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## **ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

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### **Second Opinion on Norway adopted on 5 October 2006**

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#### **EXECUTIVE SUMMARY**

Since the adoption of the 1<sup>st</sup> Opinion of the Advisory Committee and of the 1<sup>st</sup> Resolution by the Committee of Ministers, Norway has continued to pay attention to the protection of national minorities.

The legal and institutional framework for combating ethnic discrimination has been strengthened. Also, positive legislative and practical measures have been taken with regard to the use of minority languages for personal names and topographical indications as well as to promote the revitalization and the teaching of the Kven language. The cultural activities of national minorities have continued to receive government support. Improvements have also been made to the compensatory measures adopted to remedy past injustices.

However, shortcomings remain in different areas. Increased efforts are needed to promote the specific cultures of national minorities in education and in the media and to improve their involvement in decision-making. The situation of the Roma and Romani/Tatars remains a challenge for the Government, as they continue to face difficulties in employment, housing and particularly in education.

Particular efforts have been made in recent years to promote tolerance, mutual understanding and respect for cultural diversity. Integration in society, including as regards growing numbers of persons of immigrant background, is one of the Government's main priorities. Since incidents of intolerance and discrimination against such persons are still reported, it is important for the authorities to remain vigilant.

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

**SECOND OPINION ON NORWAY**

1. The Advisory Committee adopted the present Opinion on 5 October 2006 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the second State Report (hereinafter the State Report) received on 19 October 2005 and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Oslo from 14 to 16 March 2006.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Norway. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Norway, adopted on 12 September 2002, and in the Committee of Ministers' corresponding resolution, adopted on 8 April 2003.
4. The concluding remarks, contained in Section III, could serve as a basis for the Committee of Ministers' forthcoming conclusions and recommendations on Norway.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Norway as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

## **I. MAIN FINDINGS**

### **Monitoring procedure**

6. Norway has taken a constructive approach to the Framework Convention monitoring procedure. It opted for an early publication of the Advisory Committee's first Opinion and held a follow-up seminar in May 2004 to discuss ways of implementing the conclusions set out in the Opinion with representatives of national minorities and the Advisory Committee.

7. The Advisory Committee welcomes the inclusion of certain groups' view-points in the second State Report and encourages the authorities to pursue this positive practice. It notes, however, that while consultations were held with national minorities during the preparation of the report, such consultations might in future be more extensive and more effective.

### **Scope of application of the Framework Convention**

8. The Advisory Committee notes that the Sami of Norway continue to hold the view, already stated under the first monitoring cycle of the Framework Convention, that government policy on national minorities should not be applied to them. The Advisory Committee nevertheless wishes to express its satisfaction at the measures taken since the adoption of its first Opinion to improve the situation of the Sami population, recognised and protected in Norway as an indigenous people. Particularly welcome are the Act on Legal Relationships and Management of Land and Natural Resources in Finnmark County (the Finnmark Act, enacted in June 2005 and entered into force on 1 July 2006) and the agreement reached in May 2005 between the central authorities and the Sami Parliament on procedures for consulting the latter on legislation and measures affecting the Sami population. The Advisory Committee believes that these measures contribute significantly to promoting diversity and intercultural dialogue in Norway.

9. The Advisory Committee is pleased to note that a range of targeted measures have been taken to facilitate the integration of people who have settled in Norway more recently. The Advisory Committee is of the opinion that the authorities might consider, in consultation with those potentially concerned, the possibility of including persons belonging to other ethnic, cultural, linguistic or religious groups, including non-citizens as appropriate, in the application of the Framework Convention on an article-by-article basis.

### **General legislative and institutional framework**

10. Although Norway does not have a legislative framework specifically designed for national minorities, some positive legislative developments for the protection of minorities have been recorded since the adoption of the first Opinion. Particularly welcome are the new anti-discrimination legislation and the amendments made to provisions of sectoral laws and regulations to improve the situation of minorities in areas such as access to the media, public use of minority languages and education. The Advisory Committee considers it essential that national minorities should be duly consulted when decisions are taken on the implementation of these provisions with regard to them.

### **Combating discrimination**

11. The Advisory Committee welcomes the entry into force in January 2006 of the Anti-Discrimination Act and the Equality and Anti-Discrimination Ombudsperson Act. These acts, together with the amendments made to the Criminal Code and to anti-discrimination legislation

on employment and housing, substantially strengthen the legal and institutional basis for implementing the principles of equality and non-discrimination in relation to persons belonging to national minorities.

12. In this context the Advisory Committee notes that Norway does not as yet have sufficient data on the number and situation of national minorities in various areas. This data is important in combating ethnic discrimination and framing suitable policies to promote equality for persons belonging to national minorities. The Advisory Committee welcomes the initiatives announced by the authorities to remedy this information gap. It encourages them to make wider use of methods for collecting such data, while ensuring respect for the safeguards required by the principle of personal data protection and for certain groups' sensibilities in this respect.

13. The Roma and the Romani/Tatars continue to face difficulties in areas such as employment, housing and education, and instances of discrimination against them have been reported in these areas. The situation reported in the educational sphere, with Roma children in particular experiencing difficulties in gaining access to education, calls for priority attention from the authorities.

### **Support for preserving the culture and identity of national minorities**

14. By various means, including annual subsidies, the authorities have continued to support the efforts made by persons belonging to minorities to preserve their culture and identity. The Advisory Committee takes particular note of the measures and projects designed to revitalise and promote the Kven language. Also welcome are other initiatives such as the setting up of a Kven cultural centre and the recent organisation of studies, research and exhibitions focusing on the Romani/Tatar culture.

15. The Advisory Committee nevertheless notes that the groups concerned consider the Government's action to fall short of their expectations. The authorities should pay special attention to the specific needs of the Roma and Romani/Tatars in this area. The fate of minority museums under the general reform of Norway's museums is of particular concern to the various communities and calls for closer consultation between the authorities and those concerned, especially the Skogfinns.

16. The Advisory Committee welcomes the efforts made in recent years to remedy the injustices committed under the past policies of "norwegianisation". That being said, difficulties continue to be reported in terms of access to individual compensation, especially among the Romani/Tatars. More generally, it would seem that the Romani/Tatar culture remains undervalued and that persons belonging to this minority continue to suffer from the scars of the past in their efforts to preserve their specificity.

### **Tolerance and intercultural dialogue**

17. The authorities have made commendable efforts in recent years to maintain and improve the climate of tolerance, respect and intercultural dialogue that characterises Norwegian society. These efforts are particularly aimed at fostering the speedy and effective integration of persons of immigrant background, whose numbers are growing. The legislative and institutional framework for combating intolerance and discrimination has been reinforced and various information and awareness-raising measures have been taken in the education and media spheres, as well as in training programmes for police officers and civil servants.

18. The Advisory Committee nevertheless notes that although few cases have been referred to the courts, there are still instances of intolerance and discrimination against persons of immigrant background, particularly on the labour market and in access to housing. Albeit more sporadically, persons belonging to minorities traditionally established in Norway, especially the Roma and Romani/Tatars, are also targeted by such manifestations.

### **Access to the media**

19. The Advisory Committee welcomes the efforts made by the public radio and television service to recognise the contributions made by groups that have settled more recently in Norway and to heighten public awareness of the growing diversity of Norwegian society.

20. As regards persons belonging to national minorities, improvements have been made at the regulatory level, but national minorities and their concerns receive little coverage in Norway's media and the limited broadcasting time allocated to national minorities is, in fact, confined to the Kvens. More resolute efforts are needed to broaden access of persons belonging to national minorities to the media – whether press, radio or television – and to improve the image of minorities conveyed to the public.

### **Use of minority languages in public life**

21. There have been positive developments in legislation and practice as regards the use of minority languages for personal names and topographical indications. The authorities are encouraged to pursue their efforts to ensure the effective implementation of the relevant legislation, and to consider the demand, and provide for the necessary statutory guarantees, for the use of these languages in communicating with the administrative authorities.

### **Education**

22. In recent years the authorities have paid closer attention to the situation of Roma and Romani/Tatar children in education: special initiatives have been taken to facilitate these children's access to education and improve their level of achievement. Progress is nevertheless limited and more resolute measures are essential at all levels to remove the remaining difficulties and ensure equal opportunities in access to education for all children.

23. The Advisory Committee welcomes the Government's efforts to support the revitalisation and promotion of the Kven language and create the conditions required to give effect to the Kvens' right to learn their language.

24. The authorities are also encouraged to consider the needs of other groups as regards the teaching of their own language. This should be done in consultation with those concerned, especially the Roma and Romani/Tatars.

### **Effective participation**

25. In recent years, the authorities have paid closer attention to national minorities' involvement in public affairs. The "Forum for contact between national minorities and the authorities", set up in 2003, contributes to the institutional framework in this area and an interministerial commission for national minorities has been set up to improve co-ordination between the government institutions concerned. The Advisory Committee nevertheless notes that the impact of these new bodies remains limited and that the representatives of minorities consider that they are unable to make themselves heard properly when decisions concerning

them are taken. In consultation with minority representatives, the authorities should identify ways of making consultation and participation mechanisms more effective at central, local and regional level.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of application of the Framework Convention

##### *Findings of the first cycle*

26. In its first Opinion on Norway, the Advisory Committee noted the existence in Norway of ethnic and linguistic groups that the Government did not view as being covered by the Framework Convention. The authorities were encouraged to consider, in consultation with those concerned, the possibility of covering persons belonging to these groups, including non-citizens as appropriate, in the application of the Framework Convention on an article-by-article basis.

##### *Present situation*

#### a) Positive developments

27. The Advisory Committee notes that there is a considerable number of persons of immigrant background in Norway, many of whom have lived in Norway for a long time, and is pleased to observe that, in practice, special measures are taken to protect them, even though these people are not, according to the Government, covered by the Framework Convention. Such measures have been taken, in particular in the fields of education, housing and employment, to facilitate the appropriate integration of these people in Norwegian society (see also the comments under Article 6 below).

28. The Advisory Committee notes with satisfaction that, at the follow-up seminar organised by Norway in May 2004, the authorities displayed an open approach to the possibility of including Roma recently arrived on Norwegian territory in the measures taken to apply the Framework Convention in respect of the Roma traditionally living in the country.

29. The Advisory Committee also welcomes the fact that the authorities have paid particular attention to the Romani/Tatars' concerns regarding the name used to refer to them and have tried to respond in an appropriate manner to their concerns. The authorities have therefore decided, when drafting the State Report, as well as more generally, to follow the decision taken by the Romani People Association of Norway, in spring 2005, to change its name and replace the term "Romani" with the term "Romani/Tatars"<sup>1</sup>. The Advisory Committee considers that the authorities should respect in all circumstances the choice of name made by the persons belonging to minorities and that appropriate steps should be taken to make the public aware of this choice.

#### b) Outstanding issues

30. Notwithstanding the openness shown by the Norwegian authorities and the measures taken by them on a practical level, the possibility of including persons belonging to other minority groups in the scope of application of the Framework Convention, in particular those recently settled in Norway, has not been examined and no dialogue has been initiated on the issue with those concerned.

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<sup>1</sup> According to the State Report, the Romani People Association of Norway changed its name in spring 2005 into the Tatars' Association of Norway. The Association has long wanted the term "Tatars" to be used in addition to the "Romani people".



*Recommendation*

31. The Advisory Committee encourages the authorities to maintain and further develop the practical measures of protection adopted in respect of persons belonging to new minorities, who are not included by the authorities in the personal scope of application of the Framework Convention. In addition, the authorities are encouraged to open a dialogue with the persons potentially concerned by the protection of this Convention, including non-citizens where appropriate, about their possible inclusion in the application of the Framework Convention, on an article-by-article basis.

**Article 4 of the Framework Convention****Legal and institutional framework for combating discrimination***Findings of the first cycle*

32. In its first Opinion on Norway, the Advisory Committee noted that legal safeguards against discrimination were limited in scope and recommended that the authorities give priority to passing a law ensuring protection against discrimination and amending other relevant laws. The Advisory Committee also called on the Government to set up a special supervisory body to ensure compliance with the proposed legislation against ethnic discrimination.

*Present situation*

## a) Positive developments

33. The Advisory Committee takes note with satisfaction of the measures Norway has taken to strengthen its legislation and institutions for combating discrimination. The law banning discrimination on grounds of ethnic origin, national origin, religion, belief, descent, colour and language (the Anti-Discrimination Act), which came into force on 1 January 2006, covers all areas of society except family life and personal relations. Statutory provisions against discrimination in the fields of employment and housing have also been strengthened, as have the criminal law provisions against the expression of racial hatred and discrimination. Amendments to the Criminal Code (Article 135 a), which came into force on 1 January 2006, extend the scope of these provisions and introduce stiffer penalties for their violation.

34. On the institutional level, one can note the establishment, in early 2006<sup>2</sup>, of the Equality and Anti-Discrimination “Ombud” (hereinafter referred to as the Ombudsperson), as a result of the merger of existing anti-discrimination institutions - the Ombudsperson for Equality between Men and Women, the Centre for Equality between Men and Women and the Centre for Combating Ethnic Discrimination (SMED). Under the law, the Ombudsperson plays an active part in promoting equality and combating discrimination, provides guidance to victims of discrimination and strives to influence attitudes and behaviour and enhance respect for diversity in the various areas of society. Furthermore, the Ombudsperson is entitled to examine complaints of discrimination, to express a statement as to whether or not the Anti-Discrimination Act has been infringed, and to issue recommendations to the competent bodies.

35. Affected persons are also entitled to appeal to the Equality and Anti-Discrimination Tribunal, another new institution introduced by the Law on the Equality and Anti-Discrimination Ombudsperson, when an agreement cannot be reached after the case has been examined by the Ombudsperson, or to contest the latter’s conclusion. By means of an

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<sup>2</sup> By the Law on the Equality and Anti-Discrimination Ombudsperson (entered into force in January 2006).

administrative decision, the Tribunal may order measures to end the discriminatory practice and issue an injunction to put a stop to the circumstances that led to the discrimination.

36. The Advisory Committee welcomes the authorities' decision to include national minorities in the scope of the measures provided for in the National Action Plan to Combat Racism and Discrimination for the period 2002 to 2006. The Plan reports on the difficulties encountered by the groups concerned<sup>3</sup> - particularly in such areas as access to the labour market, discrimination at work and on the property market and, in certain cases, discrimination perpetrated by members of the police force or the judiciary – and includes government measures to remedy the situation. A monitoring system has been set up and its conclusions are expected before the end of 2006.

37. The Advisory Committee notes that a new Social Inclusion Plan is also on the drawing board and hopes that aspects connected with protection against discrimination will be included.

b) Outstanding issues

38. The Advisory Committee takes note of the concern expressed by various people it met with during its visit to Norway about the fact that the Ombudsperson's terms of reference do not include providing certain types of legal aid to victims of discrimination, that were previously provided by the former Centre for Combating Ethnic Discrimination. Concern was also expressed about the resources allocated to the Ombudsperson, which some consider insufficient if this institution is to perform adequately the duties for which it was set up.

39. Certain representatives of civil society also expressed some concern about the system of monitoring the implementation of the Action Plan. They were concerned in particular about the transparency of the monitoring exercise and of its conclusions and said they wanted the monitoring committee to include among its members representatives of all the parties concerned, including national minorities.

40. The Advisory Committee also noted that representatives of the national minorities were not yet very familiar with the new legal and institutional framework for protection against discrimination, and that they were eager for more information on the subject.

*Recommendations*

41. The authorities should provide the Ombudsperson with all the resources needed to perform the duties of the institution effectively. In addition, in the context of the implementation of the Anti-Discrimination Act, it is necessary to decide, in consultation with persons belonging to national minorities and non-governmental organisations, on the best arrangements for providing the victims of discrimination with the advice and help they need. Those concerned will thus be able to find out about, and make appropriate use of, the means of appeal available and obtain compensation from the competent administrative bodies or the courts.

42. Additional measures are needed to provide information about, and raise awareness of, the new legal and institutional framework for protection against discrimination to persons potentially concerned, the relevant public at large and the public and private bodies. The conclusions of the National Action Plan for Combating Racism and Discrimination should be

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<sup>3</sup> The plan, adopted by the Government on 1 July 2002, concerns the immigrant population, national minorities and the Sami people of Norway. It was originally devoted to measures to improve the integration of immigrants in Norwegian society and did not cover the groups that traditionally lived on Norwegian territory.

disseminated and submitted for public debate, and the new Social Inclusion Plan should also reflect these conclusions.

### **Full and effective equality**

#### *Findings of the first cycle*

43. In its first Opinion on Norway, the Advisory Committee noted that persons belonging to national minorities continued to be discriminated against in certain fields and encouraged the authorities to continue their efforts to combat this phenomenon and devote appropriate financial resources to doing so. In particular, the authorities were called upon to give priority to addressing the socio-economic differences between the majority and the Romani/Tatars and Roma populations and, in particular, the situation of Romani/Tatars and Roma women.

#### *Present situation*

##### a) Positive developments

44. As indicated in the State Report, the ministries concerned and the municipality of Oslo have launched a number of initiatives in order to eliminate the existing differences between the Roma and Romani/Tatars and the rest of the population in terms of socio-economic conditions. These initiatives are designed mainly to improve the situation of these persons in areas such as employment, including as regards the maintenance of their traditional occupations, education and, more generally, their standard of life. While noting that much remains to be done in order to find effective responses to the challenges mentioned, the Advisory Committee takes note of the authorities' manifest will to identify the most appropriate solutions, in consultation with the persons concerned.

##### b) Outstanding issues

45. The Advisory Committee is concerned by the difficult socio-economic situation faced by the Roma. It notes in particular their efforts to reconcile the educational needs of their children, which represent a priority for them, and the maintenance of their nomadic tradition. Despite their nomadic tradition, the Roma wish to have fixed accommodation so that their children have easier access to education. The absence of fixed accommodation also means that it is difficult for them to obtain access to health care and welfare benefits. It is, however, hard for them to obtain housing because of the high prices and the contractual conditions offered to them. At the same time, they continue to face problems in access to encampment areas and, more generally, in preserving their nomadic tradition. The situation of Roma women continues to be particularly difficult, especially as far as employment is concerned.

46. The Romani/Tatars also expressed their discontent with problems in obtaining access to encampment areas during their seasonal travelling and with the many instances in which they were driven out of such areas. They also reported discrimination in employment and difficulties in education and in their efforts to preserve their traditional occupations (see also the comments under Article 5 below).

47. The above-mentioned problems with accommodation are especially disconcerting to Roma, given that they are a serious obstacle to enrolling their children at school. The Advisory Committee is concerned that, despite government efforts and specific instructions to schools in this connection, it seems that a significant number of Roma children are currently not enrolled at school. The Advisory Committee finds this situation worrying and considers that more resolute measures are needed without further delay (see also the comments under Article 12 below).

*Recommendation*

48. The Advisory Committee encourages the authorities, in consultation with representatives of the Roma and Romani/Taters, to step up their efforts to find suitable solutions to the specific problems encountered by these people in the housing, employment and education fields. In particular, further resources should be mobilised as a priority to solve the difficulties the children of Roma and Romani/Taters face in education and the authorities should pay increased attention to monitoring the integration of these children in schools. The situation of women belonging to these groups also requires specific measures of support by the authorities, given the difficulties faced by them in different sectors, notably in employment.

**Data collection**

*Findings of the first cycle*

49. In its first Opinion on Norway, the Advisory Committee, having observed that data on ethnic discrimination were not systematically gathered in Norway, encouraged the authorities to find new means of collecting data in this field.

*Present situation*

a) Positive developments

50. According to the authorities, initiatives are under consideration and contacts have already been established with representatives of minorities, in particular the Roma and Romani/Taters, to find means of collecting reliable data on the situation of national minorities in different fields. These initiatives are, however, only in their infancy at the moment.

b) Outstanding issues

51. According to the authorities, the collection of ethnic data is not permitted under Norwegian law. The Advisory Committee emphasises how important it is, for the preparation, implementation and monitoring of public policies for the protection of minorities, to have information about the situation of the different groups, in terms of numbers<sup>4</sup> and geographical distribution and in the different spheres of the economy, society and cultural and political life (employment, health, housing, education, etc). The Advisory Committee notes that, despite the initiatives reported by the Government, there has been no real progress with the collection of such information. It observes, for example, that the authorities do not seem at this stage to have a clear picture of the school attendance or otherwise of children of Roma and Romani/Taters and are not yet in a position to devise the most suitable means of addressing the difficulties reported in this connection (see also the comments in paragraphs 47 and 48 above).

52. The Advisory Committee notes that, even though some groups are still wary of the collection of such data, this is not the attitude of all the national minorities of Norway. For instance, the Kvens explicitly expressed the desire that statistical or other studies be made of their community, their numerical proportion within the Norwegian population and their situation in the various sectors, so that the authorities concerned and the public could find out more about them and so that they could enhance their status and express their needs.

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<sup>4</sup> According to various estimates, there are currently some 1,500 to 2,000 Jews, 10,000 to 15,000 Kvens, between 300 and 1000 Roma (traditionally living in the country), a few hundred Skogfinns and 2,000 to 3,000 Romani/Taters in Norway. The persons belonging to the above-mentioned groups are protected in Norway under the Framework Convention.

*Recommendation*

53. The Advisory Committee calls on the authorities to pursue and develop with vigour the initiatives under way in order to obtain reliable data on the situation of persons belonging to the minorities in various sectors. This should be conducted in close co-operation with the minorities' representatives and with full regard for the safeguards, notably those related to the free, informed and unambiguous consent of the persons concerned, laid down in the Committee of Ministers Recommendation (97) 18 concerning the protection of personal data.

**Article 5 of the Framework Convention****Access to public funding for the cultural activities of minorities***Findings of the first cycle*

54. In its first Opinion on Norway, the Advisory Committee called on the authorities to ensure that national minorities participate more systematically in the decision-making process concerning the allocation of public-sector financial support.

55. In particular, the authorities were encouraged to adapt the support provided for the cultural initiatives of the Kvens to the needs of that minority and, in this connection, to pay special attention to access to the media for members of the Kven minority. Extra efforts were called for to facilitate access to the system of *ex gratia* payments set up to compensate victims of past injustices. The authorities were also encouraged to continue to support the cultural initiatives of the Skogfinns.

*Present situation*

## a) Positive developments

56. Additional measures have been introduced in recent years to help preserve the cultures of minorities, and the Government continues to provide annual subsidies to national minority organisations and projects through a system set up by the Department for Sami<sup>5</sup> and National Minorities of the Ministry of Labour and Social Affairs. Training sessions concerning the preparation of projects have been organised with representatives of minorities. As part of a project that has been under way since 2004 under the aegis of the Directorate for Cultural Heritage, an inventory and a plan for the protection of the monuments and other cultural assets of national minorities are being prepared.

57. Special projects enjoying government support have been launched in recent years to support and give new impetus to the Kven language, which is recognised and protected under the European Charter for Regional or Minority Languages (see also the comments under Article 12 below). The State Report also mentions the establishment of a Kven cultural centre in the municipality of Porsanger.

58. The Government has continued its efforts to support the communities and individuals affected by the "norwegianisation" policy carried out in the past, in order to redress the injustices they suffered. An individual compensation scheme has been set up and, further to a

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<sup>5</sup> As mentioned previously, the Sami in Norway are not covered by the Framework Convention. Recognised as indigenous people, they benefit from a specific protection regime and have clearly stated that they are not interested in the protection provided by the Framework Convention.

report submitted by the Government to parliament (the Storting)<sup>6</sup>, adjustments have been made to facilitate access to compensation for the persons concerned. At the same time, a special fund of about 75 million NOK was set up in 2004 for the collective compensation of the Romani/Taters. According to the authorities, management of the fund will be entrusted to a foundation, and representatives of the Romani/Taters will be fully involved in establishing its terms of reference and its Board.

59. A special section on Romani/Tater culture has been set up at the Glomdal Museum in Elverum, and a four-year research project concerning the language and origins of this culture is being carried out by the Norwegian Research Council in conjunction with representatives of this community.

b) Outstanding issues

60. The Advisory Committee notes that, according to representatives of the minorities, the financial resources granted to them by the Government for their activities are inadequate, whether for the operating expenses of their associations or for the organisation of cultural activities. The representatives of the minorities consider that they are not sufficiently consulted and involved when decisions are taken that are likely to affect the preservation of their cultures and traditions.

61. The Advisory Committee notes that the Kvens are concerned that the status and rights of their community and its distinct identity should be better recognised and accepted. They consider that their identity remains insufficiently acknowledged and promoted by the Norwegian State. The preservation and promotion of the Kven language and the development of the written language<sup>7</sup> are among the Kvens' main concerns (see in this connection the comments under Article 12 and Article 14 below). The Kvens also wish to receive state support for the development of a cultural fund designed to make it easier for them to set up cultural activities and institutions. They consider that such support is of particular symbolic importance and recall in this context that important parts of their culture were seriously endangered by past policies of "norwegianisation".

62. The representatives of the Roma would like to see their long-standing plan to set up a Community Centre in Oslo, with the support of the Government and, in particular, the Oslo local authorities, come to fruition. In their view, it could operate as a cultural centre, provide advice and be used for social, educational and other activities, particularly for the women and children of this community. Although the Department for Sami and National Minorities was receptive to the idea, little progress has been made by the Oslo municipal authorities and one of the main reasons reported for this situation is the difficulty in communicating with the Roma representatives.

63. Museums are an issue mentioned as one of the main concerns of the various national minorities, and one that returns regularly in their dialogue with the Advisory Committee. More specifically, the issue at stake concerns the fate of the museums of the different minority groups in the context of the current reform of the network of museums in Norway. According to the information received by the Advisory Committee from the groups concerned, as a result of this re-structuring process, the different communities' museums will stop functioning as autonomous

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<sup>6</sup> "A compensation scheme for children of the war and schemes to compensate the Romani/Taters and elderly Sami and Kvens who received a deficient education", Report No. 44, presented by the Government to the Storting, July 2004.

<sup>7</sup> According to official sources, between 2,000 and 8,000 people know and use this language in Norway.

institutions with their own management and will become units within larger institutions - as part of the Norwegian museums network - and their management and decision-making autonomy will be substantially reduced. Minority representatives also fear that the reform in question will diminish the place of minority cultures in the museum network and affect their efforts to promote their respective cultures.

64. This appears to be a priority and a particularly sensitive issue for the representatives of the Skogfinns, who consider that the reorganisation initiated by the Government is likely to undermine the preservation and promotion of their culture. According to government representatives, even though the discussions that have taken place so far on this subject have not led to a suitable solution, the competent authorities will continue their dialogue with the representatives of the Skogfinns in order to find a solution that meets their expectations and yet is in keeping with Norway's current policy on museums.

65. The representatives of the Romani/Taters think that the Government's efforts to compensate for damage suffered in the past are insufficient. During their dialogue with the Advisory Committee, they complained in particular of the complexity and length of the relevant procedures and of the problems faced by the individuals concerned in obtaining access to the compensation funds set up under the system of *ex gratia* payments. The Romani/Taters consider that the Government should pursue an active policy of support and devote funds specifically to preserving their culture, independently of the compensation measures referred to above. The Advisory Committee was informed in this connection of the difficulties the Romani/Taters had in practising their traditional occupations. Mention was made in particular of the constraints imposed by the Government in terms of the equipment and qualifications needed for certain activities, with which it was difficult for the people concerned to comply (see also comments under Article 15 below).

66. The Advisory Committee would also like to stress the importance of preserving and protecting the languages of the Roma and the Romani/Taters. It notes that the Roma and Romani/Taters are concerned about the preservation and development of their languages, which they believe are in danger of dying out, and regret the lack of financial support, which would make it possible to breathe new life into these languages<sup>8</sup>.

67. At the same time, the Advisory Committee observed that the Romani/Taters, in particular, had misgivings about any plans to carry out research and studies on their language and culture outside their community. For historical reasons, in particular, they continue to see such initiatives as interference and a threat to the preservation of their culture and identity. They consider that most of the exhibitions concerning them, the material on display and the activities organised to publicise their culture, do not appropriately reflect their own views as to how their values and public image should be promoted.

68. The representatives of the Jews expressed concern about the difficulty in procuring Kosher products, which are the basic components of their traditional cuisine, especially on the occasion of religious days of particular importance to their community. These difficulties stem in particular from the health regulations governing the import of such products, particularly meat. The Advisory Committee noted that an inter-ministerial working group was studying the situation in conjunction with representatives of this minority. It hopes that suitable solutions will be found so that the difficulties reported can be overcome.

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<sup>8</sup> Romanes, the language spoken by the Roma, and Romani, the language spoken by the Romani/Taters in Norway.

*Recommendations*

69. The Advisory Committee encourages the authorities to step up their efforts to support the cultural activities of national minorities by ascertaining their needs in co-operation with representatives of these minorities and endeavouring to adapt the arrangements made and the resources allocated more effectively to the specific needs identified. This includes the preservation and development of the languages of persons belonging to national minorities, including the Roma and Romani/Tatars.

70. In response to the request of the Roma, the competent authorities are encouraged to pursue with vigour specific proposals regarding the establishment of a Roma Community Centre in Oslo.

71. The Advisory Committee encourages the authorities to ensure that, when the museum reform is carried out, the specific expectations and sensibilities of the minorities are suitably taken into account and that an appropriate place is provided for the cultures of minorities in the national network of museums. In addition, due attention should be paid to the representation of national minorities in the management of the relevant structures and in decision-making in this area.

**Article 6 of the Framework Convention**

**Promoting tolerance and intercultural dialogue.  
Combating ethnic discrimination.**

*Findings of the first cycle*

72. In its first Opinion on Norway, having taken note of certain manifestations of intolerance towards members of certain groups of immigrants and asylum seekers, the Advisory Committee called on the authorities to be more vigilant in this area. It likewise encouraged them to take additional measures to foster inter-ethnic dialogue and maintain a climate of trust between the majority and minorities.

73. The authorities were encouraged, in particular, to train police officers in human rights and make them more aware of such rights and to take further steps to make policing more sensitive to the cultural particularities of minorities.

*Present situation*

a) Positive developments

74. The Advisory Committee is satisfied to note that the authorities have made an effort to maintain and further a climate of tolerance, respect and social inclusion in Norway. It observes that there is a general section on these subjects in the core curriculum for primary and secondary education and that the objective is to provide all pupils with a minimum of basic information about the history and lifestyles of national minorities in Norway.

75. In response to the steady increase in immigration and growing diversity of Norwegian society, the authorities have developed a diversity policy<sup>9</sup> based on the principles of integration, participation, equality and non-discrimination. Efforts are being made (by training interpreters,

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<sup>9</sup> The Parliament (Storting) has approved the basic principles of a diversity policy, as set out by the Government in its Report No. 49 (2003-2004) on diversity through inclusion and participation, Innst. S. No. 185 (2004-2005).



for instance) to adapt public services to the growing diversity of Norwegian society and make them better equipped to respond appropriately to this diversity.

76. The Government has shown greater concern in recent years for the situation of people of immigrant background, and further efforts have been made to facilitate their integration in Norwegian society. A new Citizenship Law was adopted in June 2005, which entered into force in September 2006. A government department specifically responsible for integration and diversity issues has been set up and a complex programme aiming to facilitate the rapid and effective integration of immigrants has been launched.

77. The programme includes, in particular, compulsory fast-track learning of the Norwegian language and familiarisation with the culture of the host country, and schemes to encourage adequate preparation for access to the labour market and to help people find jobs. Special measures (including targeted qualification programmes) were introduced in 2004, as part of a two-year project, to encourage the recruitment of people from immigrant backgrounds and to combat discrimination against them in employment.

78. The Advisory Committee was also informed that the National Action Plan for Combating Racism and Discrimination for the period 2002-2006 is in the process of being assessed by a committee especially appointed for the purpose, and that a new social inclusion plan should be launched (see also the comments under Article 4 above). Attention should be drawn in this connection to the laudable efforts made by the Antiracist Centre to inform people and raise awareness. The Advisory Committee also notes that a Holocaust Centre was recently set up with the important task, among others, of educating people and raising awareness.

79. Progress has been made in the media in terms of the coverage given to issues related to diversity and intercultural dialogue. The Advisory Committee has also been informed that the quality of programmes on immigrants and their various cultures is increasingly high. It notes the commitment of the public-sector television teams in charge of these programmes and hopes that these efforts will have an increasingly visible impact on the way the public perceive the growing diversity of Norwegian society and their attitude towards it.

80. The measures taken to ensure that the work of the police is better adapted to the cultural diversity of Norwegian society also deserve to be commended - whether they be encouraging the recruitment of persons belonging to minorities into the police, human rights training or awareness schemes for working in multicultural environments. These measures show the authorities' awareness of the shortcomings noted regarding the police's work and the relations between its members and persons belonging to certain groups.

#### b) Outstanding issues

81. In comparison with the attention given in recent years to the problems of new minorities, too little still seems to be known in Norway by the public, but also by some politicians and members of public authorities, about the concerns of traditional minorities. According to some, amongst the reasons explaining this situation is the impact, on public perceptions, of the "norwegianisation" policies and measures carried out in the country in the past.

82. As for the media, the Advisory Committee found that the efforts made to learn about and inform the public of the concerns of the national minorities and their traditions and cultures are still too limited. According to the representatives of national minorities, the media display insufficient interest in minorities, their cultural events and achievements. Representatives of the Roma stated that the issues selected for coverage are mainly negative and contribute to

prejudices against them and the media shows too limited interest in covering their cultural activities.

83. At the same time, although efforts have been made by public-sector television to increase public awareness of the problems facing groups that have settled more recently in Norway and to foster a positive perception of the rich and growing diversity of Norwegian society, the impact of these efforts is, as yet, fairly limited. Moreover, according to the information provided to the Advisory Committee, there has been a certain resurgence of xenophobic messages in some media.

84. More generally, the Advisory Committee finds it worrying that, despite the positive developments and trends observed in recent years in terms of awareness of the importance of tolerance and respect for diversity, rhetoric conveying messages of intolerance seems to exist among certain politicians, in particular with regard to immigrants, mainly against Muslims.

85. Although limited in number, racist and discriminatory attitudes among the public have been reported towards persons of immigrant background in particular, but also, even if more rarely, towards persons belonging to traditional minority groups. For instance, it seems that, despite the steps taken by the authorities, many persons with immigrant background continue to encounter difficulties in their efforts to integrate in such areas as housing, education and in particular employment, where discriminatory practices have been reported. Despite the measures taken by the authorities, the unemployment level is still much higher among them than among the rest of the population. Difficulties have been reported, *inter alia*, in obtaining recognition for qualifications acquired in these people's countries of origin. Women with immigrant background, in particular single mothers, are particularly affected by unemployment and housing problems. According to various sources, including official ones, they are the category hardest hit by poverty in Norway.

86. Cases of discrimination against such people have also been recorded within the police and the judiciary<sup>10</sup>. For instance, among the complaints lodged with the former Centre for Combating Ethnic Discrimination, in addition to other complaints of discrimination coming from persons of immigrant backgrounds, particularly in the field of employment, there is a substantial proportion of complaints against police brutality.

87. In spite of the above-mentioned instances of discrimination, there are very few cases of ethnic discrimination taken to Norwegian courts and there have been no convictions for ethnic discrimination to date.

88. According to non-governmental sources, the new immigration legislation introduced in 2004, while bringing substantial progress (particularly with regard to the prevention of forced marriages) can have discriminatory results. This concern in particular cases of domestic violence involving women of foreign origin who may have difficulties obtaining or retaining their residence permit upon leaving their spouse.

89. According to the information provided to the Advisory Committee, it appears that the steps taken to provide members of the police force with more information and make them more aware of the problems of national minorities have, as yet, had a fairly limited impact. Even though there is no case law in this field, cases in which persons belonging to certain groups are

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<sup>10</sup> Follow-up report on Norway (2001-2005): Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(206)10, 29 March 2006.

stopped and questioned in an abusive or discriminatory manner, continue to be reported. It also appears that the police do not deal systematically and effectively with complaints concerning the problems encountered by certain persons on account of their nomadic tradition. The Roma, in particular, have expressed their discontent with the fact that they cannot rely on police support in the numerous cases in which they have problems in obtaining access to encampment areas.

#### *Recommendations*

90. The authorities should continue with and step up measures to inform the public, politicians and the public authorities of the history and culture of national minorities and the various groups making up Norwegian society, and to foster greater awareness of these minorities. With due regard for their editorial independence, the media should be encouraged to play an active role in this field. In addition, increased efforts should be made to improve the mutual trust between the Roma and the police and the level of confidence of Roma in the police.

91. More determined steps should be taken by the competent authorities in order to address the difficulties faced by certain persons of immigrant background in various sectors, in particular as regards their access to education, employment and housing, as well as, more generally, to facilitate these persons' integration in the Norwegian society.

92. In the context of the implementation of the new immigration legislation, it is essential that the measures taken to prevent and protect against forced marriages are taken in such a way that they do not result in discriminatory treatment of persons, in particular women of foreign origin, who may find themselves in a vulnerable position.

### **Article 7 of the Framework Convention**

#### **Exercise of the right to freedom of thought, conscience and religion**

##### *Findings of the first cycle*

93. In its first Opinion, the Advisory Committee took note of the special position of the Evangelical Lutheran Church in Norway and recommended that the authorities afford all the attention needed to the other religious communities and ensure, in the context of the reforms envisaged in this field, that the relevant principles of the Framework Convention were fully respected.

94. The authorities were also called on to review the content of the subject "Knowledge about Christianity, including religious and ethical education" in the state school curriculum in Norway in the light of the relevant principles of the Framework Convention.

##### *Present situation*

#### a) Positive developments

95. The Advisory Committee takes note with satisfaction of the authorities' efforts to reform religious instruction in state schools in such a way as to ensure objectivity and neutrality. These efforts are designed to ensure, by means of a system of exemptions, that parents are effectively free to decide on their children's religious education. The Advisory Committee was informed that, as required by the United Nations Human Rights Committee<sup>11</sup>, religious instruction now

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<sup>11</sup> UN Human Rights Committee, Communication of 3 November 2004 on the teaching of religion in Norway. See also Final decision as to the admissibility of Application n° 15472/02 by Ingebjørg Folgerø and Others against Norway, European Court of Human Rights (First Section), 14 February 2006.

includes a range of information enabling pupils to acquire general and cultural knowledge of the various religions without focusing on the study of a particular religion.

b) Outstanding issues

96. According to the information received by the Advisory Committee, while welcoming the measures taken<sup>12</sup> to reform religious education within public schools, civil society representatives have expressed concerns as regards the new system introduced to remedy the shortcomings noted. These concerns relate in particular to the adequacy, in such a sensitive context, of a system based on partial exemptions, which may unduly single out students that have chosen not to take part in the studies at issue.

*Recommendation*

97. When applying the new approach to religious instruction that has been decided on, the authorities should take all the steps necessary and choose the most appropriate modalities, in consultation with the families, to ensure that pupils are not obliged to attend lessons focusing on a particular religion or belief.

**Article 9 of the Framework Convention**

**Access to the media and presence of persons belonging to national minorities in the media**

*Findings of the first cycle*

98. In its first Opinion on Norway, the Advisory Committee noted that the measures introduced by the authorities to support access to the media for the Kvens and their presence on the radio and in the press were inadequate, and encouraged the authorities to step up their efforts to improve the situation.

99. More generally, the Advisory Committee took note of the limited amount of information about minorities in the media. The authorities were invited to make greater efforts to encourage the media to give greater coverage to minority issues.

*Present situation*

a) Positive developments

100. The Advisory Committee welcomes the inclusion in the mandate of public-sector television, through an amendment to its statutes in June 2004, of an obligation to broadcast programmes on national minorities and in minority languages. It also welcomes the multicultural programmes broadcast by the public radio and television service, prepared by producers from the various communities. The Advisory Committee notes with satisfaction the priority given to the educational dimension of these programmes, which cater to the whole population of Norway.

101. The Advisory Committee welcomes the efforts the authorities have made in recent years to increase government subsidies to the monthly publication “Ruijan Kaiku”, the only publication available to the Kvens.

b) Outstanding issues

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<sup>12</sup> See State Report for details.

102. Minorities traditionally living in Norway still have little access to the media and their presence in the media is limited. At the same time, it seems that the media continue to provide insufficient coverage of national minorities. According to the minorities' representatives, the information provided does not adequately reflect their lifestyles and artistic events and is often detrimental to them. In particular, the Romani/Tatars, when they met the representatives of the Advisory Committee, stressed that they had virtually no access to the public-sector media and were rarely covered by them.

103. In the audio-visual sphere, despite improvements in the regulations, broadcasting time afforded to national minorities, in particular the Kvens, has not increased. State radio (NRK) currently broadcasts only one 12-minute programme a week devoted to national minorities, in particular the Kvens. The Kven representatives consider this air time far from adequate in relation to their needs, and would like it to be increased, but the requests addressed to the authorities concerned over a number of years have not produced results. The Advisory Committee was informed that discussions were under way on this subject.

104. As regards the press, despite the increase in government funding, the Kvens consider that the resources available to them for their written publications do not enable them to meet the needs of the Kven and Finnish-language population satisfactorily. In addition, they think that increased funding on a more stable basis is essential in order to achieve the current objective of the Kven community, which is to convert the journal into a weekly publication.

#### *Recommendations*

105. The Advisory Committee encourages the authorities to consider the needs of national minorities in terms of access to the electronic and print media and step up public support to them for this purpose.

106. While respecting the editorial independence of the media, the authorities should strongly encourage the media to give more coverage to the problems of national minorities and, in general, take greater care to reflect the diversity of Norwegian society.

### **Article 10 of the Framework Convention**

#### **Use of minority languages in contacts with the administrative authorities**

##### *Findings of the first cycle*

107. In its first Opinion on Norway, the Advisory Committee noted that there were no legal guarantees and that there were practical shortcomings as regards the use of national minority languages in contacts with the administrative authorities. The authorities were encouraged to ascertain demand and consider the possibility of introducing the necessary statutory guarantees.

Present situation

a) Positive developments

108. The Advisory Committee is satisfied to note that, further to the conclusions of a scientific study commissioned by the Government and in response to a request from the Kvens, Norway recognised the Kven language as a separate language in April 2005, protected as such under Part II of the European Charter for Regional or Minority Languages.

109. The Advisory Committee was informed that, further to this formal recognition, the Government had launched a range of measures involving research and support for the revitalisation and development of this language.

b) Outstanding issues

110. Notwithstanding the above-mentioned measures, the Advisory Committee has not been informed of any initiative taken in order to introduce legal guarantees for the use of minority languages in contacts with the administrative authorities, in particular for the Kvens, or to examine existing needs in this regard.

*Recommendation*

111. The Advisory Committee encourages the authorities to examine the minorities' needs, in particular of the Kvens, as regards the public use of their languages and, in co-operation with them, to take the necessary legislative and practical steps to meet those needs, in accordance with Article 10 of the Framework Convention.

**Article 11 of the Framework Convention**

**The use of minority languages for personal names**

*Findings of the first cycle*

112. In its first Opinion, the Advisory Committee noted that legislation had been introduced to remove the restrictions and remaining difficulties encountered by persons belonging to national minorities in connection with the use of their personal names in the minority language. The authorities were called on to ensure that the new legislation was interpreted and applied in full compliance with the principles of Article 11, paragraph 1, of the Framework Convention.

*Present situation*

Positive developments

113. According to information provided by the authorities, the new Act on Personal Names of June 2002 is better suited to the specific needs and traditions of national minorities and recent groups of immigrants. In particular, it allows greater flexibility as regards the use and modification of surnames and first names, particularly in the case of people who were subjected to constraints in the past in this respect.

## **Topographical indications in minority languages**

### *Findings of the first cycle*

114. In its first Opinion on Norway, the Advisory Committee noted that certain municipalities were reluctant to provide topographical indications in minority languages. It called on the authorities to examine this situation and, where necessary, encourage local authorities to show more openness in this respect.

### *Present situation*

#### a) Positive developments

115. The Advisory Committee took note with interest of the amendments made by the Norwegian Parliament in April 2005 to the 1990 Place Names Act to ensure that Sami and Kven place names appeared on signposts, in accordance with domestic law and the relevant international norms.

#### b) Outstanding issues

116. In practice, while some local authorities have agreed to bilingual and even trilingual<sup>13</sup> signs, this is not always the case in areas traditionally inhabited by persons belonging to national minorities where the conditions laid down by the Framework Convention are fulfilled. The information provided to the Advisory Committee by the Kvens states that the competent authorities refused to put up a bilingual sign for a school attended by Kvens (Vadsø Secondary School) on the grounds of lack of resources. The Advisory Committee finds that the lack of resources does not represent sufficient justification for refusing to put up a bilingual sign and hopes that the request of the people concerned will quickly be met.

### *Recommendation*

117. The Advisory Committee encourages the authorities to take the measures needed to ensure that the national legislation in force as regards topographical indications is properly applied locally, in accordance with the provisions of Article 11, paragraph 3, of the Framework Convention.

## **Article 12 of the Framework Convention**

### **Situation of Roma and Tater children in the field of education**

### *Findings of the first cycle*

118. In its first Opinion on Norway, the Advisory Committee took the view that the specific educational needs of the Romani/Taters stemming from their nomadic tradition were not sufficiently taken into account by the competent authorities, and called on the latter to take all the measures needed to remedy this situation.

### *Present situation*

#### a) Positive developments

119. According to the authorities, further efforts have been made in recent years to improve the educational situation of the Roma and Romani/Taters and, in particular, to reduce the

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<sup>13</sup> Further to a Government resolution adopted in June 2003, three names with equal status have been assigned to Porsanger: Porsanger (in Norwegian), Porsángu (in Sami) and Porsanki (in Kven).

number of children in these groups who are outside the school system. For instance, studies have been made of the situation of these children and the difficulties they encounter, and special measures have been taken to inform schools and make them aware of their lifestyle and special needs. It would also appear that the authorities are planning to share experience with neighbouring countries in order to find appropriate solutions to these problems more rapidly.

120. The representatives of the local authorities and the Ministry of Education also report a more active partnership involving the various public institutions concerned (schools, local authorities, social service providers, etc.) and special measures to adapt school enrolment formalities to the constraints faced by these children. The Advisory Committee was interested to note a large-scale three-year pilot project (“The Romani/Taters - from childhood to adulthood”) launched by the Ministry of Education in 2004 in co-operation with the Association of Romani/Taters of Norway and the Dronning Mauds Minne College. The aim of the project is to devise and propose appropriate solutions to the integration problems these children face in the education system, as well as the means of promoting their specific culture more successfully in the education system.

b) Outstanding issues

121. Despite the initiatives mentioned above, the Roma and also, to a certain extent, the Romani/Taters, continue to report problems in obtaining access for their children to school and in the level of their children’s academic achievement in school, which remains limited. According to Roma organisations, a substantial number of Roma children still remain outside the education system, largely because of the problem of making arrangements that allow them to retain their nomadic tradition. The Advisory Committee is concerned by this situation and notes that, although there is a clear awareness of the importance of education among the families concerned, who are determined to find ways of enabling their children to take full advantage of their right to education, little progress has been reported in this respect.

122. According to the State Report, discussions involving the Ministry of Labour and Social Inclusion, Roma organisations and the Oslo local authorities, about the possibility of setting up a forum for Roma women and children, have been under way for some time. Such a forum would help devise educational facilities better suited to the needs of these children, thus facilitating their integration in the education system and improving their performance at school. The Advisory Committee notes with regret that this laudable initiative has not yet borne fruit. (See also comments under Article 5 above).

*Recommendation*

123. The Advisory Committee encourages the authorities to continue with the initiatives already under way to improve the integration and schooling of Roma and Tater children and to devise and implement, in co-operation with those concerned, new measures and solutions to the problems that still exist in this area.

**Multicultural and intercultural dimension of education**

*Findings of the first cycle*

124. In its first Opinion on Norway, the Advisory Committee, noting that school textbooks did not contain appropriate information about the national minorities living in Norway, encouraged the authorities to monitor the situation in this respect and remedy the shortcomings ascertained. The Advisory Committee also suggested the authorities pursue their research projects on national minorities, including the smaller minorities.



*Present situation*

## a) Positive developments

125. The Advisory Committee took note with interest of the project, mentioned in the Norwegian Government's comments, to produce a White Paper on the improvement of the teaching of culture, including the cultures of national minorities, in Norwegian schools. It observes that, according to the State Report, new syllabuses are being prepared for all school subjects that should include general information about national minorities.

126. The Advisory Committee was also informed that large-scale linguistic and literary research projects are being carried out at the University of Tromsø on the language of the Kvens and this community's specific culture (see also the comments under Article 5 and 10 above).

## b) Outstanding issues

127. Despite the fact that school textbooks and teaching materials for the various subjects include general information about diversity, information specifically concerning national minorities is still limited, as are studies and research on these minorities. The Advisory Committee noted that the new syllabuses will be prepared at local level and hopes this will make it possible to provide a better reflection of the multicultural nature of Norwegian society. It also considers that the resulting educational content and educational activities should allow for intercultural exchanges between children belonging to the different groups, national minorities and the Sami included.

128. The Advisory Committee is aware that, for historical reasons, among the persons belonging to national minorities, the Romani/Tatars in particular sometimes still have misgivings about the idea of having attention drawn to specific features of their identity in the school system, whether through the content of the curriculum and school textbooks or in contacts with other groups. According to the explanations provided by government representatives, despite a number of efforts by the authorities in recent years, these people consider that their public image continues to suffer from the stigmas of the past and tend to be wary of any measures to foster integration or cultural exchanges.

*Recommendation*

129. The Advisory Committee encourages the authorities to maintain and further develop the initiatives under way to improve mutual understanding and enable intercultural exchanges through education. It is essential here to take due account of the situation, sensibilities and special needs of certain groups, such as the Romani/Tatars, and to involve their representatives systematically in decision-making. Particular attention should be paid to awareness-raising and specific training of teachers working in multicultural environments.

**Article 14 of the Framework Convention****Teaching of minority languages and in minority languages***Findings of the first cycle*

130. In its first Opinion on Norway, the Advisory Committee noted that there were no legislative guarantees concerning teaching of and in minority languages other than the languages of the Sami and the Kvens. The authorities were encouraged to assess the demand for such teaching and take both the legal and the practical measures needed to improve the situation.

*Present situation*

a) Positive developments

131. As already stated, further to the decision to recognise the language of the Kvens as a separate minority language, the Ministry of Education has launched various projects designed to achieve the objectives assumed under the European Charter for Regional or Minority Languages. These projects include research and other activities aimed at developing a new grammar and spelling system, as well as a stock of literature in the language. Dictionaries, textbooks and other teaching materials that are essential if the language is to be properly taught are also being prepared. A larger-scale project designed to breathe new life into the language, which receives government support, is being carried out by various organisations within the Kven community.

132. At the same time, additional government resources have been allocated to the teaching of Finnish, which has been stepped up in recent years. For several years, Finnish has enjoyed “second-language” status in schools in the counties of Tromsø and Finnmark (in primary and lower secondary education, spanning a period of ten years), where a demand from three people is sufficient for them to be allowed to study the language.

b) Outstanding issues

133. Despite the efforts mentioned above, teaching of the mother tongue still poses problems for the Kvens. In spite of recent initiatives by the authorities, including those based on transfrontier co-operation, the teaching of Finnish, to which the Kvens continue to have access pending the establishment of the facilities needed to teach their own language, continues to suffer from a shortage of qualified teachers and suitable teaching materials. The Advisory Committee, however, notes that there are no plans at this stage for teaching in the Kven language.

134. More generally, it appears that, apart from recent efforts in respect of the Kven language, national minorities traditionally living in Norway have rather limited opportunities to learn their language and additional efforts are needed to strengthen this form of education. In addition, it is important that minority language education be designed not only as a means for facilitating the integration of persons belonging to national minorities in the Norwegian society, but also as a goal *per se*, essential to the preservation of these persons' identity.

*Recommendations*

135. The Advisory Committee encourages the authorities to make a determined effort, in co-operation with Kven representatives, to pursue the initiatives launched, to allocate adequate resources to them and to take them a stage further, so that the conditions needed for the proper teaching of Kven are established as soon as possible.

136. The authorities are also encouraged to examine existing needs and demand for teaching of and in minority languages and ensure that Norway has a suitable legal basis for responding, where the conditions set out in Article 14, paragraph 3, of the Framework Convention are fulfilled, to any demand in this area.

## Article 15 of the Framework Convention

### Effective involvement of persons belonging to national minorities in decision-making

#### *Findings of the first cycle*

137. In its first Opinion on Norway, the Advisory Committee observed that there was no permanent consultation body for all national minorities, and encouraged the authorities to set up such a body. Moreover, the authorities were asked to check to what extent the existing legal framework for the participation of minorities in decision-making processes was adapted to the nomadic tradition of the Tater and Roma minorities and to remedy any shortcomings.

#### *Present situation*

##### a) Positive developments

138. An inter-ministerial commission for national minorities has been set up to improve co-ordination of the activities of the various government institutions involved in the protection of minorities. In addition, a consultative body (the “Forum for contact between national minorities and the authorities”) was set up in 2003 to facilitate communication between associations representing national minorities and the government institutions concerned. The authorities also report that bilateral meetings between the authorities and national minority organisations have been held more frequently.

139. The Advisory Committee observes that representative associations have begun to appear among the Roma in recent years and is satisfied to note that they are included among the Government’s interlocutors. It hopes that dialogue between the Roma and the authorities will become more effective and that a partnership will be developed between the Roma and representatives of the other national minorities, in particular the Romani/Taters.

##### b) Outstanding issues

140. It does, however, seem that the minorities are somewhat unfamiliar with the “Forum for contact between national minorities and the authorities”, a body which has no clear legal status. It appears also that this body has so far only had a limited impact on the involvement of national minorities in decisions concerning them. At the same time, some representatives of minorities feel that additional separate consultations or other more individualised forms of dialogue could be organised alongside the forum’s meetings, which would make it possible to discuss and deal with the specific problems of the different groups more effectively.

141. More generally, the representatives of the minorities - be they Skogfinns, Romani/Taters or others - report that the authorities are not sufficiently willing to adapt their measures to the specific needs of the different groups, and to take account of their proposals in the decision-making process. For example, although the authorities are engaged in ongoing dialogue with the Roma, according to the latter’s representatives, this dialogue is ineffective because of differences of opinion as to how their problems should be addressed.

142. The Advisory Committee notes that national minorities do not as such enjoy any form of representation in parliament. The Advisory Committee could not obtain conclusive information about the presence of minorities on elected local bodies, in government departments and in the judicial system, the police force, and so on. It would seem that little information on the subject is available (see also the comments under Article 4 above).

143. The Kvens expressed dissatisfaction with the fact that they were insufficiently consulted by the authorities when decisions concerning them were taken and when resources were allocated at both central and local level (see also the comments under Articles 4 and 5 above). Their representatives are dissatisfied with the extent to which they were consulted or involved in the process leading to the introduction of the Finnmark Act in 2005. More generally, the Kvens consider that insufficient attention is paid to the implementation of the Framework Convention and the domestic legal framework for the protection of national minorities at local and regional level.

144. Representatives of minorities also reported that financial difficulties hindered the operation of their associations and, in some cases, their participation in consultations organised by the government authorities on issues affecting minorities. The Advisory Committee noted in this connection that, even though the various minorities were consulted about the Anti-Discrimination Bill, their contribution to and involvement in the process that led to the law being passed were fairly limited.

145. The participation of persons belonging to national minorities in socio-economic life is also an area where shortcomings persist. This concerns in particular the Roma and the Romani/Taters, who report difficulties in the labour market and in gaining access to social benefits. The maintenance of their traditional occupations and way of life is of particular concern for their representatives (see also comments under Articles 4 and 5 above).

#### *Recommendations*

146. The Advisory Committee encourages the authorities, in co-operation with the representatives of national minorities, to find ways to enhance on the legal level, and make more effective in practice, the existing arrangements for consulting the minorities and involving them in decisions concerning them. In particular, such involvement should make it possible to ensure that measures taken pursuant to the Framework Convention are actually implemented at local and regional level, and that effective participation of persons belonging to national minorities in social, economic, cultural and political life is improved.

147. The authorities should ensure that the law on Finnmark is duly applied in respect of all the persons concerned and, in this context, should take into account the situation of the Kvens and the concerns expressed by them.

148. The authorities should pay greater attention to encouraging the presence of persons belonging to national minorities in elected and appointed government bodies, at both central and local level. In addition, they should monitor the situation in this respect regularly.

### **Article 18 of the Framework Convention**

#### **Bilateral and regional co-operation on minority-related issues**

##### *Findings of the first cycle*

149. In its first Opinion on Norway, the Advisory Committee took note of Norway's regional and bilateral co-operation in the field of the protection of national minorities and encouraged the authorities to extend this co-operation to all the minorities concerned.

*Present situation*

Positive developments

150. The Advisory Committee is satisfied to note that an inter-ministerial working group involving Finland, Norway and Sweden was set up in January 2004 to share information and good practice concerning national minorities, including Roma and Romani/Tatars. The Advisory Committee observes that this group has already held its first meetings and that Denmark is also to be invited to take part in its work.

151. It should also be noted that, as indicated by the Norwegian Government in its comments on the first Opinion of the Advisory Committee, national minorities have access to state subsidies for projects concerning the development of regional and bilateral relations.

*Recommendation*

152. The Advisory Committee encourages the authorities to pursue and develop regional co-operation in the field of protection of national minorities and to involve the representatives of minorities fully in activities organised in this context. The authorities are also encouraged to pay due attention to the needs of national minorities when granting subsidies for bilateral and regional co-operation projects.

### III. CONCLUDING REMARKS

153. The Advisory Committee considers that these concluding remarks could serve as a basis for the conclusions and recommendations to be adopted by the Committee of Ministers with regard to Norway.

#### **Positive developments**

154. Since the adoption of the Advisory Committee's first Opinion on 12 September 2002 and the Committee of Ministers' Resolution on 8 April 2003, Norway has taken further measures to improve the protection of national minorities.

155. The strengthening of the legislative and institutional framework for combating discrimination and promoting equality constitutes a significant step forward, likely to have a considerable impact on the situation of minorities in various fields.

156. The authorities have continued to support national minorities' efforts to preserve their identities and cultures. At the same time, further steps have been taken to improve the mechanisms and procedures established to compensate for the damage caused by past "norwegianisation" policies.

157. New opportunities have been created for increased participation in public affairs by persons belonging to national minorities, and it is to be hoped that the "Forum for contact between national minorities and the authorities", established in 2003, as well as other existing means of consultation, will gain in effectiveness.

158. Positive developments have also been noted, in the legislation and in practice, regarding use of minority languages for personal names and topographical indications. Similarly, in the fields of education and research, specific measures have been introduced and are currently being implemented to support the revitalisation and learning of the Kven language. Although there is still considerable room for improvement, the authorities have paid greater attention to the educational situation of children belonging to the Roma and Romani/Tater communities.

159. The authorities have also continued to develop and support projects and activities aimed at combating racism and intolerance, in particular through the National Action Plan against Racism and Discrimination for 2002-2006, which is currently being evaluated. In recent years targeted measures have been taken to facilitate the integration of persons of immigrant background, and a Social Inclusion Plan is being devised.

#### **Issues of concern**

160. Although efforts have been made to improve the situation of persons belonging to national minorities in different areas, the impact of these efforts remains limited. The lack of reliable statistics on the situation of the various groups and the insufficient participation of their representatives in decision-making hinder the action taken by the authorities in the fields concerned, and the authorities' initiatives are not always suited to the minorities' views.

161. The representatives of national minorities also consider that insufficient regard is shown for their specific cultures and identities, whether in education or in the media, and additional efforts are needed to improve their public image.

162. Persons belonging to certain groups, such as the Roma or the Romani/Taters, continue to encounter difficulties and discrimination in the labour market and in access to housing and education. In particular, the problems experienced by Roma and Romani/Tater children in the field of education remain a cause for concern and must be treated as a matter of priority by the authorities.

163. Use of minority languages in relations with the administrative authorities is another area where additional efforts are needed, both from a legal standpoint and in practice. It also seems that, apart from the Kven, the needs of other groups as regards minority language teaching have not been adequately considered.

164. Despite a real heightened awareness on the part of the authorities and the many measures taken to foster tolerance and respect for diversity, instances of intolerance and discrimination towards persons of immigrant background continue to be reported. Successful integration of the growing number of persons of immigrant background remains a key challenge for Norway.

### **Recommendations**

165. 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:

- Take the necessary steps, including from a financial standpoint, to enable the new institutions designed to strengthen the fight against discrimination to perform their tasks adequately; enhance information and awareness-raising measures on minority issues and the growing diversity of Norwegian society among the public at large, politicians, the media and the public authorities;
- Pursue with greater determination, in co-operation with the groups concerned and in accordance with personal data protection requirements, the initiatives to obtain reliable data on the situation of minorities in various sectors;
- Implement more resolute measures to eliminate the difficulties and discrimination encountered by the Roma and the Romani/Taters in various fields, such as employment and housing and, in particular, education; pay due heed to the Roma request concerning the establishment of a Roma community centre in Oslo;
- Pursue and develop measures in support of national minority cultures, adapting initiatives and resources to the specific needs identified in consultation with the groups concerned, not least as regards the minorities' museums, in the context of the implementation of the current reform of the museums' network;
- Continue and reinforce efforts to promote and support the learning of the Kven language and examine the needs of persons belonging to other minorities - notably the Roma and the Romani/Taters - in this field;
- Identify, in co-operation with minority representatives, the most effective means of enhancing minority participation in public affairs, including social and economic life, both at the central and local levels;

- Maintain and reinforce the measures of support of persons of immigrant background, so as to foster successful integration in Norway.