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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN NORWAY**

**Third monitoring cycle**

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

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

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

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

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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## **A. Report of the Committee of Experts on the application of the Charter in Norway**

adopted by the Committee of Experts on 1 December 2006 and presented to the Committee of Ministers of the Council of Europe in accordance with Article 16 of the Charter

### **Chapter 1 - Background information**

#### **1.1 Ratification of the Charter by Norway**

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

2. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Norwegian authorities presented their third periodical report to the Secretary General of the Council of Europe in May 2005.

3. In its previous evaluation report on Norway (ECRML (2003) 2), the Committee of Experts outlined particular areas where policy and practice could be further improved. The Committee of Ministers took note of the report submitted by the Committee of Experts and adopted Recommendation RecChL (2003) 2, which was addressed to the Norwegian authorities.

#### **1.2. The work of the Committee of Experts**

4. In the present report, the Committee of Experts will give a general presentation of the situation regarding regional or minority languages in Norway. It will nevertheless focus on the provisions and issues which were singled out in the first and second evaluation reports as raising particular problems as well as the new issues which arose during this third monitoring round. In addition, the Committee of Experts will assess the measures taken by the authorities to improve the situation of regional or minority languages, in the light of its findings and of the Committee of Ministers' Recommendations<sup>2</sup>.

5. After a preliminary examination of the third periodical report of Norway, a questionnaire was drawn up and addressed to the Norwegian authorities. The Committee of Experts organised an "on-the-spot" visit from 19 to 23 June 2006, in Porsanger, Karasjok, Kautokeino, Tromsø and Oslo where the Delegation met with representatives of the Sámi, Kven and Romanes languages, as well as Norwegian public institutions and the Norwegian State authorities responsible for implementing the Charter.

6. In accordance with Article 16 paragraph 2 of the Charter, the Committee of Experts received written comments on the situation of the Kven language from the Norske Kveners Forbund, the NRK Finskending (Finnish radio), Ruijan Kaiku (Kven Newspaper), the Kven Institute and the association Kveenimaa Yhistys. As regards the Sámi language, the Committee of Experts received comments from the University of Tromsø.

7. This evaluation report is based on the information the Committee of Experts was able to obtain through the above-mentioned sources, and on the political and legal situation prevailing at the time of the Committee of Experts' on-the-spot visit to Norway.

8. The Committee of Experts adopted the present report on 1 December 2006.

#### **1.3. Presentation of the regional or minority language situation in Norway: up-date**

9. The languages on the territory of Norway which are protected under the Charter are Sámi, Kven and the two non-territorial languages, Romani and Romanes. The Committee of Experts refers to the relevant

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<sup>1</sup> MIN-LANG (2002) 1 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

<sup>2</sup> The boxes which appeared in the first and second report will be found in the present report as underlined sentences.

paragraphs of the first and second evaluation reports for the general presentation of the situation of these languages in Norway (cf. ECRML (2001)6 paragraphs 7-17 and ECRML (2003)2 paragraphs 9-21)

10. The Sámi consists of four varieties, namely North, South, Lule and Eastern Sámi. The Committee of Experts was informed that Eastern Sámi corresponds to Skolt Sámi and it will be referred to as such in the present report.

11. Since January 2006, the Lule Sámi speaking municipality of Tysfjord has been included in the Sámi administrative district, and the Sámi Act has been revised accordingly. The potential consequences resulting from this inclusion are outlined in more detail in section 1.4 below.

12. The Committee of Experts has been informed that Skolt Sámi, which is spoken in Russia (Kildin Sámi, Ter Sámi and Akkala Sámi on the Kola Peninsula) and Northern Finland (Sevettijärvi, Nellim), is also used by a few individuals in Neiden municipality in Norway. It remains unclear, however, how many speakers of Skolt Sámi exist in Norway and to what degree Skolt Sámi is still a living language in the country.

13. The status of the Kven language, which is mainly used in Troms and Finnmark Counties, has been clarified following the recommendation of the Committee of Ministers of the Council of Europe. It has been recognised as a separate language from Finnish<sup>3</sup>. The Committee of Experts will therefore refer to the Kven language in this report. The Kven language has primarily been a spoken language, and the development of a written form of the language started twenty years ago. The Kven language comprises several varieties: the Kven spoken in Porsanger is the oldest variety (1680/90s), the western variety is spoken in the Troms, Alta, and Western Finnmark, and the Eastern variety is used in East Finnmark (1870). The grammar and the vocabulary are close to the Meänkieli language spoken in Sweden.

14. The information provided on the Romani and Romanes languages is identical to that provided in the previous cycle and the number of speakers of Romanes remains uncertain (cf. paragraphs 12-13 of the first evaluation report ECRML(2001)6) and paragraphs 15-16 of the second evaluation report (ECRML(2003)2).

15. In the absence of official statistics, the Norwegian authorities provide only rough estimates of the numbers of speakers<sup>4</sup>. The Kven speakers seem to be particularly affected by the lack of reliable statistics. According to the Norwegian authorities, the estimated number of users of this language varies from 2 000 to 8 000 depending on the criteria and methods used<sup>5</sup>. However, a recent study carried out in 2004-2005<sup>6</sup> indicates that the number of Kven speakers exceeds 10 000, and the Norske Kveners Forbund/Ruijan Kveeniilitto maintains there are at least 50 000-60 000 Kvens in Norway.

16. The Committee of Experts is aware of the sensitive nature of the question of collecting data on people's linguistic background. Nevertheless, it is important to have more reliable data concerning the number of users of regional or minority languages and their geographic distribution. Indeed, as has also been pointed out by the Advisory Committee of the Framework Convention for the Protection of National Minorities<sup>7</sup>, the lack of reliable figures makes it difficult for international monitoring bodies, including the Committee of Experts, to evaluate to what extent Norway fulfils its international undertakings.

17. This type of work should be conducted in co-operation with the speakers of regional or minority languages and could be based on *ad hoc* studies, special surveys, polls or any other scientifically sound methods to improve the scope and accuracy of the data. The Committee of Experts encourages the Norwegian authorities to initiate such work (cf. for instance the Committee of Experts' 2nd evaluation report on Sweden - ECRML (2006) 4, paragraph 13).

18. The general legal framework governing the use of regional or minority languages has been slightly revised since the last monitoring cycle. The changes have strengthened the protection or promotion of regional or minority languages<sup>8</sup>. The following legal acts have been amended: Section 11 of the Act of 18 May 1990, No. 11, relating to Place Names, Chapter 3 of the Act of 12 June 1987, No. 56 relating to the

<sup>3</sup> Cf. the resolution adopted by the Norwegian government appended to the third periodical report of Norway, MIN-LANG/PR (2005) 3 Appendix.

<sup>4</sup> Norway's third Periodical Report preliminary section item 4 p. 5

<sup>5</sup> *ibid*, p. 6

<sup>6</sup> Rasmussen, Torkild 2004 -2005: Hvor mange kan finsk og kvensk i Nord-Norge? Arina, Nordisk tidsskrift for kvensk forskning, Nummer 1/2004-2005 pp. 48-54.

<sup>7</sup> Opinion on Norway, ACFC/INF/OP/I(2003)003, paragraph 11.

<sup>8</sup> For a comprehensive list of legal acts, cf. ECRML (2001)6 paragraphs 16-17 and ECRML (2003)2 paragraphs 18-19

Sameting and other Sámi legal matters (the Sámi Act) concerning the Sámi language. The Anti-Discrimination Act, which entered into force on 1<sup>st</sup> January 2006, prohibits discrimination based on language among other criteria<sup>9</sup>.

#### **1.4. Particular issues arising from the evaluation of the report**

##### **KVEN**

19. The decision to recognise Kven as a separate language was taken a short time before the Norwegian authorities presented the third periodical report to the Council of Europe. Therefore, the authorities were not in a position to present conclusions from this decision in Norway's third periodical report and measures taken accordingly. The Committee of Experts will nevertheless evaluate the measures taken by the Norwegian authorities in accordance with Part II protection and looks forward to receiving more information from the authorities in the next periodical report on measures taken to develop this language which remains in a precarious situation.

##### **SÁMI**

20. In the instrument of ratification, the Norwegian authorities refer to Sámi as "the Sámi language". The Committee of Experts understands that "the Sámi language" consists of four varieties in Norway. Each variety could be considered to be a language in its own right and with regard to practical measures they are to a large extent treated as such by the authorities. This ambiguous situation seems to be accepted both by the authorities and the representatives of the Sámi speakers. Furthermore, the situation has not been presented as problematic to the Committee of Experts.

21. Against this background, the Committee of Experts will use the term "language" or "Sámi" when Sámi is dealt with in general, or when all varieties are dealt with at the same time. When each variety is dealt with separately, the Committee of Experts will use the terms "North Sámi", "Lule Sámi", "South Sámi" and "Skolt Sámi".

22. The Sámi Act defines the Sámi Administrative District as an area where the concentration of Sámi speakers justifies special measures. This area included from the outset the municipalities of Karasjok, Kautokeino, Nesseby, Porsanger, Tana and Kåfjord. The Committee of Experts has in its previous reports considered the Sámi Administrative District as the area where Part III applies. Since January 2006 Tysfjord municipality has been included in the Sámi Administrative District. As a result, Part III of the Charter would normally be taken as applying to Lule Sámi as well, since there is a significant concentration of Lule Sámi speakers in this municipality. The Committee of Experts looks forward to receiving the authorities' views on the application of Part III undertakings to Lule Sámi.

23. According to the Norwegian authorities, Skolt Sámi cannot be considered as a living language in Norway since it is spoken only by 2-3 elderly people. However, during the on-the-spot visit, the Committee of Experts was informed that Skolt Sámi is traditionally spoken in the municipality of Neiden. In addition, in its previous evaluation round, the Committee of Experts was informed that an education project was envisaged for the teaching of Skolt Sámi (cf. ECRML (2003)2 paragraph 70). The Committee of Experts would welcome more comprehensive information from the authorities in the next periodical report, regarding the traditional and actual presence of Skolt Sámi in Norway, the number of speakers and what, if any, measures are taken or envisaged to safeguard the Skolt Sámi language and culture.

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<sup>9</sup> cf. the follow-up report of the Council of Europe Commissioner for Human Rights on Norway (2001 – 2005) Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)10 paragraph 39.

## Chapter 2 - The Committee of Experts' evaluation in respect of Parts II and III of the Charter

### 2.1. Evaluation in respect of Part II of the Charter

24. Part II of the Charter (Article 7) sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. For Norway, this evaluation will include Sámi, as well as the Kven, Romani and Romanes languages. North Sámi is covered by Part III of the Charter, but will also be covered by Part II outside the Sámi administrative district. Some of the observations concerning North Sámi will be further developed under Chapter 3.2 of the report.

#### Article 7 - Objectives and principles

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

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

25. In the third report, the Norwegian authorities refer to various measures aimed at promoting the regional or minority languages and the cultures they represent. The Committee of Experts acknowledges the efforts made.

#### KVEN

26. The Committee of Experts commends the authorities for having recognised the Kven language as a separate language. It is pleased to note that the authorities consulted representatives of the speakers in this process. The Committee of Experts encourages the authorities to pursue and strengthen the dialogue with the speakers, now that Kven is recognised as a separate language<sup>10</sup>.

#### ROMANI AND ROMANES

27. The Committee of Experts reiterates that Romani and Romanes exist as an expression of cultural wealth (cf. ECRML (2003)2 paragraph 43) and considers that public authorities have demonstrated their willingness to support both Romani and Romanes and the culture they reflect, in cooperation with the representatives of the speakers (cf. Norway third periodical report pp 15-17).

28. However, no specific legislative measures have been adopted for ensuring the promotion and protection of Romani and Romanes. The Committee of Experts feels that there is room for improvement (cf. ECRML (2003) 2 paragraph 42) and looks forward to receiving more information in the next periodical report.

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

29. With respect to North Sámi, the Committee of Experts welcomes the setting up of the Inner Finnmark Court as a step to facilitate the use of Sámi before judicial authorities, in accordance with the Recommendation of the Committee of Ministers. This Court encompasses five of the seven municipalities within the Sámi language administrative district – Karasjok, Kautokeino, Nesseby, Porsanger and Tana.

30. In the second evaluation round, the Committee of Experts raised the issue of the exclusion of the application of the Sámi Act to South, Lule and (possibly) Skolt Sámi, according to the existing definition of the Sámi administrative district (cf. ECRML (2003)2 paragraph 46). The Norwegian authorities reported that since January 2006 the municipality of Tysfjord, where there is a large concentration of Lule Sámi speakers, has been included in the Sámi administrative district. The Committee of Experts is pleased to note that the

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<sup>10</sup> In the resolution adopted by the Norwegian government - MIN-LANG/PR (2005) 3 Addendum 1 - the report concludes, *inter alia*, that the social and linguistic circumstances specific to the Kven minority justify the identification of Kven as a separate language, rather than a dialect of the Finnish language. Structural linguistic differences between Kven and Finnish weigh in favour of considering Kven as a language in its own right. Another decisive criterion is, according to the report, that the Kvens themselves see Kven as a separate language.

amendment to the Sámi Act on the provisions relating to linguistic matters<sup>11</sup> simplifies the procedure of extending the Sámi administrative district to new municipalities.

31. The inclusion of Tysfjord will entail funding from the authorities to protect and develop the language and will enhance the possibility for Lule Sámi to be spoken in the public sphere. However, the Committee of Experts remains especially concerned about South Sámi, which is in need of special protection owing to its precarious situation. The Norwegian authorities informed the Committee of Experts that the municipality of Snåsa in the South Sámi area has also requested to be included in the Sámi administrative district (cf. Norway's third periodical report p. 11). The Committee of Experts hopes that the Norwegian authorities will look carefully into this situation, with a view to improving the protection and promotion of South Sámi.

32. During the on-the-spot visit, some concern was expressed as to the potential negative financial consequences that the extension of the Sámi administrative district could have for the existing level of funding in the municipalities currently within the administrative district. The Committee of Experts encourages the authorities to make sure that the extension of the administrative area is followed up by appropriate additional funding, enabling the new municipalities to bear the costs of bilingualism.

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

#### **KVEN**

33. The Committee of Experts recognised, in its previous evaluation round, that the Norwegian authorities were taking certain steps to provide funding for the Kven language. The Committee of Experts was informed of support given to a Kven/Finnish newspaper and courses in Kven offered at the University of Tromsø (cf. ECRML (2003) 2 paragraph 58). In the field of culture, support was given to the Kven Cultural Centre. In the third periodical report, the authorities provided information about the decision to recognise Kven as a separate language (cf. in particular paragraph 24 of Norway's third periodical report). This recognition forms the basis for concrete resolute action to protect and promote Kven.

34. According to the Committee of Experts, resolute action to promote regional or minority languages in order to safeguard them covers, among other things, the following aspects: the creation of a legal framework for the promotion of regional or minority languages, the establishment of bodies which are responsible for the promotion of these languages, and the provision of adequate financial resources (cf. the second report on Germany ECRML (2006) 1 paragraph 24 and the second report on Sweden, ECRML (2006) 4, paragraph 28).

35. During the on-the-spot visit, the Committee of Experts was informed that despite the official recognition of Kven as a separate language, the situation on the ground has not changed and the language is still in a very precarious situation. Resolute action is indeed needed since Kven is mainly a spoken language and only a few hundred speakers can read it.

36. The government recently adopted a resolution (cf. MIN-LANG/PR (2005) 3 Addendum 1) in which it recognised the necessity to set up a linguistic infrastructure for Kven, including the standardisation of the language, the development of a grammar, dictionaries, textbooks and teaching materials. This reflects, to some extent, the Action Plan drafted by the Norske Kveners Forbund -Association of Kven speakers (NRK/RK) (cf. ECRML (2003)2 paragraph 59).

37. The Committee of Experts is pleased to note that the authorities are partly funding a Conference on the standardisation of Kven to be held in Tromsø on 30-31 October 2006. The Committee of Experts encourages the authorities to provide information on the concrete follow-up of this Conference in the next periodical report.

38. Several Kven speakers underlined the need to set up a body which would work towards the development of the language. Such a language board or language council could be located in the Kven Institute, with the task of standardising a written form of the Kven language, which consists of different spoken varieties. The Norwegian authorities informed the Committee of Experts that specific funds have been allocated to the setting up of this body. According to the information available to the Committee of Experts, the budget is indeed available for the language council. However, funds seem to be lacking for

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<sup>11</sup> Ot.prp.nr 38 (2004-2005) Om lov om endring i lov 12 juni 1987 nr 56 om Sametinget og andre Sámiske rettsforhold.



research on the Kven language. The Committee of Experts therefore encourages the authorities to provide adequate funding to be devoted to the development of the language, and in particular to research.

39. The counties of Troms and Finnmark cover a vast area. Therefore, the Committee of Experts encourages the authorities to reflect upon the feasibility of developing language centres in districts outside the municipality of Porsanger, where other varieties of the Kven language are spoken. The Committee of Experts looks forward to receiving more information in the next report.

40. Finally, regarding budgetary issues, the Norwegian authorities recognise that the positive action initiated by the increase of funds granted to the Kven Institute of Borselv (from 1.6 million NOK to about 3.3 million NOK, i.e. approx. 196,700 EUR to 405,600 EUR) should be strengthened<sup>12</sup>. The Committee of Experts is pleased to know that the government is considering financial instruments for promoting the development of the Kven language, as part of the preparation of the annual State budget, and looks forward to receiving more information on that key issue in the next periodical report.

***The Committee of Experts encourages the authorities to increase their efforts to follow up their recognition of the Kven language, in particular by working on its standardisation, by supporting thorough research on the language, and by establishing bodies responsible for the promotion of the language.***

## SÁMI

### *Lule and South Sámi*

41. In its last report, the Committee of Experts encouraged the Norwegian authorities to take immediate measures to reinforce the position of South and Lule Sámi. The Norwegian authorities have provided the Committee of Experts with a comprehensive presentation of the situation of these varieties of the Sámi language in Norway (cf. Norway's third periodical report pp. 11-14)<sup>13</sup>.

42. In the third periodical report, the authorities pointed out that Lule Sámi is currently losing ground to the majority language despite the teaching of the language in nursery schools and schools. There are few social contexts where Lule Sámi is spoken, and it is not often heard even in Sámi school playgrounds. The Lule Sámi area is also vulnerable to centralisation. Isolated Sámi rural districts have been more or less depopulated and have partly adopted Norwegian as their main language. A decade ago, the number of Lule Sámi speakers was considerably higher. Naturally, this trend has a detrimental effect on the future prospects of Lule Sámi.

43. The Norwegian authorities have taken a very important step forward in the promotion and protection of Lule Sámi, by including Tysfjord in the Sámi administrative district. Given that the inclusion was made very recently, it is not possible for the Committee of Experts to evaluate the measures taken by the authorities and it looks forward to receiving more information in the next evaluation round.

44. The Committee of Experts is pleased to note that the Norwegian authorities have supported the Arran Lule Sámi Centre, which covers activities relating to education (including distance learning), research, a museum, some departments of the Sámi Parliament, a public library and the Sámi Radio. It further encourages the authorities and the Sámi Parliament to fund projects relating to language education and the development of teaching materials.

45. In its previous evaluation report, the Committee of Experts underlined that South Sámi was in a very precarious situation and might well become extinct if no positive measures were taken. The Committee of Experts therefore encouraged the Norwegian authorities to implement the remaining measures envisaged in the Language Plan drafted by the Sámi Parliament for South Sámi (cf. ECRML (2003)2 paragraphs 51 and 52)

46. The Committee of Experts has been informed that Snåsa municipality has also requested to be included in the Sámi administrative area (Norway's third periodical report p. 11). Such an inclusion would

<sup>12</sup> cf. the resolution adopted by the Norwegian government - MIN-LANG/PR (2005) 3 Appendix.

<sup>13</sup> For a description of these two languages and their geographical distribution cf. ECRML (2003)2 paragraphs 49-52 on South Sámi and 53-55 on Lule Sámi

improve the basis for the protection and promotion of South Sámi. The Committee of Experts therefore encourages the authorities to look favourably at this proposal.

47. Despite the positive development mentioned above, the situation of both Lule and South Sámi remains extremely difficult. The Sámi Parliament has pointed out that South and Lule Sámi are facing challenges, especially in education. There is a need for resolute efforts to be made in many areas, such as the shortage of teachers, the lack of knowledge of the language, research, media, literature, development and production of teaching and learning material (cf. Norway's third periodical report p.13). The Committee of Experts shares the concerns raised by the Sámi Parliament.

#### *Skolt Sámi*

48. Regarding Skolt Sámi, the Committee of Experts would welcome more comprehensive information in the next periodical report. (cf. paragraph 21 above, and also ECRML (2003)2 paragraph 56).

### **ROMANI AND ROMANES**

49. In the previous evaluation report, the Committee of Experts encouraged the Norwegian authorities to consult with the representatives of the users of the Romani and Romanes languages, in order to establish whether the users of these languages wanted special protection and/or promotion (cf. ECRML (2003)2 paragraph 60).

50. The Committee of Experts is pleased to note that the Norwegian authorities have pursued the co-operation with the users of these languages, notably in the field of culture. In addition, public authorities have formally recognised the need for resolute action in support of the Romani and Romanes languages in meetings with representatives of these communities.

51. The Norwegian authorities report that efforts have been made to develop these languages, for instance by initiating different projects supported by the Arts Council and the Ministry of Local Government and Regional Development.

52. However, despite those positive measures, the authorities confirmed during the on-the-spot visit that they have still unsolved challenges in dealing with the speakers of Romani and Romanes.

***The Committee of Experts encourages the authorities to intensify their efforts to protect and promote Romani and Romanes, in co-operation with the speakers, especially in the field of education.***

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

### **KVEN**

53. The Norwegian authorities have provided the representatives of the Kven language with funding for various cultural activities and media (cf. ECRML (2003)2 paragraph 63). The Committee of Experts considers that the logical consequence of the new status of the Kven language is for the authorities to take urgent measures to strengthen the use of Kven in public life.

54. As regards literature, a first novel in Kven has been published with financial support from the Culture Council. Representatives from the Culture Council informed the Committee of Experts during the on-the-spot visit that further books most probably would be published with such support in the near future. The authorities are aware of the need for improvement and the Arts Council of Norway informed the Committee of Experts that bigger projects could be supported in the future. The Committee of Experts considers this as a positive step and encourages the authorities to further enhance their support for Kven literature, through general and/or specific funding mechanisms.

55. Concerning the media, the regional branch office of the Norwegian Broadcasting Corporation in Tromsø transmits a weekly 12-minute radio broadcast for the Kven community. However, during the on-the-spot visit, the Committee of Experts was informed that the programme is broadcast almost exclusively in

standard Finnish and at a time when few speakers have the possibility to listen to it. In addition, the programme is too short and does not meet the needs of different Kven audiences, for instance children or youth. The Committee of Experts is especially concerned that broadcasting in the Kven language is quite limited.

56. The authorities have informed the Committee of Experts that presently no extension of the length of the programme and no separate broadcast in the Kven language are foreseen. On the other hand, the Minister of Culture and Church Affairs issued new regulations for the Norwegian Broadcasting Corporation (NRK) in June 2004, according to which “the NRK in its core activity shall produce programmes of interest to a majority of the population and also attend to the interests of minority groups and other specific interest groups”. The regulations also include more specific programme requirements, stating that the national service of the NRK shall offer a wide range of programmes in radio and television, including “Programmes for national and linguistic minority groups”. The authorities informed the Committee of Experts that discussions will be held between NRK and representatives of the speakers since the Kven language has been recognised as a separate language. The Committee of Experts encourages the authorities to make sure that these regulations are implemented in practice, in co-operation with the Kven speakers.

57. In the view of the Committee of Experts, there is an urgent need for radio programmes in Kven, in particular for children and young people who are currently learning the language at school.

***The Committee of Experts urges the authorities to take appropriate measures to facilitate and encourage radio broadcasting in the Kven language.***

58. According to the information made available to the Committee of Experts, the authorities have increased the funds for the Ruijan Kaiku publication. Nevertheless, the situation of Ruijan Kaiku has not changed since the last monitoring round in particular concerning the frequency of the publication (only 10 times a year), and the limited use of Kven in the publication.

59. In general, the Committee of Experts is concerned about the low presence of Kven in the media, and the lack of training of journalists with a knowledge of Kven. The Committee of Experts encourages the authorities to take measures to promote a more frequent and regular Kven publication with a significant presence of the Kven language in it.

60. The new information technology has opened possibilities for new flexible and cheap ways of communicating compared to traditional media. Chat rooms and electronic newspapers on the internet and texting on mobile phones are examples of this. These new communication channels are in particular used by young people. They are also much used by young speakers of regional or minority languages because of their flexibility, informality and economical use, but also because it is in many cases difficult to use regional or minority languages in the traditional media for a number of reasons.

61. The active use of regional or minority languages in the new media environment is important for sustaining these languages and it may contribute positively to the use of regional or minority languages in private and public life. This is also the case for the Kven language. The Committee of Experts encourages the authorities, in co-operation with the speakers, to explore ways and means to stimulate the use of Kven in the new media, and to provide the Committee of Experts with information concerning this in the next periodical report.

62. Regarding Kven place names, two issues have been brought to the attention of the Committee of Experts. There seems to be no specific funding of the extra costs for municipalities who would like to use Kven on public signs, and since there is not yet a written standard in Kven, Finnish orthography is used for place names. The authorities informed the Committee of Experts that the newly amended Act on place names provides a better protection for Kven place names. The government is presently drafting by-laws to the amended act. The Committee of Experts hopes that the new legislation will also contribute to a satisfactory solution of the problems listed above, and looks forward to receiving more information concerning this in the next periodical report.

## **SÁMI**

63. The Norwegian authorities have facilitated and encouraged the use of North Sámi in speech and writing, in both public and private life (cf. under Part III).

64. The Norwegian authorities informed the Committee of Experts that Lule Sámi is in general not used in public life. The inclusion of Tysfjord municipality in the Sámi administrative district might reverse this trend since the authorities will grant special funds to ensure the public use of this language (cf. paragraph 43).

65. As regards the media, regular radio programmes have been broadcast twice a week since 1996. During the on-the-spot visit, the Committee of Experts was informed that the radio programmes in Lule Sámi had been moved to one of the national public radio channels, which means that Lule Sámi is now available to people throughout Norway. The NRK Sámi Radio, the Sámi Parliament and the Bodø Regional University have established regional services at Tysfjord. Furthermore, a strategy plan for 2007-2012 has been drawn up with a view to achieving daily news programmes in Lule and South Sámi on radio<sup>14</sup>. The Committee of Experts looks forward to receiving more information on the concrete results of the strategy plan in the next periodical report.

66. The Norwegian authorities give financial support to regular contributions in Lule Sámi in the local newspaper, the “NordSalten”.

## ROMANI AND ROMANES

67. The Committee of Experts is pleased to note that the authorities have taken measures to support Romani and Romanes (cf. under Article 7 a).

68. There are no media policy measures directed specifically towards Romani and Romanes. Speakers of Romani and Romanes have access to the same support measures as other minority groups, and in particular to the support schemes of the Norwegian Media Authority for local radios and newspapers in minority languages. However, the Committee of Experts has not been informed about any support given with a view to promoting Romani and Romanes in the media.

69. The use of Romani and Romanes in public life is hampered by the reluctance to use them outside the private sphere and the limited opportunities to do so. The Committee of Experts encourages the authorities to take further measures to promote the use of Romanes and Romani in public life, in co-operation with the speakers<sup>15</sup>. It looks forward to receiving more information and precise figures on their use in the public sphere in the next periodical report.

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

70. The Committee of Experts stressed in its previous reports, as did the Committee of Ministers, the benefit for speakers of different regional or minority languages of having a forum where they can dialogue and create constructive links (cf. ECRML (2003)2 paragraph 68).

71. The authorities informed the Committee of Experts that since 2003 the Ministry of local government and regional development has convened annual meetings with national minority groups and relevant governmental bodies to pass on information, and as a forum for dialogue to find good solutions for questions regarding national minorities, including matters pertaining to minority languages<sup>16</sup>. The setting up of the Contact Forum was intended to gather representatives of national minorities' organisations and not of regional or minority language groups as such. The authorities hold separate meetings with representatives of the different languages to address questions such as cultural buildings, museums, etc., but no common forum has been created (cf. ECRML (2003)2 paragraph 68).

72. The Committee of Experts recalls that in other countries speakers representing regional or minority languages seem to have benefited from established fora for dialogue and co-operation, and that via such

<sup>14</sup> Today, the total amount is 24 hours for each language per year.

<sup>15</sup> cf. Second Opinion of the Advisory Committee of the Framework Convention on the protection of national minorities on Norway adopted on 5 October 2006 (ACFC/OP/II(2006)006), in particular paragraphs 66, 102 and 141.

<sup>16</sup> cf. also the follow-up report of the Council of Europe Commissioner for Human Rights on Norway (2001 – 2005) CommDH (2006)10, paragraph 46

common fora constructive links have been created. The Committee of Experts encourages the authorities to establish a forum for dialogue and co-operation with representatives of all the regional or minority languages.

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

## **KVEN**

73. The Education Act provides for tuition in Finnish as a second language, when so requested by at least three pupils of Kven/Finnish descent attending primary or lower secondary schools in the counties of Troms and Finnmark. Since 1997 plans for teaching have included the Kven language under the heading of Finnish. The Education Act was amended in 1999 recognising tuition in Finnish as a statutory right, and setting up a special funding arrangement by the National School authorities for education in Finnish. The Committee of Experts is pleased to note that the number of pupils attending Finnish classes increased from 45 pupils in 1994 to more than 1 100 pupils in 2004.

74. During the on-the-spot visit, the authorities informed the Committee of Experts that special funds are allocated for the development of the Kven language in addition to those allocated for the development of teaching and training materials in Finnish. Furthermore, since 2005 grants have been allocated to develop the Kven language as a school subject in the county of Finnmark, including the development of teaching and training materials. The National School authorities foresee that the Kven language will be gradually strengthened as it is developed as a school subject.

75. The Ministry of Education and Research holds the view that both the structural linguistic differences and the cultural and social circumstances specific to Finnish and Kven can receive adequate attention in current education practice. A comprehensive reform of compulsory education, which includes the development of a new curriculum for all subjects in primary and secondary education as part of the “Knowledge Promotion Effort” will come into force shortly. The Directorate for Primary and Secondary Education has the responsibility of ensuring that Kven is adequately mentioned in the new curriculum for Finnish as a second language.

76. According to the representatives of the Kven speakers, the Kven language does not receive adequate attention in current education practice. They consider that the Education Act should be revised, explicitly mentioning Kven as a separate language, and that a separate curriculum should be developed. According to the information made available to the Committee of Experts at the time of the on-the-spot visit, the speakers had not been consulted or associated with the current work carried out by the authorities on the new curriculum.

77. The scheme is not yet operational and the Committee of Experts encourages the authorities to enhance the dialogue with the speakers. It looks forward to receiving more information in the next periodical report on the measures taken regarding tuition in the Kven language in education, in particular at primary and secondary level.

***The Committee of Experts encourages the authorities to develop a separate curriculum for Kven in co-operation with the speakers.***

78. The Committee of Experts refers to its comment under article 7 c and the resolute measures that the authorities need to take given the difficult situation of the Kven language in education, especially the lack of teaching materials and the shortage of teachers. To the Committee of Experts' knowledge, the lack of funding is an important hindrance to positive progress of Kven teaching.

79. At pre-school level, the government has so far not granted specific support to kindergartens where the Kven language is used. The Committee of Experts has been informed that in some cases, it is expensive for the parents to send their children to kindergartens run by private institutions and not municipalities.

80. Pursuant to section 2 of the new Kindergarten Act, “kindergartens shall take account of children’s age, level of functioning, gender, and social, ethnic and cultural background”. The new national framework plan for schools which covers all languages emphasises the kindergartens’ responsibility to take into account all children’s linguistic and cultural backgrounds and give children support according to their background and needs. As a consequence, Kindergartens with Kven children will have to take the Kven language and cultural

background into account and make the minority culture visible in the kindergarten. All the children in the kindergarten should be acquainted with both the Kven culture and the majority culture.

81. However, the authorities confirmed that compared to the Sámi language the situation is more awkward for other minority languages, and there are no statistics on the number of Kven children attending kindergarten in Norway. There seems to be a need to set up and develop Kven nursery schools, as well as language nests. According to the information made available to the Committee of Experts, the kindergarten in Børselv where the Kven language would be used has been closed down due to lack of funds. The Committee of Experts encourages the authorities to take stronger measures to develop opportunities for children to have the language taught at pre-school level, in line with the new legal framework.

***The Committee of Experts encourages the authorities to take measures to improve the situation of the Kven language at all appropriate stages of education.***

## **SÁMI**

82. The situation of North Sámi will be further considered in the evaluation carried out under Part III of the Charter. As regards the teaching of Lule and South Sámi, the Committee of Experts refers to the general presentation made in its previous evaluation report (ECRML (2003)2 paragraph 70).

83. According to the authorities, the *Lule Sámi* area has seen a cultural and academic growth since 1994, when the official Arran – Lule Sámi Centre was established. Lule Sámi is currently offered in pre-schools, schools and university colleges, with an increase in pupils/students at all levels. In addition, since 1999 Arran Distance Education offers a distance learning service in Lule Sámi as a second language, extending from primary school level to college level in other parts of the country.

84. As regards pre-school education, the Committee of Experts was informed that nursery schools have closed for financial reasons (in Musken for instance, despite its very encouraging results).

85. As regards primary and secondary education, in parallel with the distance learning facilities provided by the Arran Centre, there are Sámi language classes as a first or second language both at primary and secondary level in the municipalities of Tysfjord and Hamarøy. The Committee of Experts is pleased to note that the number of pupils receiving tuition in Lule Sámi at primary school level has increased considerably, particularly as Lule Sámi has been taught as a first language for many years. The classes are provided by private institutions but the authorities expressed the hope that the municipalities will take over this responsibility.

86. The Committee of Experts is pleased to note that special funding and support will be granted for pre-school education, as a consequence of the inclusion of Tysfjord municipality in the Sámi administrative district. The Committee of Experts looks forward to receiving more information in the next evaluation round.

87. As regards pre-school education in South Sámi, the Committee of Experts is pleased to note the initiative taken by the authorities to foster Sámi bilingualism in areas where the Sámi language has a particularly weak position. Regarding pre-school education, Sámi nursery schools have been supported by the Sámi Parliament in the south Sámi area. The Ministry of Education and Research and the Sámi Parliament are ready to discuss the need for more permanent actions directed towards pre-schools in the South Sámi district in connection with the implementation of a new competence plan for the sector. The Committee of Experts welcomes such an initiative and looks forward to receiving more information in the next periodical report.

88. Concerning primary and secondary education, there are two Sámi schools within the South Sámi area in Hattfjelldal and in Snåsa. In addition, the “South Sámi tuition in local schools” project was carried out until 2004. In 2005/2006 the Elgå Youth Centre will start tuition in South Sámi. Two secondary schools will offer tuition in South Sámi as a second language and courses in South Sámi will also be offered in other schools, even outside the South Sámi area.

89. The teaching of South Sámi is mainly provided by distance education. A working Group on South Sámi education recommended establishing a distance learning service in the Sámi language in addition to or in place of the two existing boarding schools in the South Sámi area. In January 2005, the trial period was transformed into a permanent service. The authorities agreed that there is room for improvement and have

set up a working group within the Directorate of Education. The Committee of Experts looks forward to receiving more information in the next round.

90. However, despite the measures taken and the efforts made, the Committee is concerned about the assessment made by the Sámi Parliament which concluded that South and Lule Sámi are facing challenges that are particularly linked to schooling and the educational field (cf. paragraph 47 above), and is particularly concerned about the shortage of teachers and the lack of teaching materials.

***The Committee of Experts encourages the authorities to strengthen their efforts in improving education in Lule and South Sámi, in particular concerning the training of teachers and the production of teaching materials.***

## **ROMANI AND ROMANES**

91. According to the information available to the Committee of Experts, there is no general support scheme for the teaching and study of Romani and Romanes, but the Committee of Experts is pleased to note that the Norwegian authorities have taken a set of measures to improve the situation of Roma children's education at pre-school, primary and secondary level. In Oslo, on-going efforts are being made to improve links between the school authorities and the Roma population at primary and lower secondary level. So far, these efforts have had positive effects, and the municipality of Oslo, in co-operation with the National School authorities, is seeking solutions to facilitate the school situation for Roma pupils. Furthermore, two university colleges in Trondheim have for some years been administering a project to find means of facilitating the situation for Romani speakers in pre-schools, primary and lower secondary schools.

92. In addition, a Working Group set up by the Romani organisations requested the Queen Maud's College of Early Childhood Education and Care to carry out a survey on the specific requirements of Romani children in nursery schools and in primary schools, and develop a programme of measures and actions to meet these requirements. Since 2004 the Norwegian authorities have granted funding to support this programme, which shall continue for three more years. The Committee of Experts looks forward to receiving more information on the outcome of this programme and the measures taken to implement the recommendations on pre-schools and primary schools.

93. The Committee of Experts was informed by the Ombudsman that in many cases the situation has not improved and that the Roma children still suffer from the education system which is not adapted to the travellers' way of life. The Committee of Experts recalls the statement of the European Commission against Racism and Intolerance<sup>17</sup> according to which "only a minority of the members of the Romani community are itinerant or partially itinerant and that the itineraries are reported to be generally well established. This should make the organisation of education for children of itinerant families less difficult". Therefore, the Committee of Experts encourages the Norwegian authorities to intensify their efforts to support the Romani language and to provide children of itinerant families with regular education. The Committee of Experts encourages the authorities to pursue their efforts in co-operation with the speakers to develop alternative ways and appropriate forms of teaching for Roma children, long distance training, or scholarships for potential trainers to be trained in Norway or abroad, and to produce adequate teaching materials (cf. also the report of the Committee of Experts on Sweden, ECRML (2006) 4 paragraph 56).

94. There is a clear lack of teachers with sufficient knowledge of Romani and/or Romanes. According to the information received, Romani is not offered as a subject in schools anywhere in Norway.

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

95. There are language learning facilities for non-speakers of Sámi wishing to learn the language.

96. The Committee of Experts has been informed that Kven courses are offered at the University of Tromsø and that the offer is open to non-native speakers. According to the information received, the number of students attending the classes is growing (ECRML (2003)2 paragraph 74).

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<sup>17</sup> ECRI Third report on Norway adopted in June 2003, CRI (2004)3, paragraphs 61 and 63

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

## **KVEN**

97. According to the authorities, it is possible to study and research the Kven language in the Finnish department at the University of Tromsø (cf. ECRML (2001)6 paragraph 47 and ECRML (2003)2 paragraph 77). The Kven classes provided by the University of Tromsø are becoming very popular, which shows that there is a strong interest in learning the language. However, the lack of funds has made it difficult to offer the teaching of Kven at the University on a permanent basis. According to the information received, the Committee of Experts believes that there is potential to develop research but that this is hampered by the lack of funds. The Association of Kven Speakers and other interlocutors underlined that the lack of funding has a negative impact on the recruitment of qualified applicants since only time-limited research projects are offered. The Research Council of Norway confirmed that there is no specific research programme on the Kven language.

***The Committee of Experts encourages the authorities to find ways to promote research projects to develop the Kven language and to support the study of it at university level on a permanent basis.***

## **SÁMI**

98. The study and research of North Sámi at university level will be dealt with under Part III. Some measures have also been undertaken to promote study and/or research in South and Lule Sámi. The Committee of Experts would welcome more information concerning the study and research of South and Lule Sámi in the next periodical report.

## **ROMANI AND ROMANES**

99. In its previous evaluation report, the Committee of Experts noted that no facilities existed for the study of and research in the Romani and Romanes languages.

100. The Committee of Experts is pleased to note that several programmes, mainly on culture, are supported by the Norwegian authorities in co-operation with the speakers (the Research Council of Norway is running a three-year research programme concerning the Romani language and its linguistic origins, the University of Trondheim has developed a research programme on Romani culture). The Committee of Experts encourages the authorities to continue its support for those positive initiatives.

101. During the on-the-spot visit, the Research Council of Norway informed the Committee of Experts that several projects have been initiated to develop the Romani language but that these initiatives have not been successful so far. The Committee of Experts has been informed that there is a clear lack of qualified persons to carry out research in that field. Therefore, it encourages the authorities to find alternative solutions to overcome this unsatisfactory situation.

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

102. The authorities informed the Committee of Experts about a collaboration programme along the Finnish-Norwegian border which includes the development of trilingualism between Finnish, Norwegian and Sámi. The Committee of Experts looks forward to receiving more details on the outcomes of this project in the next evaluation round.

## **KVEN**

103. The Committee of Experts is not aware of any active promotion of exchanges between users of Kven in Norway and users of similar languages in other countries. The Committee of Experts was informed during



the on-the-spot visit that transfrontier co-operation results from private initiatives of speakers, schools or universities (for instance the University of Tromsø has developed contacts with universities in Russia and Finland). The Kven Institute has a project to develop the transnational use of the language with Meänkieli in Sweden but has no specific means for this project.

104. The Committee of Experts encourages the Norwegian authorities to look into the possibility of actively promoting transnational exchanges for Kven.

## **SÁMI**

105. There are good contacts between speakers of Lule and South Sámi in Norway and Sweden since the communities are situated on both sides of the border. During the on-the-spot visit, representatives of the speakers insisted on the importance of promoting these languages within the established co-operation between the Nordic Countries since the languages are in a difficult situation in both countries (cf. ECRML (2003)2 paragraphs 153 and 155 under Article 14).

106. The Committee of Experts encourages the Norwegian authorities to support and enhance transfrontier activities within the Nordic co-operation structures for all Sámi languages.

## **ROMANI AND ROMANES**

107. The authorities support contacts with speakers of Romani in Sweden, other Nordic countries and other parts of Europe. Romani users have received support from the Norwegian authorities to attend international conferences. Romanes speakers have received support for organising international music festivals in Oslo.

### ***“Paragraph 2***

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

108. The Committee of Experts has not been made aware of any problems relating to this undertaking and refers to its previous evaluation report (cf. ECRML (2003)2 paragraph 81).

### ***“Paragraph 3***

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

109. In its previous report, the Committee of Experts stated that the Norwegian curriculum includes respect, understanding and tolerance in relation to minority languages among its educational objectives. The National Education Curriculum includes references to Romani, Romanes, Skogfinns, and Kven (cf. ECRML (2003)2 paragraph 82). During the on-the-spot visit, the Association of Kven Speakers informed the Committee of Experts that attitudes towards the Kven language have improved, both among the Kvens and in mainstream society.

110. The authorities have also informed the Committee of Experts that they are supporting a pilot project where young Sámi persons visit secondary schools throughout the country to raise awareness of Sámi culture and identity among the other pupils. This project is successful and has had a positive impact. The Committee of Experts encourages the authorities to pursue this pilot project on a longer term, and to consider extending it to other regional or minority languages.

111. The Committee of Experts underlines the importance of this provision and commends the authorities for the measures taken with regard to Sámi and Kven, but underlines the importance of strengthening their efforts and taking measures with regard to Romani and Romanes.

**“Paragraph 4**

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

112. The authorities have submitted to the Sámi Parliament and other regional or minority language groups the second report of the Committee of Experts as well as the Norwegian authorities' comments on the recommendations of the Committee of Ministers and observations of the Committee of Experts. All documents were made available on the government's website. In addition, the authorities consulted Associations and bodies during the preparation of the third Periodical report, in particular during the annual meeting of the last Contact Forum (cf. paragraph 71 above).

113. The Committee of Experts is pleased to note that representatives of speakers are consulted on a regular basis. However, during the on-the-spot visit, the Association of Kven Speakers pointed out to the Committee of Experts that the authorities could have a more pro-active approach towards the speakers' needs and follow their advice in the context of the development of the language. The Committee of Experts hopes that the recognition of Kven as a separate language will have a positive impact on the dialogue between the authorities and the representatives of the Kven language, and that meetings between the authorities and the speakers will be organised on a regular basis.

**“Paragraph 5**

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

114. In the case of Norway, Romanes and Romani are considered non-territorial languages. In evaluating their situation under paragraphs 1 to 4 of Article 7, the Committee of Experts kept in mind that those principles should be applied *mutatis mutandis*.

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

115. The Committee of Experts has examined in more detail to what extent the existing protection of the Sámi language complies with the protection mechanism afforded by Part III of the Charter. The Sámi Act defines areas where the situation for Sámi justifies special measures. The municipalities of Karasjok, Kautokeino, Nesseby, Porsanger, Tana and Kåfjord were defined as part of the Sámi administrative district. Since January 2006 the municipality of Tysfjord, where Lule Sámi is spoken, has been included.

116. The Committee of Experts observes that the extension of the Sámi district could imply that Part III of the Charter also applies to Lule Sámi. The Committee of Experts encourages the authorities to clarify this issue in the next periodical report. Awaiting this clarification, the Committee of Experts has decided not to deal with Lule Sámi under Part III.

117. During the on-the-spot visit, the Committee of Experts was informed that the authorities have requested the Nordic Sámi Institute to evaluate the Sámi Act after 10 years of implementation. The Committee of Experts looks forward to receiving information on the outcome of this evaluation.

118. In this section, the Committee of Experts will focus on problematic areas in the protection and promotion of North Sámi. It will therefore not assess the implementation of provisions which were fulfilled in the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

- Article 8 Paragraph 1 b iv
- Article 8 Paragraph 1 d iv
- Article 8 Paragraph 1 f ii
- Article 8 Paragraph 1 g
- Article 8 Paragraph 1 i
- Article 8 Paragraph 1 h
- Article 9 Paragraph 1d
- Article 9 Paragraph 2
- Article 10 Paragraph 1 a iii
- Article 10 Paragraph 1 c
- Article 10 Paragraph 3 b
- Article 11 Paragraph 1 a iii
- Article 11 Paragraph 1 b i
- Article 11 Paragraph 1 c ii
- Article 11 Paragraph 1 e i
- Article 11 Paragraph 1 f ii
- Article 11 Paragraph 1 g
- Article 11 Paragraph 2
- Article 12 Paragraph 2
- Article 12 Paragraph 3)
- Article 13 Paragraph 2 e
- Article 14 a and b

119. For these provisions, the Committee of Experts refers to the conclusions reached in its first and second reports but reserves the right to evaluate the situation again at a later stage.

120. Finally the paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by Norway.

## Article 8 - Education

121. The Committee of Experts is pleased to note that the Norwegian authorities have increased the allocated funds to strengthen the economic possibilities at local level to provide teaching in/of Sámi and to develop teacher training (37 million NOK in 2004 and 47 million NOK in 2006, i.e. 4,549 000 EUR and 5,778 000 EUR).

### **“Paragraph 1**

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

### **Pre-school Education**

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

122. The Committee of Experts considered this undertaking fulfilled in the first and second monitoring cycles (cf. ECRML (2001)6 paragraph 58 and ECRML (2003)2 paragraph 90).

123. To improve pre-school education in Sámi, the Sámi Parliament co-operates closely with the central authorities to identify and provide solutions to difficulties connected with the organisation of this type of education. It has been pointed out by the authorities that, at municipal level, providing pre-school education is difficult, particularly in relation to recruiting and training personnel in the pre-school sphere (cf. ECRML (2003)2 paragraph 90).

124. During the on-the-spot visit, the Ministry of Education and Research informed the Committee of Experts that a plan for the upgrading of skills in pre-school, including education, research, development and information, will be implemented (2006-2008). The Committee of Experts commends the authorities for their efforts to identify means of tackling this outstanding issue. Furthermore, the Committee of Experts is pleased to note that the authorities have adopted a series of measures to strengthen their co-operation with the Sámi Parliament, notably by setting up a Coordination Council at the ministerial level. This Council will organise a national conference in 2007 on Sámi children and youth in co-operation with the Sámi Parliament.

125. In addition, a new Kindergarten Act entered into force in January 2006 ensuring that the content of kindergarten activities takes into consideration children’s age, level of functioning, gender, social, ethnic and cultural background, including language, (cf. paragraph 80 above). The authorities have adopted a new national framework plan for schools to implement this new legislation, and increase the financial support for the development of Sámi language and culture in kindergartens.

126. The Committee of Experts considers that the undertaking is fulfilled. It looks forward to receiving more information in the next periodical report on the implementation of the new Act, and on the plan for the upgrading of skills in pre-schools, including the measures taken to strengthen the co-operation with the Sámi Parliament in this field.

### **Secondary Education**

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

127. In its previous report, the Committee of Experts considered the undertaking was fulfilled but believed that there was still room for improvement as not all pupils have easy access to education in Sámi (cf. ECRML (2003)2 paragraph 94). During the last evaluation round, the Sámi Language Board pointed out that

no upper secondary schools outside Karasjok and Kautokeino provided for Sámi medium education and made suggestions for improving the accessibility of this type of education to the pupils and raising awareness among parents.

128. In the third periodical report, the authorities informed the Committee of Experts that all upper secondary schools in the county of Finnmark and some schools in the county of Troms and Nordland offer Sámi as a separate subject. In addition, the Committee of Experts has been informed of an on-going discussion on a new syllabus in Sámi at upper-secondary level. The Committee of Experts expresses the hope that an agreement will be reached between the Sámi Parliament and the Norwegian authorities, and looks forward to receiving more information on this issue in the next evaluation round.

129. The Committee of Experts considers the undertaking fulfilled.

### **University and Higher Education**

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

130. In its previous monitoring cycles, the Committee of Experts considered that the undertaking was fulfilled (cf. ECRML (2001)6 paragraph 62 and ECRML (2003)2 paragraph 98).

131. In 2004, the Ministry of Local Government and Regional Development granted 1 million NOK (app. 123 000 EUR) for Sámi research programmes with the purpose of encouraging the use of Sámi as the principle language medium in Sámi research.

132. The University of Tromsø has developed strategies to promote the education and the research in Sámi, with special funds supporting students (in 2006, there are students at masters and PhD level). The teaching of Sámi is a popular module which is open to everybody, adults as well as students. The introductory Sámi language courses for non-native speakers have been successful.

133. The Committee of Experts considers the undertaking fulfilled.

#### **“Paragraph 2**

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

134. In its previous reports, the Committee of Experts considered the undertaking fulfilled (cf. ECRML (2001)6 paragraph 67 and ECRML (2003)2 paragraph 103). However, the Sámi Parliament underlined the great challenges regarding primary and secondary education, particularly in relation to the lack of qualified teachers able to offer proper education in Sámi, and the lack of teaching materials.

135. The authorities report that measures have been taken, such as distance learning education and boarding schools in Tromsø. During the on-the-spot visit, the Sámi Parliament informed the Committee of Experts that regarding pre-school education the main difficulty both in Oslo and Tromsø was the high costs. The Committee of Experts therefore believes that there is room for improvement and urges the authorities to find ways to improve the situation and provide information concerning this in the next periodical report.

136. The Committee of Experts considers that this undertaking is fulfilled and looks forward to seeing further improvement in the forthcoming years.

## Article 9 - Judicial authorities

### **“Paragraph 1**

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

#### **a in criminal proceedings:**

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

#### **“b in civil proceedings:**

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

137. In the second evaluation round, the Committee of Experts recognised the efforts made by the Norwegian authorities and the Sámi Parliament to improve access to the use of Sámi in courts and considered the undertaking formally fulfilled (cf. ECRML (2003)2 paragraphs 105-111). Indeed, despite the solid legal framework, the Committee of Experts noted a certain difficulty in the application of the laws, given the practical difficulties and the reluctance by the speakers themselves to use Sámi in courts.

138. Since January 2004, the first bilingual Inner Finnmark District Court has been operating in Tana, with staff who are fluent in Sámi. The Court encompasses five of the seven municipalities of the Sámi district. The Committee of Experts commends the authorities for this very positive initiative. During the on-the-spot visit, the Committee of Experts was informed that the setting up of the Sámi court has had a positive impact on the use of Sámi in court proceedings, and that the percentage of cases where Sámi is used has increased considerably.

139. However, the Committee of Experts notices that, in its daily operation, the staff of the Court are confronted with the lack of Sámi legal terminology (cf. also ECRML (2003)2 paragraph 110 and 113). The Committee of Experts is aware that establishing a consistent and stable legal terminology is a long process, due to the traditional absence of Sámi in the courts. The Ministry of Justice has taken some steps to develop Sámi legal language in co-operation with the Sámi University College, the Nordic Sámi Institute and the legal profession. The Committee of Experts praises in particular the Norwegian authorities and the municipality of Tana for their project on the development of Sámi juridical terminology in criminal law and civil procedure law in North, Lule and South Sámi. This work is available on the internet ([www.risten.no](http://www.risten.no)).

140. In addition, it is crucial to develop a good knowledge of the Sámi legal terminology, especially the written form, for staff and law professionals in general. The Committee of Experts was informed that funds were allocated for the training of judges in Sámi terminology in 1991, but were never used. The development of Sámi legal terminology mentioned above should provide an improved basis for new training courses, which should also improve the use of Sámi in courts on a more general basis. The Committee of Experts therefore encourages the authorities to renew their efforts to train judges, prosecutors and other relevant actors in Sámi legal terminology and the use of Sámi in courts in general. For this purpose the University of

Tromsø should consider offering courses in legal Sámi. Increasing the recruitment of Sámi lawyers, judges or prosecutors could also contribute to overcoming the difficulties of using Sámi in courts. According to the information available to the Committee of Experts, it is estimated that there are 20 to 30 Sámi lawyers in Tromsø who are able to write in Sámi.

141. Finally, the Committee of Experts was informed that the Sámi Parliament will soon evaluate the work done by the Inner Finnmark District Court, within its annual report. The Committee of Experts looks forward to receiving information on this evaluation in the next periodical report.

142. The Committee of Experts considers these undertakings fulfilled.

***“Paragraph 3***

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

143. In its previous evaluation reports, the Committee of Experts considered this undertaking fulfilled (cf. ECRML (2001)6 paragraph 72, ECRML (2003)2 paragraph 116).

144. Since the last monitoring round, the following statutes and regulations are in the process of being or have been translated into the Sámi language:

- relevant statutes and regulations in the field of Aquaculture;
- The Act on Patients Rights including two principal regulations;
- the Public Administration Act and the Act relating to Public Access to Documents in the Public Administration.

145. The Committee of Experts commends the Norwegian authorities for the attention they have paid to making acts available in North Sámi. Nevertheless, there seems to be a need to harmonise the translation of the laws and increase the accessibility of the translated texts. During the on-the-spot visit, the authorities confirmed that each Ministry is responsible for translating their acts and as a result the terminology could differ. The current translation system can therefore lead to inconsistencies in the vocabulary. The ministries are trying to address the issue of translation and, in particular, to extend the project on legal terminology. Recently a consulting firm in Tana has accepted to work on this project, and when completed, further training of translators and interpreters will be organised. The Committee of Experts looks forward to seeing further improvement in the next evaluation round

146. The Committee of Experts considers the undertaking fulfilled.

***Article 10 - Administrative authorities and public services***

147. In the second cycle, the Committee of Experts underlined the importance for the national authorities to support the municipalities to keep a bilingual policy (cf. ECRML (2003)2 paragraph 118). The Committee of Experts is pleased to note that the Norwegian authorities have allocated an additional 12 million NOK (i.e. app. 1 475 000 EUR) for municipal bilingual administration costs.

148. In addition, the Committee of Experts was informed that the authorities will evaluate Chapter 3 of the Sámi Act in the course of 2006, and could consider the proposal made by the Sámi Language Board to set up a body which would monitor the use of Sámi in public institutions (cf. ECRML (2003)2 paragraph 119). The Committee of Experts looks forward to receiving information on the steps taken in that respect in the forthcoming periodical report.

***“Paragraph 1***

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

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

149. In its previous report, the Committee of Experts considered the undertaking fulfilled, though there were practical difficulties in providing translations of various widely used texts and forms (cf. ECRML (2003)2 paragraph 121).

150. The Norwegian authorities report that since 2004 measures have been taken mainly in the health and social service sector and have led to an increase in the number of documents translated into Sámi. In addition, the Directorate for Health and Social Affairs is providing financial support to an assessment carried out by the Sámi Parliament on ways to implement an efficient general Sámi information service for this sector.

151. During the on-the-spot visit, the Committee of Experts was informed that the availability of administrative texts in Sámi could be improved, particularly the government texts which are translated into North Sámi. The Committee of Experts looks forward to receiving further information concerning this field in the next periodical report.

152. The Committee of Experts considers the undertaking fulfilled.

### **“Paragraph 2**

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

- a the use of regional or minority languages within the framework of the regional or local authority;***
- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;***
- c the publication by regional authorities of their official documents also in the relevant regional or minority languages;***
- d the publication by local authorities of their official documents also in the relevant regional or minority languages;***
- e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***
- f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***
- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.”***

153. The Committee of Experts considered in its last evaluation report that these undertakings were fulfilled (cf. ECRML (2003)2 paragraphs 123-125).

154. (a-b) The Committee of Experts has received no information on the percentage of Sámi speaking employees in the local authorities allowing it to assess if there is still room for improvement. It looks forward to receiving more information in the next evaluation round.

155. (c-d) Within the Sámi administrative district, the situation concerning local and regional publications in Sámi seems to be satisfactory. During the on-the-spot visit, the Sámi Parliament confirmed that no cases or complaints were brought to its attention regarding official documents not being available in Sámi.

156. (e-f) The practice of the local assemblies varies. In some assemblies Sámi is used regularly (bilingual meetings in the municipalities of Nesseby, Karasjok, Tana and mainly Sámi used in Kautokeino), and in others only Norwegian is used. This would seem to be the case in Kåfjord, Porsanger and in the regional assembly of Troms. These municipalities should be encouraged to take steps to increase the use of Sámi. The Committee of Experts was informed, during the on-the-spot visit, of an incident in the local assembly of Tysfjord, where it reportedly was not possible to use Sámi due to the lack of translation. The Committee of Experts looks forward to seeing further improvement, notably with the inclusion of Tysfjord in the Sámi administrative district.

157. (g) Since 2003, the government has endorsed the bilingual and trilingual names of local and regional authorities, namely the County of Finnmark (January 2003), the municipality of Porsanger (January 2004), and since January 2005 the municipalities of Tana, Kåfjord, Kautokeino, Karasjok and Nesseby. The



Committee of Experts has been informed that a similar application for bilingual names has been sent by the County Council of Troms to the government. The Committee of Experts looks forward to receiving more information on the decision taken.

158. The authorities informed the Committee of Experts that the Place Names Act has been amended. The new legislation provides better protection for Sámi place names. The government is presently drafting regulations to the amended act. The Committee of Experts would welcome more information concerning this in the next periodical report. Contrary to problems raised in connection with the public register (see paragraphs 167-168 below) the Committee of Experts was informed that Sámi place names are spelled correctly, both in maps and on road signs.

159. The Committee of Experts considers this undertaking fulfilled.

***“Paragraph 4***

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

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

160. The Committee of Experts stressed, in the two previous evaluation reports, that the undertaking was formally fulfilled given the lack of professional interpreters (cf. ECRML (2003)2 paragraphs 127-128), and encouraged the Norwegian authorities to strengthen their efforts to provide professional interpreters, and to co-operate with the University of Tromsø and the Sámi University College in Kautokeino to train professionals in this field.

161. According to information received, the Sámi College has offered a basic training programme for Sámi interpreters. Despite the lack of interested students, the authorities have maintained the funding to ensure that the facilities still exist. The Committee of Experts is aware of the efforts made by the authorities and supports the work being done. However, since the training of Sámi interpreters remains unsatisfactory, there is an evident need for the authorities to intensify their efforts in order to improve the situation.

162. The Committee of Experts is aware of the fact that interpretation and translation are used for administrative tasks and in public services. However, there seems to be a lack of professional interpreters, and as pointed out above, there is practically no recruitment of professional interpreters. Consequently, there is still a need for a professional training programme for interpreters.

163. The Committee of Experts considers that the undertaking is formally fulfilled but the authorities should take additional measures to attract students to training programmes for professional interpreters.

***“Paragraph 5***

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

164. In its previous evaluation report, the Committee of Experts did not consider this undertaking fulfilled and encouraged the Norwegian authorities to solve the practical difficulty in order to ensure that the registers accept Sámi names in their original form (cf. ECRML (2003)2 paragraphs 129-130).

165. The Committee of Experts recognises the efforts of the Norwegian authorities to solve this issue, notably by enhancing co-operation between the relevant Ministries and the Sámi Parliament, and setting up a joint pool of experts in the Sámi language and information technology to support public administrations.

166. The Committee of Experts is pleased to note that since the last evaluation report, progress has been made and in 2004 Sámi diacritics were fully integrated into the operation systems of ordinary computers (Apple and Microsoft). Consequently many public institutions are able to use the correct spelling of Sámi personal names.

167. However, the 7 Sámi characters with diacritics are still not available in the computer software used by some public institutions, notably the social security administration and the civil register. To overcome this problem these public institutions need to upgrade their technology and replace the current coding

administrative page. The Committee of Experts is especially concerned that the national population registers, which consist of personal names, are still not able to spell Sámi names correctly.

168. The Committee of Experts looks forward to seeing improvement in the situation, in particular through the implementation of the new Act relating to Personal Names, which has been amended to counteract the “Norwegianization” of Sámi names (cf. Norway's third periodical report p. 26 on the remaining challenges of the entry of Sámi family surnames in the national population registers).

169. Until this difficulty has been resolved, the Committee of Experts maintains its previous proposals, and considers the undertaking not fulfilled.

***The Committee of Experts urges the Norwegian authorities to ensure that the national population registers and other public institutions accept Sámi names in their original form.***

## **Article 12 - Cultural activities and facilities**

### **“Paragraph 1**

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

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

170. In its previous monitoring cycles, the Committee of Experts considered these undertakings fulfilled (cf. cf. ECRML (2001)6 paragraph 91 and ECRML (2003)2 paragraph 145).

171. The Committee of Experts commends the authorities for the continued support and promotion of cultural activities and facilities (for a comprehensive description on literature, museum, archive, library, sport, etc. cf. Norway third periodical report pp. 29-31).

172. (h) With regard to the development of terminology in Sámi, the Committee of Experts is aware of the Sámi Parliament' efforts, in co-operation with the Nordic Sámi Council, to develop Sámi terminology in areas such as economy, environment and place names. The Committee of Experts is also pleased to note that in 2004, an important project was carried out by the Ministry of Culture and Church Affairs, the Ministry of Education and Research, the Ministry of Local Government and Regional Development and the Sámi Parliament for the development of a Sámi computer correction programme. The technology of spell-checking and division of words is expected to become an important tool in developing the Sámi language.

173. The Committee of Experts considers the undertaking fulfilled.

**Article 13 - Economic and social life**

**“Paragraph 2**

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

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

174. The Committee of Experts considered, in the previous evaluation report, that this undertaking was only partially fulfilled and encouraged the Norwegian authorities to intensify their efforts to provide staff having a command of Sámi (cf. ECRML (2003)2 paragraphs 148-151). Indeed, the legal framework exists but its implementation depends very much on the staff of the institution in question.

175. In the third periodical report, the authorities informed the Committee of Experts that Sámi translation services and health personnel with a good working knowledge of Sámi are to some extent available at the University Hospital in Tromsø and in other hospitals. In addition, the Norwegian authorities underline that several municipalities are in the process of improving their staff's knowledge of Sámi language and culture, especially in so far as concerns personnel working in nursing homes and home care services. The training carried out in Karasjok and Kåfjord is probably among the most comprehensive. In Porsanger, the medical staff are taking classes of Sámi off duty in the Language Centre (writing, reading and speaking), and this experience has been successful. During the on-the-spot visit, the Committee of Experts was informed that the education offered by the Medical Education Centre includes some teaching of Sámi history, culture and traditional medicine. The Committee of Experts regards this as a positive and important element in medical training and is of the opinion that it should be strengthened and also introduced elsewhere into medical education.

176. During the on-the-spot visit, the Committee of Experts was informed that two persons were providing translation in the Sámi department of the University Hospital in Tromsø and that the situation in social care institutions and hospitals is generally still not satisfactory in relation to staff with a command of Sámi. For example, the Committee of Experts was informed that elderly Sámi patients going to the hospital in Kirkenes bring their relatives in order to communicate with the staff.

177. The Committee of Experts acknowledges the necessity of having interpretation services where the health personnel do not speak Sámi. However, priority should be given to training health personnel in Sámi, thus making it possible for Sámi speakers to communicate directly with the relevant medical staff.

178. Nevertheless, there is still a clear shortage of doctors speaking Sámi. The Committee of Experts was informed that the Health Care Centre in Karasjok has done a survey to evaluate the satisfaction with the health care system provided at the local level. The survey shows that in Karasjok and Kautokeino the patients are not satisfied because health personnel lack knowledge of both Sámi language and culture, and reports frequent misunderstandings between the physician and the patient because of language difficulties.

179. The Committee of Experts believes that measures could be taken, in particular the inclusion of more teaching hours of Sámi in the education and in-service training of health personnel in the Sámi administrative district.

180. Therefore, the Committee of Experts considers that the undertaking is still partially fulfilled.

***The Committee of Experts urges the authorities to ensure that social care facilities offer in practice the possibility for patients to communicate in Sámi with health personnel.***

## Chapter 3 – Conclusions

### 3.1 – Conclusion on the way the Norwegian authorities implemented the recommendation of the Committee of Ministers

#### Recommendation No.1:

*“Continue to improve the dialogue and cooperation with representatives of the various regional or minority languages”*

181. The third periodical report of Norway states that the authorities convene regular meetings with national minority groups and relevant governmental bodies to inform the representatives of national minorities and exchange views on issues of common interest. The last meeting took place on 16 December 2004 on ‘language and culture’, and the Committee of Experts has not been informed of any meetings of this nature since then. In addition, separate bilateral meetings on cultural aspects are organised on a regular basis and the authorities hold meetings every six months with the Sámi Parliament on Sámi matters.

#### Recommendation No.2:

*“Rapidly resolve the situation of the Kven/Finnish language and consult with representatives of the Kven on this matter before decision is taken”*

182. The Committee of Experts was informed by the authorities that as a direct result of the recommendation made by the Committee of Ministers, the authorities commissioned a study on the status of Kven. After having received the study, the authorities consulted with representatives of the Kven speakers and have consequently recognised Kven as a separate language.

#### Recommendation No.3:

*“Progress in establishing the Inner Finnmark Court as a step to facilitate the use of Sámi before judicial authorities”.*

183. The new Inner Finnmark Court was established in Tana in January 2004 and is functioning with staff who are fluent in the Sámi language. This Court is the first and only bilingual court in Norway, serving five of the seven municipalities within the Sámi administrative district. The operation of the Court has already demonstrated encouraging results.

#### Recommendation No.4:

*“Increase the efforts to preserve and promote Lule and South Sámi”*

184. According to the information made available to the Committee of Experts, the authorities have made efforts to preserve and promote Lule Sámi, notably by integrating the municipality of Tysfjord into the Sámi administrative district since January 2006. The municipality will have the opportunity to protect and develop the language and in particular to enhance the use of Lule Sámi in the public sphere, with the financial support of the Norwegian authorities. In addition, the Committee of Experts has been informed that the Municipality of Snåsa in the South Sámi region has made a similar request. However, Lule and South Sámi are still in a precarious situation and resolute efforts are needed, in particular in the field of education.

### 3.2 Findings of the Committee of Experts in the third monitoring round

A. The Committee of Experts praises the Norwegian authorities for the excellent level of cooperation, and especially expresses its gratitude with regard to the preparation and organisation of the on-the-spot visit. This has allowed the Committee of Experts to obtain precise and relevant information on policy and legal developments in the promotion and protection of regional or minority languages in Norway.

B. The Committee of Experts commends the Norwegian authorities for their continued efforts to further improve the implementation of the Charter in Norway. The Norwegian authorities have taken into consideration the observations of the Committee of Experts and in particular the recommendations of the Committee of Ministers, and significant progress has been made. All the undertakings which the Committee of Experts found to be fulfilled during the first and second monitoring rounds are still fulfilled. Norway has fulfilled a large majority of the undertakings chosen under Part III.

C. Norway does not collect official statistics regarding the users of regional or minority languages. The figures at the disposal of the Committee of Experts are only rough estimates and recent surveys indicate that the actual figures may be higher (cf. paragraph 15). The lack of reliable statistical data limits the ability of the Norwegian authorities to plan and to take appropriate measures for the protection and the promotion of Norway's regional or minority languages. It also reduces the visibility of regional or minority languages in Norway. Methods that respect privacy and personal integrity but nevertheless provide more reliable information regarding the number of users of regional or minority languages, could be developed on a scientific basis, in co-operation with the speakers.

D. The Norwegian authorities have recognised Kven as a separate language after having commissioned a study on the status of Kven and consulted the speakers. The language is in a precarious situation, and therefore resolute efforts are needed to protect and promote it. A comprehensive structured policy for Kven adopted in co-operation with the speakers would be the natural basis for such efforts. A number of different measures could be taken, such as the standardisation of Kven with the support of a language council, the improvement of teaching in/of Kven at all appropriate stages, including the development of a separate Kven curriculum, and finally the improvement of the use of the Kven language in the public sphere, in particular in the media.

E. The inclusion of Tysfjord municipality into the Sámi administrative district will enhance the protection and promotion of Lule Sámi in the future, in particular the use of the language in public life. However, the language remains in a difficult position and further resolute action is needed in particular in the field of education, namely for the recruitment of qualified teachers and the provision of appropriate teaching materials.

F. South Sámi is in a particularly precarious situation and a number of measures are urgently needed if it is to survive as a living language in Norway. Regarding education, resolute support and innovative solutions adapted to the particular situation of South Sámi are necessary (such as immersion models, distance learning, language nests or whole-family education). Increased co-operation with the authorities in Sweden would be of benefit for South Sámi.

G. Romani and Romanes are protected as non-territorial languages under the Charter. Both remain largely absent from public life in Norway. Nevertheless, there have been positive developments, in the cultural field in particular. Serious difficulties persist in the field of education, notably resulting from the chronic shortage of teachers, as well as the lack of flexibility of the educational system. The authorities should develop innovative solutions in close consultation with the users of Romani and Romanes.

H. Substantial progress has been made by the Norwegian authorities to protect and promote North Sámi. In particular the establishment of a bilingual Court in Tana allows Norway to fulfil the provisions of Article 9 of the Charter. In many fields, such as education, media and cultural activities, the undertakings are fulfilled. However, the existing legal framework is in some cases still not implemented. As a consequence, issues raised in the first and second evaluation reports persist. In that respect, the implementation of the undertakings in relation to economic and social life remains unsatisfactory, notably the lack of staff with a command of Sámi and the insufficient number of qualified interpreters in the health care sector. In addition, it is still not possible to write Sámi names correctly in some registers, notably in the civil register and the social security register.

I. While welcoming the positive steps taken, the Committee of Experts considers that there is still a need to raise the awareness of the Norwegian-speaking majority population about Norway's regional or minority

languages as an integral part of Norway's cultural heritage, in particular regarding Kven, Romani and Romanes.

The Norwegian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter, but did not wish to do so.

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

At its 995th meeting on 16 May 2007, the Committee of Ministers adopted its Recommendation addressed to Norway, which is set out in Part B of this document.

## Appendix I: Instrument of ratification



**Norway :**

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

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

#### In Article 8 :

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

#### In Article 9 :

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

#### In Article 10 :

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

#### In Article 11 :

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

#### In Article 12 :

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

#### In Article 13 :

Paragraph 2, sub-paragraphs c, e

#### In Article 14 :

sub-paragraph b

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

### **Period covered: 1/3/1998 -**

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

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

### **Recommendation RecChL(2007)3 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Norway**

*(Adopted by the Committee of Ministers on 16 May 2007  
at the 995th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

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

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

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

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

- adopt a structured policy for the protection and promotion of the Kven language in co-operation with the speakers, in particular concerning the standardisation of Kven, the improvement of teaching in/of Kven at all appropriate stages, and the increase of the use of Kven in the public sphere.
- strengthen their efforts to provide teaching materials and teacher training for Kven, Lule and South Sámi, Romani and Romanes.
- ensure that social and health care institutions within the Sámi administrative district offer services in Sámi.
- ensure that the national population registers and other public institutions accept Sámi names in their correct native form.