



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Norway\*

1. The Committee considered the combined twenty-third and twenty-fourth periodic reports of Norway (CERD/C/NOR/23-24), submitted in one document, at its 2695th and 2696th meetings (see CERD/C/SR.2695 and 2696), held on 5 and 6 December 2018. At its 2705th meeting, held on 12 December 2018, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the twenty-third and twenty-fourth periodic reports of the State party. The Committee expresses its appreciation for the frank and constructive dialogue with the State party's high-level delegation and thanks the delegation for the information provided during the consideration of the report.

#### B. Positive aspects

3. The Committee welcomes the State party's efforts to adopt policies, programmes and administrative measures to ensure further the protection of human rights and the implementation of the Convention, including:

- (a) The Constitutional amendment of 2014 to strengthen the protection of human rights;
- (b) The establishment in 2015 of a national human rights institution, which was accredited with A status by the Global Alliance of National Human Rights Institutions for being in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);
- (c) The adoption in 2015 of a political declaration against hate speech;
- (d) The adoption in 2016 of the Strategy against Hate Speech 2016–2020;
- (e) The adoption in 2016 of the Action Plan against Anti-Semitism 2016–2020;
- (f) The adoption in June 2017 of the new Equality and Anti-Discrimination Act (2018), which also established the Equality and Anti-Discrimination Ombud and the Anti-Discrimination Tribunal;
- (g) The implementation of the Democratic Preparedness against Racism, Anti-Semitism and Undemocratic Attitudes (Dembra) initiative in lower and upper secondary schools to develop skills to confront racism, anti-Semitism and undemocratic attitudes, and the provision of courses on the initiative to teachers and school administrators in 2016.

\* Adopted by the Committee at its ninety-seventh session (26 November–14 December 2018).



4. The Committee also welcomes the participation of the national human rights institution, the Equality and Anti-Discrimination Ombud, representatives of the Sami Parliament and the vibrant and dynamic civil society organizations in the Committee's work.

## C. Concerns and recommendations

### Statistics

5. While noting that statistics are provided on the Sami community by Statistics Norway, the Committee regrets the lack of statistics on the ethnic composition of the population and of socioeconomic indicators on the enjoyment of rights by persons belonging to various ethnic groups (art. 2).

6. **Recalling its revised reporting guidelines (CERD/C/2007/1) and its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, the Committee recommends that the State party provide it with statistics on the ethnic composition of its population and develop socioeconomic indicators on the enjoyment of social and economic rights by various ethnic groups, including through dialogue with ethnic minorities and by diversifying its data-collection activities by using various indicators of ethnic diversity and by allowing respondents to report anonymously and to choose self-identification, in order to provide an adequate empirical basis for monitoring the enjoyment of all the rights enshrined in the Convention.**

### Anti-discrimination legal framework

7. While noting that the Convention has been incorporated into Norwegian law pursuant to section 5 of the Equality and Anti-Discrimination Act (2018), the Committee reiterates its previous concern that the Convention has not been incorporated into the Human Rights Act (1999) (CERD/C/NOR/CO/21-22, paras. 11–12) and is not treated on the same basis as human rights conventions that have been incorporated into the Human Rights Act. While welcoming the Equality and Anti-Discrimination Act (2018), the Committee remains concerned that the term “race” is not included as a prohibited ground of discrimination, although this term is widely used by the public and in social media. The Committee is also concerned by the lack of interministerial coordination to implement its recommendations.

8. **The Committee recommends that the Convention be incorporated into the Human Rights Act. It also recommends that the State party ensure that the Equality and Anti-Discrimination Act is in line with article 1 of the Convention and prohibits discrimination on all grounds, including race. It further recommends that the State party ensure coordinated follow-up among its ministries to ensure the full implementation of the Committee's recommendations.**

### Complaints of racial discrimination

9. The Committee welcomes the creation of the Anti-Discrimination Tribunal. However, it regrets the lack of detailed information and statistics on the types of racial discrimination cases brought before the tribunal and the courts, and their outcomes, including information on the amount of compensation awarded in cases concerning discrimination in the labour market and the fines imposed.

10. **The Committee recommends that the State party undertake public education campaigns on how to file complaints of racial discrimination to ensure access to judicial remedies. The Committee requests the State party to provide information in its next periodic report on complaints of racial discrimination brought before the Anti-Discrimination Tribunal and the courts, including statistics on the number and types of complaints and the number of prosecutions and convictions of perpetrators, disaggregated by age, gender, ethnic and national origin of the victims, and information on sanctions imposed on the perpetrators of violations and the compensation granted to victims.**

### Hate crimes

11. The Committee welcomes measures taken by the State party such as the adoption of the National Police Directorate's guidelines for uniform registration of hate crimes in all police districts and the new course on preventing and investigating hate crimes offered by the Norwegian Police University College. However, the Committee is deeply concerned that in 2017 there were 549 racially motivated hate crimes registered, which represents a 17 per cent increase since 2016, and that three times as many people from migrant backgrounds are reportedly afraid of hate crimes (12 per cent) as compared with ethnic Norwegians (4 per cent). The Committee takes note of the information provided on the specialized hate crime unit in Oslo. However, it is concerned that similar groups do not exist in the remaining police districts in the country. The Committee regrets the lack of information on efforts to protect vulnerable groups from hate crimes. Furthermore, it is concerned by the lack of statistics on the outcomes of reports of hate crimes (art. 4).

12. **The Committee recommends that the State party:**

(a) **Take all measures to prevent hate crimes and provide support to victims of such crimes, including in accessing justice;**

(b) **Investigate the reason for the increase in hate crimes in the State party and the increased fear of hate crimes among persons from migrant backgrounds and address the underlying causes;**

(c) **Allocate resources for and ensure the establishment of hate crime units throughout the country similar to the one in Oslo;**

(d) **Continue its training and educational efforts to improve knowledge of the proper identification, registration and prosecution of hate crimes among prosecutors, the judiciary and the law enforcement authorities;**

(e) **Increase awareness-raising campaigns to address stereotypes and increase tolerance between various communities to prevent hate crimes;**

(f) **Ensure a proper national uniform data-collection system on hate crimes, including statistics on complaints, investigations, convictions and penalties for acts of hate crime, and provide information on this data in its next periodic report.**

### Hate speech

13. The Committee welcomes the State party's efforts to prevent hate speech, such as the Strategy against Hate Speech (2016–2020) and the Stop Hate Speech campaign. The Committee remains deeply concerned, however, at the increase in hateful statements in the State party against Muslims, people of African descent, Jews, asylum seekers, Sami, Roma and others, fuelling hatred and intolerance towards such groups, in particular from leading politicians and media actors and on the Internet. The Committee regrets that not all measures in the Strategy to Combat Hate Speech have been implemented and that the investigation and prosecution of hate speech and hate crimes may not be prioritized in all police districts. Furthermore, the Committee is concerned by the lack of information on investigations, prosecutions and convictions of public figures, including politicians, for hate speech. While the Committee welcomes the Prime Minister's encouragement of politicians to remove hateful comments from their social media sites, it regrets the lack of formal guidelines on this topic (art. 4).

14. Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:

(a) **Continue to publicly condemn and distance itself, including in online media, from racist hate speech by public figures, including politicians, and fully apply the relevant legislation and take measures to protect vulnerable affected groups;**

(b) **Ensure that all measures in the Strategy against Hate Speech are implemented, that all police districts give high priority to the investigation of hate speech and hate crimes and that there is proper coordination among the police, the prosecutor's office and the courts in this regard;**

- (c) **Effectively identify, register and investigate cases of racist hate speech or incitement to racial hatred and racially motivated violence and hate crimes, and prosecute and sanction those responsible, including politicians and media officials;**
- (d) **Ensure the standardized collection and reporting of statistics on hate speech and hate crimes, including the number of reports, investigations, prosecutions and convictions;**
- (e) **Establish guidelines for politicians regarding hate speech on social media.**

#### **Prohibition of organizations that promote racial discrimination**

15. The Committee is deeply concerned that racist and neo-Nazi organizations have become more visible on social media and through demonstrations in the State party. The Committee remains concerned that the State party has not declared illegal and prohibited organizations that promote and incite racial hatred, in line with its obligations under article 4 (b) of the Convention in the absence of a reservation (art. 4).

**16. The Committee recalls its general recommendation No. 35, in particular its emphasis that article 4 is compatible with the right to freedom of expression. Reiterating its previous recommendation (CERD/C/NOR/CO/21-22, paras. 19–20), the Committee recommends that the State party amend its legislation, in line with article 4 of the Convention, and prohibit the organization of groups that promote and incite racial hatred.**

#### **Discrimination in accessing the labour market**

17. The Committee remains concerned:

- (a) That unemployment rates of persons belonging to ethnic minorities or with migrant backgrounds remains high (11.2 per cent) and that the unemployment rate among immigrants is more than three times as high as the general population, with immigrants from Africa having the lowest employment rates;
- (b) By the lack of clear guidelines on preventing discrimination in recruitment processes. The Committee is also concerned by reports that invitations to a job interview are 25 per cent lower for persons with foreign names than for other candidates;
- (c) That discrimination against candidates belonging to ethnic minorities or with migrant backgrounds may persist and remain undetected in the interview, which is the determinative step in obtaining jobs, despite the State party's efforts to develop a new pilot programme on anonymized job applications;
- (d) By the reports that Norwegians who may be perceived to have a foreign background, such as second and third generation descendants of immigrants, also face discrimination in obtaining employment and receive lower salaries and that their situation is not addressed by current action plans and strategies;
- (e) That while there is an active reporting duty set out in the Equality and Anti-Discrimination Act requiring employers to take active measures to promote equality, there are no penalties for failure to do so;
- (f) That there is insufficient focus on the harassment and discrimination faced by ethnic minorities and persons of immigrant background in the workplace.

**18. The Committee recommends that the State party:**

- (a) **Take measures to reduce the high rates of unemployment among persons belonging to ethnic minorities, immigrants and persons with immigrant backgrounds, in particular among immigrants from Africa, including through equal access to the public and private labour market, and to ensure equal pay, through the full development, resourcing and implementation of related action plans;**
- (b) **Develop clear guidelines on preventing discrimination in recruitment processes, in particular discrimination in the interview process, to address the low rates of selection of minority candidates;**

- (c) **Ensure that the pilot programme for the job application process addresses potential discrimination in the interview phase of the selection process and that candidates who face discrimination are aware of measures to obtain redress;**
- (d) **Ensure that the new action plan against racism and discrimination on the grounds of ethnicity and religion currently being drafted also addresses discrimination in employment and other areas against Norwegians who may be perceived to have a foreign background, such as second and third generation descendants of immigrants;**
- (e) **Ensure that the active reporting duty in the Equality and Anti-Discrimination Act includes penalties for lack of compliance;**
- (f) **Ensure that the new action plan against racism and discrimination on the grounds of ethnicity and religion or other related action plans or studies provide for the investigation of and address harassment and discrimination faced by ethnic minorities and persons of immigrant background in the workplace.**

#### **Situation of ethnic minorities**

19. The Committee is concerned by reports of discrimination faced by ethnic minorities in access to education, housing and health care. It is also concerned that 50 per cent of immigrant boys and 35 per cent of immigrant girls do not complete upper secondary education within five years. It is further concerned that immigrant children have lower performance in schools and by discrimination against ethnic minority children in schools. The Committee is concerned that the completion rate for vocational schools is about 40 per cent for boys with an immigrant background born in Norway and boys who have immigrated to Norway and that while more minority girls complete higher levels of secondary school than boys fewer girls than expected secure employment commensurate with their education (art. 5).

20. **The Committee recommends that the State party ensure equal access to education, housing and health care for ethnic minorities, without discrimination. It also recommends that the State party study the root causes of the lower performance of immigrant children in school and implement measures to improve their performance and reduce dropout rates at schools and vocational schools, especially for immigrant boys. The Committee further recommends that the State party investigate and address the root causes of discrimination against ethnic minority children in schools and take measures to end such discrimination.**

#### **Situation of the Sami**

21. While noting progress, such as the implementation of the Action Plan for Sami Languages, amendments to the Sami Act to add a new chapter on consultations and the establishment of the Ä'vv Skolt Sami museum, the Committee is concerned:

- (a) By reports that 49 per cent of Sami women have been subjected to physical, mental or sexual violence, that sexual violence crimes may be underreported, that perpetrators of such crimes remain unknown and that there is no current action plan to eliminate violence against women, including Sami women;
- (b) By reports that, as qualified interpreters are not used, there are problems in the provision of public services to the Sami people and other linguistic minorities;
- (c) That the Government has not yet complied with the Committee's recommendation in its previous concluding observations regarding the legal recognition of Sami rights to their land and resources outside of Finnmark (CERD/C/NOR/CO/21-22, para. 30 (b));
- (d) That the fishing rights of the Sea Sami have not been recognized as a historical right;
- (e) That, despite its previous recommendations, measures have not been taken to establish the ability of the Eastern Sami to conduct their traditional reindeer husbandry (CERD/C/NOR/CO/21-22, paras. 25 and 30 (d));
- (f) That the Nordic Sami Convention has not yet been adopted.

22. **The Committee reiterates its previous recommendations (CERD/C/NOR/CO/21-22, para. 30) and recommends that the State party, in consultation with Sami people:**

- (a) **Take measures to end violence against Sami women, such as by creating a national action plan on violence against women, including Sami women, which addresses strategies to end violence and encourage reporting and proper registration and prosecution of sexual violence crimes;**
- (b) **Ensure that judges and law enforcement officers are trained on cultural knowledge of Sami communities and have available qualified interpreters, and continue efforts to recruit Sami into law enforcement institutions;**
- (c) **Ensure the availability of trained and qualified interpreters to assist in the provision of public services to the Sami community and other linguistic minorities;**
- (d) **Take measures to implement its previous recommendation to address the legal recognition of land and resource rights of the Sami people outside of Finnmark;**
- (e) **Take measures to improve the legal framework on Sami land, fishing and reindeer rights, ensuring that fishing rights are recognized by law;**
- (f) **Take measures to re-establish the ability of the Eastern Sami to conduct their traditional reindeer husbandry;**
- (g) **Address outstanding concerns raised by the Sami Parliament and facilitate the speedy adoption of the Nordic Sami Convention.**

#### **Situation of Roma and Tatars**

23. The Committee welcomes the information provided on efforts to make collective redress to the Roma and the establishment of the Roma Culture and Resource Centre in Oslo, which includes a mediator service. However, the Committee is concerned by reports that discrimination, stigmatization and harassment continue against Roma and Tatars and that special measures have not been adopted to assist Roma and Tatars in a number of areas, such as the labour and housing market or in access to health care. The Committee is also concerned by the very high rate of absence from school of Roma children (art. 5).

24. **In view of its general recommendations No. 32 (2009) on the meaning and scope of special measures in the Convention and No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party enact special measures to promote the economic, social and cultural rights of Roma in consultation with them. The Committee also recommends that the State party combat negative stereotypes and prejudices against Roma and conduct awareness-raising campaigns for the general public to build trust and promote understanding. The Committee further recommends that the State party ensure that the situation of the education of Roma children is included in the white paper on how to strengthen the situation of national minorities in Norway that will be released in 2020, identifying concrete measures to prevent high dropout rates among Roma children.**

#### **Situation of the Kven people**

25. The Committee takes note of the targeted plan for 2017–2021 to strengthen the use of the Kven language and the increased financial support provided to the plan. However, the Committee is concerned by reports that the Kven people were not adequately consulted during the formation of the plan. The Committee is also concerned that national minorities do not have radio or television broadcasts in their languages (art. 5).

26. **The Committee recommends that the State party continue to improve the situation of the use of the Kven language through proper consultation with the Kven people and adequate resourcing, implementation and monitoring of the targeted plan. The Committee also recommends that the State party take other measures to ensure that national minorities have the right to enjoy educational and cultural activities in their own languages.**

### **Situation of asylum-seeking minors**

27. The Committee is concerned by reports of the detention of asylum-seeking minors. It is also concerned that unaccompanied minors aged 15 to 18 years do not receive assistance and child welfare services to the same extent as other children in Norway who are cared for under child welfare services. The Committee is further concerned by reports that asylum-seeking minors with time-limited residence permits are returned alone to their home countries at the age of 18 (art. 5).

28. **The Committee recommends that the State party ensure that all children in Norway have the same rights, without discrimination, and ensure:**

(a) **That detention of asylum seekers is only used as a measure of last resort, for the shortest possible period of time, and that efforts are made to prioritize alternative measures to detention;**

(b) **That the care of unaccompanied minors between the ages of 15 and 18 is transferred from the Directorate of Immigration to the child welfare service;**

(c) **The effective implementation of the 2017 decision of the Norwegian parliament to give some unaccompanied minors who have received time-limited residence permits until they turn 18 the opportunity to have their cases reconsidered. When determining their status, due regard should be given to social and humanitarian circumstances.**

## **D. Other recommendations**

### **Ratification of other treaties**

29. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

### **Follow-up to the Durban Declaration and Programme of Action**

30. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), taking into account the outcome document of the Durban Review Conference (April 2009), and that it include information thereon in its next periodic report.**

### **International Decade for People of African Descent**

31. **In the light of General Assembly resolution 68/237, the Committee recommends that the State party take concrete measures to implement actions adopted in the framework of the International Decade for People of African Descent, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent, and to include information thereon in its next periodic report.**

### **Consultations with civil society**

32. **The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations concerned with human rights protection, in particular those working to combat racial discrimination, in the preparation of the next periodic report and in follow-up to the present concluding observations.**

**Amendment to article 8 of the Convention**

33. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

**Follow-up to the present concluding observations**

34. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 18 (b) (discrimination in accessing the labour market) and 28 (c) (situation of minor asylum seekers) above.

**Paragraphs of particular importance**

35. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 12 (hate crimes), 14 (hate speech), 18 (discrimination in the labour market) and 22 (situation of the Sami) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

**Dissemination of information**

36. The Committee recommends that the State party's reports be made readily available to and accessible by the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

**Preparation of the next periodic report**

37. The Committee recommends that the State party submit its combined twenty-fifth to twenty-seventh periodic reports, as a single document, by 19 September 2023, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

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