

**SECOND PERIODIC REPORT ON
THE IMPLEMENTATION OF
THE COUNCIL OF EUROPE'S
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

NORWAY

Ministry of Local Government and Regional Development

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Foreword

The Council of Europe's Committee of Ministers adopted the Framework Convention for the Protection of National Minorities¹ in November 1994. The Convention, which came into force in 1998, is the first legally binding multilateral instrument that deals with the protection of national minorities.

Norway ratified the Framework Convention in 1999. As a follow-up, the Ministry of Local Government and Regional Development presented Report No. 15 (2000-2001) to the Storting: *National Minorities in Norway. On Government Policy in respect of Jews, Kvens, Roma/Gypsies, Romani people/Travellers and Skogfinns.*

National implementation of the Framework Convention is assessed by the Council of Europe's Committee of Ministers with the assistance of an Advisory Committee on the Framework Convention.

In accordance with Article 25, paragraph 1, of the Framework Convention, countries must submit a report to the Council of Europe every five years on the action that has been taken to implement the principles and rights enshrined in the Framework Convention. The Advisory Committee evaluates the report and sends comments to the state concerned, which in turn responds to these comments. The Advisory Committee holds meetings with national authorities and with representatives of the national minorities. The national minorities may also send their own reports stating their views on the state's implementation directly to the Advisory Committee. The Advisory Committee sends its conclusions and proposed recommendations to the Committee of Ministers. The Committee of Ministers then carries out a final assessment and adopts a Resolution containing recommendations to the country regarding possible further action.

The deadline for Norway's First Periodic Report on the Implementation of the Convention was 1 July 2000. On the basis of Norway's report, the Council of Europe's Committee of Ministers made recommendations to Norway in its Resolution of 8 April 2003. The Resolution is appended to this report. In addition, the Advisory Committee has asked Norway to reply to a list of questions.

This is Norway's Second Periodic Report on the implementation of the Framework Convention. For more detailed information, we refer to Norway's First Periodic Report 2, as we have attached importance to avoiding repetitions in the Second Report. This is in accordance with the Council of Europe's outline for state reports to be submitted under the second monitoring cycle on the implementation of the Framework Convention. The outline is appended to this report. In conformity with the outline, the report is divided into three parts: Part I, containing replies to questions from the outline
Part II, comments on the Resolution adopted by the Committee of Ministers. Point A describes measures and Point B contains comments on each particular article.
Part III, containing replies to the questions of the Advisory Committee

¹ The Council of Europe's Framework Convention for the Protection of National Minorities <http://odin.dep.no/krd/norsk/tema/nasjonale/europa/bn.html>

² Norway's First Periodic Report (in Norwegian) may be found at <http://odin.dep.no/krd/norsk/tema/nasjonale/europa/bn.html>

Besides commenting on the recommendations of the Committee of Ministers and answering the questions of the Advisory Committee, states are also requested in the Council of Europe's outline for second periodic reports to comment in their second report on other comments made by the Advisory Committee on their first report where this is relevant.

Comments in response to other comments by the Advisory Committee have been included in Part II, B on the implementation of the Framework Convention, Article by Article.

As the ministry in charge of coordinating the implementation of the Framework Convention, the Ministry of Local Government and Regional Development has prepared the report in cooperation with other ministries. The report has been circulated for comment to national minority organisations. These organisations have also been informed of their possibility to send their own reports directly to the Council of Europe's Advisory Committee.

As regards the situation of the Saami people, only the Finnmark Act and the new system of consultation between the Saami Parliament and the national authorities are discussed in this report. Reference is otherwise made to *Norway's Report on the Implementation of ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries* dated October 2003. The report is appended to this report.

For further information on the work of reporting on the implementation and follow-up of the Framework Convention, please contact

The Ministry of Local Government and Regional Development
Department of Saami and Minority Affairs
P.O. Box 8112 Dep
NO-0032 OSLO
Tel.: +47 22247175
E-mail: postmottak@krd.dep.no

PART I

A. FOLLOW-UP OF RESULTS OF THE FIRST MONITORING CYCLE ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION

The Ministry of Local Government and Regional Development is the ministry responsible for coordinating policy and measures in respect of national minorities and is responsible for following up and monitoring the implementation of the Framework Convention. The results of the first monitoring cycle have led to the establishment of several forums for cooperation between public authorities and between the authorities and national minorities. This has been done with a view to achieving a coherent policy and maintaining a dialogue with the national minorities.

The Contact Forum for national minorities and the authorities

The Contact Forum was established in 2003 and comprises participants from the former Inter-Ministerial Coordinating Committee for National Minorities, headed by the Ministry of Local Government and Regional Development. Representatives from national minority organisations participate in the Contact Forum. Reference is made to further information on the Contact Forum under Part III, Questions from the Advisory Committee, Question 5.

Budget Proposition (Proposition No. 1 to the Storting)

When the national budget is drawn up, the results of the first monitoring cycle are taken into account in the preparation of budget proposals. This process is coordinated by the Ministry of Local Government and Regional Development in cooperation with the Inter-ministerial Coordinating Committee for National Minorities and at bilateral meetings between ministries. Proposition No. 1 for 2004-2005 to the Storting for the budget period 2005 is appended to this report.

B. PUBLICATION OF THE RESULTS OF THE FIRST MONITORING CYCLE

The results have been presented through several channels:

- Information meetings for national minority organisations on the results of the monitoring process, and the distribution of all relevant documents
- Publication of a press release
- Publication on the Internet in English and Norwegian
- Publication of the results in the Ministry's electronic newsletter
- Inclusion of the Committee of Ministers' Resolutions in the Government's budget proposals (Proposition No. 1 to the Storting).

C. MEASURES TO IMPROVE PARTICIPATION BY MEMBERS OF CIVIL SOCIETY IN THE PROCESS OF IMPLEMENTING THE FRAMEWORK CONVENTION

The Government has given priority to the national minorities when adopting measures to promote the participation of civil society in the implementation of the Framework

Convention. A grant for national minorities is provided each year from the National Budget (Chapter 526, item 70). This grant scheme was established in 2000 and has been continuously adjusted in accordance with changes in national minority organisations. The scheme is administered by the Ministry of Local Government and Regional Development.

The goal of the grant scheme is to support activities that promote the active participation of members of civil society, ensure equal opportunities for all and prevent discrimination. The scheme is intended to help ensure that the principles enshrined in the Framework Convention are implemented in practice. Applications may be submitted for basic support for the operating costs of organisations based on a national minority. Applications may also be submitted for funding for projects aimed at disseminating information on the situation of national minorities, self-help activities and trans-frontier cooperation. Organisations, municipalities, counties and others who are engaged in activities related to national minorities may also apply for project funding from this grant scheme.

The grant scheme contributes towards enabling national minority organisations to participate in dialogue on the development of policy and measures to a greater degree. However, several of the organisations have stated that they would like to have more resources for both organisational activities and for projects so as to be able to become more strongly involved in developing policy and measures.

In 2004 and 2005 priority has been given to grants for organisational development. The Ministry has arranged courses for national minority organisations on the preparation of applications.

A total of NOK 3 million was allocated to the grant scheme for 2005. The Ministry of Local Government and Regional Development's Circular No H-26/04 regarding the grant scheme is appended to this report. The allocation of funding for basic support for organisations and for project support in 2005 may be seen from the appended summary.

The organisations' participation in the Contact Forum for national minorities and the authorities promotes focus on and activity among members of civil society.

The Ministry of Local Government and Regional Development and other ministries take the initiative to arrange meetings for dialogue with national minorities. The ministries also have meetings with individuals and organisations from national minorities when the latter so desire. Certain organisations maintain that the ministries should be even more accommodating as regards meetings with organisations.

In order to encourage the participation of other members of civil society, information on the Framework Convention, the reports submitted by Norway and the Council of Europe's comments has been published on the website of the Ministry of Local Government and Regional Development. The same ministry regularly issues electronic newsletters on matters related to the implementation of the Framework Convention.

D. DIALOGUE WITH THE ADVISORY COMMITTEE

Updated information on the implementation of the Framework Convention was presented to the Advisory Committee at a follow-up meeting in Norway on 14 May 2004. The meeting was arranged by the Ministry of Local Government and Regional Development and

participants in the Contact Forum were invited to attend (see separate section on the Contact Forum under Part III, Questions from the Advisory Committee, Question 5).

PART II

RESOLUTION ADOPTED BY THE COMMITTEE OF MINISTERS

A. Measures taken to improve implementation of the Framework Convention in response to the Resolution adopted by the Committee of Ministers

The Act on prohibition of discrimination based on ethnicity, religion, etc.

On 3 June 2005 the Storting adopted Act No. 33 on prohibition of discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act). The Act prohibits discrimination based on ethnicity, national origin, descent, skin colour, language, religion or belief. Reference is made to other information provided below under Point B on implementation of the Framework Convention, Article by Article, Article 4.

The Act on personal names

The Storting has adopted a new, more liberal Act on personal names. The Act makes it easier to make use of family names that have fallen into disuse. The general liberalisation of the statute also ensures that the interests of all minorities are well protected in the new Personal Names Act.

Strengthening Saami culture and identity – the Finnmark Act and Procedures for consultation between the Saami Parliament and the Government

Act of 17 June 2005 No. 85 relating to legal relations and management of land and natural resources in the county of Finnmark (Finnmark Act)

The Finnmark Act was adopted by the Storting in June 2005. The Act has not yet come into force, but the Government is currently making the necessary preparations to ensure that it can enter into force as soon as possible. A translated version of the act is enclosed.

The work on the Finnmark Act is based on the need to clarify the state's relationship to the Saami people, and the need to recognise the Saami people's right to use and exploit natural resources in accordance with their culture. This work has been in progress since 1980, when the Government appointed the Saami Rights Committee. Over the years, this Committee has presented several comprehensive reports on the legal status of the Saami people in national and international law, on the natural resource base for Saami culture and on Saami land and water rights in Finnmark. These reports have laid an extremely important foundation for the Government's work on the Finnmark Act.

The Government presented its draft of the Finnmark Act to the Storting on 4 April 2003. In the two years during which the Storting's Standing Committee on Justice worked on drafting the statute, the Committee held open hearings in June 2003 and visited Finnmark in autumn 2003. The Committee also held four formal consultations with the Saami Parliament and the Finnmark County Council to discuss the Government's Bill, and received several rounds of written comments from these two bodies. Never before has there been so much transparency in connection with the preparation of a Bill by one of the Storting's Standing Committees. Furthermore, the final Bill prepared by the Standing Committee on Justice was sent to the Saami Parliament and the Finnmark County Council for comment. A unanimous Storting and a large majority of the Finnmark County Council endorsed the Bill prepared by the Standing Committee on Justice, which was then finally adopted by the Storting.

Section 1 of the Finnmark Act establishes that the purpose of the Act is to create the necessary conditions to ensure that land and resources in Finnmark County are managed in a balanced and ecologically sustainable way in the best interests of the population of the county and particularly as a basis for Saami culture, reindeer husbandry, the use of uncultivated land, the exercise of commercial activities and social life.

Under section 3 of the Act, the statute applies with such limitations as follow from ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. It is also to be applied in accordance with the rules of international law regarding indigenous peoples and minorities and provisions of treaties with foreign states concerning fishing in boundary watercourses.

At present, around 95 per cent of the land in Finnmark is managed by Statskog SF, a state-owned enterprise. When the Act comes into force, this area, which totals almost 45,000 km² will be placed under local ownership through Finnmarkseiendom/Finnmárkkuopmodat (the Finnmark Estate). The Finnmark Estate is a private landowner which has the same relationship to the public authorities as other landowners. The Finnmark Estate is headed by a board consisting of six persons: three board members appointed by the Saami Parliament and three by the Finnmark County Council. All the board members must be resident in Finnmark. In the vast majority of cases, board decisions are made by an ordinary majority vote. If the vote is tied 3 – 3, the chairman of the board has the casting vote. The board chooses its own chairman and deputy chairman. If none of the members receive a majority vote, the decision as to which of the six members are to be chairman and deputy chairman is made by the Finnmark County Council in odd-numbered years and the Saami Parliament in even-numbered years.

The Finnmark Act establishes that the Saami people have acquired rights to land in Finnmark through longstanding use of land and water (section 5). The Act does not interfere with any collective or individual rights that the Saami or other people have acquired through custom or immemorial usage. This also applies to the rights acquired by persons engaged in reindeer husbandry based on such grounds or pursuant to the Reindeer Husbandry Act. Other inhabitants of Finnmark may also have acquired such rights. A commission is to be established to map land rights in Finnmark. A special tribunal that will rule on disputes regarding such rights is also to be established.

Section 5 was adopted in order to ensure loyal compliance with the obligations under international law to recognise the rights of indigenous peoples in the areas that they have traditionally inhabited and used, in particular Article 14 of the ILO Convention. However, it

must be emphasised that the Finnmark Act is ethnically neutral in the sense that the legal position of an individual is not dependent on his or her being Saami, Norwegian, Kven or a member of another population group.

All the inhabitants of Finnmark are entitled to exploit the natural resources on the land of the Finnmark Estate, through activities such as hunting, fishing or cloudberry picking (Chapter 3). The extent of each person's right depends on how closely linked he or she is to the resource. For instance, persons have a greater right to exploit natural resources in the municipality in which they are resident. The Act gives the local population, without treating inhabitants differently on the basis of ethnicity, greater rights to exploit renewable resources in the county than is the case at present. At the same time, it assures those residing outside the county the same right to exploit natural resources as they have traditionally had on state land in Finnmark, i.e. to hunt and trap small game, fish and pick cloudberries for their own household.

Before decisions are made regarding a change in the use of uncultivated land, both public authorities and the Finnmark Estate must assess the significance of the change for Saami interests. The Saami Parliament may issue guidelines on which this assessment must be based, but the guidelines are not binding for the weighing of Saami and other interests. "Changes in the use of uncultivated land" mean measures that will have noticeable physical and practical consequences for the utilisation of uncultivated land areas. Typical examples will be the construction of houses and cabins, road construction, the start-up of mining operations and the construction of windmill parks.

In cases relating to a change in the use of uncultivated land, special voting rules also apply to the board of the Finnmark Estate (section 10). If a vote culminates in a 3-3 tie, the vote of the chairman of the board is not sufficient to enable a decision to be made if those who cast a negative vote cite the protection of Saami interests as justification of their stance. In such cases, four votes are required to be able to adopt a decision to change the use of uncultivated land. And even if four members vote in favour of the decision, the minority may demand that the Saami Parliament approve the decision. Only if five members cast a positive vote will the decision of the board be final.

Provisions have also been made to protect the interests of the majority in such cases. If the minority demands that the case be brought before the Saami Parliament, and the latter does not approve the majority's decision or does not deal with the case within a reasonable period of time, a collective majority of the board members may demand that the Finnmark Estate submit the case to the King. The King then decides with final effect whether the decision of the board majority is to be approved. In this way, a balance has been created between the rights of the majority and those of the minority, while ensuring that Saami interests are safeguarded in cases that may have great significance for their interests.

In instances where a case concerning a change in the use of uncultivated land *only* has significance for areas in either inner or outer Finnmark, special rules also apply. Such cases must be dealt with once in accordance with the rules for voting on cases regarding a change in the use of uncultivated land as described above. If only three board members vote in favour of the change, three members may demand that the case be dealt with one more time. The second time only five board members take part in the voting. If the case only concerns areas in inner Finnmark, one of the members appointed by the County Council does not participate. Conversely, if the case only concerns areas in outer Finnmark, one of the members appointed

by the Saami Parliament does not participate. The same minority and majority guarantees as mentioned above also apply in such cases.

The Finnmark Act contains no provisions on sea fishing. In June 2005, the Storting therefore adopted a resolution requesting the Government to carry out a study as soon as possible of the rights of Saami and other people to fish in the sea off the Finnmark coast, including a minimum quota for boats under ten meters in length, and to present a follow-up case on this issue to the Storting. The Government is currently following up this resolution.

Procedures for consultation between the Saami Parliament and the Government

In addition to the Finnmark Act, the establishment of procedures for consultation has another important step to improve the situation of the Saami people. This will strengthen the Saami Parliament and thereby strengthen Saami culture and identity.

Norway ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989) in June 1990. Under Article 6 of the Convention, the Saami people are entitled to be consulted whenever consideration is being given to legislative or administrative measures which may affect them directly. To ensure that work on matters that may affect the Saami people directly is carried out in a satisfactory manner, the Government and the Saami Parliament have agreed on normative procedures for consultations between central government authorities and the Saami Parliament. The procedures were signed by the President of the Saami Parliament and the Minister for Local Government and Regional Development on 11 May 2005.

The consultation procedures are based on the following principles:

- The Saami Parliament must be given exhaustive information on matters relevant to the case in question as early as possible, and at all stages in the processing of a case.
- The Saami Parliament must be given time to consider relevant issues and to make comments. Comments on proposals must be given within specified deadlines.
- Steps must be taken to ensure that consultation processes are not concluded as long as the Saami Parliament and the Government consider that it is possible to reach agreement on the matter.
- The goal is to reach agreement on legislation and measures that may have a direct effect on the Saami people.

Lack of Finnish language teachers

The situation as regards the lack of qualified teachers of Finnish is still unsatisfactory. In 2002 Norway entered into trans-frontier cooperation with Finland under a programme called *Grenseløst i nord* (A Borderless North). Education is one of several areas of cooperation, and through this programme the Ministry of Education and Research will examine the possibilities of recruiting Finnish-speaking teachers to Norwegian schools. The cooperation programme also includes focus on language training.

Electronic and printed media

In 2004 the government grant for the Kven-Finnish weekly newspaper Ruijan Kaiku was increased from NOK 350,000 to NOK 600,000, with reference to the fact that the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities had pointed to the importance of the newspaper as a source of information for the Kven population.

Pursuant to an amendment adopted by the General Meeting on 14 June 2004, the statutes of the Norwegian Broadcasting Corporation (NRK) now state that "*The NRK's total national programming, both radio and television, shall at least contain: ...g) Programmes for national and language minorities*".

Reference is made to the supplementary information in Part II, B on implementation of the Framework Convention, Article by Article, Article 9.

Place names

Proposition No. 42 (2004-2005) to the Odelsting on the Act amending the Act of 18 May 1990 No. 11 on Place Names, etc. was adopted by the Storting on 12 April 2005. The amendment Act contains a new object clause (section 1), which clearly states that the Act is intended to ensure that Saami and Kven place names are taken into account in accordance with national legislation and international treaties and conventions.

Education and employment for Roma and Romani people/Travellers

In order to facilitate access to education and employment, it has been necessary to strengthen the dialogue with the above-mentioned groups.³

In the case of the Romani people/Travellers, financial support has been provided for the various organisations. With regard to measures, priority has been given to efforts to make up for the earlier injustices committed by the state in respect of this group. Reference is made to the information regarding funding in the amount of NOK 75 million for the establishment of the Romani People's Fund and new proposals for compensation schemes in Report No. 44 (2003-2004) to the Storting on a compensation scheme for war children and compensation schemes for Romani people/Travellers and older Saami people and Kvens who received deficient education in Part III, Questions from the Advisory Committee, Question 6.

As regards schooling and education for the Romani people/Travellers, the Romani People's Association of Norway, now the Travellers' Association of Norway has itself contacted the Dronning Mauds Minne College with a view to initiating a project called Romani – fra barn til voksen (Romani – from child to adult). The goal of the project is to identify and find solutions for the difficulties encountered by children of Romani people/Travellers in day care centres and schools. The project, which receives government funding, covers a period of three years and will also include activities to combat racism and discrimination.

³ The Romani People's Association of Norway changed its name to the Travellers' Association of Norway in spring 2005. The association has long wanted the term "Travellers" to be used in addition to "the Romani people". This will largely be done in the report.

With regard to schooling or education for the Roma, the Ministry of Local Government and Rural Development has, in a dialogue with the two newly founded Roma organisations and the City of Oslo, proposed that a forum be established for women and children from the Roma group. The purpose of the project is, in the long term, to help achieve better adapted education and to inspire greater motivation to attend school, through dialogue with the Roma group. Based on the experience gained through this project, the Ministry of Education and Research will consider implementing further measures in schools for this group.

As far as employment is concerned, the authorities will in dialogue with the groups review legislation and in other ways determine how the groups can participate more actively in the labour market.

The Contact Forum for national minorities and the authorities

The Contact Forum for national minorities and the authorities was established in 2003. The forum serves as a meeting place for dialogue and discussion of topics of interest to national minorities. Reference is made to supplementary information under Part III, Questions from the Advisory Committee, Question 5.

B. Implementation of the Framework Convention, Article by Article

General information

Development of statistics

The Advisory Committee has recommended that statistics be developed on the living conditions of national minorities with a view to adapting measures to improve the situation of these groups. Norwegian law does not permit the development of personal statistics based on ethnicity. One exception is the Saami electoral register, in which individuals register in order to be able to vote and to be eligible to the Saami Parliament.

Work is in progress on further developing statistics on the conditions of the Saami people. Since 2003, the Government has allocated funds for the Saami Parliament's work on organising primary and basic data on Saami conditions and making them available for general social planning and research purposes. The Saami Parliament is responsible for this development project in cooperation with the Nordic Saami Institute and Statistics Norway.

The national minorities, particularly the Roma and the Romani people/Travellers, are very sceptical about this type of statistic. The authorities are in dialogue with the national minorities with a view to finding other methods of learning more about the living conditions of these groups in order to provide a foundation for policy development.

The status of the Kven language

On 25 April 2005 the Government decided that Kven is to be recognised as a separate language, and to be protected in accordance with Chapter II of the European Charter on Regional and Minority Languages. This decision was followed up by a Royal Decree on 24 June 2005.

Article 3

- 1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*
- 2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others.*

No new information. Reference is made to Norway's first report.

Article 4

- 1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
- 2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*
- 3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

Complaints to the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal

Persons belonging to national minorities have stated to the authorities that they feel that they are subject to discrimination. They wish to have the same possibility as other members of Norwegian society who wish to submit a complaint regarding discrimination.

Any person who is or has been subject to discrimination on account of ethnicity, national origin, descent, skin colour, language, religion or belief may submit a complaint to the Equality and Anti-Discrimination Ombud. The Ombud must issue a statement as to whether the prohibition laid down in the Act has been breached. If the parties do not reach agreement, the complainant may bring the case before the Equality and Anti-Discrimination Tribunal, which may make decisions regarding measures that are necessary to prevent discriminatory conditions. In urgent cases, the Ombud may make a decision to stop or correct ongoing discrimination or implement other measures that are necessary to prevent discriminatory conditions. Urgent decisions made by the Ombud may be appealed to the Tribunal. If an order is not complied with, the Tribunal may make a decision to impose a continuous coercive fine until the order has been complied with.

The Act on prohibition of discrimination based on ethnicity, religion, etc.

On 17 December 2004 the Government presented a Bill on the prohibition of discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act). The Bill which prohibits discrimination on the basis of ethnicity, national origin, descent, skin colour, language, religion and belief, was adopted by the Storting on 3 June 2005. A translation of the act is appended to this report.

The Act applies to every area of society, except for family life and personal relationships. With regard to discrimination based on religion and belief, an exception is made for actions and activities carried out under the auspices of religious and belief communities and enterprises with a religious or belief-related purpose, if the actions or activities are significant for the accomplishment of the community's or the enterprise's religious or belief-related purpose.

The Act prohibits direct and indirect discrimination, harassment and instructions to discriminate against a person on the above-mentioned grounds. The statute also protects persons who submit a complaint concerning discrimination from being subjected to unfavourable treatment on account of the complaint, i.e. reprisal. Being an accessory to discrimination is also prohibited.

Differential treatment that is necessary in order to achieve a legitimate objective, and that is not a disproportionate intervention in respect of the person or persons who are treated differently, is not regarded as discrimination pursuant to the Act. Nor is positive differential treatment that contributes towards promoting the purpose of the Act regarded as discrimination. The Act states that such differential treatment must cease when its purpose has been achieved.

A provision regarding the shared burden of proof has been included in the Act. The Act introduces civil law sanctions for breaches of the prohibition, in the form of redress and damages, and establishes a special enforcement mechanism to monitor compliance with and promote implementation of the Act, cf. below. Out of regard for the rule of law, decisions regarding redress and damages have not been placed under the new mechanism, but are made by courts of law. The Act thus ensures coherent civil law protection against discrimination based on ethnicity, religion, etc.

The Act also covers discrimination committed jointly by several people, either in loosely formed groups or in more organised forms. Reference is made to the fact that such activity is particularly harmful. A separate penal provision has therefore been included in the Anti-Discrimination Act for gross contravention of the prohibition against discrimination that has been committed jointly by several persons.

The Anti-Discrimination Act follows up the requirements of the EU Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the EU Council Directive 2000/78/EF establishing a general framework for equal treatment in employment and occupation. By the Act of 26 March 2004, a new chapter on equal treatment was added to the Working Environment Act, thereby ensuring that Norwegian labour law satisfied the requirements of the directives. The amendments came into force on 1 May 2004, and have been incorporated into the Government's proposal for a new Working Environment Act, cf. Proposition No. 49 (2004-2005) to the Odelsting on the Act on the Working Environment Act. The Storting approved this new act on 17 June 2005.

A new enforcement mechanism for equality and the prohibition of discrimination

At the same time as it presented the Anti-Discrimination Act, the Government also presented a draft Equality and Anti-Discrimination Ombud Act, cf. Proposition No. 34 (2004-2005) to the Odelsting. This Act lays the basis for establishing a new Equality and Anti-Discrimination Ombud and an Equality and Anti-Discrimination Tribunal patterned on the current

mechanism for gender equality. The new Ombud will be responsible for encouraging and monitoring compliance with the new Anti-Discrimination Act. The current Gender Equality Ombud, the Centre for Gender Equality in Norway and the Centre for Combating Ethnic Discrimination (SMED) will all be part of the new ombud mechanism. Through this arrangement, a simple, easily accessible complaints system will be established to enable persons who have been discriminated against to submit their cases for consideration. The Equality and Anti-Discrimination Ombud Act was adopted by the Storting on 10 June 2005. The aim is for the Act to come into force on 1 January 2006. A translation of the act is appended to this report.

The role of a neutral ombud who gives expert opinions on individual cases is not compatible with the role of legal representative for a party. Consequently, the legal aid service currently offered by the Centre for Combating Ethnic Discrimination will be discontinued. However, the Act imposes an expanded duty on the Ombud to provide guidance to ensure that the person discriminated against receives the best possible assistance. Pursuant to the provision, such guidance may cover all relevant information and preparatory matters related to the case. Relevant issues include cases of discrimination where it might be appropriate to present the case on the basis of legislation other than the statutes that the Ombud is charged with enforcing. The expanded duty to provide guidance covers the discriminatory grounds that the Ombud is responsible for monitoring.

The role of the Equality and Anti-Discrimination Ombud is to encourage employers to avoid ethnic discrimination and promote ethnic equality in their activities. The Ombud must establish a consultation and advisory service that is offered free of charge to individual employers.

The Government is working to ensure that the Anti-Discrimination Act can enter into force on 1 January 2006. The aim is also for the new enforcement mechanism to be established from the same date.

The Plan of Action to Combat Racism and Discrimination (2002-2006)

On 1 July 2002, the Government presented a Plan of Action to Combat Racism and Discrimination (2002-2006). The Plan of Action is appended to this report.

The Plan of Action is part of the Government's long-term efforts in this field. The Plan builds on the Plan of Action to Combat Racism and Discrimination (1998-2001), and is a follow-up to the World Conference against Racism, which was held in South Africa in September 2001.

The Plan of Action covers discrimination of indigenous peoples, national minorities and persons with an immigrant background.

The Plan of Action contains 47 different measures and concerns the spheres of responsibility of many different ministries. The measures in the Plan of Action particularly target the priority areas of working life, public services, schools/education, the police/prosecuting authority/courts of law, documentation/surveillance, the Internet, local communities and efforts to strengthen legal protection against discrimination.

As the coordinating body, the Ministry of Local Government and Regional Development has appointed a committee to monitor the implementation of all the measures in the Plan of Action.

The committee consists of representatives from the ministries concerned, the Directorate of Immigration (UDI), the Centre for Combating Ethnic Discrimination (SMED), the Contact Committee between Immigrants and the Authorities (KIM) and non-governmental organisations that particularly focus on issues related to racism and discrimination. The committee meets once or twice a year to discuss the status of implementation of the measures. A status report as of 1 June 2004 shows that the implementation of most measures is well under way. The status report has also been published on the Internet. A new report will be prepared on the status as of 1 June 2005. The Plan of Action is to be evaluated.

The Ministry of Local Government and Regional Development will consider strengthening the committee by including a representative of the national minorities who will take part in the Contact Forum between national minorities and public authorities.

The Centre for Combating Ethnic Discrimination

The Government has extended the period of operation of the Centre for Combating Ethnic Discrimination (SMED) until 31 December 2005 and becomes by 1 January 2006 a part of the new Equality and Anti-Discrimination Ombud. The main function of the Centre is to provide free legal aid to individuals who are subject to discrimination based on religion, skin colour and national or ethnic origin, and to document the nature and scope of discrimination in Norway. The Centre publishes an annual report entitled *Underveis mot et bedre vern* (Moving towards Better Protection), which describes the types of discrimination and racist acts that occur in Norway today. The data in the reports are largely based on the complaints received by the Centre, in addition to which the Centre has carried out several surveys. The Centre's operations cover the entire country. National minorities are among the centre's users.

The EU Anti-Discrimination Programme

Norway became a participant in the EU Anti-Discrimination Programme from 1 January 2004, and has allocated funds for the EU project "*National Awareness-raising to Combat Discrimination*". The Directorate for Health and Social Affairs is implementing the project which aims to raise awareness of discrimination in Norway and contribute towards combating discriminatory attitudes and behaviour. The project covers the discriminatory grounds of age, ethnicity, disability, sexual orientation and religion/belief. As part of the project, a summary will be made of knowledge of the current situation in Norway as regards discrimination, and proposals will be presented for strategies and instruments for combating discrimination. This project is being carried out in close interaction with organisations and groups engaged in anti-discrimination work. Organisations that represent national minorities and indigenous peoples are invited to participate in this work. The project will end in 2005.

SMED has received funding from the EU Anti-Discrimination Programme for a project to develop methods for the collection and analysis of data on the nature and scope of discrimination. The aim is to put in place an effective system for the collection of accurate, comparable data on experienced discrimination. SMED is collaborating on the project with Statistics Norway, the Danish Institute for Human Rights, Statistics Denmark and ERCOMER at the University of Utrecht. The project is to be carried out over a period of two years, beginning in 2005.

Other bodies that report on the nature and scope of ethnic discrimination
The Directorate of Immigration publishes a report every two years on racism and discrimination in Norway, which focuses mainly on refugees and immigrants.

Comments from the Advisory Committee

Traditional occupations and workforce participation

The Advisory Committee has pointed to the limited possibilities for the Roma and Romani people/Travellers to exercise traditional occupations.

The Ministry of Local Government and Regional Development has not yet found good solutions for this challenge, but will now follow up this issue in dialogue with the groups concerned and with the Ministry of Labour and Social Affairs, which also participates in the Inter-Ministerial Coordinating Committee for National Minorities.

Socio-economic conditions for Roma and Romani people/Travellers

The Advisory Committee has pointed out that the socio-economic conditions of the Roma and Romani people/Travellers are poorer than those of the rest of the population.

The Ministry of Local Government and Regional Development has had meetings with the City of Oslo authorities at which the socio-economic conditions of the Roma were one of the topics discussed. The Roma themselves have wanted to give priority to the school situation. Most Roma live in Oslo. On the basis of the dialogue between the Ministry of Local Government and Regional Development, the Roma and the City of Oslo, the aim is to establish a meeting place for Roma women and children in the course of autumn 2005. The project is intended, in the long term, to help achieve better adapted schooling and to encourage greater motivation to attend school through dialogue with the Roma group.

As a follow-up of Report No. 32 (2002-2003) *to the Storting: The Urban Report – On developing an urban policy*, work is currently in progress on preparing a Report to the Storting on Oslo, “The Capital Report”. The Ministry of Local Government and Regional Development will consider possible measures in respect of the Roma people in implementing the Capital Report, partly on the basis of the Recommendation (2005)⁴ of the Committee of Ministers as regards improving the living conditions of Roma and Travellers in Europe.

The situation of Roma women

The Advisory Committee has pointed to the situation of Roma women, including the issue of forced sterilisation.

The Government is not aware of any instances of forced sterilisation of Roma women. However, such sterilisation has taken place in the case of the Romani people/Travellers. Reference is made to the supplementary information under Part III, Questions from the Advisory Committee, Question 6.

With regard to the situation of Roma in Oslo, as stated above, the authorities have, in dialogue with the Roma and with the City of Oslo, proposed to implement the “Meeting Place” project, thereby also meeting the needs of women.

Discrimination at camping sites

The Advisory Committee has pointed to the problem of discrimination against Roma and Romani people/Travellers at camping sites.

The Ministry of Local Government and Regional Development has discussed this problem with the Romani people/Travellers, and has requested that specific details and examples of discrimination be provided. The Ministry has also been in dialogue with the City of Oslo and with the Roma concerning the situation in the City of Oslo. The Ministry will continue to pursue these efforts with reference to the Framework Convention and to the Recommendation (2004)14 of the Committee of Ministers to member states on the movement and encampment of Travellers in Europe.

Compensation

The Advisory Committee points to the need to simplify procedures for applying for compensation for earlier injustices.

This has also been a high-priority demand from several Romani organisations.

On 18 June 2004, the Storting adopted a resolution to allocate NOK 75 million to a Romani People's Fund as collective compensation for earlier injustices. The annual return amounting to NOK 3.9 million will be administered by a foundation. The Ministry of Local Government and Regional Development is in dialogue with the Romani people/Travellers' organisations regarding the formulation of the mandate of the foundation and the composition of the board of the foundation in which representatives of the Romani people/Travellers are to participate. Reference is made to supplementary information under Part II B. Implementation of the Framework Convention, Article by Article, Article 5.

On 2 July 2004 the Government presented Report No. 44 (2003-2004) to the Storting: *A Compensation Scheme for War Children and Compensation Schemes for Romani people/Travellers and Elderly Saami and Kvens Who Have Received Deficient Education.* One of the issues dealt with in the report was the demand for compensation schemes for the Romani people/Travellers. The report proposes to adapt the system of Ex Gratia payments to make it easier to accommodate the demands of the Romani people/Travellers. It proposes that the following principles be applied when dealing with applications for compensation from Romani people/Travellers:

- The basic principle that past actions must be judged in the light of the norms that prevailed at the time the action was committed cannot apply absolutely.
- The Romani people/Travellers must be compared with the majority population, and not only with other Romani people/Travellers when assessing whether they must be regarded as being particularly disadvantaged.
- An assessment must be made of applicants' possibilities of procuring the necessary documentation of the injustices that were committed. In the light of present knowledge of the treatment to which Romani people/Travellers were subjected, in cases where no documentation can be obtained, emphasis should be placed on personal statements.

On 4 April 2005 the Storting endorsed the main principles set out in the Report. The Report to the Storting is appended to this report.

Work is currently in progress on publicising the new scheme and providing advice to applicants. The Secretariat of the Ex Gratia Payment Committee will prepare matters for submission to the Committee.

Article 5

1. *The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*
2. *Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

Cultural heritage protection

In recent years museums have focused growing attention on efforts to document and secure the culture of national minorities. Different museums have assumed the main responsibility for various national minorities. In 2004 the Director General of Cultural Heritage initiated a project to inventory cultural monuments and cultural environments linked to national minorities, in cooperation with the minority groups. The goal is to draw up a plan for the protection of national minorities' cultural monuments and cultural environments.

The Romani People's Fund

Reference is made to the information on compensation under Article 4 above.

The return on the Romani People's Fund will be used to finance measures and activities that create knowledge of the history of the Romani people/Travellers, or that help to preserve and develop their culture and language. The return will also be used to run a secretariat/advisory centre that will offer legal and other assistance to Romani people/Travellers in need of such help and for other work or projects carried out under the auspices of the Romani people/Travellers.

Literature

The Norwegian Council for Cultural Affairs is the public funding agency that provides the most financial support for the publication of literature in Norway. While textbooks for use in primary and secondary schools and universities are mainly published on commercial terms⁴ since the 1960s other Norwegian literature has been covered by the government procurement scheme for contemporary literature. This scheme includes books written by all authors living in Norway, regardless of their linguistic background. A manuscript that is written in a minority language will be translated into Norwegian as soon as it has been approved for publication. For most of these books, the translation costs will be covered by grants from the Norwegian Council for Cultural Affairs.

Until recently, the Kven language has been solely a spoken language. However, the Linguistic Departments at the University of Tromsø and the University College of Finnmark are working on development projects on the Kven language. The University Library at the University of Tromsø has an electronic bibliography for Kven literature⁵. Reference is made to further information under Article 12, Research.

⁴ Since the 1970s, however, funds have been allocated for the development and production of teaching materials for groups of pupils for which there is no market for the commercial publication. This applies to small groups of pupils and secondary school subjects studied by a small number of pupils, pupils who require specially adapted teaching materials, and minority language pupils.

⁵ <http://www.ub.uit.no/baser/kvensk/index/php>

Furthermore, a schoolteacher in North Norway has begun work on developing a new grammar and orthography in connection with writing a four-volume novel in the Kven language. In addition to funding from the Norwegian Council of Cultural Affairs, the first two volumes received financial support from other public agencies. The Norwegian Council for Cultural Affairs has also provided funding for the publication of a collection of traditional Kven songs, as well as for a Christmas magazine and translations of comics.

In 2003 the Ministry of Local Government and Regional Development provided NOK 200,000 for the publication of the Kven-language novel *Elämän jatko – Kuosuvaaran takana* by Alf Nilsen-Børsskog. The novel was published in spring 2004 and is the first to be published in Kven.

No applications have been received to date by the government procurement scheme for literature published in Romani or Romanes.

Norwegian-language books containing documentary material on national minorities are also entitled to support from the Norwegian Council for Cultural Affairs.

Language and libraries

In the past decade the Romani people/Travellers have experienced steadily growing understanding and recognition of their distinctive traditions and culture among the majority population. Several CD recordings by Romani-language musicians have been launched in the past few years, and several measures have been initiated with a view to revitalising the language. For instance, a number of registration and documentation projects have been started with funding from the Norwegian Council of Cultural Affairs.

The Ministry of Local Government and Regional Development has received several applications for support for measures to promote the use of Romani. At meetings with the public authorities, representatives of the Roma and Romani people/Travellers have stated that there is a great need for effective measures to support the Romanes and Romani languages.

The new museum at Elverum, the Romani Department at the Glomdal Museum, will play an important role in the presentation of the Romani language and culture. Romani will be introduced to the public by means of written information and visitors will have the opportunity to listen to the spoken language.

A three-year programme of research on the Romani language and its linguistic origin has been initiated under the auspices of the Research Council of Norway. The advisory group for the programme comprises representatives of the Romani people/Travellers.

The Norwegian Archive, Library and Museum Authority, provides financial grants for the Finnish Library Service. Support provided in 2005 amounts to NOK 307,000.

Museums and cultural buildings

The consolidation of museum activities through the Norwegian Archive, Library and Museum Authority is perceived as problematic by several of the national minorities because in their

opinion it does not take into consideration the special needs of the national minorities. The Mosaic Religious Communities in Oslo and Trondheim and Skogfinn Interests in Norway, in particular, point to what they perceive as an assimilating and dominant organisational structure as a result of which the national minority itself does not have sufficient opportunity to determine the basic premises for the dissemination and presentation of its own history and the safeguarding of its own experiences and cultural heritage, and that this is not in accordance with Article 5 and Article 15 of the Framework Convention. As regards the situation of the Skogfinn museums, reference is made to the information provided under Question 4 from the Advisory Committee.

The Romani Department at the Glomdal Museum

The new department for the documentation and presentation of the culture and history of the Romani people/Travellers will be part of the Glomdal Museum at Elverum and has a budget of NOK 51.6 million. Information will be presented by means of films and exhibitions. The basic exhibition will deal with the history and cultural identity of the Romani people/Travellers, and will also focus on the minority group's encounter with mainstream society and the injustices committed by the latter. The plan is to expand the exhibition as and when new knowledge and issues arise. There will also be temporary thematic exhibitions on topical issues. The project will be financed by grants from the Ministry of Culture and Church Affairs. The Directorate of Public Construction and Property (Statsbygg) is responsible for implementing the project.

The following are some examples of projects at the Glomdal Museum that have received financial support from the Norwegian Archive, Library and Museum Authority (the former Norwegian Museum Authority (NMU)).

- The culture and history of the Romani people. Development project: NOK 30,000 (NMU 2002)
- Travellers in Norway. Film/video: NOK 50,000 (NMU 2002)
- The culture of the Romani people – collection and documentation. Development project: NOK 515,000 (NMU 2001)
- The culture of the Romani people – collection and documentation. Development project: NOK 500,000 (NMU 2000)

The Norwegian Archive, Library and Museum Authority, has also provided funding for the following projects:

- The Karmsund Folk Museum: The Romani people – documentation. Development project: NOK 150,000 (2005)
- The Telemark Museum: Key Romani values – documentation and travelling exhibition. Development project. NOK 30,000 (2005)
- The Telemark Museum: The Romani People in Telemark County – presentation. Development project: NOK 40,000 (2004)

The Kvæntun Centre for Kven Language and Culture

The Kvæntun Centre, a new facility in Porsanger Municipality, aims to document, revitalise and strengthen Kven language and culture. A new administration building comprising a room for the presentation of Kven culture is under construction. A total of NOK 12 million has been allocated for the building, which will be completed in 2005. The project is financed by grants from the Ministry of Culture and Church Affairs. The Directorate of Public Construction and Property (Statsbygg) is responsible for implementation.

The Norwegian Archive, Library and Museum Authority, has also provided grants for various museums, as well as support for the following projects of relevance for Kven culture:

- The Tromsø Museum: The cultural landscape after the encounter of three tribes at Varanger. Development project: NOK 95,000 (2005) – also concerns the Saami population.
- A project for the inter-disciplinary collection of documentation and the presentation of information.
- The Vadsø Museum – Ruija Kven Museum: Received funding for a film/video project *Jos voisin lentää*: NOK 100,000 (NMU 2002).

The Jewish Museum in Oslo

The museum is to be established in a former synagogue that has been included in the Norwegian Directorate of Cultural Heritage's programme on the cultural monuments of national minorities.

Trans-frontier contact with a view to preserving and developing culture

The Ministry of Foreign Affairs will assess whether greater importance should be attached to national minorities' vulnerable position and ties across national borders when allocating project funds.

Article 6

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
2. *The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

National minorities and the media

Report No. 17 to the Storting (2004-2005): Power and Democracy, which was submitted on 4 March 2005, presents the Government's views on various aspects of power and democracy in Norway. Among other things, the Government considers the power of the media, including in relation to minorities. The Government points out that, through their selection and presentation of information, the media play an important role in defining society's attitudes to minority groups and states that: "*It is an important goal for the Government to limit the differences in information, knowledge and cultural resources between various parts of the*

population. It is therefore necessary to secure the foundation for the establishment and operation of media that target and are able to function as spokesmen for minorities... ”.

National minorities in the national curriculum of Norway

In the new national curriculum for primary and secondary education the competency target after the 7th year (of social subjects) reads as follows: “The pupil must be able to tell about the different national minorities in Norway and describe the main elements of their history and standard of living.”

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Changes in the school subject Christian Knowledge and Religious and Ethical Education (CKREE)

Following an appeal, in its decision of 3 November 2004, the UN Committee on Human Rights presented its view that the arrangement for partial exemption from the CKREE subject is in contravention of Article 18 No. 4 of the International Covenant on Civil and Political Rights, which concerns the right of parents to provide for their children’s religious and moral upbringing. The Committee stated that religious and ethical education in public schools will not be in contravention of Article 18 if it is carried out in a neutral and objective manner, but that public education that includes tuition in a specific religion or faith will be in contravention of Article 18 unless there is a possibility for non-discriminatory exemption or other alternatives that fulfil the wishes of parents. The Committee concluded that education in the CKREE subject could not be said to be neutral or objective unless the system for exemption actually entailed that the education that was offered to these children was neutral and objective.

The Government has noted the statement of the UN Committee and has passed a resolution to make the necessary amendments to the provisions concerning the CKREE subject in the Education Act, the exemption rules and the curriculum for the subject in order to meet the Committee’s requirements. The legislative basis for the CKREE subject and the amendments to the exemption rules were adopted by the Storting in spring 2005 and a new curriculum for the subject will be prepared, applicable from the beginning of the 2005-2006 academic year.

The premise is that the CKREE subject is an ordinary school subject on a par with other subjects taught in schools. The subject must provide knowledge of religions and philosophies of life and not education in a specific religion. The subject must be open, promote insight, respect and dialogue across religious and confessional borders, and promote understanding and tolerance with respect to religious and moral issues. The aim is to provide an inclusive school subject which, as far as possible, all pupils are taught together. This will make a significant contribution to the common knowledge and the cultural and value base on which today’s society is founded, with inputs from different cultures, religions and philosophies of life. The tuition must not be confessional and must be carried out with respect for pupils’ ethical and religious backgrounds, stimulate all-round education and help to form common cultural frames of reference.

Kosher food

The Jewish minority finds the access to kosher food not satisfactory. The problems in relation to chicken are due to the prohibition against kosher slaughter, and the proven occurrence of salmonella in imported products. As regards other products, the importer of kosher food finds the regulations difficult and time-consuming.

An inter-ministerial working group will consider the challenges related to the supply of kosher food. The working group will be chaired by the Ministry of Local Government and Regional Development. The Ministry of Health and Care Services and the Ministry of Agriculture and Food will also participate. The working group's mandate is as follows:

"The working group shall:

- *Describe the possibilities for obtaining kosher food under the existing regulations*
- *Describe the parts of national and international law relevant to the question of the Jewish minority's access to kosher food*
- *Assess the current situation in relation to the state's obligations and, if necessary, present proposals for measures.*

This process shall take place in dialogue with the Jewish minority, represented by the Mosaic Religious Community in Oslo."

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

See the comments under Article 7 above.

Article 9

1. *The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems that persons belonging to a national minority are not discriminated against in their access to the media.*
2. *Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*
3. *The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*
4. *In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

National minorities and the media

On 30 September 2004 the Storting adopted a new Article 100 of the Constitution of Norway relating to freedom of expression. The sixth paragraph in this Article lays down the state's obligation to provide for open and informed public debate, known as the infrastructure requirement. Due to the power and the democratic role of the media, they are a crucial element of the infrastructure for freedom of expression and information. Media policy is therefore an important part of the authorities' fulfilment of this responsibility.

Access to the media, both as sources of information and as channels of expression, is an important prerequisite for the functioning of the public space. "The availability of the media to the general public" is therefore defined as a separate media policy goal for the Ministry of Culture and Church Affairs cf. Proposition No 1 to the Storting (2004-2005). Various schemes for the media sector help to maintain a diversity of channels of expression. Several of the schemes are particularly designed to ensure that minority groups have opportunities to express themselves.

The Ministry of Culture and Church Affairs and the Ministry of Local Government and Regional Development provide grants for the Kven newspaper Ruijan Kaiku. In 2004, the grant from the Ministry of Culture and Church Affairs was increased from NOK 350,000 to NOK 600,000, partly with reference to the fact that the Advisory Committee on the Framework Convention for the Protection of National Minorities had pointed to the importance of Ruijan Kaiku as a source of information for the Kven population. The newspaper has also been receiving an annual grant of NOK 150,000 from the Ministry of Local Government and Regional Development since 2003.

Pursuant to an amendment adopted by the General Meeting on 14 June 2004, the statutes of the Norwegian Broadcasting Corporation (NRK) now state that "*The NRK's total national programmes, both in radio and in television, shall at least contain:... g) Programmes for national and language minorities*".

Article 10

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*
- 3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

The status of the Kven language

In November 2001, the Council of Europe's Committee of Ministers adopted a recommendation in which the Committee requested the Norwegian authorities to clarify the

extent to which Kven is a Finnish dialect or a separate language. The Ministry of Local Government and Regional Development and the Ministry of Culture and Church Affairs therefore commissioned Professor Kenneth Hyltenstam of the University of Stockholm to undertake a study of this issue. The mandate for the study, which was laid down by the two ministries, was as follows:

- *The study shall discuss the question of whether Kven is a separate language or a Finnish dialect.*
- *The study shall consider the similarities and/or differences between Kven and Meankieli/Tornedalsfinsk.*

The study was completed with the submission of a final report to the Ministry of Local Government and Regional Development and the Ministry of Culture and Church Affairs in October 2003. The study is appended as an enclosure to this report.

The report was thereafter distributed for consultation to relevant organisations and special interest groups. On the basis of the views of the majority and the dialogue with the Norwegian Kven Association, in April 2005 the Government decided to recognise Kven as a separate language under the protection of Chapter II of the European Charter for Regional or Minority Languages. The status of the Kven language will therefore be on a par with the Romani, Romanes, Lule and South Saami languages.

The Government's resolution was formalised in a Royal Decree on 24 June 2005.

Article 11

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronymic) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*
2. *The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*
3. *In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

Personal names

The Storting adopted an Act on personal names on 7 June 2002. As the result of a general liberalisation, the Act is to a greater extent adapted to the name customs of all minorities, including recent immigrant groups, national minorities and the Saami population, which is defined as an indigenous people.

Pursuant to the new Act, it is not permitted to take a first name or surname that may be a significant disadvantage for the person who takes it. At the same time, surnames held by 200 or fewer persons are protected. This means that everyone who bears this name as a surname must consent to another person taking this name. The limit was formerly 500 persons.

Regardless of the limit of 200 persons, it is permitted to take a surname and middle name that date as far back as a person's great-great grandparents. It is also permitted to take as a surname a surname or middle name with which a person concerned otherwise has a special connection. The travaux préparatoires state that if it is likely that the Norwegianisation policy was a factor in preventing a name from being passed on to the person in question, such person should be given the opportunity to go somewhat further back through his/her family tree than the great-great grandparents to find the name. For the sake of clarity we should also point out that if a person wishes to take a surname that is not used by any other person, it is possible to take this name as a new surname within certain limits. Any person who wishes to take, change or remove a name must notify the Population Register, which will decide whether the notification will be approved.

Place names

Pursuant to Section 3 No. 3 of the Local Government Act, on 6 June 2003 the Government adopted a resolution to introduce three names, with equal status, for the Municipality of Porsanger: Porsanger (Norwegian), Porsáŋgu (Saami) and Porsanki (Kven/Finnish). The resolution was adopted following an initiative from the Municipality of Porsanger and entered into force on 1 January 2004.

Proposition No. 42 to the Odelsting (2004-2005) relating to amendments to the Act of 18 May 1990 No. 11 on place names, etc. was adopted by the Storting on 12 April 2005. The Act has not entered into force, and will not do so until the proposals for amendments to the regulations relating to the Act have been completed.

The amended Act contains a new object clause (Section 1) which, among other things, makes it clear that the Act is intended to ensure that due consideration is paid to Saami and Kven place names, in accordance with national legislation and international agreements and conventions.

Moreover, Section 9 of the Act lays down that the place names that have been determined must be used by the persons and bodies covered by the Act on their own initiative (this mainly applies to central, regional and local authorities). Section 9 also lays down that Saami and Kven place names must be used by public authorities in parallel with any Norwegian place names if the Saami or Kven place name is used by the people who live permanently in the place concerned or have a commercial connection with it (nomadic Saami).

Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

School curricula

As part of "Kunnskapsløftet", the coming reform of primary and lower secondary education based on Report No. 30 to the Storting (2003-2004): *Culture for Education*, new curricula

will be prepared for all subjects. The Ministry will ensure that general information on national minorities is included in relevant curricula.

Finnish/Kven

Tuition in Finnish as a second language for pupils with a Kven/Finnish background has increased steadily in the past ten years. In the last few years, the number of pupils receiving tuition in Finnish in Nord-Troms and Finnmark counties has stabilised at around 1,100. During the trial period in the first half of the 1990s, the number of pupils was approximately 40. Substantial resources have been devoted to developing teaching aids for this subject, and the Ministry is concerned to ensure that the subject continues to develop in a positive direction.

The Government has recognised Kven as a separate language, protected pursuant to Chapter II of the European Charter for Regional or Minority Languages. To the degree there is a demand for tuition in Kven, this will take place within the course in Finnish as a second language, as provided for in the 1997 curriculum. This already takes place in several schools today. The Ministry of Education and Research will provide funding to contribute to the positive development of the Kven language.

The University of Tromsø is developing a curriculum for Kven with a view to start-up in spring 2006.

The Roma and Romani people/Travellers

Following a dialogue with the Roma group and the City of Oslo, in 2005 the Ministry of Local Government and Regional Development will establish a meeting place for women and children from the Roma group. The purpose of the project is, in the longer term, to contribute to better adapted education services and greater motivation to attend school through dialogue with the Roma group. On the basis of the experience gained from the project, the Ministry of Education and Research will consider further measures in schools for this group.

Through the Romani People's Association of Norway (now the Travellers' Association of Norway), the Romani people have taken the initiative with Dronning Mauds Minne College to initiate the project *Romani – fra barn til voksne* (Romani – from Child to Adult) The purpose of the project is to identify and find solutions to the difficulties Romani children experience in schools and day care institutions. The project began in 2004 and will last for three years. The project receives state support. The Ministry of Education and Research has delegated the responsibility for following up the project to the Directorate of Education.

Research

Reference is made to the comments on the Research Council of Norway relating to the Romani people and the comments on the University Library and educational programmes at the University of Tromsø relating to the Kven language.

Extensive research into the Kven language is taking place at the University of Tromsø. Three people have taken doctor's degrees in this area in recent years, two linguistic and one literary. Two doctoral theses are currently being written on the Kven language. There are also master's degree students writing theses relating to Kven.

The Research Council of Norway has allocated NOK 5 million over a five-year period (2003-2007) for the project *Kvener og skogfinner i fortid og nåtid* (Kvens and Skogfinns in the Past and the Present).⁶

At the Department of Recent Cultural History at the Tromsø Museum, a Kven archive has been established which has close contacts with ongoing research projects at the University of Tromsø and similar institutions. The archive is primarily being augmented with material from research projects on Kven language, literature and culture. The Tromsø Museum is collaborating with the University of Tromsø on a research project on the materialisation of Kven culture and this research material will also become part of the Kven archive.

However, Report No. 20 to the Storting (2004-2005) *The Will to Research* shows that Norway does not currently have sufficient data to be able to meet its obligations under the Framework Convention with respect to all the national minorities. Nor have strategic plans so far been developed for research on national minorities, since the Framework Convention entered into force after the last Report to the Storting on research was presented.

Apart from the activity that is taking place at the University of Tromsø, the most urgent research needs have been met on an ad hoc basis, in dialogue with representatives of the national minorities. Among other things, this has taken place through commissions assigned to the Research Council of Norway or directly to researchers by various ministries. There is a need to know more about what kind of data should be developed, what the scope should be, where the research should be based and how the national minorities can be included in the work that is done. On the basis of these needs, and as part of the follow-up to the Framework Convention, the Government will draw up a plan for research into national minorities. The plan will be drawn up in cooperation with representatives of the national minorities.

Teacher training and textbooks

The supply of qualified teachers of Finnish is still unsatisfactory. In 2002, Norway entered into trans-frontier cooperation with Finland, entitled *Grenseløst i nord* (Borderless in the North). Education is one of several areas of cooperation, and through this cooperation programme the Ministry will consider the possibility of recruiting Finnish-speaking teachers to Norwegian schools. The cooperation programme also includes focus on language education.

In Norway's last report, it was stated that a project would be initiated to develop electronic teaching aids for the upper secondary level. This work is now in progress.

The problems the authorities experience in connection with pupils not receiving a satisfactory education are mainly related to the Roma and, to a certain extent, the Romani people/Travellers. The Ministry of Education and Research has assigned the Directorate of Education, in dialogue with these groups, to find appropriate measures to improve the adaptation of education for these groups. The use of ICT and contact networks supported by schools, have been discussed with the Romani people and the Directorate will have further discussions with this group on this issue in 2005. The Directorate will also attempt to initiate a similar dialogue with the Roma people. The Directorate will also consider seeking cooperation with Sweden in order to find out how they have dealt with the challenges associated with these two groups.

⁶ Information (in Norwegian) on the project may be found at: <http://uit.no/humfak/finsk/2>

Day care institutions

The new Day Care Institutions Act, of 17 June 2005 No 64, section 2, first paragraph concerns the content of day care institutions. Section 2, third paragraph, states that “*Care, upbringing and learning in day care institutions shall promote human equality, gender equality, freedom of thought, tolerance, health and understanding of sustainable development*”. Further, section 2, fourth paragraph, states that: “The day care institution shall take into account the children’s age, level of ability, gender and ethnic and cultural background, including the language and culture of Saami children”. The Act will enter into force on 1 January 2006. The Day Care Institutions Act will, among other things, clarify the responsibility of the owner of the day care institution for adapting day care services to the language and culture of Saami children and children from national minorities.

The Ministry of Local Government and Regional Development, the Directorate of Education and the Ministry of Children and Family Affairs all support the project *Romani fra barn til voksne* (Romani from Child to Adult) under the auspices of Dronning Mauds Minne College. The project is regarded as being an important measure to ensure focus on Romani culture in day care institutions and schools.

Article 13

1. *Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.*
2. *The exercise of this right shall not entail any financial obligation for the Parties.*

The Ministry has not received any applications from persons from national minorities who wish to establish or run private educational and training establishments.

Article 14

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*
3. *Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

Minority language pupils in primary and lower secondary schools

In Norway’s last report, reference was made to the rights of pupils from language minorities to special language education, cf. section 2-8 of the Education Act. These rights were amended in autumn 2004. Under these amendments, special education in Norwegian will be the primary tool for minority language pupils in primary and lower secondary schools. The provision states that pupils with a mother tongue other than Norwegian or Saami have the right to special tuition in Norwegian until they have sufficient Norwegian skills to follow ordinary tuition in schools. Pupils who come to the country without being able to speak Norwegian and other pupils who have such poor language skills that they cannot follow

tuition in Norwegian will also be entitled to mother tongue tuition, bilingual subject tuition or both during a transitional period.

Language tuition for the Romani people/Travellers

Representatives of the Romani people/Travellers have requested tuition in their own language in schools. Since there are no teaching aids for this language and it is uncertain whether or to what extent language speakers exist who could contribute to the demanding process of developing teaching aids, the Ministry of Education and Research has taken no further initiatives in this respect.

Tuition in Kven

The Ministry of Education and Research has received an application from Kvæntunet, the Norwegian Centre for Kven Language and Culture, for support and funding for tuition in the Kven language. The Ministry of Education and Research will provide funding in order to contribute to the positive development of the Kven language and this application will be processed on a par with other applications in this area. Reference is otherwise made to the description of education in Kven/Finnish for pupils with a Kven/Finnish background, cf. under Article 12 above.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Under the Ministry of Local Government and Regional Development's grant scheme for national minorities, support for their organisations has had priority in the last couple of years. This policy has been pursued in order to better enable minorities to articulate their needs and demands. The Ministry of Local Government and Regional Development has offered courses in application writing and has had bilateral meetings with each association in connection with the processing of applications. The Ministry of Local Government and Regional Development has also helped the organisations to find out about other grant schemes. In this way, several of the organisations have been strengthened in their role as negotiating partners in their contacts with the authorities. The participation of the authorities at the annual meetings of these organisations also functions as a link, but the prerequisite is that the minorities have sufficient confidence in the authorities. Confidence-building activities have therefore had priority and will continue.

Dialogue has also been strengthened through the Kontaktforum (Contact Forum) for national minorities and the authorities. The last meeting of the Contact Forum was held on 16 December 2004. The topic was language and culture. Meetings of the Contact Forum are chaired by the State Secretary for Saami and Minority Affairs. Due to the nature of the topic discussed at the meeting on 16 December 2004, a State Secretary from the Ministry of Culture and Church Affairs also attended the meeting.

In addition to the meetings of the Contact Forum, both the Ministry of Local Government and Regional Development, as the coordinating ministry, and the other ministries have individual responsibility for entering into dialogue with and including national minorities in their work on matters that affect them. This principle also applies to regional and local authorities. Practice varies and there is still a need to make both central and local authorities aware of

their responsibility. In several cases, the Ministry of Local Government and Regional Development has promoted contact between the national minorities and the relevant authorities at the request of the national minorities. The authorities have gradually taken over direct contacts with national minorities. One example is the education sector.

The Ministry of Education and Research has delegated to the Directorate of Education the responsibility for dialogue with the Roma and Romani people/Travellers in order to consider how to provide specially adapted education for these groups. The Directorate has initiated a dialogue in connection with the project *Romani – fra barn til voksne* (Romani - from Child to Adult), where representatives of the National Association of the Romani People, now the National Association of Travellers, have played a central role.

Several organisations believe that the ministries should, to an even greater extent, include and facilitate the participation of national minorities in policy development, cf. the comments under Article 5, Museums and Cultural Heritage Conservation and the response to Question 4 from the Advisory Committee.

At times it may be unclear who is to be regarded as a representative of the various groups. The Romani people in particular have many organisations and there has been some debate about their representativeness in relation to the authorities. The Ministry of Local Government and Regional Development has stipulated that contacts between the central authorities and the various groups and organisations must be based on democratic principles, cf. Report No. 13 to the Storting (2000-2001) *National Minorities in Norway* and Report No. 27 to the Storting (1996-1997) *on the state's relationship with non-governmental organisations*. On this basis, the Ministry of Local Government and Regional Development has developed criteria for which organisations the central authorities will negotiate with in various contexts. In formal contacts with national minorities, the Ministry will primarily cooperate with organisations that can document/provide reasonable evidence of their membership and prove that their board has been elected on the basis of democratic principles. These organisations participate in the Contact Forum for national minorities and the authorities. At the same time, the Ministry of Local Government and Regional Development conforms to the principle that it may have bilateral meetings with anyone who wants them, regardless of what type of organisation they belong to.

Comments from the Advisory Committee

The Advisory Committee requests the authorities to monitor whether the legal requirements relating to trade in used goods, which now include permanent sales outlets, and the requirements for certificates of competence in certain professions have a negative impact on the implementation of Article 15 with respect to the Roma and Romani people.

The Ministry of Local Government and Regional Development has not found any good solutions to this challenge so far but will now follow it up in dialogue with the groups concerned and with the Ministry of Labour and Social Affairs, and will consider these requirements in relation to the implementation of the Framework Convention and in relation to the principles in the recommendation of the Committee of Ministers (2001) 17 on improving the economic and employment situation of Roma and Romani people in Europe.

Article 18

1. *The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*
2. *Where relevant, the Parties shall take measures to encourage trans-frontier co-operation.*

The Nordic Working Group for National Minorities was established in Oslo in 2004. The working group currently comprises Sweden, Finland and Norway. The second meeting was held in Stockholm in April 2005. The working group consists of representatives of the ministries in the respective countries that are responsible for reporting on the implementation of the Framework Convention and the European Charter for Regional or Minority Languages. The working group will meet as and when necessary and so far holds meetings once a year. The purpose of the working group is to exchange experience on policies, measures and best practices. The working group also aims to help the national minorities in their countries to develop better Nordic networks.

Contacts between the national minorities in the Nordic countries date back to long before the minorities were formally granted such status in 1999. Representatives of the national minorities in Norway want more financial support to promote greater opportunities for contact. The Ministry of Local Government and Regional Development is engaged in dialogue with the Ministry of Foreign Affairs concerning the possibilities for providing more financial support for trans-frontier cooperation, both within and outside the Nordic countries.

PART III

Questions from the Advisory Committee

Question 1

Are there any plans to amend the Act of 21 May 1999 No. 30 relating to the strengthening of the status of human rights in Norwegian law (the Human Rights Act) in order to include a reference to the Framework Convention?

Response: There are no such plans.

Question 2

Please provide updated information on the work of the Parliament to complete the legislative framework prohibiting discrimination.

Response: Many amendments have been introduced to improve the legislative framework prohibiting discrimination. The Act on prohibition of discrimination based on ethnicity, religion, etc. was adopted in spring 2005. The Act on an Equality and Anti-Discrimination Ombud was also adopted in spring 2005. This Act provides the foundation for the establishment of a new Equality and Anti-Discrimination Ombud and an Equality and Anti-Discrimination Tribunal along the lines of the current gender equality system. The current Gender Equality Ombud, the Centre for Gender Equality and the Centre for Combating Ethnic Discrimination will be incorporated into the new ombudsman function. Reference is

otherwise made to Part II, B. The Implementation of the Framework Convention, article by article, Article 4.

Question 3

Please describe and comment on recent developments concerning the financial state support for the publication of the Kven newspaper.

Response:

In 2004 the Ministry of Culture and Church Affairs increased the grant for the Kven newspaper Ruijan Kaiku from NOK 350,000 to NOK 600,000. The Ministry of Local Government and Regional Development has also been providing an annual grant of NOK 150,000 since 2003.

Question 4

Please describe the new state policy on museums and explain its consequences for the Skogfinn Museum.

Response:

The question of how we can ensure the protection and further development of the cultural heritage of the Skogfinns is being considered in connection with the work that is being done on national museum reform, cf. Report No. 22 to the Storting (1999-2000): Sources of Knowledge and Experience and Recommendation No. 46 to the Storting (2000-2001). In cooperation with relevant county authorities, municipal authorities and museums, the Norwegian Archive, Library and Museum Authority, which is a body under the Ministry of Culture and Church Affairs, is undertaking a review of the museum structure throughout the country with a view to consolidating this sector. The main principle of the reform is to consolidate the sector into fewer, but financially and administratively stronger regional museum units, which will become part of national networks.

According to state museum policy, new museums with state grants must become departments of one of the consolidated regional museum institutions. This principle has also been applied in connection with the establishment of museums that document minority history, such as the Romani Department at the Glomdal Museum. In order to highlight cultural diversity and the multi-cultural dimension, it has been an important cultural policy goal to integrate the documentation of minority culture into national cultural institutions.

Work has been in progress for many years to establish a museum to document Skogfinn culture. Hedmark County has considered this matter in connection with its work on museum reform in the county. A working group comprising representatives of the county authorities and the Skogfinns presented a report on this issue in 2001. The report concluded that a Norwegian Skogfinn Museum should be established independently of the consolidated museum structure in the county. The Ministry of Culture and Church Affairs passed the case on to the Norwegian Archive, Library and Museum Authority for consideration. On the basis of a professional evaluation, the Authority advised against the establishment of a Skogfinn Museum that would be independent of the consolidated museum structure in the county. It has otherwise not been appropriate for the Ministry of Culture and Church Affairs to support the establishment of new, independent museums during the process of consolidating the museum sector. Nor have museums that have chosen to remain outside the museum reform been granted increased funding from the National Budget.

In Budget Recommendation to the Storting No. 2 (2003-2004), the majority of the Storting's Standing Committee on Family, Cultural Affairs and Government Administration stated that they would wait until the work of consolidating the museum sector in Hedmark county has been completed to determine how the government should follow up its responsibility for the Skogfinns as a national minority. The Standing Committee writes the following: *"The purpose of this is to see whether a solution is found for the Skogfinns within one of the consolidated museum units in the county. If no such solution is found, the state and Hedmark County and the Skogfinn groups must consider alternative solutions."*

The work of consolidating the museum sector in Hedmark County has not yet been completed. The Ministry of Culture and Church Affairs, the Ministry of Local Government and Regional Development and the Norwegian Archive, Library and Museum Authority had several meetings with representatives of local and regional authorities in Hedmark and the Skogfinns in autumn 2004 to discuss various possibilities for ensuring the protection of the cultural heritage of the Skogfinns. So far, no solution has been found for the establishment of a Skogfinn Museum within one of the consolidated museum units in the county. Further efforts will be made to find a solution that satisfies both museum and minority policy considerations, cf. the comments under Article 5 Museums and Cultural Heritage Conservation.

Question 5

Please provide updated information on the work of the newly established Kontaktforum for minorities.

Response:

The Kontaktforum (Contact Forum) for national minorities and the authorities includes representatives of national minority organisations that meet the criteria for financial support for organisations, i.e. the organisation must be democratically based, it must have statutes and it must have an elected board. Each organisation sends two representatives. Until the last meeting of the Contact Forum in December 2004, the Roma had no national organisation. Consequently, the representative in Norway of the International Romani Union was invited to attend. In February 2005, two national Roma organisations were established: Norsk rombefolkning (Norwegian Roma Population) and Den norske romforening (the Norwegian Roma Association). If they meet the criteria, they will be invited to attend meetings of the Contact Forum. The authorities send representatives of the ministries that participate in the Inter-Ministerial Coordinating Committee for National Minorities. Other ministries are invited to send representatives as and when this is appropriate. The Contact Forum is chaired by the Ministry of Local Government and Regional Development's State Secretary for Saami and Minority Affairs.

The Contact Forum is used to pass on information from the authorities and as a forum for dialogue to find good solutions for the implementation of the Framework Convention. Examples of topics are the museum and media situation, issues relating to effective participation, the question of representativeness and the grant scheme for organisations and projects.

The Contact Forum has also been used to inform minorities about the Framework Convention and its implementation. The comments of the Council of Europe have been presented. The members of the Contact Forum have also been invited to a follow-up meeting with the

Advisory Committee in Oslo. The draft of Norway's second report on the implementation of the Framework Convention has been sent to the organisations represented in the Contact Forum for consultation.

The organisations can cover the costs of participating in meetings of the Contact Forum from the organisation grant they receive from the Ministry of Local Government and Regional Development.

Question 6

Please provide updated information on the efforts made – including by the Ministry of Local Government and Regional Development – to design payment schemes to compensate Roma women victims of forced sterilisation in the past.

Response:

The Government is not aware of any Roma women having been the victims of forced sterilisation. The response to the question therefore concerns the Romani people/Travellers.

In August 2003, a working group established by the Ministry of Local Government and Regional Development presented the report *Erstatning til tvangssteriliserte romanifolk/tatere* (Compensation for Romani People/Travellers who have been the victims of forced sterilisation), Ministry of Local Government and Regional Development, H-26/03. The report is enclosed.

The report proposes using the Storting's ex gratia payment system, but with less strict requirements for evidence so that the system is more easily applicable to Romani people/Travellers who have been forcibly sterilised. Representatives of the Romani people/Travellers were involved in work on the report.

The report on forced sterilisation was included as background material in the report *Erstatningskrav fra ulike grupper i samfunnet* (Claims for Compensation from Various Groups in Society), which was presented in December 2003 by a working group established by the Ministry of Justice. On the basis of this report, the Government presented Report No. 44 to the Storting (2003-2004): *Erstatningsordning for krigsbarn og erstatningsordninger for romanifolk/tatere og elder utdanningskadelidende sameier og kvener* (The Compensation Scheme for War Children and Compensation Schemes for Romani people/Travellers and Elderly Saami and Kvens who have received deficient education). Romani people/Travellers who have been the victims of forced sterilisation are also covered by the proposed schemes described in the Report to the Storting. The Storting adopted these proposals when the Report was debated in spring 2005. Reference is made to a separate description of the Report and the proposals in Part II B. Implementation of the Framework Convention, article by article, Article 4, Compensation.

Question 7

Please provide updated information on the work of the Parliament in relation to the Act on land rights in Finnmark County and comment on its envisaged personal scope of application.

Response:

Reference is made to Part II, A, *Strengthening Saami culture and identity – the Finnmark Act and Procedures for consultation between the Saami Parliament and the Government*, above.

Enclosures

1. *Resolution ResCMN(2003)6 on the implementation of the Framework Convention for the Protection of National Minorities by Norway.* Council of Europe, Committee of Ministers.
<http://odin.dep.no/krd/norsk/tema/nasjonale/europa/bn.html>
2. Advisory Committee on the Framework Convention for the Protection of National Minorities: *Outline for state reports to be submitted under the second monitoring cycle, in conformity with article 25 paragraph 1 of the Framework Convention for the Protection of National Minorities.* ACFC(INF(2003)001.
http://www.coe.int/T/e/human_rights/Minorities/2_FRAMEWORK_CONVENTION%28MONITORING%29/2_Monitoring_mechanism/2_Outlines_for_state_reports/2_Second_cycle/default.asp#TopOfPage
3. *Report for the period ending 31 May 2003 in accordance with Article 22 of the Constitution of the International Labour Organisation from the Government of Norway on measures taken to give effect to the provisions of the Convention no 169 concerning Indigenous and Tribal Peoples. October 2003*
<http://odin.dep.no/krd/norsk/tema/same/publikasjoner/internasjonale/bn.html>
4. *Rundskriv H-26/04. Statsbudsjettet 2005, Kap 526, Post 70. Tilskudd til Nasjonale minoriteter* (Circular H-26/04 The National Budget 2005, Ch. 526, Item 70 Grants for national minorities). Norwegian text.
<http://odin.dep.no/krd/norsk/tema/nasjonale/tilskudd/bn.html>
5. *Oversikt over tilskudd til nasjonale minoirteter Statbudsjettet 2005, Kap 526, Post 70* (List of grants for national minorities under the National Budget 2005, Ch. 526, Item 70.) Norwegian text.
<http://odin.dep.no/krd/norsk/tema/nasjonale/tilskudd/016091-990213/dok-bn.html>
6. The Act on prohibition of discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act)
<http://www.lovdatab.no/all/nl-20050603-033.html>
7. The Act on an Equality and Anti-Discrimination Ombud and an Equality and Anti-Discrimination Tribunal (The Equality and Anti-Discrimination Ombud Act)
<http://www.lovdatab.no/all/nl-20050610-040.html>
8. The National Plan of Action to Combat Racism and Discrimination (2002-2006)
<http://odin.dep.no/krd/norsk/tema/integrering/p30007441/bn.html>
9. *St.meld. nr. 44 (2003-2004) Erstatningsordning for krigsbarn og erstatningsordninger for romanifolk/tatere og eldre utdanningskadelidende samer og kvener* (Report No. 44 to the Storting (2003-2004): The Compensation Scheme for War Children and Compensation Schemes for the Romani People/Travellers and Elderly Saami and Kvens who received Deficient Education.). Norwegian text
<http://www.dep.no/krd/norsk/nasjonale/publikasjoner/index-b-n-a.html>

10. *Kvensk – språk eller dialekt?* (Kven – Language or Dialect?) Kenneth Hyltenstam og Tommaso Milani, Centrum för tvåspråkighetsforskning. Report submitted to the Ministry of Culture and Church Affairs and the Ministry of Local Government and Regional Development, October 2003. Norwegian text.
http://odin.dep.no/kkd/norsk/dok/andre_dok/rapporter/043041-220005/dok-bn.html
11. The Act on legal relations and management of land and natural resources in the County of Finnmark (the Finnmark Act).
<http://www.ub.uio.no/ujur/ulovdata/lov-20050617-085-eng.pdf>
12. *Erstatning til tvangssterliserte romanifolk/tatere* (Compensation for Romani people/Travellers who have been the victims of forced sterilisation). Report submitted to the Ministry of Local Government and Regional Development, August 2003. Norwegian text.
http://odin.dep.no/filarkiv/250031/ferdig_rapport_tvangsster_31_08_03.pdf

