



KOMMUNAL- OG REGIONALDEPARTEMENTET

Ministry of Local Government and Regional Development

Plan of Action

National Plan of Action to Combat Racism and Discrimination

(2002–2006)

Foreword

Norway has always been a culturally diverse society. For centuries, Norway has been the home of national minorities such as Jews, Kven (the Finnish-speaking people of Northern Norway), Roma (gypsies), the Romani people/Travellers and Skogfinn in addition to the Saami people and Norwegians. However, Norway today is in many ways different from the Norway of ten or twenty years ago. The immigrant population has increased from 3

percent to 6.6 percent during the last 15 years. A new population structure requires adjustments to the government policies so that the needs of all the various groups are addressed in the best possible way. There will always be new challenges to be confronted, including racism and discrimination. This plan of action applies to the indigenous people, national minorities and the immigrant population of Norway.

1 Primary objectives in the Government's work to combat racism and discrimination

Government policy is based on the principle that Norway is a multicultural society, and that cultural plurality enriches our lives and benefits the community. Everyone living in Norway, regardless of their background, shall have genuinely equal opportunities, equal rights and equal obligations to participate in society and make use of their resources. This will benefit both individuals and the community as a whole.

The fight against racism and discrimination demands a continuous, focused and long-term effort. This action plan is a part of a long-term effort, and is based on the Government's previous plan of action against racism and discrimination (1998–2001). It is also part of the Norwegian Government's follow up of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in September 2001.

The measures in this plan of action are mainly targeted directly on combating racism and discrim-

ination. Measures to promote integration in general are therefore not included, as they have a different focus and often a different target group. While measures promoting integration are usually targeted on the immigrant population, measures to combat racism and discrimination have to be focused on those who are responsible for discrimination – i.e. primarily the majority population, and the structures and processes controlled by the majority. The measures in this plan of action are therefore primarily oriented towards the majority population.

However, measures to promote integration and measures to combat discrimination are closely connected, as both are intended to secure equal opportunities for everyone. Discrimination and racism impede integration, and reducing the discrimination that affects various groups will lead to improved integration for these groups.

2 The terms «discrimination» and «racism»

2.1 Discrimination

It is important that the use of terms in this plan of action is in accordance with international terminology. In this plan of action, the concept of discrimination is based on the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) and on the Council Directive (EC) implementing the principle of equal treatment irrespective of racial or ethnic origin.¹

Direct discrimination means that a person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of religion, colour or national or ethnic origin.

Indirect discrimination means that an apparently neutral provision, criterion or practice would put persons of a certain religion, colour or national or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Harassment shall be deemed to be discrimination when an unwanted conduct related to religion, colour or national or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

2.2 Racism

In this plan of action, the concept of «racism» is understood as an ideology that claims that there exist separate human races or ethnic groups with different qualities, and that these differences justify negative differential treatment. Racism is an argument and a justification for negative differential treatment of persons or groups on grounds of their «race», colour or national or ethnic origin.

Today, it is more common to emphasize cultural differences and religion, than biological differences, as reasons for differential treatment. The change in the argumentation may be due to the fact that it is considered unacceptable nowadays to justify differential treatment on the basis of biological differ-

ences. However, to a large extent the same groups are affected, the argumentation is based on a similar kind of logic and the consequences are approximately the same. This is racism in a different form.

Racism does not only include the attitudes of «white» people towards people of a different colour, religion or culture. Racism and discrimination exist in all groups, including minorities. Prejudices – whether towards other members within a person's own minority group, other minority groups or the majority population – must be combated, regardless of who the prejudiced person is.

One important step in combating racism is to do away with the idea that human beings can be classified as different races, with not only different physical attributes, but also different psychological and intellectual characteristics.

Today, most researchers assert that there is no basis for assigning people to different races. They now generally agree that rather than a biological phenomenon, race is an artificial concept based on social and cultural conditions.

Internationally, the concept of race has increasingly been criticized. The final document from the World Conference Against Racism, held in South Africa in September 2001, rejects the doctrine of racial superiority along with theories that attempt to determine the existence of so-called distinct human races. The term «race» was nonetheless used to describe one of the grounds for discrimination, because it is so familiar as a political and judicial concept in international conventions and other documents. The EC Directive mentioned above also rejects theories that assume the existence of different races, while at the same time «race» is cited as a reason for discrimination.

As there is no scientific basis to support the idea that there are different races, it follows that the concept of «race» cannot be used as a reason for discrimination. Consequently, the concept of «race» has not been used in this action plan.

Even though the concept of race is a social construction, some people behave *as though* races existed. However, this reason for discrimination will be included in the grounds of skin colour, or ethnic or national origin, and will therefore be regarded as discrimination in the sense of the concept as it is used in this action plan.

¹ Council Directive 2000/43/EC

3 Groups subject to racism and discrimination

This action plan includes the immigrant population, national minorities and the Saami people.

3.1 Immigrant population

Foreign-born persons permanently resident in Norway who have two foreign-born parents are regarded as immigrants in Norway. The term «immigrant» is used irrespective of the reason for immigration, i.e. it includes people who are labour immigrants, refugees and those admitted on grounds of family reunification. Children of immigrants, who were born and brought up in Norway, are not regarded as immigrants. However, they are included in the more imprecise category «persons from an immigrant background».

The first large group of immigrants came to Norway as labour immigrants in the 1960s and 70s. A large number of refugees came to the country in the 1980s and 90s. The immigrant population² currently numbers about 297 799, or 6.6 per cent of the whole population. The five largest nationalities represented are from Pakistan, Sweden, Denmark, Vietnam and Yugoslavia. At 1 January 2001, there were 23 581 people from Pakistan, 23 010 from Sweden, 19 049 from Denmark, 15 880 from Vietnam and 15 469 from Yugoslavia.

3.2 National minorities

On the basis of Norway's ratification of the Framework Convention for the Protection of National Minorities (Council of Europe), minority groups with distinct ethnic, linguistic, cultural and/or religious characteristics that originated in or have a long-standing connection with the country, are recognised as national minorities in Norway. The Saami people, Jews, Kven, Roma (gypsies), Romani (Travellers) and Skogfinn are considered to meet the criteria of «national minorities» and therefore fall within the scope of the Framework

² The term «immigrant population» is defined as persons residing in Norway with two foreign-born parents.

Convention.³ All Norway's national minorities have a history of settlement in Norway that goes back for more than a century. The Kven, Skogfinn and Romani peoples were part of Norwegian history as early as the 16th and 17th centuries.

3.3 The Saami people

The Saami are recognised as an indigenous people because they are the descendants of people who inhabited Norway before the national boundaries were drawn up and because they have retained all or some of their own social, economic, cultural and political institutions, cf. Article 1 of ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries.

As the indigenous people of Norway, the Saami are entitled to special protection. Under both international and national law, the Norwegian authorities are obligated to create a framework to allow the Saami people to preserve and develop their own language, culture and community.

3.4 Groups subject to discrimination on several grounds

Some groups are particularly affected because they are subject to discrimination on several different grounds at the same time. This creates additional problems and a feeling of marginalisation. It is particularly difficult for people who are discriminated against *both* on grounds of their beliefs, skin colour or ethnic or national background *and* on other grounds, such as gender, disability, illness or sexual orientation. In these cases, discrimination within a person's community or family is an additional burden on top of the discrimination exercised by the majority community.

³ The Saami Assembly has declared that it does not consider the Framework Convention to be applicable to the Saami people, since as an indigenous people the Saami have legal and political rights that exceed those covered by the provisions of the convention.

4 Brief description of the situation – some of the main challenges

It is difficult to measure the extent of racism and discrimination. Official statistics on living conditions (income, housing situation, participation in working life, health etc.) show that in relation to most of the criteria defining living conditions, immigrants score lower than the rest of the population. As we do not know the ethnic identity of every inhabitant, there are no living conditions statistics for Saami and national minorities. However, statistics are available for areas where the population mainly comprises Saami people. Although living conditions indicators in Saami areas largely follow the pattern for Northern Norway (which in turn scores in general somewhat lower than the national average), some areas are clearly below average for this region.

Discrimination may be one reason for lower quality in living conditions for some groups, but there is no single connection between discrimination and living conditions. These statistics alone cannot account for the extent of racism and discrimination in the country.

Documentation of racism and discrimination in Norway has been and is being compiled. There are a number of studies, research reports and statistics providing data on the labour and housing markets, and on minority groups' experience of the police and courts. However, documentation and monitoring need to be improved in order to provide a better indication of where the problems are greatest and what can be done to alleviate them.

4.1 Working life

Statistics show that unemployment among immigrants from non-Western countries is considerably higher and employment much lower than among Norwegian-born individuals and immigrants from Western countries. Registered unemployment among immigrants in February 2002 had reached 7.9 per cent of the labour force. The figure for unemployment in the population as a whole was 3 per cent. At the same time, there is substantial variation in the figures for the different immigrant

groups: the unemployment rate for immigrants from Africa was 14.6 per cent, while it was 4.7 per cent for people from North America and Oceania.

There are several reasons why immigrants do not fare as well in the labour market as the rest of the population. However, one important aspect is scepticism and discrimination among employers that makes it difficult for members of minority groups to enter the labour market. Reports show that employers have a particular conception of immigrants as a group, and that immigrants are judged more than Norwegians according to conceived characteristics rather than their actual characteristics. Interviews are a particular obstacle for visible minorities. The successful candidate is chosen according to outer characteristics such as skin colour or name.

Most of the cases dealt with by the Centre for Combating Ethnic Discrimination⁴ are about discrimination in working life. The cases cover a wide range of issues within labour law, such as discrimination in connection with job appointments, promotion, invalid working conditions, bullying and harassment.

4.2 Public services

Public services are used by people from different backgrounds and lifestyles. Consequently, it is very important that public services and institutions adapt to the various user groups, so that they feel their needs are being adequately met. Interpreting is an important instrument in this context. Reports show that incorrect use of an interpreter or a shortage of interpreters is a problem in public service provision. There are also reports that people in the immigrant population experience frustration, a lack of trust and sometimes negative attitudes from public service providers.

⁴ The Centre for Combating Ethnic Discrimination is a government body, providing legal assistance to persons who are victims of discrimination on the basis of religion, belief, colour or national or ethnic origin. The Centre also monitors the types and extent of discrimination.

4.3 Schools/education

Several of the non-governmental organisations working in this field report that they receive complaints about discrimination in schools, whether in the form of bullying or verbal harassment from other pupils. Members of minorities also encounter barriers in the transition from education to working life. Young people from an immigrant background find it more difficult to obtain apprenticeships than the majority population. A research report shows that, in spite of various integration measures in schools, young people in the immigrant population lose out in the competition for qualifications and higher education while they are still in upper secondary education.

4.4 Police/prosecuting authorities/courts

A number of non-governmental organisations working in this field have pointed out that there are instances of discrimination within the police and the judicial system, and that expertise is sometimes lacking in cases of racism and discrimination within the police and the judicial system. Again, the extent of racism and discrimination is difficult to measure. Many cases of racism and discrimination

in society are never reported, and only a few cases result in a conviction.

These problem areas are also referred to by the CERD (United Nations' Committee on the Elimination of Racial Discrimination) and the ECRI (European Commission against Racism and Intolerance) in their reports on Norway. In the ECRI's last report on Norway (December 1999), the Commission expresses concern about the fact that the relevant legal provisions are seldom used to punish cases of racism and discrimination. The ECRI urges the Government to give priority to these cases and to make more active use of existing legal provisions.

4.5 Local community

The local community is a very important arena for creating good relations across cultural dividing lines and has an important impact on people's quality of life and participation in other social spheres. A research report shows that housing areas with a relatively high proportion of inhabitants with a mixed ethnic background have a positive effect on the development of tolerance and respect for people from a different background and on preventing racism. Various kinds of reports from actors in this field indicate that ethnic discrimination in the housing market is a substantial problem.

5 Measures

The measures set out in the plan of action are mainly focused on eight target areas: working life, public services, schools/education, the judicial system, documentation/monitoring, the Internet, the local community, and strengthening legal protection against ethnic discrimination and racist harassment. The following is a brief description of the measures contained in the plan.

5.1 Working life

The Government will invite the social partners, non-governmental organisations working in this field and institutions with expertise in this field to take part in a forum for ethnic diversity in working life that will also include representatives from the responsible government ministries. The purpose of the forum is to follow up and continue to develop diversity in the labour market as well as to exchange experience and develop knowledge. The forum will also be responsible for awarding a prize each year to a company that has made a particular effort to promote diversity in the workplace.

The Government will also formulate non-discrimination requirements for suppliers to the central government. The Government wishes to make use of its role as purchaser in this way to influence companies providing goods and services for government use in order to combat discrimination in working life.

A number of measures will also be implemented to counteract exclusion on the basis of ethnic origin in the labour market for central government jobs. All central government agencies will be required to encourage persons with an immigrant background to apply when they advertise job vacancies. Agencies are also required, for the duration of a two-year pilot project, to call at least one applicant person with an immigrant background for an interview in connection with job vacancies, provided the applicant is qualified for the position. A mentor scheme will also be established in government agencies to secure equal career opportunities, and the diversity perspective will be integrated into central government leadership training.

An initiative will be launched in the Labour Market Administration focusing on finding employment for unemployed immigrants and on the agency's user-friendliness in relation to this group. In addition, all central government agencies will be encouraged to establish «racism-free zones». With the introduction of racism-free zones, the individual agency is required to set a clear objective of raising staff awareness of their own attitudes about tolerance, both internally and in relation to users.

Improvements are also being made to the accreditation system for learning and skills acquired other than through formal education, in order to make it easier for immigrants to obtain accreditation for qualifications acquired in their home country.

5.2 Public services

The Government will take steps to encourage more educational institutions to focus on multicultural understanding, for example by providing support for the development of new studies investigating multicultural issues. A research and development programme will be initiated to strengthen the minority perspective in public service provision in general. Specific measures will also be implemented to enhance expertise within certain sectors (the Directorate of Immigration, shelters for battered women and the judicial system).

Measures will be implemented to increase the recruitment of people with an immigrant background to secondary and higher education, such as improving skills among teachers and advisers and providing financial support for universities and colleges that have given special emphasis to measures for people with an immigrant background. To improve public service provision, the Government will also increase the number of people from minority groups recruited to the health and social sector and to teacher training programmes. Furthermore, a survey will be carried out to identify municipal resources and needs with regard to nursing and care services for minorities. A survey of existing skills in the health and social sector with

regard to Saami language and culture will also be conducted.

A number of measures will be implemented to improve interpreting services. The Government will also initiate measures to increase knowledge and awareness of the legal provisions entitling Saami-speakers to use the Saami language when in contact with public authorities in certain geographical areas (the administrative district for the Saami language defined in the Saami Act).

5.3 Schools/education

New teaching aids will be prepared for use in schools as part of their general effort to raise awareness, with a special focus on racism and discrimination. A research-based evaluation of how the multicultural perspective is reflected in teaching aids will also be conducted. In order to further strengthen efforts to raise awareness, Holocaust Memorial Day (27 January) will be commemorated in schools each year. A prize will be awarded on this day to a school that has made a particular contribution to combating racism and discrimination.

The Government will assess whether the National Centre for the Development of Competence in the Multicultural School should be continued after the centre's project period has come to an end.

Measures will also be implemented to improve the way in which the subject «Norwegian as a second language» is taught. This subject is available to pupils whose native language is not Norwegian and who therefore require Norwegian lessons that are adapted to their needs.

5.4 Police/prosecuting authorities/courts

The police will increase their awareness and knowledge of minorities. A central forum for dialogue will be established, consisting of representatives of the Directorate of Police and representatives of relevant non-governmental organisations. Local forums for dialogue will also be established in each police district. These fora are intended to contribute to greater communication and dialogue between the involved parties. In addition, training in this field will be provided for all police employees. A number of other measures will also be implemented to prevent racism and discrimination in the police force in areas such as management of problems involving trust, processing of appeals, registration and logging procedures, and recruit-

ment and career development in the police force and the prison service for people from an immigrant background.

In addition, the Government will establish special units under the public prosecuting authority that will provide specialist expertise in this field. A person will be appointed at each public prosecutor's office to be responsible for coordination between the police and the public prosecuting authority in cases involving ethnic discrimination and racially motivated harassment or violence. Particular responsibility for working in this field and for following up judicial developments in this field and disseminating this information to the relevant bodies will be assigned to a position at the Office of the Director General of Public Prosecutions. During investigations of cases involving racially motivated violence and ethnic discrimination and harassment, the active and close leadership of the prosecuting authorities is required. The Government will also promote the increased use of courses on racism and discrimination for judges.

There have been reports of complaints about police stop-and-search checks in connection with identity checks, checks in connection with immigration control, police actions and checks introduced as a result of the tense security situation following the events of 11 September 2001. The fact that encounters with the police sometimes generate frustration and are experienced as discriminatory and undue control of persons with an immigrant background is to some extent due to these checks. The Government will consider establishing a system of registration in connection with police checks so that people can document how frequently they are checked. The Government will also follow up a Storting decision to implement a system whereby a body search must be signed for.

The Government will implement measures to incorporate the Saami language as a working language in the courts, by taking action to enable Saami written language to be used and by working to increase the number of judges and court officers recruited from the Saami population. A new court will be established in inner Finnmark (northernmost county in Norway) that is intended to have a special role in safeguarding the Saami dimension in the courts.

5.5 Documentation/monitoring

An overview of existing knowledge about the nature and extent of racism and discrimination will be prepared and published on the Internet. In addi-

tion, labour market statistics will be further developed to provide better information on the labour market situation for the immigrant population. The survey on attitudes about immigrants and immigration will also be improved, and a survey on living conditions will be conducted to monitor the situation as regards integration and living conditions for people in the immigrant community. The Government will also improve the system for the registration of instances of racist and discriminatory behaviour in the police criminal records. In addition, the Government will also gather and disseminate information on Saami issues, so as to counteract negative attitudes to Saami people.

5.6 Internet

The effort to combat racism on the Internet will be intensified, including greater involvement by the police. Kripos (National Bureau of Crime Investigation) has been assigned the task of continuously monitoring the Internet to identify racist content. Kripos is required to relay information concerning racist content on the Internet that may be subject to prosecution to the local police district. The investigation is conducted by the local police under the leadership of the local prosecuting authority and, if necessary, with the assistance of Kripos. Cooperation has been established between Kripos and the Security Service to combat the spread of racism on the Internet.

A telephone hotline for tips to Kripos will also be established to combat racism on the Internet. The hotline is intended to be a safe place to contact about illegal, racist content on the Internet. Calls may be given anonymously. Kripos will assess whether the content referred to in the call falls within the areas prohibited under the law. If this is in fact the case, the matter will be followed up by attempting to have the content referred to removed from the relevant site and penalise those responsible for the site.

Norway has taken part in an expert committee under the Council of Europe that has drawn up a Draft of the First Additional Protocol to the Convention on Cybercrime on the criminalisation of acts of a racist or xenophobic nature committed through computer systems. The Government will assess the Protocol with a view to ratification when negotiations have been completed.

5.7 Local community

Knowledge about how racism and discrimination can be combated will be developed and disseminated in the local community, so as to increase the expertise of municipal and county authorities and to encourage greater local involvement in work to combat racism and discrimination. The Government will also work to prevent recruitment to racist and nationalist groups and to counteract racially motivated violence by continuing to develop the Interdisciplinary Advisory Group on Community Relations in Anti-Racist Work⁵ and EXIT⁶. The Government will also allocate funds to multicultural activities for children and young people to promote activity and dialogue between young people from different cultural backgrounds.

5.8 Strengthening legal protection against ethnic discrimination and racism

Norwegian legislation is in need of revision in order to strengthen legal protection against racism and discrimination. Norway currently has no general rule of law prohibiting ethnic discrimination, only individual provisions prohibiting discrimination in specific areas. The Government will therefore forward a draft bill on prohibiting ethnic discrimination by the beginning of 2004. The Government will also propose amendments to existing legislation to strengthen protection against racism and discrimination, concerning discrimination in the housing market and dissemination of racist ideas.

The Government is in favour of Norway adopting Protocol no. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The protocol provides for a general prohibition of discrimination. Furthermore, the Government supports the incorporation of the EU non-discrimination package into the EEA Agreement, so that Norway is committed by the two Council Directives implementing the principle of equal treatment (the Employment and Race Directives)⁷

⁵ The Interdisciplinary Advisory Group provides professional assistance to local communities. The Advisory Group is made up of 20 professionals who have experience in tackling acute situations involving racial violence and harassment.

⁶ Project EXIT's main objectives are to aid and support young people who want to disengage from racist or other violent groups, to support parents with children in violent gangs and to develop and disseminate knowledge and methods to professions working with youths associated with violent groups.

and the Community Action Programme to combat discrimination (2001–2006).

The Government has decided to continue to operate the Centre for Combating Ethnic Discrimination.⁸ The centre was established in 1998 for a trial period until the end of 2002. The legal aid activities at the centre help to strengthen protection against ethnic discrimination. The centre has also built up a solid foundation of experience and knowledge and carries out important work to document discrimination. The centre is an active catalyst and actor in the public debate on these issues. The centre will continue in its present form until the Government presents its draft bill on ethnic discrimination, when the final decision will be taken as regards the centre's tasks and functions.

5.9 General measures

The Government will strengthen efforts to combat discrimination at nightclubs, restaurants, discotheques etc. These cases are to be given priority by the police. In addition, the Government will forward

a legislative proposal to the effect that discrimination in nightclubs, restaurants etc. may result in licences to serve alcohol being withdrawn.

A database containing the names of persons of immigrant background with various skills and qualifications and persons with expertise in the field of minority policy is to be established. The database will be a tool for those searching for persons from minority groups to fill job vacancies, take board appointments, take part in committees, etc. The media, organisations, employers and others can use the database to contact persons with expertise in the field of minority policy who can make statements, be interviewed or give talks on these issues. This will provide easy access to expertise in the field, which in turn may result in greater tolerance in society at large.

The Government will provide support for youth cooperation in the Barents region to promote greater tolerance among youth groups in the northern regions. Projects targeted on the indigenous people and minority groups will be given priority.

In addition, the Government will contribute to the promotion of artistic and cultural diversity by various means, including giving priority to grants for measures promoting cultural diversity.

⁷ Council Directive 2000/78/EC and Council Directive 2000/43/EC.

⁸ See footnote 4, p. 6.