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## I Introduction

1. Reference is made to Norway's previous periodic reports, in particular to the 18<sup>th</sup>/19<sup>th</sup> periodic report (CERD/C/497/Add.1). During the preparation of the present report, due regard has been paid to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD), which were adopted on 18 August 2006 (CERD/C/NOR/CO/18). Due regard has also been paid to the general guidelines regarding the form and content of reports to be submitted by states parties under Article 9, paragraph 1, of the Convention, as revised by CERD on 13 June 2008 (CERD/C/2007/1). Reference is also made to the letter from the Norwegian Ministry of Foreign Affairs to the Committee dated 7 August 2007, which provides the information required for in the Committee's concluding observations, paragraph 28.

2. The present report, while presenting an overall description of Norwegian policies, largely concentrates on measures that have been adopted since the examination of the 18<sup>th</sup>/19<sup>th</sup> periodic report. The suggestions and recommendations made by the Committee in its concluding observations have been taken into account. To assist CERD in fulfilling its tasks in accordance with Article 9 of the Convention, reference is made to previous documents containing information of relevance to the examination of the present report. Reference is also made to the common core document and to Norway's 6<sup>th</sup> periodic report to the Human Rights Committee.

## II Issues raised in the concluding observations of the Committee on the Elimination of Racial Discrimination in 2006

3. Reference is made to paragraphs 13-29 of CERD's concluding observations to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report.

### Paragraph 13

4. CERD reiterates its concern regarding the lack of statistical data in the report of the State party on the ethnic composition of its population.

5. Reference is made to the common core document, paragraphs 28 and 30, and to the appendix from Statistics Norway, which may be found in Norway's appendix to the European Commission on Racism and Intolerance (ECRI) report No. 4 on Norway (p. 12 onwards), which is also appended to this report, see appendix 1. Reference is also made to Statistics Norway's English website Immigration and immigrants ([www.ssb.no/innvandring\\_en/](http://www.ssb.no/innvandring_en/)), which gives an overview of publications on demography and living conditions among immigrants.

6. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraphs 48-50. Together with Sámediggi (the Sami Parliament), and on the basis of the procedures for consultations between

Sámediggi and State Authorities, the Ministry of Labour and Social Inclusion has established an analysis group for Sami statistics. The analysis group will submit an annual report to the Ministry and Sámediggi which will strengthen the factual basis for assessments and decisions in consultations. As far as possible, the group's report will provide an overview and analysis of the situation and development trends in Sami society in various social areas. Every second year Statistics Norway publish an updated version of available statistics on Sami questions. However, the report does not produce any new statistics, but gives an overview of already existing statistics. See also the common core document, paragraph 261.

7. On 1 October each year a report is submitted to the information system for primary and lower secondary education in schools and municipalities (GSI) under the Norwegian Directorate for Education and Training. The information reported includes the number of pupils, broken down by gender and grade, teaching hours per year, man-years, the number of pupils who receive special needs education, mother tongue education and/or bilingual vocational training, etc. GSI statistics show that over 22,000 pupils received mother tongue education and/or bilingual vocational training in the 2008-2009 school year. A total of 4,514 pupils received mother tongue education only, i.e. no bilingual vocational training. Teaching is provided in over 100 mother tongues, cf.

<http://www.wis.no/stat09/application/main.jsp?languageId=1> for more detailed information.

#### **Paragraph 14**

8. The Committee invites the State party to consider incorporating the Convention at a higher level in its domestic legal order so as to ensure the primacy of the Convention over domestic legislation in case of conflict.

9. The UN Convention on Racial Discrimination has been incorporated into the Act on prohibition of discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act) but not into the Human Rights Act. One of the main arguments for this was that the Anti-Discrimination Act, with its special objective of promoting equality, ensuring equal opportunities and rights and preventing discrimination based on ethnicity, national origin, descent, skin colour, language, religion or belief, was a natural place to incorporate the Convention on Racial Discrimination. This would provide the best clarity and coherence in the law. The fact that incorporation here would not give the Convention formal precedence over other Norwegian law was not regarded as a decisive counter-argument. It is considered a principle of general Norwegian law that Norwegian law should be interpreted in accordance with obligations in public international law that are binding upon Norway. The principle stands particularly strong when it comes to international human rights obligations. The principle has been referred to several times by the Norwegian Supreme Court.

#### **Paragraph 15**

10. The Committee recommends that, within the Anti-discrimination legislative framework, the State party ensure that discrimination on the ground of race is adequately covered in existing legislation and falls within the mandate of the Equality and Anti-Discrimination Ombud.

11. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraph 10. In the Anti-Discrimination Act, legislators wished to avoid using the term "race" in the text of the statute, although it is used in international rules. It was pointed out that one important measure to combat racism is to eliminate the idea that people can be divided into different races. It was emphasised that discrimination based on perceptions of a person's race must be regarded as discrimination based on ethnicity within the meaning of the Anti-Discrimination Act. This may be seen clearly in the *travaux préparatoires* to the Act, see Proposition No. 33 (2004-2005) to the Odelsting, page 89.

#### **Paragraph 16**

12. The Committee reiterates its concern regarding the absence of any explicit penal provision in national legislation which criminalizes and punishes racist organizations (Article 4 (b)).

13. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraphs 23-27. Reference is also made to the common core document, paragraphs 196-206. The Anti-Discrimination Act covers

discrimination committed jointly by several persons, either in loosely-knit groups or in more organised forms. The Act contains a separate penal provision for a serious contravention of the prohibition against discrimination that is committed jointly by several persons. The penalty is fines or imprisonment for up to three years. A person who has previously been sentenced for contravention of this provision may be sentenced even if the contravention is not serious.

#### **Paragraph 17**

14. The Committee is concerned that the Finnmark Act does not address the special situation of the East Sami. It also requests the State party to provide further information on the Finnmark Commission and on the draft Nordic Sami Convention in its next periodic report.

15. Reference is made to Norway's letter dated 7 August 2007 to CERD concerning follow-up of the Committee's concluding observations, paragraph 17.

#### **East Sami**

16. In 2007 construction began on the East Sami Museum in Neiden. The museum will be an important centre for revitalising the East Sami/Skoltesami language and culture, and for cultural exchanges and cross-border cooperation between Skoltesami in Finland and Russia. The museum is scheduled to be opened for visitors in 2010.

17. The Government will make efforts to strengthen East Sami/Skoltesami language and culture through cross-border cooperation between East Sami/Skoltesami groups and authorities in Norway, Russia and Finland. The Government has allocated funds in the 2008 and 2009 budgets for projects for East Sami purposes. Relevant measures will be drawn up in dialogue with the East Sami, Sámediggi (the Sami Parliament), Finnmark County and Sør-Varanger Municipality.

#### **The Finnmark Act – the Finnmark Commission and the Uncultivated Land Tribunal for Finnmark**

18. Reference is made to paragraphs 368-378 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. The Finnmark Commission was appointed by Royal Decree on 14 March 2008. The Commission must consist of five members. The chair must fulfil the requirements for a Supreme Court judge, and two of the other members must fulfil the requirements for a district court judge. At least two of the members must be resident in or otherwise have a strong affiliation with Finnmark County. The Finnmark Commission is tasked with identifying and recognising existing rights to land and natural resources, according to national law and jurisprudence. The Commission will take Sami customs into consideration in the process.

19. A special court, the Uncultivated Land Tribunal for Finnmark, was also to be established to consider disputes concerning rights that arise after the Finnmark Commission has investigated an area of land. The appointment of the Tribunal will happen at later date, as it will not be relevant to bring matters before the Tribunal until the Commission has completed its survey of existing rights in the first area to be studied.

#### **Draft Nordic Sami Convention**

20. A team of Nordic experts presented a draft Nordic Sami Convention in autumn 2005. The draft convention was distributed for a broad round of consultation in the three Nordic countries in the first half of 2006. In autumn 2006 the countries concerned committed themselves to continuing the process towards a Nordic Sami Convention through national follow-up to the public hearings and impact analyses, and to present their positions one year later. At the ministerial and presidential meeting in autumn 2007, it was concluded that some more time would be allowed to complete this work.

21. In Norway, an inter-ministerial working group in which Sámediggi (the Sami Parliament) was also represented considered the draft convention in relation to Norway's obligations under international and national law.

22. At the ministerial and presidential meeting in Helsinki in November 2008 it was decided that work on a Nordic Sami Convention would continue under the Norwegian chairmanship in 2009. A joint proposal is to be drawn up for how negotiations on a Nordic Sami Convention may be carried out.

### **Paragraph 18**

23. The Committee is concerned that under the Immigration Act, a non-citizen may be remanded in custody on suspicion of having provided a false identity. It is also concerned that there is no maximum time limit for the period of custody and by reports according to which some non-citizens have been remanded for more than one year.

24. Under the Act of 24 June 1988 No. 64 (the Immigration Act), foreign nationals may be remanded in custody for the purpose of establishing their identity, cf. section 37, or in connection with the implementation of administrative decisions, cf. section 41. The Storting has adopted a new Immigration Act, the Act of 15 May 2008 No. 35, which is scheduled to come into force on 1 January 2010. The new statute largely maintains the current rules regarding the remand in custody of foreign nationals.

25. Foreign nationals are obliged to cooperate in establishing their identity. Foreign nationals may be arrested and remanded in custody if they refuse to state their identity or if there is probable cause to suspect that a foreign national has given a false identity. Coercive measures may only be used on condition that the use of less invasive measures has first been considered.

26. A period of four weeks of custody may be imposed. The total period of custody may not exceed 12 weeks, unless there are special grounds such as the fact that the foreign national is sabotaging or delaying police efforts to establish his or her identity. How long a period of custody may be extended beyond 12 weeks must be assessed on a case-by-case basis, and will have to be reviewed regularly by a court. In this connection, the adverse effect on the foreign national of being detained in custody and other factors will be taken into consideration.

27. The Norwegian authorities have not wished to fix a limit for the maximum period of custody. Establishing the foreign national's identity may be a laborious and time-consuming process, often due to lack of cooperation on the part of the foreign national.

### **Paragraph 19**

28. The Committee is concerned about the strictness of the language requirements for acquiring Norwegian citizenship in the new Nationality Act, and recommends that the State party ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship, and to pay due attention to possible barriers to naturalization that may exist for long-term or permanent residents.

29. Reference is made to Norway's letter dated 7 August 2007 to CERD. In the case of applications for Norwegian citizenship that are submitted after 1 September 2008, applicants between the ages of 18 and 55 are required to have completed 300 hours of approved Norwegian language training or be able to document adequate knowledge of Norwegian or Sami. In the Ministry's opinion, this requirement is not unreasonable in view of the large groups of people who are subject to the right and/or obligation to Norwegian language training. A person may apply for exemption from the requirement if, for special health-related reasons or other weighty reasons, he/she is incapable of participating in and completing 300 hours of Norwegian language training, cf. section 4-3 in the Norwegian Citizenship regulations. The Ministry is closely monitoring the impact of the requirement for various groups.

### **Paragraph 20**

30. The Committee recommends that the State party take more effective measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects. The Committee also recommends that legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken to reduce unemployment among immigrants.

31. Reference is made to paragraphs 153-166 in the present report, where measures to increase immigrant employment rates are described.

### **Paragraph 21**

32. The Committee recommends that the State party take all necessary measures to ensure the right of non-citizens to an adequate standard of physical and mental health by, inter alia, improving their access to preventive, curative and palliative health services.

33. Legislation relating to municipal responsibility for health services for ethnic minorities, asylum-seekers, etc. and these groups' access to such services was described in the response to the Committee dated 7 August 2007. Reference was also made to the fact that the former Directorate of Health and Social Affairs would encourage municipalities to make use of their mandate to order general practitioners to carry out general medical services for public authorities, for example in reception centres for asylum-seekers. Nothing further has happened in this area since then. We realise that it is probably no longer useful to merely urge municipalities to do this, but that doctors must be required to carry out such work through regulation (the Regulations for General Practitioners). This is a matter that will be dealt with in relation to the Coordination Reform aimed at optimising services in the health sector.

### **Paragraph 22**

34. The Committee urges the State party to take measures to strengthen participation of children with immigrant backgrounds in upper secondary education. The Committee recommends that the State party ensure that public educational institutions are open to noncitizens and children of undocumented migrants residing in the territory of the State party. It also recommends that it ensure the effective application of the Plan of Action against drop-out in upper secondary education 2004-2006.

35. Pupils who have a residence permit are entitled to upper secondary education. Applicants who are waiting for a decision on their application for a residence permit are not entitled to such education. Minor asylum seekers may be admitted to upper secondary school while they are waiting for a decision, but they are not entitled to complete the school year if their application for a residence permit is rejected, cf. section 6-9 of the Regulations appurtenant to the Education Act. The possibility of giving minor asylum seekers the right to upper secondary education is currently being considered, but no final decision has yet been made on the matter.

36. There are earmarked grants for the education of asylum seeking children in primary and lower secondary education, including young people up to the age of 18 years who have not completed lower secondary education. The municipalities and counties have the obligation to adapt the education to every pupil's needs and abilities. In a report submitted in June 2009 by an inter-ministerial work group it is proposed to prepare more information about the rules and regulations in this field, and to provide continuing education to teachers working with asylum seeking children.

37. The Plan of Action against Dropout in Upper Secondary School was introduced in 2003 and completed in 2005, but continued for an additional year. The aim was to further develop the work done by the follow-up service to prevent young people from dropping out of upper secondary education. The aim was both to prevent drop-out and to provide counselling and other assistance for young people who have already dropped out, and help them return to school and/or work. Efforts at municipal level have focused on developing and implementing concrete, effective tools and instruments for prevention and follow-up action. The evaluation shows that the plan of action has increased awareness of and focus on the problem of drop-outs. One way of increasing the number of pupils who complete upper secondary school is by using certificates of practice (*praksisbrev*). The certificate of practice is awarded for a course of training, based largely on in-company placement, whereby pupils can obtain formal vocational qualifications after two years. These qualifications may then be supplemented to obtain a full craft certificate within the prescribed period of time. In principle, the system is open to everyone, but is particularly designed for pupils who wish to have a more practically-oriented course of study. Certificates of practice are now offered in all counties.

### **Paragraph 23**

38. The Committee recommends that the State party continue to take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on further action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

39. Norway has implemented the principles laid down in the Durban Declaration and Programme of Action through the Plan of Action to Combat Racism and Discrimination 2002-2006, the Anti-Discrimination Act and the establishment of the Equality and Anti-Discrimination Ombud and Tribunal. This work is being continued under the new Plan of Action to Promote Equality and Prevent Ethnic Discrimination, see paragraph 65 of the present report.

#### **Paragraph 24**

40. The Committee recommends to the State party that it ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families.

41. Reference is made to the common core document, paragraph 92.

#### **Paragraph 25**

42. The Committee encourages the State party to continue to provide awareness-raising programmes for members of the judiciary, law enforcement officers, teachers, social workers and other public officials in accordance with the provisions set out in the Convention.

43. One of the aims of the national curriculum regulations, to be implemented for the initial training of primary school teachers, is to improve awareness of cultural diversity and enhance inclusive teaching. With regard to awareness-raising programmes for the correctional services and the police, reference is made to paragraphs 104-105 and 284-285. Courses in ethics are provided each year for judges, and in some cases for lawyers and prosecutors. The annual courses on multicultural issues for judges are still provided.

#### **Paragraph 26**

44. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of combating racial discrimination in connection with the preparation of the next periodic report.

45. Before the present report was finalised, a draft was circulated for comments in April-July 2009 to a broad range of NGOs and other relevant organs working in the field of human rights and discrimination. The draft report and other relevant information were published on the website of the Ministry of Children and Equality, as were all the comments received by the ministry. A later version of the draft report was sent to Sámediggi (the Sami Parliament) for comments 14 October 2009. The final version of the report will be made available for the public on the ministry's website. The ministry has intended to expand the involvement of the organizations of civil society in the reporting process, and has announced that it will grant financial support to one or more organizations to produce a "shadow report". The organizations have been encouraged to apply for grants within 1 November 2009.

#### **Paragraph 27**

46. The Committee recommends that the State party's reports be made available to the public from the time they are submitted and that the observations and recommendation of the Committee on these reports be similarly publicized.

47. Norway's previous reports and CERD's concluding observations have been forwarded to relevant governmental and non-governmental bodies and organisations.

#### **Paragraph 28**

48. The State party should within one year provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 17, 19 and 21 pursuant to paragraph 1 of rule 65 of the rules of procedure.

49. Reference is made to the letter to the Committee from the Norwegian Ministry of Foreign Affairs, dated 7 August 2007.

### **Paragraph 29**

50. The Committee recommends that the State party submit its nineteenth periodic report jointly with its twentieth periodic report in a single report on 5 September 2009, and that it address all points raised in the present concluding observations.

51. By agreement with CERD, submission of the report was postponed to 20 November 2009.

## **III Information relating to articles 1 to 7 of the Convention**

### **Article 1**

#### **1 A no. 1-4**

#### **The Anti-Discrimination Legislation**

52. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report to CERD, paragraphs 10-15. Information on the Anti-Discrimination Act, the duty of activity and reporting, the Equality and Anti-Discrimination Ombud and Tribunal and the Commission to propose comprehensive anti-discrimination legislation is provided in the common core document, paragraphs 196-206 and 217-229. An English translation of the Anti-Discrimination Act is enclosed, see appendix 2.

53. The Commission charged with proposing comprehensive anti-discrimination legislation proposes that the Anti-Discrimination Act be repealed and replaced by a comprehensive new statute prohibiting discrimination. The protection against ethnic discrimination in the current Anti-Discrimination Act is to be maintained. A summary of the Commission's recommendation is enclosed, see appendix 3.

#### **The General Penal Code**

54. Reference is made to the common core document, paragraph 190. Reference is also to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, in particular paragraphs 19-25 and 143-147 and to this report, paragraphs 87-89.

#### **The Seamen's Act**

55. In the Act of 16 February 2007 No. 8, a separate chapter on prohibition of discrimination against seamen was incorporated into the Seamen's Act of 30 May 1975 No. 18. Chapter IIA prohibits direct and indirect discrimination based on political views, trade union membership, sexual orientation, disability or age. Section 33, third paragraph, states that in the case of discrimination based on gender, the Gender Equality Act shall apply and Section 33, fourth paragraph, states that in the case of discrimination based on ethnic origin, national origin, descent, skin colour, language, religion and ethical and cultural orientation the Anti-Discrimination Act shall apply.

#### **1 A no. 5**

56. Reference is made to paragraphs 137-138.

#### **1 B**

57. Reference is made to the common core document, paragraph 199.

### **Article 2**

#### **2 A**

58. Reference is made to the common core document, paragraphs 107, 184-191, 196-206, 217-229 and 246-274.

## **2 B**

### **The Government's efforts to combat ethnic discrimination**

59. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraphs 62-64. The work of combating racism and discrimination requires long-term, focused efforts on the part of various actors. The previous action plans to combat racism and discrimination have mainly contained measures for which the central government is responsible. In the *Plan of Action to Combat Racism and Discrimination 2002-2006*, important milestones were reached in efforts to strengthen legal protection against discrimination, including a new Anti-Discrimination Act and better, more comprehensive protection against hateful expression in the General Penal Code. Furthermore, an Equality and Anti-Discrimination Ombud was established to enforce several Acts that prohibit discrimination.

60. Recently there has been an increase in racially charged and discriminatory expressions regarding the Sami and their rights as an indigenous people, especially in the media and in related discussion forums on the Internet. The Government makes it clear that over time, the promotion of human rights is a tool for reducing conflict through the establishment of orderly and legitimate legal relations between the state and indigenous peoples, and between different ethnic groups. National implementation of human rights instruments is decisive for preventing the development of strong racial and cultural tensions, expressions of racial hatred and discrimination against minorities, individual Sami and the Sami as a people. The Government will, through dialogue, information and democratic processes, seek to promote knowledge, understanding and respect for the democratic procedures that have been established to protect Sami interests (such as the Sámediggi (the Sami Parliament), the Finnmark Act and the consultation procedures, see paragraphs 72, 18-19 and 76).

61. Extensive efforts were also made in the last plan period to improve interpreting services and ensure equal public services. Special measures to improve competence were carried out in the police/prosecuting authority/judicial system, at shelters for battered women and in the immigration administration. Efforts have also been intensified to increase the recruitment of immigrants in certain areas of the public sector and to incorporate multi-cultural understanding as a topic in various courses of study. Combating inequality on the labour market and measures to improve learning and promote greater participation by language minorities in schools and education were also important priorities in the last plan. These efforts have been continued in the *Action Plan for the Integration and Social Inclusion of the Immigrant Population 2007, 2008 and 2009*, and in the *Strategic Plan for Equal Education in Practice (2004-2009)*. Measures to combat discrimination in various areas have also been included in these plans.

62. The Government is also continuing the practice, initiated in 2006, of reporting on the inclusion goals. Seventeen specific goals have been developed in various policy areas, with associated indicators. This is a good instrument for assessing whether government measures and the use of resources are working, and for finding out where new measures are needed. The goals cover several areas that are important in the lives of individuals and can provide information about whether we are achieving the overarching goal of an inclusive society. They are: Work, Welfare and Language, Education and Childhood, Health and Care, the Police, the Correctional Services and the Judicial System, Elections and Housing, Culture and the Media, and the State as Employer. In accordance with the principle of sectoral responsibility, the ministries in charge must report annually on the achievement of goals in the central government budget in their own budget proposals.

### **Survey of discrimination in the state sector**

63. In 2007 the Equality and Anti-Discrimination Ombud was commissioned by the Minister of Labour and Social Inclusion to prepare a report based on descriptions provided by ministries and their subordinate agencies of their efforts to prevent discrimination of persons of immigrant origin. The report proposes a number of measures that are considered to be the first step of further efforts to combat ethnic discrimination.

### **Attitude surveys**

64. Statistics Norway conducts an annual omnibus survey of attitudes towards immigrants and immigration. The latest survey from 2008 shows that more people now think that immigrants make a

useful contribution to Norwegian working life, fewer think that immigrants abuse social welfare schemes and fewer would object to their son or daughter marrying an immigrant.

#### **New Plan of Action to Promote Equality and Prevent Ethnic Discrimination (2009-2012)**

65. The Government wishes to intensify efforts to combat ethnic discrimination and presented a new Plan of Action to Promote Equality and Prevent Ethnic Discrimination in April 2009. The Plan of Action is intended to combat and prevent both direct and indirect discrimination. It covers a period of four years. The Plan of Action mainly concerns measures to combat discrimination of persons from minority backgrounds, including immigrants and their children, Sami and national minorities. The plan will incorporate a gender perspective on implementation of the measures. The plan includes 66 new measures and nine ministries are responsible for measures in the plan. The Ministry of Children and Equality is collaborating on the Plan of Action with the social partners (the eight main employers' and employees' organisations). A joint working group has during spring 2009 prepared new guidelines relating to the new duty of activity and reporting, which entered into force on 1 January 2009. The Plan of Action in English is enclosed, see appendix 4.

#### **Plan of Action for Integration and Inclusion of the Immigrant Population**

66. Everyone who lives in Norway shall have equal opportunities to participate. This applies in all areas of society, in political and voluntary organisations, in work and education, and in the local community. The Government has intensified its efforts to promote the integration and inclusion of the immigrant population through a special Plan of Action. The Plan of Action contains measures within the areas of responsibility of several ministries, and the priority areas in the plan are Work, Childhood, Education and Language, Equality and Participation.

67. The first Plan of Action for Integration and Inclusion was launched in 2007. The measures in the plan have been continued and strengthened in all later fiscal budgets. For 2010, the Government has proposed to continue the action plan and strengthen some of the measures.

#### **The Directorate of Integration and Diversity (IMDi)**

68. The Directorate of Integration and Diversity (IMDi) was established on 1 January 2006. IMDi's role is to provide expert advice in connection with the development of measures and regulatory frameworks, and to serve as a centre of expertise for municipalities and sector authorities responsible for these issues. IMDi was established in order to raise the priority of efforts to promote integration and diversity in Norway and define clearer goals. Its main target groups and cooperation partners are immigrant organisations and immigrant groups, municipalities, central government agencies and the private sector, as well as the population at large.

69. Important spheres of activity for IMDi are work-oriented integration through settlement programmes, introduction programmes, Norwegian language training and social studies, interpreters, efforts to promote diversity and dialogue, and equality in public services. As a centre of expertise, IMDi compiles knowledge, prepares documentation, provides advisory and guidance services, promotes the sharing of experience, provides information and fosters sound attitudes. IMDi administers funding for knowledge development, integration and diversity which is primarily allocated for evaluations and documentation and development projects.

#### **White Paper on Sami Policy (Report No. 28 (2007-2009) to the Storting)**

70. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraphs 65 and 66. The Stoltenberg II Government presented a white paper on Sami Policy in May 2008. This is the fourth white paper since 1993 on measures that are being taken to safeguard and develop Sami languages, culture and social life. The white paper shows that the Government wishes to build further on the institutional and legal frameworks that have been established. The development of rights, institution-building and the formalisation of dialogue between the authorities and the Sami people have been the main focus of Sami policy. Laws, regulations and schemes have been established to strengthen Sami languages, culture, economic and social life. The Finnmark Act and the Consultation Agreement between Sámediggi (the Sami Parliament) and State Authorities are particularly important. The Government will follow up previous and ongoing studies and arrangements relating to human rights, including the Finnmark

Commission, the Uncultivated Land Tribunal, the Sami Rights Committee II, the Coastal Fisheries Committee and further work on a Nordic Sami Convention.

71. At the same time, the Government wishes to focus on how rights and policy are put into practice. The Government particularly stresses the importance of “everyday policy”, the practical integration of Sami considerations into the formulation of policy and measures in all areas of society and administration. The Government particularly wishes to focus on Sami users' encounter with public authorities. This is important because it concerns the welfare and legal rights of Sami individuals.

72. Since its establishment, Sámediggi has strengthened its position, among other things as a result of cooperation with county authorities and others. The Government is concerned to ensure that Sámediggi has genuine influence on areas that are important for Sami society and to underscore the independent position of Sámediggi. Work will be initiated to draw up proposals for the legislative amendments that are necessary for potentially establishing Sámediggi as a separate legal entity, and to otherwise bring the law into line with current practice.

73. The Sami languages are still in a vulnerable position. Living Sami languages are a crucial element of Sami culture. The Government's plan of action to strengthen Sami languages was therefore presented in May 2009. Reference is made to Norway's 6<sup>th</sup> periodic report to the Human Rights Committee (appendix 9), paragraphs 282-284.

74. A number of Sami institutions have been established, including arts centres and language centres, which are important promoters of Sami interests. The development of Sami institutions in local communities has helped to confirm and highlight the Sami presence. An increasing number of children are growing up with a natural Sami identity. General understanding and awareness of the Sami presence in Norway has increased, and Sami culture has become part of the general cultural scene in Norway.

75. Additional information on Sami issues is provided in appendix 5a-e. With regard to the Sami Rights Committee II, reference is made to the ILO report section 2.2 (appendix 5e) and Norway's 6<sup>th</sup> periodic report to the Human Rights Committee (appendix 9), paragraph 275. Information on the UN Declaration of Indigenous peoples is given in the ILO report section 7.

### **The Consultation Agreement between the State Authorities and Sámediggi (the Sami Parliament)**

76. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraph 67. The Government and Sámediggi (the Sami Parliament) have agreed on “Procedures for Consultations between the State Authorities and Sámediggi of 11 May 2005” (appendix 5a). In 2006, the Ministry of Labour and Social Inclusion drew up a guide for consultations between State Authorities, Sámediggi and other Sami interests which provides detailed guidelines and examples of when the duty to consult arises, and the content of the duty. The scope and content of the agreement is elaborated on in the ILO report, see particularly section 1.2. Experiences concerning the consultation procedures are described in Norway's 6<sup>th</sup> periodic report to the Human Rights Committee, paragraphs 263-272.

## **2 B no. 2**

### **Hate crime**

77. On 22 November 2006, the police began to tag reports of crimes motivated by hate and prejudice based on race/ethnicity, religion and sexual orientation in the criminal case system. There are many issues relating to the registration of the motives of a crime that come in addition to the more ordinary challenges associated with crime registration, such as unreported cases, etc.

78. Together with the Oslo Police District, the Police Directorate initiated a project to describe hate-motivated crime registered by the police in 2007. The project was completed in autumn 2008 and is currently being evaluated. The Police Directorate will assess the need for and, if necessary, implement measures to improve quality in order to ensure appropriate registration of hate crime, cf. also paragraph 92.

### **Racism on the Internet**

79. In a letter dated 10 September 2001, the Director General of Public Prosecutions stated the following:

*“...Pursuant to section 59, second paragraph, of the Criminal Procedure Act, the Director General of Public Prosecutions has decided that responsibility in the first phase of an investigation of racism on the Internet shall be based in the National Bureau of Crime Investigation (KRIPOS). This primarily means that KRIPOS will monitor the Internet with a view to identifying racist expressions that there may be grounds for investigating as possible contraventions of section 135a of the General Penal Code, and will receive tips from the public about such cases and pass on the information to the local police district in an appropriate manner.*

*Ordinary investigation will be conducted by the local police district under the control of local prosecuting authorities. It is a prerequisite that KRIPOS ensures that it has sufficient capacity to also assist the police districts in this area under the general concept of assistance.*

*The National Bureau of Crime Investigation must enter into close cooperation with the Police Surveillance Agency (POT) (now the Police Security Service (PST)) so that any “surplus information” that POT (now PST) may have about racism on the Internet can be utilised in practical investigation, while at the same time ensuring that the activities of KRIPOS are not detrimental to the activities of the security service”.*

This decision still applies. The Police Security Service regularly passes on the aforementioned information to KRIPOS.

80. On a webpage called “Tips KRIPOS” (“Tip KRIPOS”) the public can tip the police regarding racism and racist expressions on the internet. KRIPOS is the national unit within the police for fighting organized and other serious crime. The pages are available in both Norwegian and English: <https://tips.kripos.no/cmssite.asp?c=1&s=199&menu=17> (English) and <https://tips.kripos.no/cmssite.asp?c=1&s=8&menu=5> (Norwegian).

## **2 B no. 5**

### **Voluntary organisations and other actors in the field of integration and social inclusion**

81. Reference is made to paragraph 360 and paragraphs 130-133 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. The Government wishes to make use of immigrants' own resources and experience, and intends to involve organisations that represent the immigrant population in the process of shaping policy. Voluntary organisations play an important role in efforts to promote social inclusion and participation, and the Government will strengthen cooperation between various voluntary organisations, including immigrant organisations, and the public authorities. In its follow-up of the white paper on volunteering for all (Report No. 39 (2006-2007) to the Storting), the Government has focused in part on facilitating the efforts of voluntary organisations to include persons of immigrant origin.

82. To encourage greater participation, the Government provides support for nation-wide organisations that work with immigrants and for the operating costs of local immigrant organisations. The grant scheme for nation-wide organisations aims to improve the competence of the public authorities and the general population as regards the factors that promote inclusion and the obstacles to equal opportunities for participation. Support is provided for local immigrant organisations to strengthen the organisation of immigrants at the local level, thereby enabling them to promote their common interests vis-à-vis the local authorities. The Government also grants funding for voluntary actors who provide information to newly arrived immigrants, and to voluntary organisations working to prevent forced marriage.

83. The Contact Committee between Immigrants and the Authorities (KIM) is both an advisory body and a forum for dialogue, and helps to bring the views of the immigrant population to the attention of the decision-making authorities. A new KIM will be appointed by the Government from 1 January 2010. There will be more representatives with an immigrant background in the new committee and there will no longer be permanent representatives from the authorities, The Norwegian Association of Local and Regional Authorities (KS) and the political parties.

84. Network-building in immigrant communities and with voluntary organisations is an important element of IMDi's dialogue work. IMDi has entered into binding cooperation agreements with several major voluntary organisations.

## 2C

### The Norwegian Centre for Human Rights

85. Reference is made to the common core document, paragraphs 130-134.

## Article 3

### 3 no. 3

86. As regards measures to prevent segregation in the area of education, relevant information is provided under article 5 (paragraphs 183-206), cf. also the response to paragraph 22 of CERD's concluding observations (paragraphs 35-37).

## Article 4

### 4 A (in particular no. 1 and 3-5)

87. As mentioned in Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraphs 19-22 and 143, section 135a of the General Civil Penal Code from 1902 (which, among other things, sets penalties for racist expressions and the use of racist symbols) was amended by the Acts of 10 January 2003 No. 2 and 3 June 2005 No. 33. These amendments have resulted in stronger protection from ethnic discrimination.

88. The Storting has adopted a new and revised General Civil Penal Code (The General Civil Penal Code 2005) which will replace the General Civil Penal Code 1902. The entry of force of the General Civil Penal Code 2005 has not yet been set. Section 185 and 186 of the new code will replace, with some technical amendments, sections 135a and 349a of the Penal Code 1902. In the *travaux préparatoires* to section 185 of the new penal code (Ot.prp. no. 8 (2007-2008) section 10.7 and 12.2) it has been clearly pronounced that the new section 185 must be read in the light of the new amendments of section 135a and relevant statements from CERD. The first paragraph third sentence of section 185 also criminalize statements put forward only in presence of someone that is being discriminated or exposed to hate speech. There is thus no requirement that the statement is made in public. In addition, the new provisions also offer protection from hate speech and discrimination against persons with disabilities. Chapter 16 of the General Civil Penal Code 2005 sets penalties for genocide, crimes against humanity and war crimes. This chapter of the Penal Code 2005 entered into force on 7 March 2008.

### 4 B

89. Under Norwegian law, courts generally enjoy a wide margin of appreciation when fixing the penalty. The General Civil Penal Code 2005 section 77 does, however, list some elements that should sharpen the penalty. According to *litra i*, courts are obliged to take into account – as a sharpening circumstance – if the crime has its background in “others’ religion, skin colour, homosexual predilection, handicap, or other circumstances that offend groups with a particular need for protection” (unofficial translation). Also under the General Civil Penal Code 1902, courts would generally consider it to be a circumstance that would sharpen the penalty if the act was racially motivated. Some penal provisions, both in the penal code 1902 and 2005, do furthermore explicitly provide for a sharpening of the penalty if the crime was racially motivated, cf. the general civil penal code 1902 section 232 and 292 and the general civil penal code 2005 section 264, 272, 274 and 392.

### 4 D

90. A Supreme Court decision of 21 December 2007 (2007 Norwegian Supreme Court Reports p. 1807) illustrates that section 135a of the General Civil Penal Code 1902 provides genuine protection from racist expressions. The case concerned the question of whether section 135a of the Penal Code applied to statements about Jews in an interview with the *Verdens Gang* (VG) newspaper. The grounds for the indictment were that the leader of the “Vigrid” organisation had stated the following to the newspaper (repeated in paragraph 3 of the ruling):

*"In an interview with journalists from the newspaper Verdens Gang (VG), which was published on 14 July 2003, he stated that the Vigrid organisation '...wants to seize power in society, eliminate Jews ...' or words to that effect. In the same interview, he stated that '...the Jews are the main enemy, they have killed our people, they are vicious murderers. They are not human beings, they are parasites that must be eliminated...' and further that '... they have killed millions of our people and taken over power in our country' or words to that effect. He also expressed the view that Vigrid is at war with the Jews, stating at the same time that the members of Vigrid are given weapons and battle training. In response to a question from the journalists about how he would react if some of the members were to harm Norwegian Jews or persons of immigrant origin, he responded 'I am not sorry if something happens to people I do not want in this country...' or words to that effect. He was aware that these statements, which together entailed approval or encouragement of violation of the integrity of Jews, would be published in VG."*

91. The Supreme Court found it clear that, in his statements to VG, the perpetrator had encouraged or supported acts clearly violating the integrity of Jews and that the statements thereby were violations of such an aggravated nature that they were in contravention of section 135a of the Penal Code. The statements also entailed gross degradation of the human dignity of a group, which indicated that section 135a of the Penal Code must apply.

92. The Police Directorate and Oslo Police District published in January 2009 the report *"Hatkriminalitet – Anmeldelser registrert i 2007"* ("Hatecrime – complaints registered in 2007"). The report gives an overview of hate crime cases reported to the police during 2007. A total of 257 cases were registered; 209 with a motive related to race/ethnicity, 19 with a motive related to religion and 29 with a motive related to the victim's sexual orientation. The report revealed challenges in the registration procedures. The Police Directorate is currently working on improving these procedures.

## **Article 5**

### **5 I A**

#### **The Inner Finnmark District Court and legal terminology in North Sami language**

93. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraphs 181-183. A project to develop North Sami legal terminology has been carried out. The North Sami terms that were produced as a result of the project have been published on the website of the Sami Trade and Development Centre ([www.sami-eg.no](http://www.sami-eg.no)).

94. Tana Municipality has also initiated a two-year project entitled *Samisk lovspråk* (Sami legal language). The first part of the project was completed in 2007, resulting in a list of 691 North Sami legal terms. The team involved in the project comprised both linguists and legal experts. An application for approval of the terms will be made to the Nordic Sami Language Committee when the project has been completed.

### **5 I A no. 2**

#### **Circular letter no. 1 2009 from the Director of Public Prosecution**

95. In circular letter no. 1 2009, 18 March 2009, from the Director of Public Prosecution on the goals and priorities for the case handling of the police and prosecuting authority, it is stated that crimes that are racially motivated shall be prioritized irrespective of the gravity. The circular letter further states (unofficial translation):

*"Violence and infringements targeting persons due to their religion, skin colour, national or ethnic origin, sexual orientation, way of life or orientation – so-called hate crime – must be given particular attention. Violence that target persons or groups due to who they are or due to what they look like, affect not only each individual victim, but create great fear and insecurity with all with the same background, and must therefore be handled with great seriousness by the police."*

#### **The administrative complaints system**

96. An independent committee of experts evaluated the police administrative complaints system in Official Norwegian Report (NOU) 2009: 12 *Et ansvarlig politi* (a responsible police force). The report will be circulated for comment and then evaluated by the Norwegian Government.

## **5 I B**

### **Shelters for battered women**

97. In the past 30 years, women's shelters have played a pivotal role in efforts to combat domestic violence. There are 51 shelters for battered women in Norway, spread across the country's 19 counties. The shelters are largely financed from public funds. The State covers 80 per cent of operating costs, provided that municipal or county authorities/health authorities provide 20 per cent.

98. In 2008, 1,742 women and 1,506 children stayed overnight at shelters for battered women. Women from ethnic minority backgrounds constitute a growing user group. In 2008, women from ethnic minority backgrounds accounted for 58,5 per cent of residents, compared with 51 per cent in 2005 and 45 per cent in 2003. One third of these women had been victims of violence from an ethnic Norwegian man. Most shelters (four fifths) have initiated special measures for women from ethnic minority backgrounds. This includes interpreting services and training in the use of banks, post offices, etc. for women who do not speak Norwegian. Six out of ten shelters have prepared their own brochures and other types of presentation of services targeting this group. General information brochures on the services of the shelters have been prepared in several languages.

99. A statutory provision on shelter services was adopted in June 2009. The provision requires municipal authorities to ensure that persons who are victims of domestic violence are given coherent help and follow-up.

### **Plan of Action to Combat Domestic Violence: "Turning Point"**

100. This Plan of Action contains several measures aimed directly at women from ethnic minority backgrounds, including the development of a brochure that focuses on the legal rights of women who are victims of domestic violence. The brochure will be published in eight languages. Several measures have also been implemented to improve competence relating to ethnic minority women at shelters for battered women.

### **Plan of Action to Combat Female Genital Mutilation**

101. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraphs 255-256. The Government presented the third Plan of Action to Combat Female Genital Mutilation on 5 February 2008 (see appendix 6). The Plan of Action will apply in the period 2008-2011. The long-term goal of the plan is to prevent genital mutilation of girls. At the same time, the plan emphasises that girls and women who have been victims of genital mutilation must receive good, appropriate treatment. The plan consists of 41 continued and new measures and has been divided into six main areas: effective enforcement of legislation, competence building and the transfer of knowledge, prevention and opinion building, available health services, extra efforts at holiday time and stronger international efforts.

102. The Government has considered the introduction of clinical examination of the sexual organs of all girls in connection with the medical check-ups that are currently carried out, the scope of such examinations and whether they should be compulsory. The Government decided to introduce an offer of counselling and voluntary genital examination to all girls and women who come from areas where, according to the World Health Organisation, the incidence of female genital mutilation is 30 per cent or more. This offer will be part of the municipal health examination, carried out by a qualified doctor within one year after arrival. Furthermore, counselling and genital examination will be offered to all relevant groups of girls (immigrants and those born in Norway of immigrant parents) before starting school (5-6 years old), in fifth grade of primary school (10-11 years old), and in tenth grade (15-16 years old). The genital examination may only be carried out with valid consent of the patient/parent/guardian.

### **Information about the Norwegian rules relating to female genital mutilation and forced marriage**

103. As a matter of routine, the Police Immigration Unit informs asylum seekers at the time of registration about the Norwegian rules relating to female genital mutilation and forced marriage. The asylum seeker must sign a declaration that these rules have been understood. This practice will continue.

### **5 I B no. 3**

#### **The National Police Directorate's Security and Trust project**

104. The Police Directorate initiated the project *Trygghet og tillit* (Security and Trust) in 2008. This is a two-year project for which four police districts and one specialist agency were selected to work on areas of improvement in the interface between the police and the immigrant population. The purpose of the project is to create a trusting relationship between immigrants and the police. The project will be evaluated and the results will be incorporated into an overall project report, which will provide the basis for further training and police work.

#### **Police dialogue forum**

105. A dialogue forum has been established in the police force, both centrally and locally. The Police Directorate invites various immigrant organisations to meetings three or four times a year and several police districts arrange local meetings. These meetings make an important contribution towards improving the integration and inclusion of the immigrant population. The Minister of Justice also meets with representatives of various immigrant organisations on a regular basis.

### **5 I B no. 4**

#### **Recruitment of students from minority backgrounds to the Police University College**

106. In recent years, the Police University College has focused strongly on recruiting students from minority backgrounds. This effort will continue to have high priority. Twenty-nine persons from minority backgrounds were offered places for the 2008-2009 academic year, 27 of whom are currently pursuing their studies. In the academic school year 2009-2010 552 new students have been admitted, of whom 30 have reported to have a minority background. The numbers include persons with Sami background.

#### **The recruitment of persons from ethnic minority backgrounds to vocational training for the Norwegian Correctional Services**

107. The matter was addressed in Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraph 172-173. Recruiting persons from ethnic minority backgrounds to training programmes for prison staff is a challenge. In recent years, an average of six persons per year of ethnic minority origin have been recruited to the Prison College. The goal of the Correctional Services is to increase this number significantly in order to increase diversity among Correctional Services employees. Several specific measures have been initiated to achieve this goal.

108. Every year, the letter of allocation to the Correctional Service of Norway Staff Academy (KRUS) stipulates the required proportion of recruited candidates with multi-lingual backgrounds apart from English in connection with ordinary admission procedures. The requirement in connection with 2009 admissions was 5 per cent, while the requirement for the number of recruited candidates who were Sami speakers was five persons.

109. Since 2007, KRUS has been working with the Norwegian Labour and Welfare Administration to actively recruit persons from minority backgrounds. The intention has been to provide intensive, adapted language courses for relevant applicants with a mother tongue other than Norwegian.

110. The Government will, in dialogue with Sámediggi (the Sami Parliament), appoint a working group to evaluate the serving conditions and propose special measures for Sami inmates and convicts.

### **5 I B no. 5**

111. Reference is made to information given under article 5 I D no. 1-2, paragraph 122-136.

### **5 I C**

#### **Dialogue and diversity, including equality in public services**

112. Reference is made to paragraphs 100-105 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report regarding efforts to strengthen the minority perspective in public service provision. Promoting "equal public services" is a separate sphere of IMDi activity. Tools and methods developed during the period 2002-2007 to enhance

employees' cross-cultural competence, improve dialogue with users and tailor services to individual needs have been compiled and made available in a special "toolbox" on IMDi's website – [www.imdi.no](http://www.imdi.no).

113. IMDi heads the Forum for Integration and Diversity, which comprises the heads of nine key directorates. The forum is intended to serve as a link between sector authorities and IMDi to ensure a clear overview and coherence of efforts to promote integration and diversity.

114. Furthermore, IMDi runs three networks springing from the Forum for Integration and Diversity. One network collaborates on and coordinates grant schemes for immigrant organisations, the second exchanges experience relating to user surveys and user dialogue, while the third facilitates experience sharing with regard to challenges relating to public-sector communication with ethnic and linguistic minorities. IMDi has entered into a binding agreement with the Norwegian Labour and Welfare Administration (NAV) which includes measures to strengthen the agency's awareness of diversity issues and cross-cultural competence. In 2009, IMDi's tasks include entering into agreements with two other directorates and 12 municipalities which will thereby undertake to actively seek to adapt their services to the needs of a diverse population. In 2009 IMDi has commissioned the development of guidelines for user surveys in public administration which are better designed to register the experiences of the minority population.

### **Participation in elections**

115. Reference is made to paragraphs 192-194 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. It is a Government goal to ensure that the percentage of persons of immigrant origin entitled to vote who participate in municipal council, county council and general elections is equivalent to the total voter turn-out rate.

116. A survey conducted by Statistics Norway shows that 40 per cent of Norwegian citizens of immigrant origin and 36 per cent of foreign nationals exercised their right to vote in the municipal and county council elections in 2007. The voter participation rate for the population as a whole was 62 per cent. Compared with the local elections in 1999 and 2003, the immigrant population's overall voter participation has not changed much. In relation to the 2003 elections, however, voter turn-out increased by 3 percentage points among non-western citizens who are entitled to vote.

117. Voter participation in general elections has declined over the years. In 1997 the aggregate voter participation rate for the immigrant population as a whole was 63 per cent, while in 2005 it had fallen to 53 per cent. In the same period, voter participation for the population as a whole changed from 78.3 per cent to 77.4 per cent. While the turn-out rate varies significantly from one immigrant population group to another, voter participation generally increases with duration of residence in Norway and age. In connection with the 2007 local elections, IMDi implemented information and voter mobilisation measures with a view to increasing immigrant voter turn-out.

118. IMDi worked on encouraging more immigrants to vote in the Storting elections in 2009. The Directorate disseminated information on the political parties and the electoral process. These efforts especially targeted new Norwegian citizens, young voters and groups with particularly low or declining voter participation rates. Information about the Storting elections was published in several languages on the Government website [www.valg.no](http://www.valg.no) and spread thorough various organisations.

119. Regarding elections to Sámediggi (the Sami Parliament), reference is made to Norway's 6<sup>th</sup> periodic report to the Human Rights Committee, paragraphs 277-278.

### **Interpretation services**

120. Reference is made to paragraphs 178-180 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. The number of qualified interpreters in Norway increased significantly in the period 2003-2006. A permanent programme of interpretation studies was established at Oslo University College in 2007. As from 2009, students at the university college will have the opportunity to build on these studies to obtain a bachelor degree in Public Sector Interpretation. The Norwegian National Register of Interpreters was established in 2005, with a view to facilitating access to qualified interpreters. As of June 2009, 1004 interpreters in 66 languages were registered in the Norwegian National Register of Interpreters. At present, 56 per cent of all registered interpreters have formal training and/or are government authorised.

121. Surveys show that there is still limited awareness among public sector employees of the connection between the quality of interpretation and due process of law, and that there is insufficient use of interpreters. IMDi has therefore prepared a guide to purchasing interpretation services. As part of the Government's action plan to promote equality and prevent ethnic discrimination, consideration will be given in 2009-2012 to introduce common guidelines for the use of interpreters in the public sector. Consideration will also be given to introduce sector specific guidelines for parts of the public sector that are of major significance for the users' welfare.

### **5 I D no. 1-3**

#### **Stricter asylum policy**

122. On 3 September 2008, the Government presented 13 measures to limit the number of asylum seekers who are not in need of protection. The reason for tightening Norway's asylum policy was that Norway had experienced a marked rise in the number of asylum seekers and was one of the countries in Europe with the largest increase in 2008. Sixty per cent of asylum applications were turned down by the Directorate of Immigration. Furthermore, the Government also wanted to ensure a more efficient administrative process, so that the people who are granted residence can rapidly embark on their new life in Norway. The arrival of large numbers of asylum seekers who do not need protection could also undermine the asylum institution, because this may raise doubts about genuine need for protection. On this basis, the Government found it necessary to implement measures to reduce the number of asylum seekers who are not in need of protection, cf. appendix 7.

#### **New Immigration Act**

123. The new Immigration Act is described in paragraphs 31-32 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. The Act was adopted in April 2008. According to present plans, the new Act will enter into force on 1 January 2010. The new Act includes many of the more detailed provisions currently found in regulations. Because of the strong political focus on immigration issues, it has been deemed reasonable that the Storting should decide more of the detailed contents of the provisions.

124. A major change in the new Act is that it defines the concept of 'refugee' more broadly. This group will not only include persons who meet the criteria of article 1A of the 1951 Refugee Convention, but also all other applicants covered by the *non-refoulement* provisions of any international convention to which Norway is a party. The most important of these is the European Convention for the Protection of Human Rights and Fundamental Freedoms. In other words, those who are eligible for subsidiary protection status under the EU Qualification Directive will be granted refugee status under the new Norwegian statute. A practical result of this change will be a strengthening of the right to family reunification, as persons who are granted subsidiary protection must be able to support their family financially for a family reunification permit to be granted, whereas refugees do not.

125. The Act sets out that where an administrative decision is inconsistent with UNHCR guidelines or recommendations with regard to protection, the case will, as a main rule, be referred to the seven-member grand board of the Immigration Appeals Board.

126. In the *travaux préparatoires* the Government furthermore signals that it intends to tighten the rules regarding subsistence requirements in the new immigration regulations (cf. Ot.prp. nr. 75 (2006-2007)).

127. The new Act does not make any significant amendments to the legislation regarding expulsion procedures. In accordance with the current Act, the new Act stipulates that a foreign national may not be expelled if this would be an unreasonable measure taking into consideration the situation of the foreign national him/herself or his/her family, and their connection to the country in relation to the gravity of the criminal offence. The new Act states that in cases concerning children, the child's best interests are to be a fundamental consideration. The foreign national may lodge an administrative complaint, submit a complaint to the Parliamentary Ombudsman or bring his or her case before the courts.

128. In accordance with the current Immigration Act, the new Act stipulates that a residence permit is valid in the whole national territory. Thus, such a permit confers the right to reside in and move freely throughout the territory, unless restrictions are stipulated in accordance with rules set out in or pursuant to the Act.

129. The new Act, in line with the current Act, sets out that an asylum seeker is to be offered accommodation. Norway gives asylum seekers the opportunity to stay in an open reception centre until their applications for asylum have been dealt with. Asylum seekers who do not need an allowance from the Government may live wherever they wish within the territory. However, the majority of asylum seekers are lodged in reception centres situated throughout the country. When an asylum seeker agrees to stay in a reception centre, he or she must reside in the municipality to which he or she has been assigned until the application for asylum has been decided. Asylum seekers may be transferred from one reception centre to another. Healthy adult asylum seekers without children who have received a final rejection of their application are not allowed to stay in ordinary reception centres. They are given the opportunity to stay in a departure centre if they wish, where there are no restrictions on personal movement.

130. All foreign nationals with a residence permit are, with due consideration to their own wishes, assigned to specific municipalities throughout the country to avoid the concentration of large numbers of foreign nationals in particular parts of the country, especially in the largest cities. The local authorities are allocated funds on a per capita basis for the integration of foreign nationals in their municipality, based on the estimated average costs for integration of that number of persons over a five-year period. Foreign nationals from countries outside the European Economic Area (EEA) who have recently arrived in Norway and have been granted asylum or a work permit or a residence permit on the basis of an application for asylum, and their family members, have the right and obligation to participate in an educational programme on Norwegian society and language. This right is dependent on continued residence in the municipality in which the foreign national was first settled, since it is this municipality that is allocated the funds necessary for financing the educational programme. This cannot, however, be regarded as a legal restriction on the right to free movement within Norwegian territory.

131. There are no restrictions on the right to leave and enter Norway for foreign nationals with a residence permit, provided that the permit they hold is not restricted as regards new entry. If a foreign national has had permanent residence outside the country for two years or more, a residence or settlement permit may be withdrawn. Norway may in such cases no longer be regarded as the foreign national's "own country".

### **The appeal process**

132. In connection with the debate on the new Immigration Act, the Storting's Standing Committee on Local Government and Public Administration asked the Government to consider appointing an official committee to consider the current appeal model. This is being followed up by the Ministry of Labour and Social Inclusion. The official committee was appointed by the King in Council on 19 June 2009 and will present its report by 1 December 2010.

133. Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraph 34, gives details of an evaluation of the Immigration Appeals Board (UNE), which was completed in March 2003. As a result of the need to ensure better correlation between Government policy and practice in the field, the following amendments were made to the Immigration Act and associated regulations in 2005:

134. The Ministry was authorised to issue general instructions to the Directorate of Immigration (UDI) on interpretation of the law and exercise of judgement. At the same time a grand board was established at UNE, among other things to make decisions on matters of principle. The Ministry was authorised to bring UDI's positive decisions before the UNE grand board. The Ministry was authorised to bring UDI's negative decisions before the grand board with respect to cases of significance involving matters of principle, cases with serious social or economic consequences, and cases in areas where there

is a tendency towards varying practice. The Ministry was authorised to decide that the validity of UNE's positive decisions could be reviewed by the courts of law. The King in Council was established as the appeals body in cases where the Ministry has issued instructions to UDI for reasons of national security or foreign policy considerations.

#### **Practice with respect to visas**

135. In December 2007, the Government instructed the Directorate of Immigration (UDI) to adjust its practice with respect to issuing visitors' visas to Pakistani nationals so that more siblings are granted visas. In brief, this change means that UDI should make certain adjustments with respect to assessing whether individual prerequisites for return are present. Age, family situation, work situation and financial situation are among the factors that are taken into account in such an assessment. At the same time, control procedures were established to ensure that the holder of the visa returns to Pakistan within the prescribed period. UDI was asked to evaluate the effects of these instructions.

#### **Gender-related persecution**

136. In autumn 2008, the Ministry of Labour and Social Inclusion issued instructions to the Directorate of Immigration, clarifying what comes under the concept of gender-related persecution and how such cases are to be dealt with. The instructions confirm that gender-related abuse gives grounds for protection under Norwegian law. This includes for example forced sterilisation, mass rape, forced prostitution and female genital mutilation. The instructions ensure that women in particular are protected when the conditions for protection are met pursuant to the Convention, that asylum-seekers are treated equally regardless of gender, and that the immigration administration is particularly aware of the issues that may apply in such cases. The guidelines apply to both women and men. They also deal with issues that may be relevant for lesbians, homosexuals, bisexuals and trans persons.

#### **The Norwegian Nationality Act**

137. The proposal for a new Nationality Act was described in paragraph 35 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. A new Norwegian Nationality Act entered into force 1 September 2006. Those who meet the requirements for citizenship by application have a legal entitlement to citizenship. This means that it is not up to the discretionary judgment of the public administration whether citizenship will be granted. Section 7 states that applicants must have clarified their identity, they must reside in and intend to remain resident in Norway, be at least 12 years old and have lived in Norway for at least seven of the last ten years with residence or work permits of at least one year's duration. Applicants must also meet the requirements for participation in training in the Norwegian language and have or meet the requirements for a settlement permit pursuant to the Immigration Act, not have been punished for a criminal offence and have been released from his or her other citizenship if such release is possible. If the applicant has been punished for a criminal offence, he or she will have to undergo a waiting period before Norwegian citizenship is granted. For children under the age of 12, it is a precondition for citizenship that one of the parents is Norwegian or will become Norwegian at the same time as the child. The residence requirement for children is two years.

138. The Nationality Act contains special provisions for a number of groups of applicants, i.e. exemptions are granted from one or more of the requirements for acquiring citizenship in section 7 of the Act. These include persons who arrived in Norway before reaching the age of 18, persons who are married, registered partners or cohabitants with a Norwegian citizen, Nordic nationals, former Norwegian nationals and stateless persons. The regulations contain provisions for particular groups of applicants: athletes, Norwegians from the Kola Peninsula and members of the households of personnel posted to Norwegian Foreign Service missions.

#### **Draft amendments to the Introduction Act and the Norwegian Nationality Act with appurtenant Regulations**

139. In June 2009, the Ministry of Labour and Social Inclusion circulated draft amendments to the Introduction Act and Regulations, the Norwegian Nationality Act and Regulations and the Immigration Regulations for consultative comment.

140. The Government is considering expanding the scope of the right and obligation to participate in Norwegian language training and social studies for adult immigrants from 300 to 600 hours for those currently subject to the right and obligation to participate free of charge in Norwegian language training and social studies. In addition, the Government proposes to introduce mandatory final tests in Norwegian and to introduce a requirement that all applicants between 18 and 55 years of age must pass a Norwegian citizenship test.

141. The Government further proposes to introduce central government oversight of municipalities' administration of the Introduction Act, and to impose a duty on municipalities to carry out internal monitoring of the fulfilment of obligations pursuant to the Introduction Act.

142. The consultation document also states that consideration is being given to whether a new residence certificate should be introduced, with a view to ensuring that everyone who is granted a permit that forms the basis for a settlement permit (permanent residence) is able to present valid proof of identity in connection with services that are important for the integration process in Norway.

#### **5 I D no. 4**

##### **Measures to combat forced marriage**

143. Reference is made to paragraphs 196-199 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, which describe efforts to combat forced marriage. Reference is also made to paragraph 103 of the present report.

##### **Action Plan against Forced Marriage**

144. On 29 June 2007, the Government presented its third action plan against forced marriage (see appendix 8). The action plan covers the period 2008-2011 and contains 40 continued and new measures to combat forced marriage. The plan comprises a broad range of initiatives aimed at preventing forced marriage and providing help, support and protection for victims of such abuse. The authorities have the primary responsibility for combating forced marriage, and an overarching goal of the new action plan is to strengthen public sector support for efforts in this field. The action plan includes measures in the following areas: effective enforcement of legislation, prevention, increased expertise and cooperation, effective and readily accessible help, strengthening of international efforts and collaboration, and strengthening of knowledge and research. The National Expert Team for the prevention of forced marriage, Minority Counsellors at upper secondary schools, Integration Attachés at Norwegian Foreign Missions and new housing units for victims of forced marriage are among the essential measures implemented through the Action Plan. The plan is based in part on proposals presented by agencies and bodies that provided input in connection with a new Immigration Act, a report on forced marriage and social welfare services, and lessons learned from the implementation of earlier action plans.

#### **5 I E**

##### **The knowledge base**

145. Reference is made to paragraphs 90-97, paragraphs 187-190 and paragraph 364 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. The Ministry of Labour and Social Inclusion is engaged in continuous collaboration with Statistics Norway on statistics relating to immigration, integration and social inclusion of the immigrant population. A project entitled *Innvandrerens vei inn i det norske samfunnet* (Immigrants' Way into Norwegian Society) (Monitor) aims to provide a more coherent overview and understanding of immigrants' entry into Norwegian society by monitoring developments over time.

##### **Living condition surveys**

146. Statistics Norway published two reports on immigrants' living conditions in 2008 entitled *Living Conditions among Immigrants 2005/2006* and *Survey of Living Conditions among Youth of Immigrant Origin*. These surveys provide new knowledge of the immigrant population's living situation and participation in society in several different areas, such as employment, education, leisure, religious life, family life and language skills. They also provide a basis for examining trends in many areas of immigrants' living conditions in an overall context.

147. The 2005/2006 survey of living conditions among immigrants makes it possible to compare immigrants' living conditions in 2006 with their situation ten years ago. The results show that conditions

in a number of spheres are gradually improving as the immigrants' period of residence in Norway increases. Levels of employment and education among immigrants are still lower than among the rest of the population, but are rising in step with their years of residence. The same tendency can be seen with regard to housing conditions.

148. In some areas the immigrant population differs from the rest of the population in ways that are reflected in poorer living conditions. These areas include the working environment, general finances, housing standards, language skills and health. Almost half of the survey respondents have also experienced discrimination in one or more areas of society.

149. With regard to living conditions for the Sami population, reference is made to the common core document, paragraph 261.

### **5 I E no. 1**

#### **The labour market situation for immigrants**

150. In the past few years, the trend on the Norwegian labour market has been favourable with high demand for labour, resulting in an increase in the number of jobs and record-low unemployment. The tight labour market has also benefited immigrants, and from the fourth quarter of 2006 to the fourth quarter of 2007, over 30 000 more immigrants found jobs, according to Statistics Norway.

151. Due to the international financial crisis and the beginning of a recession, the labour market has changed since the second half of 2008. Registered unemployment among immigrants increased from 4.0 per cent in May 2008 to 6.8 per cent in May 2009. In the rest of the population, this rate increased from 1.2 to 2.2 per cent. Unemployment growth was largest for immigrants from the EU countries in Eastern Europe. Men experienced a much stronger growth in the unemployment rate than women, irrespective of immigrant background. This tendency is due to the increased unemployment in male-dominated industries, in particular construction and manufacturing. This fact also explains the strong growth in the unemployment rate among immigrants from the EU countries in Eastern Europe who are strongly represented within these industries.

152. The Statistics Norway report entitled *Riktig yrke etter utdanning* (Right Occupation in terms of Education) explored the degree to which immigrants are overqualified for their jobs. The report indicates that a larger proportion among well educated immigrants seem to hold jobs with lower education level requirements, as compared to the corresponding proportion among employees in total.

#### **Measures to increase immigrant employment rates**

153. Reference is made to paragraph 213 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, and to paragraph 20 of the Committee's concluding observations.

154. In May 2009, 6.8 per cent of immigrants were unemployed. Although the unemployment rate for immigrants in Norway is considerably lower than in most other European countries, it is around three times as high as for the population as a whole.

155. Immigrants are a key target group in labour market policy. A number of immigrants require work-related assistance from the Norwegian Labour and Welfare Service (NAV) in order to find a job. NAV has a broad portfolio of measures that include training programmes, work experience, wage subsidies, follow-up and assessment schemes, etc. As of the second quarter of 2009, immigrants accounted for around 36 per cent of the participants in ordinary labour market programmes, and around 26 per cent of registered unemployed persons.

#### **Second Chance**

156. The Second Chance programme started up in April 2005 and is a trial qualification programme for immigrants who, after several years in Norway, have not established a permanent foothold in the labour market and are long-term recipients of social security benefits. Second Chance, which is patterned on the same model as the introduction programme, is a full-day, year-round programme with a qualification allowance linked to participation.

157. In the first three years, a total of 901 persons took part in the Second Chance programme, of whom 516 were women, in 25 different projects. Of the 453 participants who had completed the programme by the end of 2007, as many as 45.9 per cent found jobs or commenced studies.

#### **Policies and actions directed at improving the recruitment and integration of persons with an immigrant background in the government sector**

158. An important key element of the recruitment policy of the government sector is that all government agencies, when recruiting personnel, are obliged to invite at least one qualified applicants with a non-western immigrant background to an interview. Agencies are also obliged to encourage persons with an immigrant background to apply for vacant positions.

159. According to information gathered by The Ministry of Government Administration and Reform, 94 per cent of all government agencies live up to this obligation. 32 per cent of the persons with a non-western immigrant background who were interviewed were actually hired.

160. Annual reports from Statistics Norway show that there has been a steady increase in the percentage of persons with an immigrant background in the government sector. In 2002, 5.9 per cent of personnel in the government sector had an immigrant background. In fourth quarter 2008, the percentage had risen to 8 per cent, as compared to 11.3 per cent in the private sector and 8 per cent in the municipal and regional sectors. Hospitals and health institutions are included in the government sector in this context.

161. According to Statistics Norway, an important cause for the lower percentage of immigrants in the government sector could be that immigrants have qualifications somewhat less in compliance with demands in the government sector, compared to the rest of the population. Almost 70 per cent of jobs in the government sector are classified as academic or professional. In the private sector 25 per cent of jobs are of this kind.

162. The Ministry of Government Administration and Reform is carrying out a project during 2008-2009 in 12 government agencies to try out the effects of moderate quotas for immigrants with a non-western background. In this context, moderate quotas means that the employer can recruit an applicant with an immigrant background with approximately identical qualifications as the best qualified applicant.

#### **Recruitment to wholly-owned state enterprises**

163. Since 2006, IMDi has been responsible for following up the efforts of 26 wholly-owned state enterprises relating to the recruitment and career development of immigrants. Statistics from Statistics Norway for the fourth quarter of 2007 show that 7.4 per cent of employees in wholly-owned state enterprises were immigrants or persons born in Norway to immigrant parents, compared to 6.2 percent in 2006. Half the enterprises have management staff with human resource (HR) responsibilities who are immigrants or persons born in Norway to immigrant parents. However, the percentage of immigrants and persons born in Norway to immigrant parents who hold management positions in the enterprises is low: 2 per cent of all management staff with HR responsibilities, and only 2 out of 402 top management staff, have a multicultural background. IMDi publishes annual reports based on these enterprises' own reporting of recruitment practice and diversity objectives.

#### **The Diversity Portal**

164. In conjunction with efforts to encourage increased recruitment of immigrants and promote equal opportunities for immigrants' career development, a diversity website [www.mangfoldsportalen.no](http://www.mangfoldsportalen.no) was launched in January 2009. The Diversity Portal is a knowledge portal designed for employers, trade union representatives and training and HR staff in public and private sector enterprises.

#### **Results of the Introduction Programme**

165. On commission for the Ministry of Labour and Social Inclusion, Statistics Norway publishes a monitor for participants in the introduction programme (for information on the introduction programme, reference is made to the description provided in Norway's 17<sup>th</sup>/18<sup>th</sup> report, paragraphs 36-44. 65 per cent

of those who completed the introduction programme in 2006 were employed or engaged in education in November 2007. Ten per cent were registered as unemployed or participants in labour market schemes. Corresponding figures for those who completed the programme in 2005 were 58 and 12 per cent respectively. A total of 8,700 persons took part in the introduction programme in 2008, 53 per cent of whom were women. Most of the participants (nearly 60 per cent) were from Somalia, Afghanistan, Burma, Russia and Iraq.

### **Corporate social responsibility**

166. In its shareholder policy, the State has formulated expectations that companies will take into account considerations relating to equality and diversity in their activities, and that the State as a shareholder will focus on this in connection with its overall monitoring of companies' work on corporate social responsibility. In this connection, reference is made to the following text from Report No. 13 (2006-2007) to the Storting:

*“The Government is committed to Norwegian companies being proactive in terms of the recruitment of people from minorities. A number of companies with State shareholdings have activities in many countries. Companies should therefore also emphasise cultural awareness in their recruitment policies.*

*Companies should participate actively in attitude-changing measures, which ensure that immigrants with non-western backgrounds gain access and opportunities in line with their qualifications.”*

The State as an owner will pay attention to these matters.

### **Social dumping of employees**

167. This type of discrimination often affects illegal residents, but people with residence and work permits may also be victims. The police participate in inspections of various enterprises together with the Labour Inspectorate, municipal agencies and the fire services. This is also regarded as part of the police's work on social inclusion and integration.

## **5 I E no. 2**

### **The right to form and join trade unions**

168. In Norway all workers, i.e. also non-citizens, have full freedom to organise and to form and join trade unions. No categories of workers are by legislation prohibited from forming or joining trade unions, or restricted in doing so. Neither is there any provisions concerning conditions as to registration or otherwise with which employers' or workers' organisations must comply. The Labour Disputes Act of 1927 defines a trade union as any union of workers or workers' unions whose aim is to guard the workers' interests towards their employer.

## **5 I E no. 4**

### **Equality in health services**

169. The health and social services and the State specialist health services are based on the principle of equality, which means that all the country's citizens are entitled to equal services adapted to individual needs, see section 1-1 of the Patients' Rights Act, section 1-1 of the Specialist Health Services Act, section 1, second paragraph of the Health Authorities and Health Trusts Act and section 1-1 of the Social Services Act.

170. In the work of promoting equality in the provision of services the health authorities have been focusing on how to prioritize in a correct way the use of resources. The National council for quality and prioritizing and the published national guidelines for prioritizing are important tools in this matter. One of the measures taken to improve availability of services is the establishment of a guidance centre for the health services in 2009. The centre assists people in finding the right instance to contact in health system. Another example is the National competence unit for the health of minorities (NAKMI), a cross-disciplinary community established under the goal of contributing to a more equal service provision regardless of language, ethnicity or socio-cultural background. Besides research and development efforts the unit participates in dissemination and exchange of knowledge within and across national borders (i.e. Task Force on Migrant Friendly Hospitals (WHO) and Mighealthnet ([www.nakmi.no](http://www.nakmi.no))).

171. The health authorities have a system for identifying any consequences for the Sami that could arise from actions proposed by the state authorities. The responsibility for considering proposed actions at regional and local level in this light is delegated to the regional health authorities, county municipalities, and to the municipalities. The Government followed up the Official Norwegian Report (NOU) 1995: 6 through a plan of action for health and social services with regard to the Sami population in Norway for the period 2002–2005 (“Equality and Diversity”), which was published in September 2001.

#### **Municipal health and care services**

172. In cooperation with the Norwegian Association of Local and Regional Authorities (KS) and professional organisations, the Government has initiated a project entitled *Samarbeid om etisk kompetanseheving* (Cooperation on the enhancement of ethical competence) among the employees of municipal health and care services. The goal of the project is to improve the ethical competence of employees by implementing a training programme that offers basic tuition in ethics to all employees and by establishing meeting places for systematic ethical reflection in day-to-day work.

173. In cooperation with the National Centre for Emergency Primary Health Care in Bergen, the Directorate of Health has been asked to develop a course that includes ethical rules and cultural attitudes for doctors working in emergency clinics.

174. The Directorate of Health has been asked to incorporate the subjects of ethical rules and attitudes relating to multi-cultural diversity into the guidance programme for doctors doing compulsory service in municipalities. The Ministry of Health and Care Services will carry out a review of specialist training for general practitioners to ensure that this topic is adequately covered.

#### **The specialist health service**

175. According to the assignment documents for 2009 issued to the regional health authorities, the goal for the health authorities is to offer equal and qualitatively good health services, regardless of diagnosis, gender, ethnicity, place of residence or personal financial situation, adapted to the life situation of the individual. The Northern Norway Regional Health Authority has started a Sami Competence Centre for training and empowerment for people with chronic diseases.

#### **Work on violence and traumatic stress**

176. The purpose of this effort is to increase knowledge and improve competence in order to improve services for victims of violence and trauma. This applies to traumatised refugees, victims of sexual and physical abuse, and victims of or witnesses to domestic violence. It also includes funding for research and competence development relating to perpetrators of violence and abusers, and to strengthen efforts to prevent suicide.

177. The Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS), was established in 2004 in order to reinforce research, development activities, the dissemination of knowledge and human resource development in the field of violence and traumatic stress. The Centre is engaged in extensive interdisciplinary research and development. It collaborates with regional competence centres working in the field of violence and trauma, and with relevant clinics, research institutions and experts. The Centre does not engage in clinical activities, but it is required to have a practical basis for its activities.

178. The purpose of the Regional Resource Centres on Violence, Traumatic Stress and Suicide Prevention (RVTS) is to contribute towards better, more coherent services by promoting improved competence and improving inter-disciplinary and inter-agency cooperation in the region. The centres are also mandated to assist the practical services (child welfare service, health service, family welfare service, police, etc.) by providing information, guidance and human resource development programmes. They are required to promote the establishment of networks between relevant partners in the region. From this year, centres have been established in all regions.

179. In 2007 the centres were assigned new tasks and allocated resources for efforts to combat female genital mutilation and forced marriage. The work of developing knowledge and competence in the various services to improve the treatment and follow-up of refugees, asylum-seekers and other trauma victims continues.

#### **Health services for the Sami**

180. In order to ensure equal health services for the Sami, the following measures have been or are in the process of being implemented:

- In the assignment document for the regional health authorities, the Ministry requires them to establish interpreting services for patients who need such services.
- The Ministry also requires the regional health authorities to implement measures to improve employees' linguistic and cultural competence with respect to the Sami.
- The regional health authorities must report on these requirements in their annual reports to the Ministry of Health and Care Services. In 2009 all the regional health authorities reported that they have launched measures to meet the Ministry's requirements concerning interpreting services in hospitals for patients who need such services. A cooperation agency on Sami matters has been established between the regional health authorities. The regional health authority in the northern region is planning an interpreting project to, among other things, make a survey of the need for Sami language and the competence that is required, and for increasing awareness about the use of interpreters in the regional authorities.
- A course package for health and social services personnel is currently being prepared at the Sami University College in Finnmark. The package will include subjects such as Sami language and culture, Sami rights, and simple concepts and terms that can facilitate communication between Sami patients and the health service.

#### **5 I E no. 5**

##### **Recognition of foreign education**

181. Reference is made to paragraphs 82-88 in Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. Norway complies with the Lisbon Convention on all matters relating to recognition of higher education. The Norwegian Agency for Quality Assurance in Education (NOKUT) is responsible for issuing *general recognitions* of foreign credentials. That is recognition aimed directly at the labour market. *Academic recognition* of foreign higher education is provided by the higher educational institutions. In 2007, certain amendments were made to the Higher Education Act to simplify the provisions relating to recognition and accreditation of higher education. The Ministry has established an information centre at NOKUT in order to give users better information relating to recognition of academic and professional qualifications.

##### **A national system for assessing non-formal learning**

182. Reference is made to paragraphs 191-194 of Norway's 16<sup>th</sup> periodic report. A project has been initiated to establish a system for documentation and recognition of adults' non-formal learning at upper secondary level. Effective from 14 March 2003, the Education Act has been amended so that adults entitled to upper secondary education are also entitled to have their total (formal and non-formal) qualifications assessed.

##### **Kindergartens**

183. The Act of 17 June 2005 No. 64 relating to kindergartens (the Kindergarten Act) entered into force on 1 January 2006. Section 2, fourth paragraph, of the Act states that "*kindergartens shall take account of children's age, level of functioning, gender, and social, ethnic and cultural background, including the language and culture of Sami children*". This provision is a reminder to be aware of the many variations and differences children represent in an increasingly globalised and multi-ethnic society. The duty to take into account the language and culture of Sami children is particularly emphasised.

184. Furthermore, section 8, third paragraph, of the Kindergarten Act states that: "*The municipality is responsible for ensuring that kindergartens for Sami children in Sami districts are based on Sami language and culture. In other municipalities, steps shall be taken to enable Sami children to secure and develop their language and their culture.*" This increases the municipality's responsibility in

comparison with the 1995 Day Care Institution Act, where the municipality's obligation in respect of Sami children was largely limited to Sami districts.

185. The framework plan of 1 March 2006 elaborates on the content of section 2 of the Kindergarten Act. The kindergarten must be an inclusive community with room for the individual child. The framework plan particularly refers to kindergartens for Sami children. Furthermore, the kindergarten must impart values and culture and provide scope for children's own cultural creativity and help to ensure that all children experience happiness and the ability to cope in a social and cultural community. The kindergarten must reflect and respect the diversity that is represented in the group of children.

#### **Language training**

186. In 2006, 2007, 2008 and 2009 the Government granted NOK 10 million per year for pilot surveys of the language skills of all four-year-olds at public health clinics in the 12 Norwegian municipalities with the largest immigrant population. As of 30 June 2007, over 15,000 children had been surveyed, 3,600 of whom had a multilingual background. Around 10 per cent of Norwegian-speaking children were registered as requiring follow-up action, while this applied to one-third of the multilingual children. The surveys give rise to an obligation to provide children and their parents or guardians with activities tailored to their individual needs. Most of the children are offered various activities in their day-care centre.

187. In 2007 the Government introduced a trial scheme entailing the provision of free day-care during core hours for all four-year-olds and five-year-olds in certain areas of Oslo where there is a high percentage of children who speak a minority language. The purpose of this measure is, through increased day-care centre attendance, to prepare the children for starting school, enhance their general social competence and improve the Norwegian language skills of minority-language children. In 2009 NOK 50 million will be allocated for this scheme.

188. Language skill surveys, free core-hour day care and the Language Promotion strategy constitute a coherent chain of measures aimed at ensuring that children have adequate language skills to cope with the challenge of starting school.

189. Several groups in the areas concerned provide expanded school programmes in order to offer pupils equal opportunities regardless of their parents' financial resources. The object of the programme is to strengthen language tuition, help pupils with homework and provide cultural activities. The programme is free of charge.

#### **Education**

190. Reference is made to paragraphs 258-266 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. The statistics for primary and lower secondary schools register the number of minority language pupils who receive special language tuition. Each school evaluates the need for special tuition in Norwegian. Consequently, minority language pupils who do not need special language tuition are not registered as minority language pupils in the statistics. At present there are no data on individual pupils in primary and lower secondary schools. Special language tuition covers mother tongue tuition, bilingual tuition in specific subjects and special tuition in Norwegian.

#### **The proportion of minority language pupils in primary and lower secondary schools**

191. In autumn 2008, more than 40,000 pupils in primary and lower secondary schools were receiving special language tuition. Approximately 22,000 pupils were receiving mother tongue tuition and/or bilingual tuition. Somali was the language in which the largest number of pupils received mother tongue tuition or bilingual tuition in specific subjects. Urdu, Kurdish, Arabic, Vietnamese, Albanian, Polish and Turkish were also major languages, with between 1,000 and 2,000 pupils receiving mother tongue tuition in each group.

#### **Students of immigrant origin in upper secondary and higher education**

192. In the school year 2008-2009, there were more than 11 per cent immigrant students in 88 upper secondary schools, i.e. 19 per cent of all upper secondary schools. In 2008 nine out of ten 16-18 years old participated in upper secondary education. Among these were 68 per cent immigrants and 83 per cent born in Norway with immigrant parents.

193. Fewer immigrants compared to other students complete upper secondary education. There are, however, more students born in Norway to immigrant parents than immigrant students and more girls than boys who complete upper secondary education. Statistics for 2007 show that both immigrants and persons born in Norway to immigrant parents to a greater degree than all pupils started higher education the same autumn that they had completed upper secondary education. This applied to 27 per cent of immigrants and 46 per cent of persons born in Norway to immigrant parents, compared to 24 per cent of all pupils. The percentage of persons of immigrant origin who embark on university and college education is lowest among first-generation immigrants. In the period from 2001 to 2007 the percentage of immigrants over 16 years of age who have a short higher education as their highest level of completed education declined by 4 percentage points. There was also a slight reduction (1.4 percentage points) in the percentage that have long higher education as their highest completed education level. Corresponding statistics for the population as a whole are an increase of 2.1 percentage points and 1 percentage point respectively.

194. In the same period, the percentage of persons born in Norway to immigrant parents who have a short higher education rose by 1.8 percentage points and the percentage of those who have a long higher education rose by 1.3 percentage points.

195. The tendency so far has also been that more female than male participate in higher education, both among immigrants and among persons born in Norway to immigrant parents. Among immigrants, the percentage of both women and men who have a short or long higher education as their highest education level is declining, while it is rising among the population as a whole. The decline for women is less than for men. Among persons born in Norway to immigrant parents, the percentage who have higher education is rising for both men and women. The increase in the percentage with a long higher education is equivalent to the increase for the population as a whole. The increase for women with a short higher education exceeds the increase for men. The increase is the same for men and women with respect to a long higher education.

196. With respect to drop-out rates and the completion of studies at universities and colleges, university students of immigrant origin are at least as likely to complete their studies as the majority of students. In the case of college students, drop-out rates for students of immigrant origin appear to be slightly higher than the average.

197. More students of immigrant origin choose science and technology subjects than other students, while they seldom choose teacher training. This applies to both boys and girls. Furthermore, relatively few students of immigrant origin apply for courses in social science, the arts or journalism. It is important to remember that so far there are relatively few young people in the relevant age groups who were born in Norway to immigrant parents and it is therefore difficult to draw clear conclusions. The Norwegian Ministry of Education and Research has initiated a number of measures to increase the proportion of pre-school teachers and teachers with a minority background. Bilingual bachelor programs are now offered by nine university colleges.

### **Equal education in practice**

198. In February 2007, the Government issued a revised edition of the strategic plan *Equal Education in Practice! 2007-2009*. The strategic plan is intended to promote a coherent approach to efforts targeting children and young people from minority backgrounds in educational institutions ranging from day care centres to colleges and universities. The plan covers a period of five years (2004-2009), and contains goals for the work of the Ministry of Education and Research and the education sector.

199. The Directorate of Education and Training will in spring 2010 publish a report built on the measures and projects carried out through the plan. Some of the measures in the strategic plan will proceed until 2011.

200. The Norwegian authorities have focused on pupils who come to Norway at a late stage of their schooling. New legislation has strengthened their right to special language tuition including mother tongue and bilingual teaching, as well as the right to up to two years more to complete upper secondary education for immigrant students with the right to special language tuition.

### **Strategies to increase the recruitment of persons of immigrant origin to upper secondary education**

201. Several measures have been implemented to recruit young people to upper secondary education, and to prevent them from dropping out of upper secondary school. A new subject, Education Choices, has been introduced in lower secondary school. The purpose of this subject is to give lower secondary school pupils the opportunity to acquaint themselves with upper secondary school subjects. To ensure that pupils make good choices in upper secondary education, the Ministry is introducing recommended competence criteria for school counsellors. School counselling services have been strengthened by increasing appropriations for county authorities and for career guidance centres in every county. Pupil absenteeism at lower primary school level is to be followed up more closely. Among other things, absences will be shown on school leaving certificates. Unjustified absenteeism from lower primary school can often lead to even more absenteeism from upper secondary school.

### **Strategies to increase the recruitment of persons of immigrant origin to university education**

202. Reference is made to paragraphs 280-291 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. Recruiting students of immigrant origin to a broad range of higher education programmes is a general goal. In partnership with the Norwegian Labour and Welfare Administration (NAV), the Ministry will provide adult immigrants with information on possibilities for pursuing studies, admission to programmes on the basis of the totality of their formal and non-formal expertise, and financing for studies.

203. Several educational institutions carry out recruitment measures that particularly target immigrant communities, and implement internal projects to upgrade the multicultural expertise of their staffs. In certain study programmes places are reserved for applicants of minority origin. Places are also reserved for Sami applicants in several study programmes.

204. The percentage of teachers of minority origin and students of minority origin enrolled in teacher education programmes is still low. The same applies to the percentage of minority-origin employees in teaching institutions. In 2003 a grant scheme was introduced for minority-language teachers who work in schools but do not have formal certification, or who have foreign teacher training credentials and require supplementary training to obtain the necessary formal certification. The grants are used for further education with a view to certification as a general teacher qualified to work in primary and lower secondary schools or certification based on another four-year programme of university or university college studies.

205. Further education in the subject of multicultural understanding is important for all teachers, and a variety of programmes are offered at many institutions of higher education, both as part of the basic studies and as a further education programme. Since 2004, eight university colleges have jointly offered a three-year special subject teacher training programme for bilingual teachers.

### **The committee for equal education for minority language speakers**

206. The Government has appointed an official committee for equal education for minority language speakers in day care centres, primary and lower secondary schools, upper secondary schools and higher education. The committee is tasked with examining educational services for minority language children, young people and adults. The committee is to submit a subsidiary report on day care and primary and lower secondary education in late 2009, and the final report is to be submitted by 1 June 2010.

### **Teaching Finnish in Norwegian schools**

207. According to Section 2-7 of the Education Act, pupils of Kven-Finnish descent attending primary and lower secondary school in Troms and Finnmark have the right to receive tuition in Finnish as a second language when at least three of them require it. Special funding for Finnish language tuition is allocated by the central education authorities. There were 894 pupils attending classes in Finnish as a second language in 2008. These include pupils who are taught the Kven language.

### **Minority language programmes**

#### *Finnish and Sami*

208. The University of Tromsø offers programmes in Finnish and Sami up to doctoral level. Lower degree programmes in Finnish, Kven and Sami are also offered at the four northernmost university colleges.

*Roma and Romani People/Tater*

209. Norwegian Roma face challenges in several areas. The group comprises four to five hundred people and lives mainly in Oslo. In 2009, the Government presented a plan of action to improve the living conditions for the Roma with Norwegian citizenship. The plan was drawn up in cooperation with the Municipality of Oslo and in dialogue with the group.

210. The Municipality of Oslo has been in charge of providing measures tailored to the day care and primary, lower and adult education needs of Roma persons since 1991. The Roma have the same right – and obligation – to participate in education as the rest of the population.

211. Due to a previous lack of education, the illiteracy rate is very high among Roma adults. Consequently, with the support of the Ministry of Labour and Social Inclusion, an adult education project has been initiated under the auspices of the Municipality of Oslo. In addition to adult illiteracy, the aim of the project is to inspire Roma children and young people to pursue more education. The project was designed in cooperation with representatives of the Roma.

212. The *Romanifolket – fra barn til voksen* (the Romani People – from child to adult) project has received funding from the Ministry of Labour and Social Inclusion, the Ministry of Education and Research and the Directorate of Education since 2004. The project, which is run by Queen Maud's College of Early Education, is to be concluded in 2009. The project has focused on providing guidance and training for new teachers, and on increasing of Romani/Tater pupils' knowledge of their own culture.

**Sami in primary, lower secondary and upper secondary education**

213. Sámediggi (The Sami Parliament) issues regulations on curricula for tuition in Sami languages in primary and lower secondary school and in upper secondary education, and on curricula for special Sami subjects in upper secondary education. The regulations must lie within the constraints imposed by the Ministry in terms of scope and resources.

214. The number of pupils who learn Sami languages has declined slightly since the introduction of the Knowledge Promotion Reform. In order to obtain a better basis for making any changes required to ensure that education is more responsive to pupils' needs, the Norwegian Directorate for Education and Training has been tasked with ascertaining to what extent pupils' rights to training in Sami languages are fulfilled, and how pupils assess such training.

215. Sámediggi is responsible for developing and producing Sami teaching resources, and has drawn up a strategic plan for developing such resources. Since Sami teaching materials are hard to obtain, Sami pupils lack a number of the resources prescribed under the Knowledge Promotion Reform (Sami). A group of representatives of Sámediggi, the Directorate for Education and Training and the Ministry of Education and Research, who are assessing the current development and production of Sami teaching resources, will propose amendments with a view to rationalising the development process, and will assess the financial consequences.

**Changes related to Sami higher education**

216. The Ministry of Education and Research has allocated funds to institutions of higher education for post-graduate courses and continuing education. In granting these funds, the Ministry has stipulated that the institutions offering such education in Sami and Kven are to give priority to these courses. The Ministry has initiated measures to recruit students for Sami teacher training courses. NOK 500,000 has been earmarked for this project.

**Results of the system of the right and/or obligation to participate in Norwegian language and social studies tuition**

217. As from 1 September 2005, in accordance with the Introduction Act, the target group for the system of the right and/or obligation to participate in Norwegian language and social studies tuition consists of persons who are granted a residence or work permit that constitutes grounds for a settlement permit (permanent residence). The Introduction Act stipulates that immigrants must complete 300 hours of Norwegian language and social studies tuition over a period not exceeding three years. If necessary,

individual participants who are entitled to tuition may receive up to 2,700 hours in addition to the prescribed 300 hours, and all tuition must be completed within five years.

218. An evaluation carried out by Rambøll Management shows that more participants are sitting for final examinations since the right and/or obligation to participate in Norwegian language training and social studies was introduced. Approximately 7,000 candidates sat for final examinations in 2007 and roughly 6,000 in 2006. Around 90-95 per cent passed the oral test and around 50 per cent the written test in both 2006 and 2007. In 2004, only 3,500 persons sat for the final exams.

#### **5 I E no. 6**

##### **Measures to promote tolerance in sport**

##### **Annual grant program for inclusion and integration in sports clubs and associations**

219. Through this program, sports clubs and associations in urban areas that face special challenges in recruiting children and youth to their activities can be awarded grants. The grants must be spent on measures targeting children (aged 6-12) and youth (aged 13-19) of minority background. Particular emphasis is placed on girls, and an additional focus is placed on children and youths from low-income families. Funds are allocated for the grant program through the main allocation of national lottery funds for sports purposes. NOK 8 million was allocated for the scheme in 2009.

##### **Grants for the construction of sports facilities**

220. In June 2001 the Government presented twelve new measures to combat racism and discrimination. One of these measures was to increase grants, by a special programme, for the construction of sports facilities in certain large towns. The Government's reason for this was related to the sports clubs' and sports facilities' importance for social integration across cultural divides. Large towns had priority because that was where the coverage of sports facilities was poorest. In the 2007-2010 programme the funds are divided between the priority areas: Pressure areas, cost-intensive facilities and equipment. NOK 65 million was allocated for the programme for 2009.

##### **Grants for social inclusion and poverty measures**

221. Social inclusion and poverty measures under the auspices of non-governmental organisations make a contribution towards combating racism and discrimination. The Ministry of Culture and Church Affairs wishes to enable non-governmental organisations to work actively on social inclusion and wants more people to participate in non-governmental organisations. In 2009 NOK 4 million has been allocated for social inclusion and poverty measures. NOK 1 million of this amount has been put at the disposal of the Association of NGOs in Norway to support efforts to promote social inclusion in the traditional Norwegian NGOs and NOK 3 million has been allocated to reinforce general work on social inclusion and poverty in this sector. The purpose of this allocation is to increase the participation of groups that are under-represented in cultural life and organisations.

##### **Media-related measures targeting minorities in Norway**

222. During several years the Government has given increasing weight to the social, cultural, and democratic role of the media for its minority peoples. Pluralism of opinion and cultural diversity of the media are in the interests of a functioning democracy and of freedom of information for all. Pluralism is thus a basic principle of Norwegian media policy.

##### *The Norwegian Broadcasting Corporation (NRK)*

223. According to NRK's statutes, NRK's overall nation-wide radio and television programming must include "daily broadcasts for the Sami population" and "programmes for national and language minorities". NRK "must broadcast content .... that safeguards the interests of minorities and special groups". Sami Radio broadcast a total of 1,702 hours of radio programming in 2008. Sami Radio also broadcasts on DAB. In 2007, Sami Radio produced a total of around 207 hours of television programming (first-time broadcasts), compared to 131 hours in 2003. Cooperation between Sami radio and television broadcasters across national borders has resulted in daily pan-Nordic news broadcasts on both radio and television. In 2008 Sami Radio increased its services on Internet. This covers multimedia news, culture programmes and programmes for children. The services cover both radio and TV programmes. NRK broadcasts weekly programmes for the Kven minority. The programmes, which are in Finnish and are produced by NRK Troms, are broadcast on P2 radio in Troms, Finnmark and parts of

Nordland every Wednesday. NRK broadcasts a weekly TV programme, *Migrapolis*. The programme is primarily produced in Norwegian, but all the programme hosts have a multicultural background and the programme addresses a range of issues relating to life in a multicultural society.

#### *Local broadcasting*

224. In 2007 there were registered 32 radio broadcasting licenses targeting linguistic and ethnic minorities. Local broadcasters produced more than 9 000 hours, in 21 different languages, of radio programmes in 2007, compared to 11 000 hours in 21 languages in 2003.

#### *Press support*

225. In 2008 Sami newspapers received grants totalling NOK 18.8 million, an increase of NOK 5.9 million since Norway's previous report submitted in 2005. In relation to 2000, funding has augmented by roughly NOK 10.8 million. In 2009, the grants will increase by a further NOK 3 million, partly with a view to ensuring daily publication. The funds are to be used to cover production costs. Sami newspapers are defined in this connection as newspapers whose primary target group is the Sami population.

226. A newspaper that targets the Kven population, *Ruijan Kaiku*, received an earmarked grant of NOK 782,000 in 2008, compared with NOK 600,000 in 2003.

227. A total of NOK 1.155 million was allocated to minority-language publications in 2008.

#### *Films*

228. Central government funding for the production of films is primarily administered by the Norwegian Film Fund, in addition to which support is provided by regional film centres and funds. Nordnorsk filmsenter AS received a total of NOK 6.2 million in 2008. The grant consisted of funding for both the centre's operating costs and for the production of short films. The grant is conditional on the production of at least one Sami film. There are plans to establish an international Sami film centre in Kautokeino.

### **5 I E no. 7**

#### **Discrimination in bars, restaurants, clubs, etc.**

229. As a result of its responsibility for training and issuing licences for doormen or "bouncers", the police help to prevent the immigrant population from being exposed to discriminatory behaviour in connection with visits to bars, restaurants, clubs, etc. The police districts are responsible for issuing licences on the basis of standards drawn up by the Oslo Police District. The title of *Godkjent dørvakt* (Licensed Doorman) means that the person has attended a course for security guards approved by the police. The licence must be worn in a visible place. The courses focus on topics such as ethics and discrimination. This helps to prevent discrimination in leisure venues and the restaurant business. The police may decide which venues are required to have a licensed doorman/security guard.

#### **Act relating to restaurants, bars, etc.**

230. The Ministry of Trade and Industry administers the Act of 13 June 1997 No. 55 relating to restaurants, bars, etc., which was amended in 2007. Any person wishing to run a restaurant, bar, etc. is required to have a licence and the licence-holder, general manager or any person who has a significant influence on the enterprise must have demonstrated irreproachable conduct. In connection with the amendment, the conduct requirement was defined more specifically so that the text stipulates directly that such person must not have contravened the "*prohibition against discrimination on the basis of ethnicity, religion, etc.*"

### **5 II A no. 2**

231. Reference is made to paragraphs 122-138.

### **5 II A no. 3**

#### **Survey of discrimination against Sami**

232. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraph 98. In 2006, at the request of the Ministry of Labour and Social Inclusion, the Northern Research Institute Norwegian Institute for

Urban and Regional Research in Finnmark (Norut NIBR Finnmark) carried out a survey of the Sami's own experience of racism and discrimination in Norway. The survey showed that one in four respondents had experienced discrimination because he/she was a Sami. The experience of discrimination was mainly linked to working life, social events and encounters with public authorities. The analysis is based on a quantitative survey in municipalities where at least one per cent of the population is registered in the Sámediggi Electoral Register. The sample consisted of 545 respondents.

#### **5 II A no. 4**

233. Reference is made to the common core document, paragraphs 252-255.

#### **5 II A no. 6**

##### **Gender-related dimensions of racial discrimination**

234. Women may experience discrimination on the basis of their gender. Furthermore, women with a minority background may be discriminated against on the basis of their origin, belief and/or skin colour or for other reasons. When several factors coincide, the discrimination to which minority women are subjected may become particularly serious. We also know that minority women in Norway are subjected to discrimination and oppressive practices within their own minority group.

235. Women with a minority background need to know more about the rules and regulations that apply and to be informed of their rights. Those whose literacy skills are limited, and who are accustomed to having their husband make the necessary decisions and deal with the practical aspects of life in Norway, are a particularly vulnerable group.

236. Employment is of fundamental importance in promoting gender equality, also for women with a minority background. The employment rate among women from countries such as Pakistan, Turkey, Morocco, Iraq, Afghanistan and Somalia is very low. Figures from the fourth quarter of 2007 show, for instance, that 31.4 per cent of Pakistani women (who have lived in Norway for a long time) are employed, compared to 63.5 per cent of Pakistani men. The reasons why a large proportion of women in certain minority groups do not participate in the labour market are numerous and complex. They include Norwegian language skills, education, care-giving responsibilities, attitudes regarding labour force participation and structural barriers. Women encounter structural barriers such as difficult access to relevant education and training, difficulty in obtaining recognition of educational credentials acquired in their home country, a lack of jobs requiring little education, discrimination in the workplace and a lack of incentives to take paid employment on account of good welfare schemes.

237. It is difficult to estimate the extent of the discrimination to which women with a minority background are subjected. Norway has collected data on discrimination experienced by immigrants, cf. the survey conducted by Statistics Norway, "Living Conditions among Immigrants in Norway 2005/2006". The survey shows that close to half the immigrants surveyed have experienced discrimination in one or more areas (Norway Statistics Report 2008/5). The sample consisted of persons who have lived in Norway for at least two years and who come from Bosnia-Herzegovina, Serbia-Montenegro, Turkey, Iraq, Iran, Pakistan, Sri Lanka, Vietnam, Somalia and Chile. The respondents were asked about discrimination in a number of areas such as working life, the housing market, education, health care, bars, restaurants, nightclubs, etc. and denial of goods and services. The respondents in the supplementary sample were also asked questions concerning the police. The analysis shows substantial variations between immigrants with different national backgrounds. Immigrants from Somalia and Iran experience discrimination most often and in the most areas. On the whole, women experience less discrimination than men. This may be due to the fact that women with an immigrant background participate less than men in key social arenas.

#### **What is Norway doing?**

##### **Integration of a gender equality perspective in policy development**

238. Mainstreaming the promotion of a gender equality perspective into all policy areas and at all levels of public administration is an overarching goal in Norway. The Ministry of Children and Equality

is tasked with spurring and coordinating efforts to promote gender equality and combat discrimination on various grounds.

239. The provisions of the Gender Equality Act apply to all women and men. The Government has presented a white paper on men, male roles and gender equality (Report No. 8 (2008-2009) to the Storting) in the aim of engaging men more actively in society's efforts to promote gender equality.

#### **Gender equality for girls and women in immigrant communities**

240. The Ministry of Children and Equality has begun work on identifying ways in which the authorities can help ensure that all girls and women in Norway have the same opportunities. In this work, dialogue with relevant organisations is of great importance.

#### **The Regional Centres for Equality and Diversity**

241. To support regional efforts to promote gender equality, three regional centres for equality and diversity have been established. The centres are mandated with following up local and regional businesses by providing guidance, training and exchanges of experience. They are also to help ensure that local businesses highlight the gender perspective in other situations where discrimination is likely to take place. The regional centres for equality and diversity are to provide information on and promote compliance with the duty to take action and report under the Gender Equality Act, the Anti-Discrimination Act and the Anti-Discrimination and Accessibility Act.

#### **Research project on family life and gender equality among immigrants**

242. A research project on family practices and gender equality in immigrant families was carried out in 2009, based on a questionnaire survey conducted among 1800 persons aged 20 to 55 who have a background from Iran, Iraq, Vietnam, Pakistan and Norway (ethnic Norwegian), and a separate sample of persons born in Norway to Pakistani parents. There was an even balance of men and women in the samples. The survey provides a description of both practices and attitudes, and revealed substantial differences between the groups.

243. The main findings of the survey are that parents play a far more prominent role when young people are to find a partner in certain immigrant groups than is customary among persons with a Norwegian background. More men than women are employed and a significant proportion of the respondents think that mothers should not work outside the home if they have children under the age of four. It is far more common for ethnic Norwegian couples to share responsibility for the family's finances than for immigrant couples. The notion that men and women have the main responsibility for different types of tasks (taking care of children, supporting the family, keeping the home clean) is far more prevalent among immigrant minorities than among the population as a whole. Ethnic Norwegians will find a place in an institution for their parents if they require care, whereas a minority of immigrants will choose to do so. An important finding is that persons born in Norway to Pakistani parents are showing a tendency to adopt the family practices that predominate among the Norwegian population.

### **5 II B-C**

#### **Complaints involving allegations of discrimination on the basis of several factors**

244. In 2008 the Equality and Anti-Discrimination Ombud received 23 complaints containing allegations of discrimination on the basis of several factors. One example is a complaint about a job advertisement from a recruitment firm which included criteria relating to ethnicity, age and gender.

245. In 2008, the Ombud dealt with several cases concerning the use of religious headgear in working life. These cases lie in the borderline area between discrimination on the basis of gender, ethnicity and religion. As far as the Ombud is aware, no Norwegian court has tried the issue of a ban on the use of headgear.

#### **Persons who are particularly exposed to discrimination on the basis of several factors**

246. In addition to the fact that women with a minority background are particularly exposed to discrimination on the basis of several factors (cf. the information provided under Article 5 II A no. 6), there is also reason to believe that persons with a minority background who have disabilities and lesbians and gays with a minority background are subjected to discrimination on the basis of several factors. However, we have no reliable data to enable us to estimate the extent of multiple discrimination.

### **A description of some studies and planned projects and measures**

#### **The living conditions of Sami lesbians and gays**

247. The Institute for Applied Social Science (FAFO) was recently commissioned by the Ministry of Children and Equality to report on the living conditions of lesbians and gays in Sami traditional areas. The study reveals that the group in question faces a number of challenges, related particularly to the silence about homosexuality, strong religious affiliations, identity, ostracisation and social exclusion.

248. The Government attaches importance to strengthening efforts to prevent discrimination of Sami and discrimination in the Sami community. To ensure that the Ombud has a permanent partner in the Sami community who focuses on equality and diversity issues, the Government, in consultation with Sámediggi (the Sami Parliament), has established a position at Gáldu (Resource Centre for the Rights of Indigenous People) which is to address such issues. This is a trial project for three years from 2010.

#### **Research on lesbians, gays, bisexuals and transgender people in the immigrant population**

249. The report from a pilot study on lesbians, gays, bisexuals and transgender people in the immigrant population, which was published by NOVA – Norwegian Social Research in 2003, concludes that lesbian and gay immigrants seem to have a difficult life situation. Gay and lesbian immigrants who are rejected by their families often choose to isolate themselves rather than seek support in the homosexual community as lesbians and gays with a Norwegian background often do in the same situation. This is an empirical study based on the life stories of 15 men and women and data from a representative set of data from the NOVA survey “Young in Norway 2002”.

250. As part of the implementation of the action plan *Better Quality of Life for Lesbians, Gays, Bisexuals and Trans Persons 2009-2014*, the Ministry of Children and Equality will initiate research to gain more knowledge about the life situation of lesbians, gays, bisexuals and transgender people with an immigrant background.

## **Article 6**

### **6 A no. 1**

251. Reference is made to paragraphs 90-92.

### **6 A no. 2**

252. Reference is made to, inter alia, paragraph 95. The act of 7 March 2008 no. 5 on certain changes in the criminal procedure act further sought to strengthen the position of victims in penal proceedings, inter alia by expanding the right to counsel for victims of crimes and improving the duty of the police and prosecuting authority to inform victims during the investigation of the crime.

### **Legal aid**

253. Each year, the Ministry of Justice allocates funds to various special-interest organisations that provide legal aid within their respective fields. In 2008 the Foundation against Public/Official Discrimination (OMOD) and the Norwegian Organisation for Asylum Seekers (NOAS) each received a grant of NOK 300,000. The Indre Finnmark Legal Aid Office (RIF) has been a permanent arrangement since 1997. Minority policy considerations were among the reasons for establishing the office, and visitors may make enquiries in Sami. In 2008, the office received NOK 1.3 million in support.

### **6 A no. 3**

254. Reference is made to the common core document, paragraphs 217-227.

#### **6 A no. 4**

255. Reparation and satisfaction because of racial discrimination can be achieved in different ways. Racial discrimination may constitute a criminal offence, cf. paragraphs 87-89. A victim also has the right to privately press penal charges in cases in which the prosecuting authority decides not to prosecute, cf. the criminal procedure act chapter 16. In civil proceedings, which can also be attached to penal proceedings, a victim may demand compensation for both pecuniary and non-pecuniary damage, cf. inter alia act 13 June 1969 no. 26 relating to compensation in certain circumstances. In civil or administrative proceedings, more specific claims for reparation may also be made, to courts or specific complaint procedure mechanisms and administrative authorities in general. By way of example, a person that claims to be the subject of racial discrimination when being discharged from his work may demand courts to pass a judgment on the validity of the discharge, or demand that the Equality and Discrimination Ombud or the Ombudsman for public administration pronounce itself on the question. In public administrative procedures in general, racial discrimination is not only forbidden, but also considered an ulterior consideration that often will have the consequence that a public decision is null and void. Reference is also made to the common core document, paragraphs 222-227.

#### **The Romani People's/Tater's Cultural Fund**

256. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraph 136. The fund's board was established in October 2007. The board has drawn up the guidelines for allocations from the fund and processes twice a year applications for support from the return on the fund.

#### **The Sami People's Fund**

257. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraph 135. Sámediggi (The Sami Parliament) debated the statutes for the fund in February 2006. The statutes were formalised by Royal Decree on 22 September 2006. In November 2007 Sámediggi passed a resolution to start using the Sami People's Fund. In the resolution it was decided that the fund's board will be a plenary session of Sámediggi and that use of the return on the fund will be determined by Sámediggi in the annual budget resolutions. Sámediggi has adopted priorities and areas of focus for use of the Sami People's Fund for the period 2008-2009. Some of the money will be spent on language development, literature and promotion of traditional knowledge.

#### **Ex gratia payments to Sami, Kven and Romani people/Tater**

258. Reference is made to paragraphs 335-337 and paragraphs 339-341 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. The processing of applications for ex gratia payments for Sami and Kven persons who received an inadequate education currently takes around one year. In principle, the processing period for ex gratia payments for members of the Romani/Tater population is also around one year. If the application also covers matters that must be considered by other bodies, the processing time is 18-20 months. Due to the large number of cases, however, it has been difficult to comply with processing time limits. To remedy this situation, an additional ex gratia payment committee was appointed in spring 2006. A third committee was appointed in March 2008.

#### **6 A no. 5**

259. Reference is made to the common core document, paragraph 187.

#### **6 B**

260. Norway has acknowledged CERD's right to receive communications from individuals, cf. Article 14 (1) of the Convention. Norway has not established a special body with the competence mentioned in Article 14 (2).

### **Article 7**

#### **7 A**

#### **Education and teaching**

261. In the Plan of Action for Human Rights (1999), the Government proposed initiatives to strengthen information, education and training in human rights. This plan was to be implemented within a five-year period. At the end of 2004, the Plan of Action had been fully implemented in the education

sector, including the establishment of a special human rights website under the auspices of the Directorate of Education, measures for continuing education for teachers, and the establishment of a national Human Rights Centre.

262. The Government has provided financial support for the development of an Internet-based, interactive educational tool on human rights and cultural diversity. The target groups are children in primary schools, teachers and parents.

#### **The Holocaust Centre**

263. The Centre for Studies of Holocaust and Religious Minorities in Norway is a centre for research, education and information activities, exhibitions and conferences. The work of the Holocaust Centre is of national and international importance in terms of producing knowledge and encouraging engagement among children and young people. The centre is located in Villa Grande (Vidkun Quisling's home during World War II), and the Government aims to make Villa Grande a dynamic centre for efforts to combat racism, discrimination and human rights violations. In August 2006, Villa Grande opened a permanent exhibition that reflects the latest insights into and knowledge of the Holocaust and the Nazi regime's racist ideology. The Holocaust Centre has an education department that is responsible for arranging visits for schoolchildren, preparing teaching material and offering post-graduate courses for lower secondary and upper secondary schoolteachers. The centre has produced unique teaching material on genocide, the Holocaust and racism, consisting of updated texts on these issues.

#### **The Falstad Memorial and Human Rights Centre**

264. The Falstad Memorial and Human Rights Centre is a centre for education on and documentation of the history of World War II prisoners of war, international humanitarian law and human rights. The centre has also entered into cooperation with the Department of History and Classical Studies at the Norwegian University of Science and Technology (NTNU) on lectures and work placement for students enrolled in the Cultural Heritage programme.

#### **The Centre for Peace Studies**

265. The Centre for Peace Studies was founded on 31 December 2002 as a four-year project under the social science faculty at the University of Tromsø. The Centre will establish a national centre for the coordination of peace and conflict studies, initiate research projects and help to develop educational courses related to this area.

#### **Arkivet**

266. Stiftelsen Arkivet is a centre for history and peace-building. Its activities include lectures, research and a variety of cultural events. Among other things, Arkivet is responsible for Norway's largest annual commemoration of Holocaust Day, which is attended by over 600 pupils. At this event, attention is also focused on contemporary challenges such as racism and inhumanity.

#### **Norsk Fredssenter**

267. Norsk Fredssenter (Norwegian Peace Centre) offers courses and training aimed at promoting peace and human rights work as an alternative or supplement to training at other institutions. Young refugees are a priority target group for Norsk Fredssenter.

#### **The Narvik Peace Foundation**

268. The Narvik Peace Foundation is engaged in documentation, information and contact-building activities based on Narvik's role in World War II history, with particular focus on peace-building, international understanding and international cooperation.

#### **The European Wergeland Centre**

269. Reference is made to the common core document, paragraphs 165-166.

#### **Norwegian national survey of pupils' knowledge of and attitudes regarding racism/Nazism**

270. In 2009 the Department of Teacher Education and School Development (ILS) at the University of Oslo will conduct a survey of ninth-grade pupils' knowledge, skills, ideas and attitudes relating to understanding of democracy. This study is part of the major comparative International Civic and Citizenship Education Study, which is being carried out under the auspices of the International Association of the Evaluation of Educational Achievement (IEA). At the request of the Norwegian

Directorate for Education and Training, this study will be expanded in Norway to include a survey of pupils' knowledge of, and attitudes regarding, racism and Nazism.

### **Holocaust Day and the Benjamin Prize**

271. As part of the Government's Action Plan against Racism and Discrimination (2002-2006), it was decided that the day marking the end of the Holocaust (27 January) is to be commemorated every year, and that on that day the Benjamin Prize is to be awarded to a school that has made an exceptional effort to combat racism and discrimination. The prize was named after 15-year-old Benjamin Hermansen who was killed in a racist, Nazist-motivated assault in Holmlia, Oslo, on 26 January 2001. The Benjamin prize serves to promote further efforts in schools to combat racism and discrimination.

272. In December 2003, Norway became a member of an international organisation called the Task Force for International Cooperation on Holocaust Remembrance, Research and Education. Member countries pledge to communicate knowledge of the Holocaust in order to ensure that nothing like it can ever happen again. Norway fulfils its pledge by ensuring that schools commemorate Holocaust Day and by awarding the Benjamin Prize.

### **Manifesto against Bullying 2006-2008**

273. The first Manifesto against Bullying was signed in September 2002 by the Norwegian Association of Local and Regional Authorities, the Union of Education Norway, the National Parents' Committee for Primary and Lower Secondary Education, the Ombudsman for Children in Norway and the Bondevik Government. The parties to the Manifesto had a single common goal: zero tolerance of bullying. Particular emphasis was placed on the responsibility of adults in day care centres, schools, at home and in recreational settings.

274. This work was continued through the signing of a new manifesto. In August 2006 the Stoltenberg Government, the National Parents' Committee for Primary and Lower Secondary Education, the Norwegian Association of Local and Regional Authorities and the Union of Education Norway undertook to continue their efforts to promote a good physical and psychosocial environment for all children and young people in day care centres, schools, day care programmes for schoolchildren and other organised recreational activities.

275. The parties to the Manifesto will work actively, both jointly and independently, in respect of their defined target groups to ensure that children and young people are not exposed to offensive words or actions such as bullying, violence, *racism*, homophobia, discrimination or exclusion.

### **The Sami Pathfinders project**

276. Reference is made to paragraph 367 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report. The Sami Pathfinders project, which is run by the Sami University College and financed by the Ministry of Labour and Social Inclusion, is aimed at providing non-Sami youth with information on Sami issues and what it is like to be a Sami person in Norway today. Under this project, which started up in 2004, three young Sami receive a grant each year to visit upper secondary schools and organisations around the country to meet young non-Sami persons of their own age. The Pathfinders undergo a training programme at the Sami University College. The project was evaluated in summer 2007. The evaluation paints a positive picture of this endeavour, indicating that the pathfinders' visits have been instructive for teachers and pupils alike. According to the teachers, the pathfinder concept is an effective way of doing away with prejudices and mistaken notions about the Sami and Sami culture. Virtually all the pupils feel that they have benefited and learned from the visits. Since 2008 the project has operated on a permanent basis.

### **Education and religion**

277. Reference is made to paragraphs 201-206 of Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report.

#### *The subject Religion, Philosophies of Life and Ethics*

278. To follow up the views presented by the UN Committee on Human Rights in its recommendation of 3 November 2004 there have been amendments to legislation to the subject Christianity and General Religious and Ethical Education (CREE), changes in the exemption rules and made a new curriculum for this subject. Further amendments have been made in connection with judgement from The European Court of Human Rights (ECHR) of 29 June 2007 regarding the KRL subject. In 2008 section 2-4 of the

Education Act was totally redrafted to dispel any doubt that the subject is in accordance with human rights. The name of the subject has been changed to Religion, Philosophy of Life and Ethics. The new wording of section 2-4 underlines the fact that the subject must be taught in an objective, critical and pluralistic manner to ensure that different religions and philosophies of life are dealt with in a qualitatively equivalent way. Following the communication from the UN Human Rights Committee, the curriculum was totally revised in 2005 in connection with the school reform known as the "Knowledge Promotion Reform". Further changes in the curriculum were made in 2008. It is emphasized that the subject must be taught in an objective, critical, and pluralistic manner.

#### *New object clause for education*

279. A new object clause for education came into effect in January 2009 (section 1-1 of the Education Act). The school's task is no longer to help the home give pupils "a Christian and moral upbringing". In accordance with the new object, education is to be based on "fundamental values in Christian and humanist heritage and traditions, such as respect for human dignity and nature, on intellectual freedom, charity, forgiveness, equality and solidarity, values that also appear in different religions and beliefs and are rooted in human rights". The reference to human rights is particularly important in this connection. The object clause also contains the statement: "All forms of discrimination are to be combated".

#### **Teacher education and the teacher education curriculum**

280. The curricula for all types of teacher education were revised in 2003. The 2003 National Curriculum Regulations for teacher education for day care, primary and lower and upper secondary education establish that, through their practical training, students are to acquire experience of working in a multicultural environment and of adapting teaching to individual needs. They also prescribe that a multicultural, international perspective must be incorporated into every subject in teacher education programmes. This perspective will be strengthened in the new National Curriculum Regulations that will be implemented from 2010 for initial education programmes for primary and lower secondary teachers.

281. As a follow-up of the changes in the curriculum for primary and lower secondary education, the subject Christianity, Religion and Philosophy in teacher education has been revised into a new subject entitled Religion, Philosophy of Life and Ethics.

282. Teacher training in and through the medium of Sami language is offered at the Sami University College, which has a national responsibility for such teacher training. The Ministry of Education has decided to exempt the college from the future national framework for teacher training, and the ministry will thus delegate its authority to the college when it comes to structure and content of the future teacher training. This means that the college will adopt its own framework and curriculum for Sami teacher training, within the framework of national regulations of a general nature. The Ministry of Education is also examining measures aimed at increasing the recruitment of Sami-speaking teachers.

#### **Enhancement of multicultural understanding**

283. In connection with the revision of the National Curriculum Regulations for health and social subjects and the new curricula for teacher education, there is special focus on providing insight into multicultural issues.

#### **7 A no. 5**

##### **Plan to Promote Diversity in the Police Force (2008-2013)**

284. The National Police Directorate presented its plan to promote diversity in the police force in September 2008. The plan was drawn up on the basis of the general personnel policy for the police and *lensman* system. It is the first central strategic plan in the police force that covers the entire concept of diversity. The plan deals with gender equality, ethnic minorities, sexual orientation, senior policy and disability. The purpose of the plan is to focus and systematise efforts to promote diversity in the period up to and including 2013. The police force must be characterised by zero tolerance for racist acts and discriminatory behaviour. Employees must have the necessary fundamental values and knowledge to contribute towards the achievement of this goal.

##### **The Year of Diversity 2008**

285. The Year of Diversity was the theme of the Correctional Services' conference *Faget i fokus i 2008* (Focus on the Profession in 2008).

## **7 B**

### **Culture**

#### **The Year of Cultural Diversity 2008**

286. In Report to the Storting No. 17 (2005-2006) the Government recommended making 2008 the year of cultural diversity. The recommendation was supported by the Storting. The Government wished to combine state, regional and local efforts to promote cultural diversity as an important dimension in cultural policy from 2008 onwards. The goal was to achieve a cultural life that presents different experiences and perspectives through broad, diversified participation at all levels by performers, decision-makers and audiences. In the Year of Cultural Diversity there was emphasis on interaction between different groups in the majority population, the indigenous population, national minorities and the immigrant population.

287. From 2009, grant recipients in the cultural sector are required to report on activities in the Year of Cultural Diversity 2008 and on strategies/plans in order to take into account cultural diversity in their ordinary activities. The Ministry expects cultural diversity to be incorporated into the ordinary activities of grant recipients.

288. The Ministry has initiated a research and development project on the Year of Cultural Diversity. The purpose of the project is to shed light on the planning, implementation and short-term effects of the Year of Cultural Diversity. The project began on 30 April 2008 and is planned to be completed in spring 2010.

#### **The Jewish Museum in Oslo and the Museum for Forest Finn Culture in Norway (NSM)**

289. Reference is made to Norway's 6<sup>th</sup> periodic report to the Human Rights Committee, paragraphs 311-312.

#### **Art in public spaces – KORO**

290. In the past few years, KORO has arranged a number of art projects in government buildings used by Sami institutions. Projects are currently located in the East Sami Museum in Neiden, the Sami Science Centre in Kautokeino and the Åja Sami Centre in Kåfjord. The artistic plans for these projects particularly emphasise the presentation of Sami forms of cultural expression, and involve artists from other countries with a Sami population.

#### **Gáldu– Resource Centre for the Rights of Indigenous People**

291. Reference is made to Norway's 17<sup>th</sup>/18<sup>th</sup> periodic report, paragraph 366.

#### **The International Centre for Reindeer Husbandry**

292. Reference is made to Norway's 6<sup>th</sup> periodic report to the Human Rights Committee, paragraph 290-291.

## **7 B no. 3**

### **The Norwegian Language Council**

293. In 2008 the Norwegian Language Council's annual conference, *Språkdagen* (Language Day), featured the theme "Norwegian for All" and revolved around Norwegian language training in schools. One of the main topics was the importance of ensuring that immigrant groups have the same opportunities to acquire all-round Norwegian language skills as ethnic Norwegians.

### **The Nordic Sami Language Committee**

294. The Nordic Sami Language Committee is a subsidiary body under the Sami Parliamentary Council. The Language Committee's mandate includes conserving and developing the North, Lule and South Sami languages and being in charge of common terminology and standardisation.

### **Sami Languages and the Kven language**

295. With regard to the Plan of Action to strengthen Sami languages, information in Sami languages, the administrative district for Sami languages and the Kven language, reference is made to Norway's 6<sup>th</sup> periodic report to the Human Rights Committee, paragraphs 282-289, 298 and 302-303.

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### **Self-regulation in the media sector**

296. Self-regulation on ethics is common in the Norwegian media sector. In Norway the press, including TV-broadcasters, has its own Code of Ethics. The Code requires the press to *“Always respect a person’s character and identity, privacy, race, nationality and belief”*. Further, it says that *“It is the task of the press to protect individuals and groups against injustices or neglect, committed by public authorities and institutions, private concerns, or others.”*

297. The Ministry of Culture and Church Affairs has set up a yearly Human Rights Prize for journalists.

## **Annexes**

1. Statistics Norway: Norwegian Population Statistics
2. The Anti-Discrimination Act
3. Summary of the recommendation of The Commission charged with proposing comprehensive anti-discrimination legislation
4. The Government’s Plan of Action to Promote Equality and Prevent Ethnic Discrimination (2009-2012)
5. Enclosures regarding Sami policy:
  - a. Procedures for consultations between State Authorities and Sámediggi (the Sami Parliament).
  - b. The Sami Rights Committee II (summary)
  - c. The Finnmark Act
  - d. Draft Nordic Sami Convention
  - e. Norway’s 2008 report on ILO Convention no. 169 concerning indigenous and tribal peoples (the ILO report)
6. The Government’s Action Plan for Combating Female Genital Mutilation
7. Measures to reduce the number of asylum-seekers
8. The Government’s Action Plan against Forced Marriage
9. Norway’s 6<sup>th</sup> periodic report to the Human Rights Committee