education and professional experience. In 1993, a governmental committee presented a report containing 53 proposals aimed at improving the situation for immigrants on the labour market, and steps have been taken to follow up these proposals. In 1995, the Ministry of Local Government and Labour initiated research on the obstacles and processes concerning immigrants and the labour market. National and local authorities have been encouraged to ensure the recruitment of immigrants to national and local sectors, and the Police College has implemented measures to improve the recruitment of immigrants to the forces. Such good practice should be continued and expanded.

#### **I. Statistics**

19. As yet, no systematic registration of the main manifestations of racial or xenophobic violence or harassment has been carried out in Norway. However, the Norwegian government has granted funds to research institutions in order to accumulate knowledge and develop methods for the systematic registration of racial discrimination and racially-motivated violence and harassment, and has proposed in a white paper further measures to ensure more systematic documentation and registration of data in this field. Norway is encouraged to continue with its efforts to put in place as rapidly as possible a reliable and systematic system of data collection in the field of racial violence and harassment.

#### **J. Media**

20. In 1992, the Government organised a seminar on racism and discrimination in which approximately 30 members of the press took part. In addition, the Government offers limited grants for journalists wishing to study the subject of integration in more depth. The Norwegian Press Association has adopted its own code of conduct, entitled "Think Twice".

#### **K. Other fields**

##### **- *Sami population***

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<sup>7</sup> The Brumunddal Action Plan was a government-sponsored plan to deal with riots and inter-community tensions in a small town in Norway. It concentrated on researching the problem and tackling its various manifestations. Further details are contained in the Council of Europe publication CRI (96) 38: "Combating racism and intolerance: a basket of good practices",

21. The Sami population is at present guaranteed a wide range of rights, as set out in the Sami Act: this provides for the Sami Assembly, and contains provisions concerning the establishment of an administrative area for the Sami language in which certain rights and obligations concerning the use of Sami language in public affairs apply. Special measures exist to secure traditional Sami industries, and funds have been allocated to promote social, cultural and economic areas in Sami settlement areas. The improved legal framework for the protection of the rights of the Sami population has created a more favourable attitude among the general public towards this group. However, the Sami population does still face some isolated incidents of harassment, particularly in areas where the Sami are in a small minority. Efforts should therefore be continued to improve public attitudes towards this population.

- ***Roma/Gypsy/Traveller populations***

22. The Roma/Gypsy/Traveller populations in Norway have in the past been subject to systematic abuse and discrimination. This situation has however improved somewhat and since 1992 a group of researchers has been investigating this question. The survey has received wide media coverage in Norway, and deals with the historical and cultural heritage of the Roma/Gypsies and the consequences of governmental policies for the group.

- ***Local authorities***

23. Norway is encouraged to ensure that preventive measures against antisemitism, racism and xenophobia are integrated into the planning and implementation stages in the different sectors at municipal level. For example, municipalities may draw inspiration from initiatives such as the Brumunddal Action Plan mentioned above, in order to develop a plan of action to deal with the varying degrees of conflicts originating from political extremist groups. Moreover, support structures could be set up at local level to advise and assist victims of ethnic or racial discrimination.

**General data as supplied by national authorities**

**For reasons of consistency, ECRI, in its CBC reports, has, in this box, reproduced statistical data only from the replies of Governments to ECRI's questionnaire. The questionnaire was sent to the Norwegian government on 13 July 1994.**

**ECRI accepts no responsibility for the data below.**

145 012 non-citizens in Norway as of 1 January 1993 (30 351 from Denmark and Sweden, 11 290 from N. America, 11 578 from the U.K., 6 928 from Iran, 10 757 from Pakistan, 6 859 from Vietnam, 6 758 from former Yugoslavia)

12 876 asylum-seekers in 1993, of which 7 051 were Bosnians.

5 108 naturalisations in 1993, mostly of Vietnamese, Pakistani, Turkish, Iranian and Moroccan nationals.

Population: 4 324 800 (end of 1993). This figure is taken from the Council of Europe publication "Recent demographic developments in Europe" (see bibliography)

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

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