

Appendix 6
(Item 4.1b)

Resolution CM/ResCMN(2012)11
on the implementation of the Framework Convention for the Protection of National Minorities
by Norway

*(Adopted by the Committee of Ministers on 4 July 2012
at the 1147th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by Norway on 17 March 1999;

Recalling that the Government of Norway transmitted its state report in respect of the third monitoring cycle under the Framework Convention on 1 July 2010;

Having examined the Advisory Committee's third opinion adopted on 30 June 2011,

1. Adopts the following conclusions in respect of Norway:

a) Positive developments

Norway has maintained a consistent policy of support to persons belonging to national minorities and has followed an overall inclusive and positive approach with regards to the personal scope of the Framework Convention. In particular, migrants who belong to ethnic groups with national minority status, although they have arrived recently in Norway, are entitled to benefit from the same measures as those intended for the national minorities.

The Anti-Discrimination Act of 2006 was amended in 2009 to increase the role of employers in combating discrimination in the workplace. Furthermore, the Office of the Equality and Anti-Discrimination Ombudsperson was established in 2006 to monitor the implementation of legal provisions, to assess practices and to receive complaints from individuals. An Action Plan (2009-2012) for Equality and Prevention of Ethnic Discrimination has been developed and an educational project to promote the social inclusion of the Roma in different spheres of life is being implemented in Oslo.

Given the increased diversity of Norwegian society, the authorities are endeavouring to develop initiatives for promoting knowledge of other cultures and the positive input of diversity to society, such as the project conducted by the Centre for Studies of Holocaust and Religious Minorities which analyses how Judaism and Islam are perceived by the Norwegian population.

Norway continues to support measures to step up the recruitment of persons belonging to national minorities into the police force and to train as many police officers as possible about cultural diversity.

The efforts made in recent years to remedy injustices committed under past policies of assimilation against the Romani/Tatars have been intensified, in particular with the establishment of the Commission for Romani/Tatars.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

Norway continues to support by annual financial subsidies the educational and cultural activities organised by the representatives of national minorities. Additional measures have also been taken to revitalise and to promote the Kven culture, such as the standardisation process of the Kven language.

b) Issues of concern

Persons belonging to the Roma and Romani/Taters minorities, who consider themselves victims of discriminatory acts, hesitate to approach the Ombudsperson either because they have insufficient knowledge of the legislation in force and of the possible remedies, or because they consider the Ombudsperson's means of action unsuited to their needs and their itinerant lifestyle. Only few complaints of discrimination based on ethnic origin have been lodged. It appears that the Ombudsperson lacks the resources necessary to increase its visibility, particularly in respect of persons belonging to national minorities. In this context, the current resources available for the Ombudsperson's Office are insufficient to enable it to carry out its mission effectively.

Representatives of civil society state that the frequency of expressions of hostility towards immigrants in political and public debate has increased in the last few years. It seems that there is a lack of appropriate reaction by the majority population, the media and the political leaders, who do not condemn these hostile attitudes firmly enough. The principle of respect for freedom of expression often justifies the lack of sanctions of hate speech.

Hostile and discriminatory attitudes on the part of the police force have been reported against persons belonging to the Roma and Romani/Taters minorities, who complain of not being able to rely on the support of the police when they encounter problems regarding access to commercial camping sites during their seasonal travel.

Some difficulties continue to be reported by Romani/Taters who have been victims of past policies of assimilation and who are unable to prove their cultural origin due to the lack of judicial decisions on placement in foster families, or other convincing evidence. They also continue to report concerns about the absence of a national scheme for awarding financial compensation.

The national radio only broadcasts one weekly programme in the Finnish and Kven languages lasting 12 minutes directed at persons belonging to the Kven minority.

The situation of the Kven language is still precarious and more determined action is needed to create an environment more likely to encourage the use of this minority language. The absence of kindergartens providing Kven language education prevents the children belonging to this minority from being taught their minority language at pre-school level. There is also a lack of qualified teachers speaking the Kven language and of teaching materials.

It is regrettable that the schooling of a large number of Roma and Romani/Taters children is not properly ensured during the summer months when they are travelling with their parents. New facilities are needed to provide these children with lessons under distance teaching programmes.

2. Adopts the following recommendations in respect of Norway:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action²

- take more resolute measures to promote tolerance, mutual respect and social cohesion in Norwegian society, and to ensure a regular inclusive review of such measures; encourage the media to comply fully with their rules of ethical conduct, with all due regard for media independence;
- take effective measures to enable persons belonging to the Roma and Romani/Taters minorities who were victims of the forced assimilation policy in the past to exercise their rights; take all possible measures without delay, including a more proactive attitude, such as using the public archives and other documentary evidence in order to enable all the persons concerned to be identified according to their own particular

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

cultural origin; set up a national scheme for awarding appropriate financial compensation, in close consultation with the persons concerned;

- continue the efforts to revitalise the Kven language and to provide the additional resources which the Kven Institute needs in order to finalise the standardisation of the Kven language within a reasonable timeframe; provide additional measures to develop the teaching of the Kven language for children of pre-school age.

Further recommendations³

- ensure the effective implementation of the legislative framework for minority rights at all levels, in particular by regional and local authorities;

- carry out actions to increase public awareness about the work of the Equality and Anti-Discrimination Ombudsperson;

- provide the additional resources which the Ombudsperson's Office needs to carry on its mission effectively;

- take resolute measures to improve the situation of persons belonging to the Roma and Romani/Taters minorities during their seasonal travel;

- ensure that all forms of discrimination against persons belonging to the Roma and Romani/Taters minorities in the provision of services are firmly opposed and in particular that Roma and Romani/Taters are not denied access to commercial camping sites on arbitrary grounds. Discriminatory attitudes from the police must also be effectively and appropriately sanctioned;

- place emphasis, in police training, on the specificity of the traditional lifestyle of the Roma and Romani/Tater minorities as an essential component of their cultural identity and promote the recruitment of Roma into the police force;

- ensure that the needs of persons belonging to the Kven minority are duly accommodated by increased public radio broadcasting, while respecting the independence of the media;

- seek appropriate solutions suited to the particular lifestyle of Roma and Romani/Taters children in order to grant them equality in access to quality education, while preserving their culture, by developing adapted educational programmes, including by distance learning.

3. Invites the Government of Norway, in accordance with Resolution Res(97)10:

a. to continue the dialogue in progress with the Advisory Committee;

b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.