

## **Norway's 23rd/24th report under the International Convention on the Elimination of All Forms of Racial Discrimination**

### **Introduction**

Minister of Children and Equality Solveig Horne headed the Norwegian delegation in connection with the dialogue meeting with the Committee on the Elimination of Racial Discrimination (CERD) regarding Norway's 21st/22nd report. The dialogue meeting with CERD (hereafter "the Committee") was held in Geneva in August 2015. On 25 September 2015, the Norwegian Government received the Committee's concluding observations on Norway's combined 21st/22nd report. Norway provided midterm reporting to the Committee in September 2016. That midterm reporting was in response to the Committee's recommendations in paragraphs 14, 30 and 38.

This report contains:

- responses to the Committee's other observations
- responses to the Committee's follow-up questions of 22 December 2016 relating to the autumn 2016 midterm reporting
- reporting on Articles 1 to 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with the guidelines

Norway's 23rd/24th report to the Committee is available in English and Norwegian.

An updated common core document will be sent to the United Nations in the near future.

### **Reporting on Articles 1 to 7 of the Convention**

#### **Article 1 A nos. 1-4**

##### **Anti-discrimination legislation**

##### **Constitutional amendments of May 2014**

In connection with the 200th anniversary of the Norwegian Constitution, in May 2014, a comprehensive revision of the Constitution was undertaken with the main purpose of strengthening the Constitution's protection of human rights. As a result of the reform, the Constitution now contains an extensive human rights catalogue that includes the most central civil and political rights as well as certain economic, social and cultural rights. The equality principle and the prohibition against discrimination are asserted in section 98 of the Constitution, which reads as follows: "All people are equal under the law. No human being must be subject to unfair or disproportionate differential treatment."

##### **Equality and Anti-Discrimination Act and new act on the enforcement system**

In June 2017 the Storting (Norway's parliament) adopted a comprehensive Equality and Anti-Discrimination Act. The act prohibits discrimination on grounds of gender, pregnancy, parental/adoption leave, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or combinations of these factors. "Ethnicity" refers, among other things, to national origin, descent, skin colour and language.

The Equality and Anti-Discrimination Act will enter into force on 1 January 2018, replacing the four present acts relating to equality and discrimination (including the Ethnicity Anti-Discrimination Act of 2013). The rules contained in the Ethnicity Anti-Discrimination Act have by and large been retained.

Along with the Equality and Anti-Discrimination Act, the Storting adopted a new act on to the enforcement system. The Equality and Anti-Discrimination Ombud will be strengthened as a forceful proponent of equality, and the enforcement tasks will be transferred to a new and stronger anti-discrimination tribunal. The tribunal will be authorised to award damages in employment cases and compensation when the circumstances of a case are relatively simple.

The Act and the enforcement system are discussed in more detail in the common core document.

## **Article 2 A**

### **Nordic Sami Convention**

Norway, Sweden and Finland have concluded negotiations on a Nordic Sami Convention. The negotiation leaders accepted the negotiated convention text on 13 January 2017. The convention is now under consideration in the three states. According to the Convention text, the Convention must be submitted to the Sami parliaments before signing. The preamble to the Convention also states that the Convention requires the endorsement of the Sami parliaments.

An overarching objective of the convention is that the Sami people should be able to preserve, practise and develop their culture with the smallest possible interference of the national borders. The Convention contains seven chapters, on the following topics: 1) General rights of the Sami, 2) Self-determination, 3) Language and culture, 4) Land and water, 5) Livelihoods, 6) Implementation of the Convention, 7) Provisions on signing, ratification, denunciation, etc.

The convention envisages that a working group associated with the Nordic Officials Committee on Sami Affairs follows up the implementation of the Convention. The working group is to consist of six members appointed by and representing the respective states and Sami parliaments. Implementation will take place through dialogue with the goal of obtaining agreement on approaches that advance the purposes of the Convention.

## **Article 2 B**

### **New tasks for the Norwegian Directorate for Children, Youth and Family Affairs**

Since 2014, the Directorate for Children, Youth and Family Affairs has been given responsibilities related to equality and non-discrimination in connection with ethnicity, religion and belief. The directorate coordinates the Forum on Ethnic Discrimination, a meeting place for central government actors that is intended to help ensure that ethnic minorities do not suffer discrimination in public services. The directorate also organises dialogue meetings with immigrant organisations and representatives of national minorities and the Sami population. To increase expertise and knowledge about ethnic discrimination, the directorate in 2015 commissioned a research report on discrimination against the Sami, national minorities and immigrants in Norway (*Diskriminering av samer, nasjonale minoriteter og innvandrere i Norge. En kunnskapsgjennomgang*). The report shows that

immigrants in Norway experience discrimination in most areas of society and that more knowledge is needed with regard to discrimination against the Sami and national minorities. The directorate is working to develop indicators of discrimination and developments in the equality situation for immigrants and their children, indigenous people and national minorities. To that end the Fafo Research Foundation has prepared a report on indicators of discrimination against immigrants, indigenous people and national minorities. The report indicates that the most extensive available statistics concern immigrants and their children, that Sami-related statistics are geographically limited, and that there are few or no statistics on national minorities.

### **White paper on coordinated efforts to enhance adult learning**

In Meld. St. 16 (2015–2016), a white paper on coordinated efforts to enhance adult learning (*Fra utenforskap til ny sjanse*), the Government presented a number of measures and strategies to help give individuals the competence needed for stable and lasting ties to working life. The measures include expanding the right of young people to an upper secondary education, developing tools to assess basic skills, more use of ordinary education in the Introduction Programme for newly arrived immigrants and developing a programme (*Fagbrev på jobb*) in which participants can earn a trade certificate while on the job.

Many NAV users possess a low level of formal qualifications and weak basic skills. In 2016, a new two-year NAV training programme was set up with the aim of providing upper secondary-level training with an emphasis on vocational subjects. The target group is job seekers over the age of 19 with a low level of formal qualifications or weak basic skills, and who are not entitled to upper secondary instruction in the ordinary educational system. The programme of vocational training in the form of upper secondary training may only be provided to persons who are without entitlement under the Education Act or the Introduction Act.

Changes have also been made to increase enrolment opportunities in basic skills courses provided as part of NAV's labour market training and to open the way for improved Norwegian-language training for unemployed persons who lack entitlement under the Introduction Act.

Certain groups are to be given admission priority to NAV employment schemes. This applies to persons with disabilities, youth, long-term recipients of social assistance and immigrants from countries outside the EEA.

### **Meld. St. 30 (2015–2016) *From reception centre to the labour market – an effective integration policy***

In May 2016 the Government submitted the white paper *From reception centre to the labour market – an effective integration policy* (Meld. St. 30 (2015–2016)). The migration situation in Europe and Norway in 2015 and 2016 was the point of departure for this white paper. It considers how integration policies and measures should be organised so that more newly arrived immigrants with a refugee background can find work or an education earlier and cement ties to the labour market. The Norwegian welfare model is dependent on high labour participation. Integration requires cooperation by many parties. The Government is insistent that the time spent in reception facilities be used efficiently, that settlement in municipalities occur as soon as possible after permission to stay is granted, that qualification training for employment be purposeful in nature, and that skills and education obtained abroad be put to

use. Those who live in Norway over time are required to gain knowledge of Norwegian language and society. This takes a special effort by each person who intends to live in Norway. Those entering Norwegian society must be given incentives and opportunities to participate in working life and in society as a whole. If new residents are to succeed, all parties must pitch in: public authorities, local communities, volunteer agencies, the labour market, business and industry and, not least, individual immigrants themselves. Integration policy must develop continuously in order to address society's need for a determined policy approach in this area.

According to the white paper, the Norwegian Labour and Welfare Service will begin cooperating with municipalities at an earlier stage of planning and implementing the Introduction Programme for newly arrived immigrants. Assessing the skills of immigrants with a refugee background while they are still in the reception phase has started up. Such assessment will be followed by vocational guidance. The Labour and Welfare Service has received additional resources for vocational guidance in 2016 and 2017.

In May 2016, the Government and the main employee and employer organisations signed a cooperative declaration on faster workplace integration of refugees, called fast-tracking. Refugees who already possess skills in demand by the labour market are the target group. The Labour and Welfare Service plays a key role in this fast-tracking and will facilitate rapid participation in working life through such means as increased use of wage subsidies. Participation is combined with Norwegian-language training provided by the municipality.

Reference is also made to Article 5 I E no. 1.

### **Action plans**

Since the previous reporting, the Government has submitted action plans and strategies that advance human rights and contribute to fulfilment of the International Convention on the Elimination of All Forms of Racial Discrimination. An overview of relevant documents follows.

In March the Government presented a new *Action plan to combat negative social control, forced marriage and female genital mutilation (2017-2020): The right to decide about one's own life*. The plan has 28 measures divided into five priority areas: 1) enhancing legal protection for vulnerable persons, 2) increasing support for people with broken family and network ties, 3) changing attitudes and practices in affected environments, 4) strengthening knowledge in the service agencies, and 5) strengthening research and knowledge exchange. The measures expand upon the *Action plan against forced marriage, female genital mutilation and severe restrictions on young people's freedom (2013–2016)*. National housing and support services for young people over the age of 18 have been strengthened during the 2014–2017 period. Non-governmental organisations receive grants to implement preventative measures. On 17 March 2017 the Government submitted a consent proposal to the Storting on ratification of the Council of Europe Convention Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention). Amendments to Norway's Penal Code have been implemented to fulfil the obligation under the convention to criminalise forced marriage.

The *Action plan against radicalisation and violent extremism* was submitted in 2014. With this plan the Government is strengthening the effort to prevent radicalisation and violent

extremism. Radicalisation and violent extremism at their worst culminate in terrorism. Prevention is thus a key to protecting basic values such as democracy, human rights and safety. Being able to live without fear of being subjected to hatred and violence is a fundamental value. The action plan is dynamic, meaning that new initiatives will be prepared in response to social developments and prevailing risks. The plan originally consisted of 30 measures and has since been expanded by approximately 10 new ones. The measures contained in the action plan are intended to keep people from being drawn towards radicalised environments and radical extremists. The work is being directed by the Ministry of Justice and Public Security.

The Government's *Action plan against human trafficking* was presented in December 2016. Human trafficking is the slavery of our time. The action plan contains measures to combat trafficking in human beings and to assist victims. The plan was developed with input from the relevant authorities and organisations.

The Government's action plan for 2017–2020 to combat discrimination due to sexual orientation, gender identity and gender expression (*Trygghet, mangfold, åpenhet: Regjeringens handlingsplan mot diskriminering på grunn av seksuell orientering, kjønnsidentitet og kjønnsuttrykk*) was presented in the summer of 2016. The Government's goal is to ensure the rights of LGBTI persons, contribute to openness and actively counteract discrimination. The plan includes more than 40 measures addressing a number of areas of society, including day care, school, working life, health, etc. A comprehensive effort is being readied to develop and more widely disseminate knowledge about the challenges faced by LGBTI persons and the best way for services to be provided. The action plan also includes steps to combat hate crime and violence.

The Government's *Action plan against antisemitism 2016–2020* was presented in the autumn of 2016. The Government seeks to address prejudices and harassment against Jews. The action plan has 11 measures pertaining to such areas as school, research, culture and the police. The Government's goal is that the combination of action plan measures will contribute to a reduction of antisemitism in Norway.

## **Strategies**

The Government has launched a first-of-its-kind strategy against child poverty: *Children living in poverty: The Government's strategy (2015–2017)*. The strategy's 64 measures will help ensure that all children have equal opportunities for participation and personal development. The goal of the strategy is to keep poverty from being passed down generation to generation, and to improve the quality of children's lives here and now. Children and youth were consulted in the strategy's design. Its measures, many of them involving multidisciplinary cooperation, are directed towards participation and inclusion, work, education, health, research and strengthening of families with children.

The Government's strategy against hate speech for 2016–2020 (*Regjeringens strategi mot hatefulle ytringer 2016-2020*) contains a total of 23 measures in the priority areas of knowledge, justice, the media, children and youth, "meeting places" and working life. The strategy will help prevent hate speech while raising awareness about it. It will also contribute to the creation of effective dialogue arenas and a debate climate where no one is excluded as a consequence of hate speech.

In 2015 the Government presented its *Revised strategy for combating work-related crime*. The strategy was designed following dialogue with the main employee and employer organisations. It describes a broad effort to combat unlawful practices in working life and to promote decent work conditions, both for foreign workers in Norway and in industries where many disreputable businesses operate. Important measures contained in the strategy are aimed at strengthening control and ensuring greater regulatory compliance in all aspects of working life. Three action plans to combat social dumping have already been presented, in 2006, 2008 and 2013.

### **NOU 2017: 2 *Integration and trust – Long-term consequences of high immigration***

This Official Norwegian Report (NOU) was issued by the Ministry of Justice and Public Security on 1 February 2017. The report's study committee was appointed by royal decree on 18 December 2015. The committee evaluated the long-term consequences of high immigration, with particular emphasis on refugees. The report sheds light on the socio-economic consequences of immigration. Also discussed is the extent to which continued high immigration could affect social cohesion and trust in Norway, and the effect of differences in culture and values in this context. The report discusses the effectiveness of various policy instruments and provides recommendations for improvement. Finally, it presents a number of overarching approaches and associated risk factors. The report was circulated for public comment in March 2017. The Government will decide on further action after the comment period.

#### **Article 2 B no. 5**

Organisations that strengthen gender equality efforts in support of minority women represent one of three priority areas specified in the regulations governing grants to NGOs that are active in family and gender equality issues. In keeping with a measure contained in *Equality 2014 – the Norwegian Government's gender equality action plan*, the Government has provided funding to inform women with an immigrant background of their rights.

The Norwegian authorities are providing financial assistance to civil society actors to prepare an alternative report to Norway's 23<sup>rd</sup>/24<sup>th</sup> report to the Committee.

#### **Article 2 C**

The Act relating to the Norwegian National Human Rights Institution came into force on 1 July 2015, establishing a new national institution affiliated with the Storting. The institution has a broad mandate to promote and protect human rights in Norway in accordance with the principles relating to the status of national institutions created to promote and protect human rights (the Paris Principles). The institution carries out its tasks independently and determines for itself how its activity is to be developed and organised.

For more information, see the midterm reporting and the response to the Committee's recommendation in paragraph 14.

#### **Article 4 A**

The Penal Code of 2005 entered into force on 1 January 2015. Section 185 of the Penal Code contains, inter alia, a penal provision on hate speech that continues the prohibition against hateful expression contained in the prior penal code. In the new provision, the prohibition is expanded so as to cover hateful expression put forth in the presence of others, in private or in

semi-public environments. In these cases the expression need not be put forth in public. The criterion for guilt is intent or gross negligence.

#### **Article 5 I B**

In 2013 the Government presented the strategy *Childhood comes but once* and in 2014 came the action plan *A good childhood lasts a lifetime*. These are the first plans with specific government measures addressing violence against children and youth. The main objective is to prevent children and youth from being subjected to violence or sexual abuse in or outside the home. All children must be assured of receiving early and appropriate help. In October 2016, the Government submitted Proposition 12 (2016–2017) to the Storting, an escalation plan to combat violence and abuse for the 2017–2021 period (*Opptrappingsplan mot vold og overgrep*). The plan highlights the main challenges relating to violence and abuse directed at children, and it proposes measures and strategies to address these challenges.

#### **Article 5 D no. 4**

Section 253 of the Penal Code, concerning forced marriage, was amended in 2016 to strengthen the criminal law protection against preparations for a forced marriage. Section 253 was given a new second paragraph that applies to anyone who by inducement or other means contributes to a person travelling to a country other than that person's country of residence with the intent that the person will be subjected to forced marriage there. As defined in the first paragraph, forced marriage is committed if someone "by violence, deprivation of liberty, other criminal or wrongful conduct or improper pressure forces a person to enter into marriage". The amendment made it possible to ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.

A decision has been made to introduce a requirement into the Immigration Act that the reference person be at least 24 years of age in order for a residence permit to be granted for the establishment of family relations in Norway (family formation). The purpose is to combat forced marriages. Part of the rationale for the measure is that older persons, due to their personal maturity and more independent family roles, are more able to resist family pressure in making crucial choices about how to live their lives. In principal the condition will apply to everyone, including Norwegian citizens, but an exemption may be granted if it is obvious that the marriage or cohabitation is voluntary. This means an exemption will be granted if the parties in question are completely outside the forced-marriage risk group. In practice, the legislative amendment calls for a difference in treatment depending on the reference person's background. Norway has assessed the amendment against the country's international obligations and believes that there are just reasons for such differential treatment and that its effect will not be disproportionate for those affected.

An attachment requirement has been introduced into the Immigration Act. As a result of the provision, a residence permit may be denied to family members if the family is able to live together in another safe country to which it has stronger ties than it does to Norway. The requirement applies only to family reunification with a reference person who has a residence permit in Norway based on a need for protection; it does not apply if the reference person has been granted a permanent residence permit. It is Norway's determination that the limitation represented by the attachment requirement is not in violation of the discrimination prohibition.

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

The number of children living in relative poverty has increased in recent years. Figures from Statistics Norway show that, from 2013 to 2015, there were 98 000 children in families with low income for a prolonged period. In the 2012–2014 period, there were 92 000 children in families with prolonged low income. The share thus increased from 9.4 % in 2012–2014 to 10 % in 2013–2015. Children with an immigrant background now account for 53 % of all children in low-income families. The most important factor that keeps children out of poverty is having parents who work. That is why it is important to have a secure and flexible labour market and to facilitate additional people entering the workforce.

The Norwegian Directorate for Children, Youth and Family Affairs has launched its own indicator tool to chart child poverty in municipalities. The indicators will help municipalities combat child poverty in a more targeted way. Children living in low-income household are especially likely to have immigrant backgrounds from Asia, Africa, Latin America and Eastern Europe. Growing up with a low family income can make it harder for children to become integrated in Norway, because many social activities organised for children cost money. The directorate manages the national grant scheme to combat child poverty. In 2016, NOK 163.9 million was distributed among 501 policy measures. Measures that encourage integration were given priority.

In spring 2016 a new white paper on integration policy – Meld. St. 30 (2015–2016) *From reception centre to the labour market – an effective integration policy* – was presented. The backdrop was the large influx of people seeking asylum in Europe and Norway in 2015. The white paper's purpose was to put forth measures and strategies to speed the integration of refugees into working life. The authorities and the country's employee and employer organisations also signed a cooperative declaration to pursue faster workplace integration of immigrants with a refugee background.

The Government has initiated measures that include earlier skills assessment of asylum seekers and an improved system for utilising the information gathered to achieve integration. Making better use of the strengths that immigrants possess requires that skill levels be assessed. Skills assessment, to be followed up with career and vocational guidance, will be carried out in 2017 on a pilot-project basis in the integration reception centres.

The Introduction Programme is a scheme designed primarily for newly arrived refugees and their reunited family members who need basic qualification training. The basic programme lasts two years. The main part consists of instruction in the Norwegian language and social studies along with measures to prepare participants for additional training or entrance into working life. The Introduction Programme will now be more job-oriented. A legal amendment that entered into force on 1 January 2017 is intended to give municipalities more ability to try out different instructional and organisational models that will make it easier for them to provide effective training and practical experience. The objective is to increase the proportion of participants who transfer into jobs or educational programmes after completing the training. The Government will ensure that the Norwegian Labour and Welfare Service, in cooperation with the municipalities, begins earlier in the process to provide labour market guidance to Introduction Programme participants and to assist in the development of individual plans.



In Meld. St. 16 (2015–2016), a white paper on coordinated efforts to enhance adult learning (*Fra utenforskap til ny sjanse*), the Government announced its intention to evaluate ways of reducing attrition from the Introduction Programme and from Norwegian-language and social studies training by more closely following up the participants, including in connection with parental leave.

The Government recently distributed for comment a proposal that would obligate municipalities to follow up individual participants during such a leave period and to provide them with a minimum amount of language training and some continued Norwegian instruction. The Government proposes creating an obligation for the municipality to adapt services individually to accommodate participants who take dependent care leave from the Introduction Programme or from Norwegian-language and social studies training. This obligation shall apply from the start of the fourth month of leave and continue to the end of the leave period. The purpose is to motivate participants to resume qualification training when their leave period ends, thereby eventually increasing the number of participants who transition into work or educational programmes.

The Government has also proposed amendments to the Introduction Act to increase use of the option to extend the programme beyond two years, to as much as three years. Here too, the purpose is to increase the proportion of participants transitioning into work or educational programmes after completing the Introduction Programme.

A fast track into working life for refugees with skills in demand by the labour market has been established. This fast track involves NAV assistance at an earlier stage, including increased use of wage subsidies in combination with Norwegian-language training provided by the municipality. Norway's employer and employee organisations have committed to helping achieve faster integration of refugees, in part by accommodating labour market programme positions.

The Government has strengthened funding to the Norwegian Agency for Quality Assurance in Education (NOKUT) by a total of NOK 40 million for recognition of foreign educational and professional qualifications in the 2014–2017 period. NOKUT, which is responsible for recognising foreign vocational education and training and tertiary vocational education, has had its capacity strengthened. The Government has also commissioned NOKUT and Altinn to develop a common information portal for people planning to apply for authorisation to work in a regulated profession, thus ensuring that clear and consistent information is available to applicants. Additionally, the Government has begun providing supplementary education for immigrants with a refugee background who possess a degree from their home country.

*Job Opportunity (Jobbsjansen)* is a programme aimed at increasing employment among immigrants who lack a relationship to working life. The Government will keep the programme operating, but has made some changes to it. More target groups will be able to strengthen their employment qualifications, improve their Norwegian-language skills and gain insight into Norwegian society, thereby strengthening the potential for a lasting attachment to working life, transitioning to educational programmes and becoming financially self-reliant. The Government has divided the programme into three parts with three different target groups:

*Part 1: Job Opportunity for women staying at home*

The Government will continue to prioritise stay-at-home women who have immigrated and are not receiving social assistance as one of the *Job Opportunity* target groups.

*Part 2: Issue grants to school owners that provide more primary and lower secondary education to young people who need it, so that more people are able to complete training at the upper secondary level.*

The Government has amended the Education Act so that municipalities and county authorities are able offer more primary and lower secondary education to young people who need it. The purpose is to assist those who have lived for a short time in Norway and are entitled to an upper secondary education but lack the prior schooling for it, so that their chances of completing the upper secondary level are improved.

*Part 3: Test out an extended programme period for participants in the Introduction Programme*

The Government recently decided to consider extending the Introduction Programme period beyond three years. Under to the Introduction Act, the programme currently lasts as long as individuals need it, generally to a maximum of two years. If special circumstances warrant, the programme may be extended to three years. An option to extend the programme to as long as four years would be especially applicable to participants who have little or no prior schooling and are unable therefore to find work or educational opportunities within the framework of the Introduction Programme.

In 2015 the Government presented its *Revised strategy for combating work-related crime*; see reporting on Article 2 B.

**Article 5 I E no. 4**

Act of 18 December 2009 No. 131 relating to social services in the Norwegian Labour and Welfare Administration came into force in 2010. The Act is a continuation of the Act of 13 December 1991 No. 81 relating to social services etc. Everyone with legal residence in Norway for a certain period of time is covered by the Act and entitled to social services, regardless of nationality. People staying in the country for a short time, such as tourists, job seekers or beggars, are entitled to receive information, advice and guidance at the NAV office, but their entitlement to financial benefits is limited. People who have been granted temporary residence as victims of human trafficking enjoy ordinary entitlements, including the right to financial benefits, temporary housing and participation in assistance programmes, even if their stay is short.

Municipal health and care services and specialised health services administered by the state are run in accordance with the equality principle, meaning that all citizens of the country are equally entitled to services suited to their individual needs; see chapter 1 of the Patients' and Users' Rights Act, chapter 1 of the Specialised Health Services Act, chapter 1 of the Health Authorities and Health Trusts Act and chapter 1 of the Municipal Health and Care Services

Act. The Sami people in Norway have an expanded right to use of the Sami language to safeguard their interests with regard to local and regional health, social and care institutions; see section 3 of the Sami Act.

An online web portal has been established at [www.helsenorge.no](http://www.helsenorge.no) that describes the structure of Norway's health and care services as well as the rights individuals have to use the health and care services. It has been translated into English and a more basic version has been translated into Sami. Translations into other languages are under way. The Ministry of Health and Care Services has special contact persons who coordinate casework related to health and care services for immigrants and the Sami population.

A national prioritisation council and guidance manuals on national prioritisation are important tools for promoting equality in the health and care services. A national strategy on immigrants' health has been prepared for the 2013–2017 period. The strategy is being implemented by the Directorate of Health. The Directorate of Health aims to ensure that the legal requirement of equality in health and care services is translated into practice by providing guidance manuals – including manuals on health services for asylum seekers (refugees and reunited family members) and the use of interpreters – and working to reduce social inequality in the health field generally. The Directorate of Health has also established two external expert councils: a forum for migration-related social and health services and a council on social inequality. Several centres of expertise help strengthen proficiency on the subject among health professionals.

The Norwegian Centre for Emergency Primary Health Care provides a wide range of services related to emergency care and patients with immigrant backgrounds, asylum seekers and foreign-language speakers. The Knowledge Centre for Health Services' study booklet on emergency-care ethics was distributed to all physicians practicing under supervision in 2015. The Knowledge Centre also provides literature on asylum seekers, on the right of immigrant patients to health services and on attitudes, communication, the use of interpreters and other topics.

The white paper on integration policy – Meld. St. 30 (2015–2016) *From reception centre to the labour market – an effective integration policy* – contains a number of measures related to health and care services. Among other things, the Government will ensure that information on the health of immigrants with refugee and migration backgrounds is disseminated to relevant actors in the health and care services. The Ministry has assigned the Norwegian Institute of Public Health to document the use of health and care services by asylum seekers and to document the health of asylum seekers in reception centres.

The increase in asylum arrivals to Norway in 2015 has posed a challenge to municipal health and care services and for the specialised health service in some places. So far, however, the prevalence of disease and health problems appears to be manageable, according to information on the health needs of asylum seekers provided by municipalities and the specialised health service.

The Norwegian Directorate of Health has prepared a health services guide, which is updated regularly, on the services available to asylum seekers, refugees and reunited family members. The manual recommends that municipalities set up a team focused on refugee health, and several municipalities have done so. Such teams facilitate refugee health care, address health

issues associated with the refugee situation, provide advice on individual cases and serve as a conduit between the health services and the reception centres or other relevant municipal facilities or authorities.

The Norwegian Institute of Public Health has published information for municipalities and asylum seekers on its website. It includes recommended infection protection measures and vaccination programmes. The Norwegian Centre for Migration and Minority Health has posted information for health professionals on its website about what to be aware of in the reception and treatment of refugees. The Norwegian Directorate of Health and the Norwegian Institute of Public Health will follow up the municipal efforts with information about migration health and infection protection.

At the behest of the Ministry of Health and Care Services, the Northern Norway Regional Health Authority has prepared a report (2013) on interpretation (*Tolkeprosjektet*). The project proposes expanding Sami interpretation services in four stages over a period of three to five years. The Northern Norway Regional Health Authority has been assigned to follow up the interpretation project. Sami users are the project's primary target group, but the project also interfaces with other patient groups, such as immigrants. Other patient groups will thus be able to benefit from the project's measures.

The Government will create a patient-centred health service. All patients should feel they have been treated with respect and transparency in their interactions with the health service and should get to participate in decision-making about their own treatment. Qualified interpreters shall be used as needed. The health service must accommodate the rights and needs of Sami patients with regard to adapted services. The same applies to patient groups with other language backgrounds.

Oslo University Hospital has created its own interpretation centre that provides interpreting services to the three largest hospitals in the capital area. The hospital has arranged fixed contracts with qualified interpreters in the most requested languages, as determined by an analysis of interpretation needs. Today, 95 % of interpreting assignments are performed by qualified interpreters, as against only 12 % before establishment of the interpreting services.

In following up on Official Norwegian Report NOU 2014: 8 *Interpreting in the public sector*, the Storting adopted a new provision for the Public Administration Act –section 11 e – prohibiting the use of children as interpreters. The provision entered into force on 1 July 2016.

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

In 2017, the Government intends to establish an advisory council in the university college and university sector to focus on public security and preparedness. The council will examine measures that could be imposed to hinder radicalisation and violent extremism. As envisaged such a council will have participants from state and private universities/university colleges, vocational schools, folk high schools and student associations. The main objective will be to strengthen public security and preparedness efforts across a large part of the academic sector and for public and private institutions to develop knowledge so they can address the subject systematically and effectively. Other topics related to public security and preparedness, such as preventing radicalisation and violent extremism among students, may also be addressed.

A key initiative in primary and secondary instruction is Dembra, a skills development service to assist schools in combating racism, antisemitism and undemocratic attitudes. Dembra provides support to schools in their efforts to address a variety of challenges to democracy and social diversity, from group hostility such as antisemitism, anti-Islamic prejudice and exclusionary attitudes towards Roma to radicalisation and violent extremism. In 2016, the Centre for Studies of Holocaust and Religious Minorities began a process of providing Dembra courses for teachers and school administrators around the country. The centre plays a key role providing guidance and stimulating activity at the five state-supported peace and human rights centres, all located outside Oslo. These will gradually become involved in providing instruction on the subject regionally. The Falstad Centre in Nord-Trøndelag county and the Rafto Foundation have participated in this work since 2016. A key task in 2017 will be to further strengthen these two centres, and preparations are under way for an additional centre to join the effort in 2018.

Important research has been done on antisemitism in Norway, and the Government provides support to research organisations active in the field. However, more must be learned about how antisemitism is expressed today and about the relationship between antisemitic attitudes and actions. More knowledge about the situation of Jews in Norway today is also needed. In 2018, several doctoral/postdoctoral positions will be established with a focus on group-based prejudices. The purpose is to strengthen teacher and student expertise and augment the long-term effort of raising awareness in schools. The projects have been announced by the Research Council of Norway. At least one of the projects will specifically address antisemitism.

In 2017 a project will begin to develop teacher-education learning resources and digital continuing-education packages on the subject of group-based prejudices; the materials can also be used to build skills in individual schools. The learning resources being developed will cover hate speech, antisemitism, racism, discrimination against minorities and undemocratic attitudes. The University of Stavanger will issue a report in 2017 identifying the teacher-education resources that are used and the needs that exist with regard to group-based prejudices. The Norwegian Directorate for Education and Training will follow up on the initiative with a view to making resources available for the start of studies in 2019. The aim of the initiative is to strengthen the skills of teaching students and teachers and reinforce existing efforts to improve learning environments. It will also help reduce the occurrence of hate speech in the education and training sector.

With regard to ensuring quality instruction for minority-language pupils, the Education Act in conjunction with both general and targeted measures are intended to help secure good learning outcomes and upper secondary completion rates for all pupils, including these.

The Education Act entitles pupils whose mother tongue is neither Norwegian nor Sami to special Norwegian-language instruction at primary and secondary level until their Norwegian skills are sufficient to allow them to follow regular school instruction; see sections 2-8 and 3-12 of the Education Act. If necessary such pupils are also entitled mother-tongue instruction, bilingual vocational training or both. Municipal and county authorities may organise special training programmes for newly arrived students in separate groups, classes or schools.

Municipal and county authorities may also offer additional primary and lower secondary instruction to pupils who are entitled to upper secondary education but who need more

instruction at the primary/lower secondary level to be able to complete the upper secondary programme. This could be of particular importance for pupils who come to Norway late in their school careers and will have little time to complete primary/lower secondary school before transitioning to upper secondary.

School and kindergarten personnel are in great need of the skills required to effectively educate minority-language children, youth and adults. In recent years, therefore, the Ministry has initiated a variety of measures to enhance skills in the sector. Among noteworthy initiatives are the professional development programme Competence for Diversity 2013–2017 and the continuing education programme in teaching a second language that is contained in the strategy for continuing education of teachers. In 2016, due to the refugee situation, the Directorate for Education and Training arranged county-by-county courses for school administrators, teachers and others involved in educating children and young asylum seekers and refugees. County governors have been allocated funds pay for additional skills enhancement in their counties in 2017.

A number of special curriculums have been developed for newly arrived pupils. The curriculum in basic Norwegian for language minorities is a transitional one that can be used until the pupils have gained enough competence to follow the regular curriculum in Norwegian. The mother-tongue curriculum for language minorities has been prepared for pupils whose mother tongue is neither Norwegian nor Sami. This curriculum, too, can be used until the pupil is able to take part in the regular course of instruction in Norwegian.

In July 2016 the Ministry of Education and Research adopted a special upper secondary curriculum in Norwegian for language minorities with a short period of residence in Norway (*Læreplan i norsk for språklige minoriteter med kort botid i Norge – videregående opplæring*). The curriculum is based on the regular curriculum in Norwegian but has a more pronounced language-learning perspective. Pupils will receive a final assessment with their mark and must pass an examination in the subject following upper secondary level 3.

A number of measures to ensure that newly arrived pupils get a quick start in school and experience educational equality are also described in the white paper *From reception centre to the labour market – an effective integration policy* (Meld. St. 30 (2015–2016)):

- Municipalities and county authorities have been sent queries to document the educational situation of children aged 6–18 residing in asylum reception centres.
- In February 2016 the Skolekassa.no online portal was created. The website assembles learning resources and teaching materials in several languages.
- The Directorate of Education and Training will revise and further develop assessment tools for minority pupils to help ensure that more minority language students receive better instruction.
- The Directorate of Education and Training will also arrange for the adaptation and translation of relevant educational information for minority language speakers and their parents and guardians.

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

The white paper *From reception centre to the labour market – an effective integration policy* (Meld. St. 30 (2015–2016)) describes the role of cultural institutions as “meeting places” for

various majority and minority groups in the population. It also describes museum, library, performing arts and music initiatives whose programming and staff composition help reflect the full diversity of the population while, on the other hand, focusing especially on newly arrived refugees and asylum seekers.

In spring 2016, the Ministry of Culture began to document the contributions of various cultural affairs actors to integration on an everyday basis. In the autumn of 2016 the Ministry received responses from more than 60 institutions and actors. The ministry held a well-attended idea seminar on the importance of art and culture for integration. The Ministry of Culture has allocated NOK 8 million to various integration activities by Norwegian cultural institutions.

## **Reporting on the Committee's recommendations**

### **The Committee's recommendation in paragraph 8**

Statistics Norway does not produce statistics on ethnic background. This is due to a lack of access to data and the difficulty of quantifying ethnic group representation. In general the agency exercises great caution about using sensitive personal information to produce statistics that may contribute to stigmatisation of vulnerable groups in society. Norwegian population statistics and the decadal population and housing census are based on registry information. The most important source is the National Registry. Everyone who is resident in Norway for more than 6 months or intends to live in Norway for at least 6 months is supposed to be registered there. People of all ethnic groups who meet these conditions are registered in the National Registry, but it is not possible to identify them as members of particular groups beyond what it is possible to infer by country of birth.

Statistics Norway has developed statistics on the Sami population in recent years. Every second year the agency issues the publication *Sami statistics*, which includes table data on population, education, language and employment. The first volume of the publication came out on the Sami People's Day – 6 February – in 2006. Since then the publication has come out biennially on the Sami People's Day. It is published in Norwegian and the North Sami. Also worthy of note is the establishment of the Analysis Group for Sami Statistics, a central government committee on which Statistics Norway is represented. Each year the committee issues a publication on Sami statistics (*Samiske tall forteller (Sami figures relate)*). The publications contain articles on a variety of topics relevant to the Sami community. To date there have been nine editions of *Samiske tall forteller*, which first came out in 2008.

In Norway, the following groups are recognised as national minorities in accordance with the Council of Europe's Framework Convention for the Protection of National Minorities: Jews, Kvens/Norwegian Finns, Forest Finns, Romani people/Tater and Roma.

Presently no statistics are generated on the basis of ethnicity; see section 2 of the Personal Information Act, regarding sensitive information. Some national minorities have expressed strong scepticism about all forms of ethnically based registration and data compilation as a result of abuse involving ethnic registration earlier in history.

The Norwegian Directorate for Children, Youth and Family Affairs is working to develop indicators for all forms of discrimination, including ethnic discrimination. In doing so the

directorates will gather statistics and information from a variety of sources in order to produce a clear overview of Norway's ethnic composition and of the living conditions for the different groups with ethnic discrimination in mind. The project will result in the publication of new web pages where national-level statistics and knowledge will be made available. The web pages are expected to be completed towards the end of 2018.

#### **The Committee's recommendation in paragraph 10**

The Ethnicity Anti-Discrimination Act prohibits discrimination on grounds of ethnicity, national origin, descent, skin colour, language, religion or belief. In June 2017 the Storting adopted a new comprehensive Equality and Anti-Discrimination Act, which will come into force in January 2018. Ethnicity, religion and belief are among the discriminatory grounds discussed in the Act. The term "ethnicity" refers to national origin, descent, skin colour and language, among other factors.

The authorities have previously considered whether the term "race" should be incorporated into the text of the statute, but have concluded that changes to insert "race" into the text or to state explicitly that the statute refers to opinions or conceptions about race are not needed. In order to combat racism it is important to do away with the notion that people can be divided into races. Using the term "race" in the wording of the statute could have the effect of confirming such notions. In the *travaux préparatoires* for the applicable statute (Proposition 88 L (2012–2013)), the Ministry pointed out that discrimination based on opinions or conceptions about a person's race clearly must be regarded as ethnic discrimination. The Storting endorsed this assessment.

#### **The Committee's recommendation in paragraph 12**

During preparation of the Act of 19 June 2009 No. 80 on incorporation of the Convention on the Elimination of All Forms of Discrimination Against Women into Norway's Human Rights Act, there was discussion of whether to incorporate other human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination. The Government chose not to propose this to the Storting. The reason was that only very general human rights conventions, and not more specific conventions, should be put into the Human Rights Act. The International Convention on the Elimination of All Forms of Racial Discrimination has been incorporated into Norwegian law. According to section 5 of the Ethnicity Anti-Discrimination Act, the Convention is applicable as Norwegian law. That will remain the case under the new Equality and Anti-Discrimination Act when it enters into force in January 2018. The Government has taken note of the recommendation of the Committee on the Elimination of Racial Discrimination. However, it maintains the conclusion reached in 2009.

#### **The Committee's recommendation in paragraph 14**

The purpose of the Norwegian National Human Rights Institution is to promote and protect human rights in accordance with the Constitution, the Human Rights Act and other legislation as well as international treaties and international law in general.

The institution has been given a broad mandate in accordance with UN requirements pertaining to national institutions (the Paris Principles). The mandate extends to all human rights, including that of non-discrimination. Under its mandate the Norwegian National Human Rights Institution shall not review individual cases involving human rights violations



but shall be a source of human rights information and of guidance to individuals with regard to national and international grievance procedures.

The Norwegian National Human Rights Institution submitted its application for international accreditation to the GANHRI Sub-Committee on Accreditation in 2016. In 2017 the Norwegian institution was granted “A” status. As a consequence, its membership in the European Network of National Human Rights Institutions (ENNHRI) was changed from “associate member” to “voting member”.

The institution has (as of May 2017) 11 employees in Oslo and 6 employees in Kautokeino. Those in Kautokeino are the result of the integration, on 1 January 2017, of the Gáldu Resource Centre for the Rights of Indigenous Peoples with the national institution.

The institution recently published three thematic reports – one on the care of unaccompanied minor asylum seekers, one on privacy protection as provided in Article 102 of the Constitution and one on the right of the Sea Sami to fish at sea. These were provided to the Storting on 1 April 2017 along with the institution’s 2016 annual report.

#### **The Committee’s recommendation in paragraph 16 (a)**

The Government is working to create a society where there is room for everyone, a society based on democratic values, universal human rights and mutual respect between individuals and between groups. In November 2015, the Government issued a political declaration against hate speech, which was followed in November 2016 by the Government’s strategy to combat hate speech for the 2016–2020 period (*Regjeringens strategi mot hatefulle ytringer*). The strategy contains 23 measures to create arenas for dialogue and awareness about the consequences of hateful expression. The Government seeks to create a climate of public debate that excludes no one as a result of hate speech.

As to the recommendation that Norwegian authorities “call upon ... media professionals to ensure that their public statements do not contribute to fuelling intolerance, stigmatisation and incitement to hatred”, we have the following comment: In a democracy one of the media’s most important responsibilities is to conduct independent and critical oversight of the actions of public authorities. Safeguarding the press’s independence from government authorities is therefore a key policy goal. This means that the way lawful speech is dealt with by the editorial media is the sole responsibility of the editor, to be regulated by the media’s own ethical rules. There is broad political consensus, that issues of editorial and media ethics should be left up to the industry itself. For that reason the Norwegian authorities traditionally have been very reluctant to take actions that could weaken this independence, such as the issuance of opinions or direct requests about the media’s handling of editorial issues, including how minority groups should be referred to and portrayed.

The industry’s own organisations have created a self-regulating system that operates through the Ethical Code of Practice for the Press and the Norwegian Press Complaints Commission. The code firmly states, among other things: “It is the task of the press to protect individuals and groups against injustices or neglect, committed by public authorities and institutions, private enterprises, or others.” It also states that the press should “respect a person’s character and identity, privacy, ethnicity, nationality and belief” and “be careful when using terms that create stigmas”.

In its Official Norwegian Report NOU 2011: 12 on freedom of speech and responsibility in today's media environment (*Ytringsfrihet og ansvar i en ny mediehverdag*), which assessed the need for special legislation or services that could protect the privacy of individuals in their interactions with the media, the Media Responsibility Committee concluded that “the self-disciplining system for press ethics in Norway currently works well, and that the press ethics system will play an important role in holding the journalistic media accountable in future as well”.

**The Committee's recommendation in paragraph 16 (b)**

Hate crime, including hate speech, will be prioritised in all of the country's police districts. Hate crime cases are a type that has been given priority nationwide, on a level with other gross violations of integrity; see the directive of the Director of Public Prosecutions on objectives and priorities for criminal proceedings in 2017. Hate crimes shall be registered, investigated and prosecuted in accordance with the same quality standards across all of the country's police districts, as indicated in the Government's strategy to combat hate speech for 2016–2020 (*Regjeringens strategi mot hatefulle ytringer*) as well as the Government's *Action plan against antisemitism (2016–2020)* and its action plan for 2017–2020 to combat discrimination due to sexual orientation, gender identity and gender expression (*Trygghet, mangfold, åpenhet: Regjeringens handlingsplan mot diskriminering på grunn av seksuell orientering, kjønnsidentitet og kjønnsuttrykk*).

See also the reporting on Article 4 A.

**The Committee's recommendation in paragraph 16 (c)**

The National Police Directorate prepares statistics on reports of hate crimes each year. One measure in the Government's *Action plan against antisemitism (2016–2020)* is to present annual statistics of reported hate crimes motivated by antisemitism in Norway. In 2015, the police registered 86 reports involving section 185 of the Penal Code, which concerns hate speech. In 2016, there were 189 reports. Starting in 2017, the statistics will be expanded to include prosecuted cases and cases resulting in a legally binding judgment. The measure stems from the Government's action plan for 2017–2020 to combat discrimination due to sexual orientation, gender identity and gender expression.

**The Committee's recommendation in paragraph 16 (d)**

The Government's strategy to combat hate speech for 2016–2020 (*Regjeringens strategi mot hatefulle ytringer*) contains a total of 23 measures in the priority areas of knowledge, justice, the media, children and youth, “meeting places” and working life.

The Government wants to help expand what is known about hate crime and hate speech, including on the internet and in social media. The measures being pursued are also addressed in the Government's *Action plan against radicalisation and violent extremism*.

See also the response to the recommendation in paragraph 26 (c).

Since 2014, the Government has given support to a campaign to stop hate speech online called *Stopp hatprat på nett*. The campaign is part of the Council of Europe's *No Hate Speech Movement*. In Norway, the campaign is led by a broad-based group of organisations. The campaign disseminates information and organises meeting places for young people who are actively engaged in opposing harassment and discrimination. The work enables them to

more effectively recognise hate speech and then respond to it. The campaign is in the process of establishing a national youth network to combat hate speech.

The Committee recommends that Norway “encourage follow-up to the report of the Media Responsibility Committee issued in 2011”. One of the specific proposals put forward in the Government’s strategy to combat hate speech (see above) was to “modernise the rules for assigning legal responsibility for content published in the media”.

Clear rules on assigning legal responsibility for media content are a prerequisite for being able to hold someone accountable for violations of law and then to enforce the sentencing provisions applicable, for example, to hate speech. An effective system of accountability will therefore promote an open and healthy debate climate. The media accountability system was studied by the Media Responsibility Committee in Official Norwegian Report NOU 2011: 12 on freedom of speech and responsibility in today’s media environment (*Ytringsfrihet og ansvar i en ny mediehverdag*). The Ministry of Culture is working to follow up the report and will consider, among other things, whether section 269 of the Penal Code, concerning editorial responsibility, can be formulated in a more technology-neutral manner.

#### **The Committee’s recommendation in paragraph 16 (e)**

In February 2016, the Government established the Centre for Research on Extremism: The Extreme Right, Hate Crime and Political Violence (C-REX) at the University of Oslo. The centre will develop knowledge about the causes and consequences of right-wing extremism and hate crime in Norway and internationally. In addition, the centre will disseminate research-based knowledge of practical use to policy developers, the police, municipalities, civil society, journalists and educational institutions. The centre is represented in the reference group for the strategy to combat hate speech, and will contribute to further development of knowledge in this area.

The Institute for Social Research has prepared four knowledge summaries on hate speech that were presented in connection with the launch of the strategy to combat hate speech. The reports present data on 1) the nature and volume of hate speech on the internet, 2) links between hate speech, discrimination, bullying and violence, 3) the line between free speech and hate speech, and 4) volume, prevention and legal limits of hate speech on the internet. Further research will be a key priority as the strategy is implemented, and the reports represent important starting point.

In 2016 the Centre for Studies of Holocaust and Religious Minorities conducted a study of whether and how antisemitism is expressed in selected Norwegian media, including comment sections and social media. It showed that anti-Jewish attitudes find expression in a variety of media, including the internet and social media. A measure contained in the Government’s *Action plan against antisemitism (2016–2020)* centres on monitoring antisemitism on the internet and in the media.

The Norwegian Police University College has created a new continuing education study programme on preventing and investigating hate crimes. The Norwegian Police University College hopes the programme will help improve the interdisciplinary effort to combat hate crimes, including hate speech, both in terms of prevention and investigation.

Measures 19–23 in the Government’s 2016–2020 strategy to combat hate speech (*Regjeringens strategi mot hatefulle ytringer*) concern knowledge and research. The main

objective of the measures is that “long-term and targeted knowledge building will provide a solid basis for the work against hate speech”. Measure 23 specifically addresses the further development of knowledge about hate speech. Measure 12 facilitates the establishment of national hate speech statistics on the basis of cases reported to the police.

See also the responses to the recommendations in paragraphs 16 (d) and 26 (c).

#### **The Committee’s recommendation in paragraph 18 (a)**

Section 77 of the Penal Code specifies a number of aggravating circumstances to be given special emphasis in sentencing. According to section 77 (i), hate crime is regarded as an aggravating circumstance if an offense is motivated by “religion or life stance, skin colour, national or ethnic origin, homosexual orientation, functional capacity level or other circumstances relating to groups with a particular need for protection”.

Hate crime is also governed by section 185, first paragraph, of the Penal Code, which determines the penalty for any person who “with intent or gross negligence conveys a discriminatory or hateful expression in public”. According to the second paragraph of section 185, “discriminatory or hateful expression” means “threatening or insulting a person or promoting hate, persecution or contempt for another person based on his/her a) skin colour or national or ethnic origin, b) religion or life stance, c) homosexual orientation, or d) reduced functional capacity”. This applies to separate provisions relating to aggravated threats, aggravated violence and aggravated criminal damage.

According to measure 18 of the Government’s action plan for 2017–2020 to combat discrimination due to sexual orientation, gender identity and gender expression (*Trygghet, mangfold, åpenhet: Regjeringens handlingsplan mot diskriminering på grunn av seksuell orientering, kjønnsidentitet og kjønnsuttrykk*), an assessment will be undertaken of the hate crime provisions in the Penal Code, in part to include gender identity and gender expression in the Penal Code protections against various forms of hate crime. In September 2016, a study was completed of the criminal law protection against discrimination.

#### **The Committee’s recommendation in paragraph 18 (b)**

The Government’s action plan for 2017–2020 to combat discrimination due to sexual orientation, gender identity and gender expression contains a number of measures to combat hate crime. The measures also apply to hate crimes related to skin colour, religious affiliation and reduced functional capacity. The action plan emphasises that the police shall be knowledgeable about hate crime.

In 2017 the National Police Directorate will prepare a guide for the police on registering hate crimes. The guide will contain clear information about relevant criminal provisions and how to register specific occurrences as reported hate crimes in the police’s criminal case system. Effective registration contributes to a higher quality of investigation and prosecution in such cases.

The local police reform is also facilitating high-quality investigation. The reform provides for larger police districts and opportunities to concentrate resources and create stronger expert environments with specialisation and training in topics including hate crime. The local police reform is also intended to help strengthen cooperation between the police and municipalities.

Hate crime expertise will be developed across police districts and in concert with the civilian sector. That is why, in November 2016, the National Police Directorate arranged a theme day for police districts around the country on how to detect, investigate and prevent hate crimes. The event was arranged in cooperation with the Oslo Police District, which has had its own hate crime investigative group since September 2014. In May 2015 the Oslo district prepared a special guide on how to apply relevant provisions of the Penal Code. After the investigative group was created, the number of reports increased, from 69 in 2014 to 143 in 2015.

**The Committee's recommendation in paragraph 18 (c)**

The Centre for Research on Extremism: The Extreme Right, Hate Crime and Political Violence (C-REX) was created at the University of Oslo in February 2016. The aim of the centre is to develop empirical and theoretical knowledge about the causes and consequences of right-wing extremism and hate crime in Norway and elsewhere. The centre's approach will be interdisciplinary. The centre will contribute high-calibre research to the academic debate surrounding right-wing extremism and political extremism more generally. C-REX disseminates up-to-date, research-based information about those phenomena to decision-makers, the police, municipalities, civil society, journalists and schools so that such actors will be better able to promote democratic values and hinder the rise of violent extremism. The centre is funded by the Research Council of Norway for a five-year period (2016–2021), with the potential of a five-year extension.

See also the response to the recommendation in paragraph 16 (d).

**The Committee's recommendation in paragraph 18 (d)**

The objectives and priorities for criminal proceedings in 2017, as issued by the Director of Public Prosecutions to the police and public prosecutors, direct that criminal offenses motivated by the aggrieved party's colour, nationality, religion or belief, sexual orientation or reduced functional capacity (hate crimes) shall receive priority in police districts nationwide when initiating and carrying out investigations.

**The Committee's recommendation in paragraph 18 (e)**

In 2015 there were a total of 347 reports of hate-motivated crimes. This represented a sharp increase over previous years; in 2014, the police registered 223 reports. The increase may have several explanations. The special priority given to the issue by the Oslo Police District is likely a significant cause of the increase, along with a stronger general focus on hate crimes in the country's other police districts. It is assumed that an improved understanding of hate crime, in the population and in the police, helps to expose more cases.

The National Police Directorate prepares annual statistics on reports involving hate crimes. The Starting in 2017 the statistics will be expanded to include prosecuted cases and cases that result in a legally binding judgment. The measure stems from the Government's action plan for 2017–2020 to combat discrimination due to sexual orientation, gender identity and gender expression.

**The Committee's recommendation in paragraph 18 (f)**

The police must have a solid understanding of how hate crimes are registered in the police criminal case system. The National Police Directorate will therefore prepare a guide for the police on registering hate crimes. Hate crime definitions and registration procedures will be the same in all of the country's police districts. Sound knowledge about legislation and

registration procedures leads to increased attention and an improved basis for investigating and prosecuting such matters. Consistent registration procedures also lead to fewer hate crimes going unrecorded and to improved data capture and internal quality assurance of hate crime statistics. With that in mind, hate crime statistics will be published on a regular basis to show the trends at every step of criminal case procedure.

New judges go through a fairly comprehensive introductory programme. Some of the issues addressed in the programme concern the multicultural aspects of society, including cultural understanding and problems associated with language interpretation. An essential element of the introductory programme is reflection: on the role judges play, on practical judicial skills, and on ethical challenges. Hate crime issues are addressed indirectly in these contexts.

### **The Committee's recommendation in paragraph 20**

The provisions of the Norwegian Penal Code are designed primarily to deal with specific acts committed by individuals or by multiple persons together. In Norway, therefore, restraint is exercised in criminalising organisations that promote and encourage racial discrimination. If participation in a group were by itself cause for punishment, it might mean an individual could be held criminally responsible regardless of whether he or she has taken part in the group's criminal activities. This would be unfortunate as well as contrary to the principle of holding a person accountable only for his or her own actions. Moreover, liability under Norwegian law for aiding and abetting a criminal offense significantly reduces the need to criminalise the formation of and participation in organisations that promote and encourage racial discrimination. Section 15 of the Penal Code stipulates that a penal provision also applies to any person who aids and abets in the offense in question, unless otherwise provided. That means a person who physically or mentally contributes to criminal acts committed by others may be punished as an aider and abettor.

### **The Committee's recommendation in paragraph 22**

According to the Ethnicity Anti-Discrimination Act, employers have a duty to work actively, purposefully and systematically to advance the purposes of the statute within their organisation. This duty applies to all public-sector employers and to private-sector employers that generally employ more than 50 employees. Employers with a duty to work actively in this way must report on equality measures that have been implemented and that are planned to be implemented in fulfilment of their activity duty.

In the new Equality and Anti-Discrimination Act, which enters into force in 2018, the activity duty is strengthened and made more specific. It will apply to all employers, regardless of size. For public employers and private employers with more than 50 employees, the activity duty is rendered specific, in the form of a four-step procedure. This will make it easier for employers to understand what the duty entails. The Storting has asked the Government to preserve the activity and reporting duty, as well as to strengthen it, and to return to the Storting with a new bill.

Enforcement in discrimination cases will be strengthened and streamlined. The new anti-discrimination tribunal will be authorised to award damages in employment cases. Today, only the courts can award damages or compensation in discrimination cases.

Meld. St. 30 (2015–2016), the white paper submitted in spring 2016 titled *From reception centre to the labour market – an effective integration policy*, contains 69 measures intended

to ensure that a greater percentage of newly arrived immigrants with a refugee background quickly enter the work force or the education system and gain a lasting connection to working life.

The Government wants to increase employment among immigrants who presently lack a connection to working life, are not eligible for other programmes or need specially adapted training. The Government will assess each individual's skills during the reception phase and create fast tracks into the labour market for those who possess work skills that are in demand. In addition, the Introduction Act will be amended so that use of employment and training schemes will always be included in developing a person's individual plan. The Government will review approval procedures and establish supplementary education programmes to make it easier for immigrants to build on the skills they already have. The Government will continue operating the Job Opportunity programme but will make some changes to it. More groups will get to strengthen their employment qualifications, improve their Norwegian-language skills and gain better insight into Norwegian society, thereby strengthening the foundation for a lasting connection to working life.

In Meld. St. 16 (2015–2016), the white paper on coordinated efforts to enhance adult learning (*Fra utenforskap til ny sjanse*), the Government announced several measures that will help raise the quality of Norwegian-language and social studies instruction. The Government will also introduce cultural and social studies instruction for asylum seekers in reception centres, so they gain a basic understanding of Norwegian society. The instruction in cultural and social studies comes in addition to 175 hours of Norwegian-language training offered to asylum seekers in reception centres. The Government plans to introduce such instruction in 2017, and has allocated NOK 23.3 million for the measure.

Skills Norway (formerly Vox) has been assigned to develop an electronic system enabling asylum seekers themselves to register their skills while still living in a reception centre. When skills assessment is complete, career guidance services will follow. The Government would like immigrants with a refugee background who have the relevant skills and work experience to be able to put their strengths to use in the workplace as quickly as possible. Among other things, the Government intends to establish a national programme for recognition of foreign vocational training and to work on creating a national programme for recognition of education obtained at foreign vocational schools.

The Government and the main employer and employee organisations have signed a cooperative declaration on speeding up workplace integration of immigrants with a refugee background. The declaration states, among other things, that a fast track will be established in the Introduction Programme for refugees who already possess a work skill that is in demand.

In the Government's strategy to combat hate speech for the 2016–2020 period (*Regjeringens strategi mot hatefulle ytringer*), working life is one of several priority areas identified.

Service Centres for Foreign Workers help foreign workers quickly find legal work in Norway. The service centres consist of representatives from the Labour Inspection Authority, the police, the Tax Administration and the Directorate of Immigration. They are co-located to make it easier to provide quick information to foreign workers. Applications for residence permits, tax deduction cards and notifications of address change are processed at the centres, and visitors are provided with information about rights and duties pertaining to work in

Norway. A new service centre (Trondheim) was established in January 2017. Service centres have now been established in Oslo, Bergen, Stavanger, Trondheim and Kirkenes.

Reference is also made to the reporting on Article 5 I E no. 1, concerning measures to get immigrants into the work force.

#### **The Committee's recommendation in paragraph 24**

In the autumn of 2015 the Government presented a *National action plan for the implementation of the UN Guiding Principles* (UNGPs). In it, the Government strengthens its expectations of the entire Norwegian business community to know and use the UNGPs and the OECD guidelines for multinational corporations, and specifically to exercise diligence and identify human rights-related risks. The action plan is based on the UNGPs' own structure and therefore covers effective grievance mechanisms (judicial and non-judicial as well as governmental and non-governmental). The national contact point for OECD guidelines is especially relevant, since those guidelines include the UNGPs. The contact point has a mandate to hear individual cases in order to mediate between complainant and company. Some such individual cases have involved indigenous rights. Norway is also a driving force in UN efforts to strengthen the ability of national bodies assist victims of gross and systematic abuse resulting from business activity.

#### **The committee's recommendation in paragraph 26 (a)**

Labour market policy is aimed at those who, whatever their background, need employment assistance to transition into work. The policy depends on individual assessment as the basis for case follow-up and programme participation. Norway has therefore not implemented labour market measures specifically designed for Roma and Romani people/Tater.

Norway has not established special measures for national minorities in the health and care services. Roma and Romani people/Tater use the country's ordinary health services. Health and care services shall be available to all, with accommodations for language and, if necessary, use of an interpreter.

Because of the trend of asylum seekers and refugees arriving in Norway, the regional health authorities were asked by the Ministry of Health and Care Services, in its letter of assignment for 2016, to contribute essential specialist health services and guidance to municipalities to enable them to fulfil their responsibilities to provide health services to asylum seekers and refugees.

The Directorate for Education and Training has prepared informational material on national minorities, including the Roma and Romani people/Tater.

See: ([http://www.udir.no/globalassets/filer/samlesider/national-minorities/national\\_minorities\\_eng\\_druk-01.02.pdf](http://www.udir.no/globalassets/filer/samlesider/national-minorities/national_minorities_eng_druk-01.02.pdf)).

The material is intended for employees of kindergartens and schools. It contains chapters on each of the minorities. The introductory chapter includes information on the special rights possessed by national minorities (including the right to special language instruction). The chapter on Roma is translated to Romanes. The Directorate for Education and Training has decided for the time being not to translate the chapter on Romani people/Tater because there is disagreement within the minority about whether it is desirable to have material in Romani and what the correct standard would be.



Since 2004, the Ministry of Education and Research and the Directorate for Education and Training have supported a project concerning the Romani people/Tater. The project was originally an initiative from Taternes Landsforening, one of the Romani people/Tater associations in Norway. The main purpose of the project has been to promote knowledge of Romani people/Tater culture in schools and kindergartens and to help generate pride among Romani people/Tater children and youth. In 2016, the project was adapted to include knowledge of national minorities in general as well as the Romani people/Taters and was employed especially for teacher education students at Østfold University College. The project enjoys solid support from the university college's management, and the intention is to incorporate it into ordinary instruction. Representatives of Taternes Landsforening participate in the project.

The National Centre for Multicultural Education, on assignment for the Directorate for Education and Training, has prepared instruction projects on national minorities for use in kindergartens and all seven years of primary school ([www.minstemme.no](http://www.minstemme.no)). The projects include a taste of the languages spoken by the different minorities. The projects are linked to the framework plan for kindergartens and to the curriculum skills objectives that apply to everyone, but use of the projects is voluntary. The projects are anchored within the organisations representing the national minorities.

There are no plans for special strategies and policies related to housing for Roma and Romani people/Tater.

#### **The Committee's recommendation in paragraph 26 (b)**

Kindergartens and schools play a major role in combating discrimination and stereotypes. A white paper submitted to the Storting in spring 2016 on the substantive content of kindergarten (Meld. St. 19 (2015–2016) *Tid for lek og læring: Bedre innhold i barnehagen*) stated: "In the framework plan for kindergartens, the Government will make clear that the kindergartens are responsible for developing children's tolerance for a diverse society and thus help stem the tide of prejudice and discrimination based on gender, sexual orientation, reduced functional capacity, ethnicity, culture, religion and belief." The Storting endorsed the white paper. New regulations on the framework plan for kindergarten content and the responsibilities of kindergartens came into force from 1 August 2017. The new framework plan includes the following statements: "Kindergarten shall promote respect for human dignity by highlighting, esteeming and promoting diversity and mutual respect. (...) Kindergarten shall promote equal status and equality regardless of gender, functional capacity, sexual orientation, gender identity and gender expression, ethnicity, culture, social status, language, religion or belief. Kindergarten shall counteract all forms of discrimination and promote goodwill. (...) Kindergarten shall contribute to children's well-being, joy of life, sense of accomplishment and self-esteem while preventing abuse and bullying."

Proposed legislation with zero tolerance for all forms of bullying, violence, discrimination, harassment and other abuses in school has been circulated for comment by the Government. The bill covers all grounds for discrimination or harassment, including gender, belief, reduced functional capacity, sexual orientation and others. Now adopted, the Act includes:

- Activity duty. A clear duty for all school workers to actively expose and address bullying or other situations at school that prevent a pupil from feeling safe and at ease.

The activity must occur quickly in response to the situation. This heightened activity duty takes on special importance if it is an employee who is bullying the pupil.

- Improved access to remedy. If a school fails in its duty, pupils and parents can report the matter to the county governor without difficulty. The county governor shall quickly assess the situation and follow up until the problem is resolved.
- Daily fines may be imposed on municipalities that do not comply with the county governor's order. This has a preventative effect and will compel activity in cases where it is necessary.

The Government is strengthening expertise in kindergartens, schools and municipalities to prevent and deal with bullying. A skills package is being developed that can be adapted to a variety of needs in kindergartens and schools. The schools with the highest number of bullying incidents will get help first, and greater resources will be put into these schools.

The Government will make it easier for bullying victims and their families to get information on how to obtain the help they need:

- A new online portal has been established to make it easier for children, youth and parents to find information on anti-bullying measures.
- Strengthening of the Ombudsman for Children so the office can support children and young people in especially difficult cases, serve as a "watchdog" over municipalities and do more to improve the learning environment in kindergartens.
- A new telephone and chat service – low-threshold service for children and youth who are struggling with bullying and need an adult to talk to.

In 2017 work will begin on developing teacher-education learning resources focused on group-based prejudices as well as digital continuing education modules. These may also be used for skills enhancement in schools. Some of the competency aims in a variety of school subjects reflect values such as diversity, respect for differences, equality and interpersonal trust. The purpose of this measure is to enhance the skills of both teacher education students and practicing teachers and to strengthen the already well-established efforts to improve learning environments. This measure will also help reduce the occurrence of hate speech in the education and training sector. Funds will also be allocated in 2017 for doctoral/postdoctoral positions focused on research into the prevention of antisemitism and other group prejudices in schools. The intention is to strengthen the skills of teachers and pupils and bolster the long-term work of generating positive attitudes in schools.

See also our responses to paragraph 18 (a) and our reporting on Article 1 A.

### **The Committee's recommendation in paragraph 26 (c)**

According to section 185 of the Criminal Code, it is a punishable offense to convey a hateful expression that threatens or insults another person, or promotes hatred, persecution or contempt on the basis of skin colour, national or ethnic origin, religion or belief, sexual orientation or reduced functional capacity. According to the directive issued by the Director of Public Prosecutions to the police and prosecuting authority, violations of section 185 are to be given priority.

The Government is committed to combating hate speech related to gender, ethnicity, religion, belief, reduced functional capacity, sexual orientation, gender identity and gender expression.

The Government's strategy to combat hate speech for the period 2016–2020 (*Regjeringens strategi mot hatefulle ytringer*) will strengthen the effort to prevent and combat hate speech. The Government will facilitate effective and respectful public exchanges of opinion while helping to create good "meeting places" in cooperation with all parties with knowledge and experience to contribute.

A key goal of the strategy is to help create meeting places where children, youth and adults can discuss, disagree and hold different views without harassing or using hateful expression. A priority focus of the strategy is children and young people. The fight against hate speech among children and young people is closely linked to the fight against bullying and discrimination.

See also the response to the recommendation in paragraph 26 (b).

**The Committee's recommendation in paragraph 26 (d)**

Reference is made to the response to the recommendations in paragraphs 26 (a) and (b).

**The Committee's recommendation in paragraph 26 (e)**

The Ministry of Local Government and Modernisation funds the municipality of Oslo's programme *Skolelos for romelever* (school guidance for Roma pupils). The aim of the programme is to strengthen learning outcomes, reduce absence and increase Roma pupils' chances to complete primary education. The programme was expanded in 2016, and currently consists of one coordinator, two "school guides" and one teaching assistant with Roma background.

Since 2014, the Government has made a special effort to improve the school and training situation for children receiving Child Welfare Services support. The purpose of the initiative is to change attitudes and practices in the child welfare system and at school, so that children in child welfare programmes gain as much as possible from their schooling and complete upper secondary-level education.

In Norway, people are not registered by ethnicity. Our statistics are based on country of origin. Norway's Child Welfare Act applies to all people resident in the country, regardless of their status, background or grounds for residence. A general principle applied under the Child Welfare Act is that the best interests of the child be given decisive weight when selecting measures to be implemented. An order to take a child into care may be issued only if the child is being subjected to serious neglect, abuse or mistreatment. Furthermore, a care order may be issued only if assistance measures will not remedy the child's situation. Issuance of a care order must also be deemed necessary and in the best interests of the child.

Child Welfare Services brings cases to the relevant *county social welfare board* when it determines that a care order is regarded as necessary. Processing by the board is premised on a thorough examination of the child's care situation by Child Welfare Services. As a general rule, Child Welfare Services will have already provided the family with assistance measures. An investigation often involves the preparation of expert reports. These must be approved by the Commission on Child Welfare Experts before submission to the county social welfare board as evidence in a case. The county board's decision may be appealed to the district court.

When moving a child to a foster home, the Child Welfare Services will initially seek to find a suitable foster home within the child's own family and network. The Norwegian authorities consider it important to take heed of the child's linguistic and cultural background, to the degree possible.

A research project has been launched in which a certain number of county social welfare board cases will be reviewed to see if care order assessments differ when ethnic minorities are involved. The scope of the project, which Norwegian Social Research is carrying out, includes Roma. In addition, the Government has commissioned the *Norwegian Board of Health Supervision* to review a wide range of acute cases of a general nature as well as care order cases. Assessments will be made of case processing by Child Welfare Services, input by child welfare experts and case processing by the county boards. These individual cases combined may provide information about what if anything is wrong and why failures occur. Both projects are expected to provide valuable knowledge that could prove useful in the work of further developing the Child Welfare Services.

The Government has also proposed a child welfare reform that includes increasing the professional and financial responsibility of municipal-level child welfare services. The proximity of municipal authorities to individual children and families gives them an advantage in providing early assistance. Familiarity with the child in question and the child's situation is important in ensuring that the right measure is selected at the right time. The reform is intended to increase the emphasis on early-stage and preventative measures as well as cooperation by the various municipal agencies that work in close contact with families. The reform also includes comprehensive measures to improve quality and skills in the municipal child welfare services. The skills enhancement measures include training in investigation and support measures for children and families with a variety of cultural backgrounds.

A special continuing education programme on child welfare with a minority perspective is offered at two educational institutions. Skills pertaining to indigenous peoples and national minorities, including Roma and Romani people/Tater, are taught there. The Directorate for Children, Youth and Family Affairs has been tasked with evaluating other measures that could enhance child welfare expertise relevant to immigrants, ethnic minorities, indigenous peoples and national minorities, including Roma and Romani people/Tater. As part of this initiative, the directorate has drawn up a strategy providing a basis for an action plan to improve trust between ethnic minority communities and the child welfare services for the 2016–2021 period (*Handlingsplan for å bedre tillit mellom etniske minoritetsmiljøer og barnevern*). User involvement has been important to this work. Representatives of several Roma and Romani people/Tater organisations have participated in the process.

#### **The Committee's recommendation in paragraph 26 (f)**

In the summer of 2015, a committee charged with studying and documenting the factual circumstances of policies and measures towards the Romani people/Tater submitted Official Norwegian Report NOU 2015: 7 *Assimilation and Resistance*. The report was circulated broadly for comment in the autumn of 2015, and open hearings were held at various places in the country in the first half of 2016. The deadline for comments was 30 May 2016. In 2017 the Government continues its work on following up the report based on input from the hearing, *inter alia*.

### **The Committee's recommendation in paragraph 28**

On 19 September 2014 the Government, in cooperation with Sámediggi (the Sami parliament), appointed a committee to study legislation, policy measures and programmes related to the Sami languages. The committee delivered its final report, Official Norwegian Report NOU 2016: 18 *Hjertespråket* [Language of the heart], in October 2016.

According to the committee, it is necessary to strengthen the infrastructure underpinning the Sami languages – South Sami, Lule Sami and North Sami. Among other things this would mean more municipalities with Sami language rights, the establishment of Sami language resource centres for each of the language areas, strengthened Nordic cooperation on Sami language development and strengthened interpreting services to ensure that Sami language rights can be realised.

The committee also has a number of proposals for programmes and measures to affect kindergarten, training and higher education, health and care services, justice and municipal administration. The report has been in wide circulation for comment. The Ministry of Local Government and Modernisation is in close dialogue with Sámediggi on following up the report.

The *Action plan for Sami languages* is being implemented by the ministries. The County Governor of Nordland has been given special responsibility for carrying out the plan's measures. The measures have been extended through 2017 and will be evaluated in connection with the follow-up of NOU 2016: 18 *Hjertespråket* [Language of the heart].

The Storting provides an annual grant to Sámediggi. The purpose of the grant is to help fund Sámediggi's educational objectives, including the development and production of teaching materials for Sami pupils, such as teaching materials for special needs education and curriculum work and development. Sámediggi itself establishes priorities for the production of teaching materials and for the Sami language that is to be used. According to Sámediggi's 2016 annual report, there is far to go before the goal of high-quality Sami learning resources in the three Sami languages is achieved in keeping with the existing curriculum. The annual report states that the situation is especially problematic in the Lule Sami area.

The Language Council of Norway is the Government's specialised body on language matters. Its statutes stipulate that the Language Council shall take into account the overall language situation in the country, including the linguistic interests of persons with Sami or minority language background or affiliation. A central task of the Language Council is to contribute to increased the use of these languages and to boost their status. The Language Council's work takes place in close cooperation with the user organisations of the different languages.

In 2016, NRK Sápmi broadcasted television news programmes daily in cooperation with the Sami broadcasters in Sweden and Finland. Sami children's programmes were broadcast daily (on NRK Super). On the radio there were daily news broadcasts in North Sami, South Sami and Lule Sami. NRK also presented news and other content in three Sami languages on the internet and mobile broadband. In the run-up to the 2015 municipal elections, NRK TV carried debates from Sami municipalities online. In connection with full transition to digital radio broadcasting, NRK Sámi Radio will be developed into a 24-hour Sami radio channel that will also take over the Sami content now distributed on NRK P2 via the FM network.

Grants from the Ministry of Culture support the production of Sami daily newspapers as well as newspaper pages in Lule Sami and South Sami for Norwegian-language local newspapers. For example, the newspaper *NordSalten* contains pages in Lule Sami while *Snåsnningen* has pages in South Sami.

Support for Sami-language literature, whether in Lule Sami, South Sami or North Sami, is included in the overall support for cultural affairs that the Ministry of Culture makes available to Sámediggi each year. The Ministry's annual allocation is transferred to, and administered by, Sámediggi. Sámediggi then distributes the funds to support a variety of cultural aims, such as artist stipends, library services, museums, theatres, festivals, culture centres and other cultural institutions, as well as literature. Measures supporting Sami literature also benefit from project funds awarded through the Arts Council of Norway.

Re-establishment of reindeer husbandry for the Skolt/East Sami would require expropriation of existing grazing rights from other Sami who practice reindeer husbandry. Other Sami reindeer herders are also entitled to protection of their culture and way of life in accordance with human rights. Article 27 of the International Covenant on Civil and Political Rights is particularly relevant in this context. After a comprehensive assessment of the interests at issue, the Minister of Agriculture and Food and the Minister of Local Government and Modernisation decided in 2015 that expropriation would not be pursued. The authorities held meetings with representatives of the Skolt/East Sami in connection with this assessment. The Government considers this case closed and has no further information to provide.

The Norwegian authorities acknowledge that Skolt/East Sami culture is in a very vulnerable position, and have taken measures to support Skolt/East Sami culture. The Ä'vv Skolt Sami Museum in Neiden opened on 16 June 2016. One of the museum's most important tasks is to present Skolt Sami history while also portraying today's situation for the Skolt Sami. The museum is a gathering place. It will help preserve the Skolt Sami language and Skolt Sami craft traditions while simultaneously looking to the future.

The authorities have provided support to transboundary projects on the Skolt Sami language and culture since 2008. Between 2013 and 2016, the East Sami Museum received funds for language work across the borders of Finland, Russia and Norway. (The East Sami Museum has since changed its name to the Ä'vv Skolt Sami Museum in Neiden). The purpose of the funds has been to help strengthen the Skolt Sami language and culture in a transboundary perspective.

#### **The Committee's recommendations in paragraphs 30 (a) and (b)**

The proposal on surveying and recognition of existing land rights in the traditional Sami areas outside Finnmark is being evaluated by the relevant ministries. Follow-up of the proposed legislation on surveying and recognition of Sami rights south of Finnmark is within the area of responsibility of the Ministry of Justice and Public Security.

Reference is also made to the Sami Rights Committee's view that the rights of Sami to land and natural resources in areas they have traditionally controlled must be considered on the basis of Norwegian property law pertaining to immemorial usage, prescription and custom. However, the general property law principles being relied upon must be adapted to suit the special characteristics of Sami material culture practice, a point expressed by the Supreme Court in two decisions in 2001.

### **The Committee's recommendations in paragraphs 30 (c) and (d)**

As mentioned in Norway's midterm report, the Government is currently following up the proposal of the Sami Rights Commission to establish by law an obligation for the authorities to consult with the Sami on issues that could affect them directly. In April 2017, the Ministry of Local Government and Modernisation held political consultations with Sámediggi on this matter and on potential changes in Sámediggi's budgeting process. No agreement was achieved on the budgeting process. Due to the lack of agreement on the budgeting process, Sámediggi did not wish to approve the Government's proposal for statutory provisions on consultations. The Government will therefore not submit a bill on consultations in the current Parliament period.

In our midterm response to paragraph 30 (c) of the Committee's concluding observations on Norway's combined 21<sup>st</sup>/22<sup>nd</sup> periodic report, we noted that "the Storting appropriates just under 500 million NOK as block grants, from 7 different budget line items, to Sámediggi. The objective is to support the Sami in preserving and developing their culture, language and community life. These grants are in addition to appropriations from the central government and municipal allocations for services benefiting everyone in the population, regardless of ethnic, linguistic or cultural affiliation." We emphasised moreover that budgetary work raises a number of problematic issues, and is not covered by the *Procedures for the consultations between State Authorities and the Sami Parliament*, which was signed in 2005. We pointed out that a meeting is held in advance of the Government's first budget conference every year between the President of Sámediggi, the Minister of Finance and the Minister of Local Government and Modernisation. At this meeting, Sámediggi submits the budgetary needs of the Sami community. Our response also called attention to the work done to assess the advantages and disadvantages of combining the grants provided to Sámediggi into a single budget item. It was also stated that "the Government of Norway is of the opinion that the current arrangements for the preparation of the government's annual budget proposal are in line with Norway's obligations under the ICERD". In 2017, the Ministry of Local Government and Modernisation consulted with Sámediggi on potential changes in Sámediggi's budgeting model. The basis for the consultations was a report sent by the Ministry to Sámediggi in 2016 and a memorandum of interest from Sámediggi. The report from the Ministry discussed the pros and cons of merging Sámediggi budget items into a single item. No agreement on a revised budgeting model was reached in the consultations. The Ministry of Local Government and Modernisation desires, in consultation with Sámediggi, to continue the work of assessing a budgeting model that combines the transfers to Sámediggi into a single budget item or perhaps other models that would better enable Sámediggi to prioritise Sami political issues within a given budget framework.

Norwegian authorities are intent on distinguishing between the right to consultation and free, prior and informed consent. We refer to Norway's addendum to the report of the UN Special Rapporteur on the rights of indigenous peoples concerning the human rights situation of the Sami people in the Sápmi region of Norway, Sweden and Finland (attached). In the addendum we point out, among other things:

"The ILO Convention No. 169 article 6 establishes a duty to consult the indigenous peoples whenever consideration is being given to legislative or administrative measures which may affect them directly. The consultations carried out shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to

the proposed measures. However, article 6 does not entail a duty to obtain such agreement or consent.

The United Nations Declaration on the Rights of Indigenous Peoples is not a legally binding document, but provides important guidelines and sets a standard of achievement to be pursued. Article 19 in the declaration declares that states should consult in good faith *in order to obtain* a free, prior and informed consent. The declaration should be applied in accordance with international law. The scope of article 19 must therefore be determined on the basis of interpretations of similar consultation obligations in other international legal instruments. Reference is also made to Norway's *Explanation of Vote* to the Declaration:

The recognition of the right of self-determination referred to in this Declaration requires that indigenous peoples have full and effective participation in a democratic society and in decision-making processes relevant to the indigenous peoples concerned. Several articles in the Declaration specify how the right to self-determination may be exercised. The Declaration emphasises that the right to self-determination shall be exercised in conformity with international law. Consultations with the peoples concerned is one of the measures outlined in the Declaration. As a state party to ILO Convention no. 169, Norway has implemented the consultation requirements specified in that convention. Self-determination is furthermore exercised through the Sami Parliament, which is an elected body with decision-making and consultative functions within the framework of the applicable legislation. The Government has also signed an agreement with the Sami Parliament which sets out procedures for consultations between the government and the Sami Parliament.

Measures whose impact amounts to a denial of the right of a community to enjoy its own culture are incompatible with the International Covenant on Civil and Political Rights (ICCPR) article 27. We are familiar with the Human Rights Committee's Views – Communication No. 1457/2006, *Ángela Poma Poma v. Peru*. In this case the Human Rights Committee stated that in their view the admissibility of measures which substantially compromise or interfere with the culturally significant economic activities of a minority or indigenous community would require a free, prior and informed consent of the members of the community.

A general requirement to obtain a free, prior and informed consent (right to 'veto') cannot be derived from the ICCPR article 27."

Nor can such a requirement be derived from the International Convention on the Elimination of All Forms of Racial Discrimination.

#### **The Committee's recommendation in paragraph 30 (e)**

There has been a need to clarify certain questions about the rights survey work in Finnmark before proceeding with rights surveying south of Finnmark. Recently, these questions have been resolved. At issue were economic challenges related to the state's coverage of the parties' legal costs in cases brought before the Finnmark Land Tribunal (previously called the Uncultivated Land Tribunal). The model has been adjusted. The Sami Rights Committee's proposal was based on the model previously used in Finnmark. The Ministry of Justice and Public Security is now in the process of addressing the Sami Rights Committee's proposal for rights surveying south of Finnmark.

#### **The Committee's recommendation in paragraph 30 (f)**

A revision of fisheries legislation as a follow-up to the Coastal Fisheries Committee's recommendation in Official Norwegian Report NOU 2008: 5 on the right to fish off the coast of Finnmark (*Retten til fiske i havet utenfor Finnmark*) was concluded with the Storting's



adoption of the legislative amendments of 21 September 2012. The amendments entered into force on 1 January 2013. Both the Government and Sámediggi acknowledged that they disagreed on the interpretation of international law. The disagreement focused on interpretation of the International Covenant on Civil and Political Rights and ILO Convention No. 169. During the consultations, however, the parties reached agreement on the legislative amendments themselves. On the basis of this agreement, the Norwegian authorities consider the matter closed and have no further information to provide.

### **The Committee's recommendation in paragraph 32**

In June 2017, the Storting adopted a new Anti-Discrimination Ombud Act. The office of the Equality and Anti-Discrimination Ombud is being strengthened in its advocacy role. Enforcement tasks are being transferred to a new and strengthened anti-discrimination tribunal. This tribunal will be empowered to award damages in employment cases and compensation when the circumstances of a case are relatively simple.

In response to a request from the Storting dated 2 December 2016, the Ministry of Justice and Public Security is reviewing the free legal aid system to see whether it should be expanded into additional areas or changed in other ways to ensure maximum fairness, targeting of services and effectiveness. To this end a consultation paper is presently being prepared.

### **The Committee's recommendation in paragraph 34 (a)**

The Government's *Action plan to combat negative social control, forced marriage and female genital mutilation (2017-2020): The right to decide about one's own life* contains 28 measures spread among five priority areas: 1) enhancing legal protection for vulnerable persons, 2) increasing support for people with broken family and network ties, 3) changing attitudes and practices in affected environments, 4) strengthening knowledge in the service agencies and 5) strengthening research and knowledge exchange. Norway has signed the Council of Europe Convention on Preventing and Combating of Violence against Women and Domestic Violence (the Istanbul Convention). On 17 March 2017 the Government submitted a bill to the Storting on consent to ratify the Convention. Penal Code amendments have been enacted to fulfil the obligation under the Convention to criminalise forced marriage. Forcing a person to enter into marriage by use of violence, deprivation of liberty, other criminal or wrongful conduct or improper pressure is a punishable offence; see section 253 of the Penal Code. On 1 July 2016, a legislative amendment came into force which also prohibits undertaking preparations for a forced marriage. To induce or by other means contribute to a person travelling to a country other than the person's country of residence with the intent that the person will there be subjected to forced marriage is now punishable pursuant to section 253, second paragraph, of the Penal Code. One basis for the provision is Article 37 of the Istanbul Convention.

For several years, Norway has worked to prevent and combat negative social control, forced marriage and female genital mutilation. These efforts have produced results: more and more people are in contact with, and receiving help from, the special services provided for those exposed to this violence. The work has also strengthened our understanding of various forms of violence and of the needs of especially vulnerable groups with complex challenges and needs. It has also led to a more comprehensive framework of commitment and understanding with regard to all forms of violence and abuse, in line with the Istanbul Convention's approach. But much remains to be done. The efforts to prevent and combat negative social

control, forced marriage and female genital mutilation must be purposeful and targeted so that the work can evolve and we can address new challenges.

Combating all forms of violence and abuse is a high priority for the Government, which in the autumn of 2016 presented the Storting with Proposition 12 S (2016–2017), an escalation plan to combat violence and abuse in the 2017–2021 period (*Opptrappingsplan mot vold og overgrep*). In the white paper *From reception centre to the labour market – an effective integration policy* (Meld. St. 30 (2015–2016)) notice was also given that all vulnerable children, women and men will be entitled to coordinated and comprehensive assistance from a support system with expertise in a variety of forms of violence and abuse, including honour-related violence, forced marriage, female genital mutilation and human trafficking. This white paper highlights correlations and links to measures contained in the escalation plan to combat violence and abuse. Non-governmental organisations (NGOs) have an important role to play in all of the plan's priority areas. In Meld. St. 30 (2015–2016), the white paper on integration policy, the Government stated that integration grant schemes will be reviewed in order to strengthen the work of NGOs. Cooperation between grant managers will also be strengthened.

#### **The Committee's recommendation in paragraph 34 (b)**

In 2016, the Government proposed to raise the residence time requirement for a permanent residence permit from three to five years; see Proposition 90 L (2015–2016). At the same time, steps were taken to mitigate any negative effects of raising the residence time requirement for foreigners who experience abuse in domestic relationships. The Storting decided in 2016 not to raise the residence time requirement for a permanent residence permit.

#### **The Committee's recommendation in paragraph 34 (c)**

The Government's *Action plan against human trafficking* was presented in December 2016. The plan contains a number of measures for the support and protection of human trafficking victims. Residence may be granted to victims of human trafficking on a variety of grounds. These will be reviewed to ensure that victims receive the most appropriate follow-up attention. The police, meanwhile, have to maintain broad and up-to-date knowledge about trafficking. Specialised expertise is also needed. The National Police Directorate will carry out adequate measures to enhance skills.

Under the Government's *Action plan against human trafficking* the National Police Directorate is tasked with ensuring that the police have routines for effective follow-up and possible investigation of cases such as trafficking involving children placed in an institution, and that effective cooperation procedures are established with Child Welfare Services. The National Police Directorate will also ensure that children who disappear from reception or care centres are given as much priority as other disappearance cases and that the police districts create effective cooperation procedures with the immigration authorities and Child Welfare Services in such cases. The National Police Directorate will take preventative measures to keep children from ending up in criminal environments or being subjected to human trafficking.

In Norway, the threshold for granting a six-month reflection period to presumed victims of human trafficking is low. The purpose of the reflection period is to give assistance to presumed victims of human trafficking so they have an opportunity to escape a coercive situation and consider filing a police report. In 2016, the Norwegian Directorate of

Immigration made 40 decisions regarding six-month reflection periods for presumed human trafficking victims. Twenty-six applications were granted and 14 were denied. The reason for most of the rejections was either that the trafficking statements had already been considered in the protection decision or that the information available in the case indicated the applicant was not to be considered a possible victim of human trafficking.

An additional 50 decisions were made concerning limited residence permits of up to 12 months in connection with criminal cases. Twenty-three applications were granted (of which 8 were first-time decisions and 15 for permit renewals) and 27 were rejected. The reason for most of the rejections was that the police or prosecution were not investigating the case or had begun prosecution against persons with a higher level of responsibility in the case and did not view the applicant's presence in Norway as necessary for the investigation or the criminal proceedings to go forward.

Victims of human trafficking in need of protection are entitled to asylum in Norway. Even if the victim has no need of protection, trafficking victims who give evidence as an aggrieved party in a human trafficking case are granted residence permits that form the basis for a permanent residence permit in Norway. Such a permit may also be granted to a foreigner who has given evidence to the court or police in a human trafficking or procurement case. If the applicant fails to meet the conditions for such a permit, the Directorate of Immigration will consider granting a permit on the basis of strong humanitarian considerations. A decision has been made to review the current residence permit regulations to ensure that the regulations are clear and that case processing is effective and predictable.

#### **The Committee's recommendation in paragraph 34 (d)**

Women in prostitution have full rights to health care as long as they have legal residence in the country and have, additionally, one of the following: permanent residence, membership in the National Insurance Scheme or entitlement to health care under a reciprocity agreement with another state (such as the EEA Agreement). People who do not meet these criteria are entitled only to immediate assistance and other forms of health care that are absolutely necessary and cannot be delayed without danger of imminent death, permanent severely reduced functional capacity, serious injury or severe pain. Such assistance is an entitlement regardless of whether one's stay is legal or not.

With regard to women in prostitution who have been granted temporary residence permits as victims of human trafficking (reflection period), NAV has established a practice whereby – upon application and on grounds of reasonableness – it grants voluntary membership in the National Insurance Scheme during the period. Membership carries with it full rights to health care services under the rules of the Patients' and Users' Rights Act. See <https://www.nav.no/rettskildene/Rundskriv/2-7-frivillig-medlemskap-for-personer-i-N>.

#### **The Committee's recommendation in paragraph 36**

Asylum seekers who are to be expelled, i.e. those not returning to their home country voluntarily, are entitled only to immediate medical assistance and other health care that is absolutely necessary and cannot be delayed; see Regulations of 16 December 2011 No. 1255 relating to the right to health and care services for persons without permanent residence in the realm, authorised under section 1-2 of the Patients' and Users' Rights Act.

On 28 April, the Government submitted a bill to the Storting to amend the Immigration Act's rules on the use of coercive measures. One of the aims of the proposed amendment is to clarify the regulations. Alternatives to detention were also considered. in connection with the bill.

The bill also includes consideration of whether it is necessary to retain rules permitting minors to be taken into custody and detained. In Norwegian practice, much emphasis is placed on return without the use of coercion. Families with children (and others) whose application for asylum is rejected are normally given a three-week deadline to leave the country upon receiving a final negative decision. Experience shows, however, that a substantial number of families with children (and others) with a rejection do not to comply with the obligation to leave the country after rejection of an asylum application. They do not avail themselves of the opportunity to apply for return assistance and leave the country using assisted return arrangements. Other European countries are reported to have had the same experience.

For the immigration administration it is very important that the regulations include adequate mechanisms for achieving rapid deportation after a rejection, including when families with children are involved. If an efficient return process cannot be successfully enforced, there will be cases of families staying illegally in Norway long after rejection. This leads in turn to distressing forced-return cases involving children and families that develop strong ties before their deportation actually takes place. The Ministry concluded that it is necessary to retain rules permitting minors to be taken into custody and detained.

At the same time, more detailed regulation is proposed for detention cases involving families with children and unaccompanied minor asylum seekers. The provisions are designed to ensure that deprivation of liberty is used only when absolutely necessary as a last resort to effect deportation, and for the shortest possible time. When a child is taken into custody, the child must be produced in court by the following day. A clear basic principle is put forth that children may be detained for only 72 hours, with the possibility of a 72-hour extension. Exceptions may occur if there are special, strong reasons, in which case detention can be extended by up to one week at a time. Applicable special reasons relate primarily to the family or the child itself bearing substantial responsibility for the fact that deportation could not being carried out within six days of the start of custody, or that an appointed time for deportation in the near future has been cleared.

The bill also contains other rules on detention of children. It emphasises that regard for the best interests of the child shall always be seen as a fundamental consideration in detention cases, and there shall be an assessment made of whether alternative measures are possible instead (such as a reporting duty or an order to reside at a particular place). The consideration given to the child's best interests and alternative measures shall appear in the court's ruling. Also provided are rules on the child's right to be heard and on the role of the Child Welfare Services in detention cases. The Directorate of Immigration is responsible for the care of unaccompanied minor asylum seekers aged 15 to 18, and shall ensure that they receive the necessary care and safety. They are provided with space in separate reception centres or departments adapted to their needs. Unaccompanied minor asylum seekers under the age of 15 are provided residence at a care centre for minors under the auspices of the state-level

Child Welfare Services. Care centres provide the necessary care and safety for children and ensure that they receive the follow-up attention and treatment they require.

Responsibility for daily care is delegated by the Directorate of Immigration to the reception centre where the child lives. The directorate poses a number of staffing, skills and care requirements at the centres in order to ensure a sound basis for the housing and care services provided to unaccompanied minor asylum seekers. For cases in which unaccompanied minor asylum seekers disappear from reception centres, the Directorate of Immigration has follow-up procedures that include notifying the Child Welfare Services, representatives (guardians), lawyers and the police. Lately there has been an increase in the number of disappearances. In 2016, 182 accompanied minors disappeared from reception centres, while 61 disappeared in 2015. The Directorate of Immigration also has guidelines to assist reception centres in identifying potential human trafficking victims and provide them with appropriate follow-up measures. These guidelines are the same for all reception centres and include requirements for anti-trafficking activity. With regard to residence in Norway for minors who are victims of human trafficking, reference is made to the response to the recommendation in paragraph 34. The Immigration Act provides directions for child-sensitive application of the protection provisions, and it is explicitly stated that children may be granted a residence permit on the basis of strong humanitarian considerations, even if the seriousness of the situation is not such that a residence permit would be granted to an adult.

### **The Committee's recommendation in paragraph 38**

The Ministry of Justice and Public Security is currently working on a new Interpretation Act. The bill will entail a duty for the public sector to use qualified interpreters. The Act will clarify the responsibility of public authorities to provide guidance and information to all residents.

In order to ensure good access to qualified interpreters, additional funding has been granted for qualification measures. A bachelor's degree study programme in interpreting has been established at Oslo and Akershus University College. All qualification measures have now been combined at Oslo and Akershus University College, which has developed a day-long course for public employees in communicating through an interpreter.

The Norwegian National Register of Interpreters provides an overview of interpreters with documented qualifications. The Directorate of Integration and Diversity has begun work developing a more effective, user-friendly register of interpreters. The new register will be able to be linked to the booking registers of public agencies and intermediaries, and will feature an improved search function.

The Storting has adopted a new provision in the Public Administration Act, section 11 e, which prohibits the use of children as interpreters. The provision entered into force on 1 July 2016.

In Official Norwegian Report NOU 2016: 18 *Hjertespråket* [Language of the heart], the Sami Language Committee raised the issue of interpreting into and from the Sami languages. The Sami Language Committee proposes the establishment of a resource centre for each of the Sami languages to be responsible for assisting municipalities and other public agencies in following up the Sami Act's language rules, including provision of interpreting. The report

by the Sami Language Committee has been in wide public circulation for comment. Follow-up of the language committee's report will occur in consultation with Sámediggi.

#### **The Committee's recommendation in paragraph 40**

All children of primary and lower secondary school age (6–16 years) have the right and the obligation to be educated. That right exists from the time it is probable that a child will be residing in Norway for three months. In practice, this means asylum seekers are to be offered education as soon as they come to Norway because it takes more than three months to process an asylum application. Whether or not one's residence in the country is legal has no bearing on the right to primary and lower secondary education. The obligation of a child to attend school commences as soon as residence has lasted for three months. In addition, young people aged 16 to 18 who apply for a residence permit in Norway were granted the right, starting in 2014, to upper secondary education or to primary and lower secondary education for adults if it is likely they will be in the country for more than three months. The right to education for young people between 16 and 18 years of age expires upon a final decision rejecting their application for a residence permit.

The right to education for young people (16–18 years of age) – which may be either upper secondary education or primary and lower secondary education for adults – expires upon final rejection. For children of primary and lower secondary school age (6–16), that right does not expire. They are entitled to education even if their stay in Norway is illegal (as would be the case, for example, if staying in Norway after a final rejection).

The right to upper secondary education is conditional upon the applicant having legal residence in the country. However, young people who are legally in the country while awaiting a decision on a residence permit application are only entitled to upper secondary education pursuant to section (3-1) of the Education Act when they are under 18 years of age and it is likely that they will be staying in Norway for more than three months. Those who are legally in the country while awaiting a decision on their residence permit application, and who turn 18 during the course of that school year, are entitled to complete the current school year. For those whose application for a residence permit is rejected, the right to upper secondary education pursuant to this section remains in force until the date of the final decision.

The Committee recommends that an amendment of the Education Act be considered with the aim of guaranteeing the right to education, including the right to upper secondary education, irrespective of whether a child has legal residence or not.

When the right to education for young people (16–18 years of age) who are seeking asylum was introduced in 2014, the Government considered the need for limitations stemming from an overall assessment giving importance to immigration policy concerns and concerns about the relationship to immigration law.

We would also mention that in spring 2017 the Parliament implemented a legislative amendment, Proposition 79 L (2016–2017), to change the rules on commencing primary and lower secondary schooling for children who come to Norway. Earlier, the rules contained in the Education Act are formulated such that children should in practice receive education from the first day after arriving in Norway. The new rules would have children receive education as quickly as possible, and within one month at the latest. The purpose of the change is to

have a rule that municipalities can realistically be expected to follow; it is not a matter of adjusting legislation because municipalities are not presently meeting the requirements. Laws that place demands on municipalities should be possible to follow, not just express an ambition. Laws that are often broken risk losing their value, both as a legal duty and as a management signal. A clear rule which it is realistic to insist that municipalities follow is a better way of ensuring that children who come to Norway receive an education.

**The Committee's recommendation in paragraph 42**

Norway has endorsed and supports the declaration and programme of action from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban (2001) as well as the outcome document from the Durban Review Conference (Geneva 2009). Norway's follow-up of the declaration and programme of action from the 2001 Durban conference has been implemented in large part through the Government's *Action Plan against Racism and Discrimination (2002–2006)* and the *Action Plan to Promote Equality and Prevent Ethnic Discrimination (2009–2012)*. Today, the follow-up is being implemented largely through the Government's strategy to combat hate speech for the 2016–2020 period (*Regjeringens strategi mot hatefulle ytringer*) and its *Action plan against antisemitism 2016–2020*. In addition, the Directorate for Children, Youth and Family Affairs has been given new responsibilities associated with equality and non-discrimination with regard to ethnicity, religion and belief. See reporting on Article 2 B. Reference is also made to other measures discussed in this report.

**The Committee's recommendation in paragraph 43**

The Government has not initiated any measures or activities in connection with the International Decade for People of African Descent. Nor are any measures planned in this connection.

**The Committee's recommendation in paragraph 44**

In connection with the preparation of the 23rd/24th periodic report to the Committee, an input meeting was arranged with civil society actors and Sámediggi. A draft of the report was widely circulated for comment. In addition, NOK 200 000 was earmarked for co-funding of an alternative report by civil society.