



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
8 April 2011

Original: English

Committee on the Elimination of Racial Discrimination

Seventy-eighth session

14 February – 11 March 2011

Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Norway

1. The Committee considered the 19th to 20th periodic reports of Norway (CERD/C/NOR/19-20), submitted in one document, at its 2061st and 2062nd meetings (CERD/C/SR.2061 and CERD/C/SR.2062), held on 21 and 22 February 2011. At its 2084th meeting (CERD/C/SR.2084), held on 9 March 2011, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined nineteenth and twentieth periodic report of the State party, on time and in conformity with the reporting guidelines. The Committee expresses its appreciation for the detailed responses provided during the consideration of the report and welcomes the open and constructive dialogue with the high-level delegation.

3. The Committee notes with appreciation the close collaboration with civil society in the elaboration of the report and the input provided to its proceedings by the Norwegian Centre for Human Rights, the Equality and Anti-Discrimination Ombud as well as the Ombudsman for Children.

B. Positive aspects

4. The Committee notes with interest that the draft report was forwarded to the Sami Parliament for comments.

5. The Committee welcomes the fact that the State party has adopted initiatives to combat discrimination among which are the following:

- (a) The Plan of Action to Promote Equality and Prevent Ethnic Discrimination (2009-2012) which includes several new measures;
- (b) The appointment of a commission on 1 June 2007 to propose more comprehensive anti-discrimination legislation;
- (c) The appointment on 18 June 2009 by the Storting (Parliament) of a committee to propose a limited revision of the Constitution with the aim of strengthening the position of human rights;
- (d) The project of Statistics Norway aimed at producing more accurate statistics with regard to the Sami population;
- (e) The adoption of the State party's 2009 plan of action to improve the living conditions of Roma people with Norwegian nationality;
- (f) The Action Plan for Integration and Social Inclusion of the Immigrant Population (2007-2009), including Goals for Social Inclusion;
- (g) The adoption of the Act relating to Municipal Crisis Centre Services (the Crisis Centre Act) entering into force on 1 January 2010;
- (h) The National Police Directorate plan to promote diversity in the police force introduced in September 2008 up to 2013.

C. Concerns and recommendations

6. While appreciating the information provided by the delegation during its oral presentation, the Committee reiterates its concern regarding the lack of data on the ethnic composition of the population in the State party's report.

The Committee recommends that the State party provide it with updated information concerning the ethnic composition of the population, in accordance with paragraphs 10 and 12 of the reporting guidelines (CERD/C/2007/1) and its general recommendation 8 (1990) concerning self-identification with a particular racial or ethnic groups.

7. While taking note of the State party's arguments with regard to its choice not to incorporate the Convention in national law through the Human Rights Act of 1999, on a par with other important human rights treaties, the Committee reiterates the importance of according primacy to the Convention whenever there is a conflict with domestic law. (arts. 1 and 2)

The Committee invites the State party to consider incorporating the Convention into the domestic legal order at a higher level, through the Human Rights Act of 1999.

8. The Committee is concerned that the envisaged amendment of the Anti-Discrimination Act does not reflect all grounds of discrimination contained in article 1 of the Convention, including discrimination based on race and skin colour. The Committee is also concerned that language is not included as grounds for discrimination. (art. 1)

The Committee recommends that the Anti-Discrimination Act be amended to ensure that all grounds of discrimination contained in article 1 of the Convention are subject to prohibition.

9. The Committee is concerned about the situation of migrants, persons from a migrant background, asylum-seekers and refugees with regard to discrimination against them in terms of access to public services, housing, the labour market and health, and in particular

adequate physical and mental health services for traumatized refugees and asylum-seekers. The Committee is also concerned at the dropout rate of students from an immigrant background, including from upper secondary education. (arts. 4, 5 and 6)

In light of its general recommendation No. 30 (2004) on non-citizens, the Committee urges the State party to consult regularly with the groups and communities concerned and take measures to address the discrimination they face, including with regard to access to public services, housing, education, the labour market and health, including the provision of specialized mental and physical health services for traumatized refugees and asylum-seekers. The Committee invites the State party to consider re-opening the Psycho-Social Centre for Traumatized Refugees. The Committee also recommends that the State party devote more financial resources to training teachers for a multicultural educational environment. The State party should also take the necessary steps to ensure that persons from an immigrant background have access to positions in higher branches of government, academia and businesses.

10. The Committee is concerned at the lack of qualified and professional interpreters, especially in the medical and legal fields, for Sami, and in particular, languages spoken by members of minority groups and non-citizens. The Committee is also concerned about ethical issues arising with regard to interpretation, including the reported use of minors as interpreters for their parents and the reported use of family members as interpreters for those whom they have abused. (arts. 2, 5 and 6)

The Committee urges the State party to improve the availability, accessibility and quality of professional interpretation services, especially in the medical and judicial fields, including by earmarking budget funds to accommodate multiple languages. The Committee recommends that legislation be enacted on the right to professional interpretation regarding public services and prohibiting the use of minors and relatives as interpreters. The Committee also recommends that public service professionals receive information and guidance on how to hire and work with qualified interpreters.

11. While noting the importance of adequate command of the State language as a vehicle for social integration and participation, the Committee is concerned that the requirement in the Norwegian Nationality Act that the applicant between the age of 18 and 55 must have completed 300 hours of Norwegian language lessons may be a barrier for access to citizenship and naturalization for certain groups. The Committee is concerned at the dropout rate from the mandatory language instruction; that it is not of uniform quality and free of charge for all; that the introduction programme lapses after three years; that it depends on the person's basis for residence and can be lost if the person moves to another municipality. (arts. 2 and 5)

Recalling its general recommendation No. 30, the Committee urges the State party to take appropriate measures to ensure that the free of charge language instruction programme is available to everyone who wants it and that its pedagogic methods and content are adapted to gender and to the educational and national background. In order to reduce the dropout rate and ensure that the programme is not a barrier for citizenship and naturalization, the Committee recommends that the State party monitor its implementation more closely to determine whether it is of uniform quality, is adapted to certain groups in terms of gender and origin, and that eligibility is not lost when changing residence.

12. The Committee takes note of the stricter rules under the new Immigration Act which entered into force on 1 January 2010, in particular with regard to asylum-seekers. It is especially concerned about the situation of unaccompanied asylum-seeking children aged

15 to 18 who live in reception centres, who are given a temporary residence permit until the age of 18 and are subsequently liable to removal by force or to voluntary return. The Committee is also concerned about the access of this category of children to health services, education and qualified guardians. (arts 2, 5 and 6)

In light of its general recommendation No. 30, the Committee recommends that the State party take all the necessary measures to address the situation of asylum-seekers in a humane manner and in accordance with the law. It recommends that the State party take all measures necessary to ensure special protection for unaccompanied asylum-seeking children, including health-care services, education and care by competent guardians, in conformity with Norway's international legal obligations. It also recommends that these children are settled in local communities, outside reception centres, as rapidly as possible and enabled to study beyond primary education.

13. The Committee is concerned with conditions prevailing in reception centres and special return centres for asylum-seekers and rejected asylum-seekers, as well as with conditions in the Trandum detention centre as regards asylum-seekers or rejected asylum-seekers if conditions for detaining them have been fulfilled. It is also concerned about conditions in the reception centres for children aged 16-18, including those affecting their physical and mental health. The Committee is also concerned about the proposed lowering of the threshold for imprisonment and the duration of provisional detention of persons whose identity is being verified. (arts. 2, 5 and 6)

The Committee, recalling its general recommendations Nos. 30 and 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, recommends that the State party bring the conditions in reception and special return centres, and in reception centres for children, in line with relevant international human rights standards. It recommends that the State party provide the necessary mental and psychological health services by specially trained qualified staff.

14. The Committee is concerned that the legislation concerning free legal aid does not cover cases of ethnic discrimination. The Committee notes that the Parliament is currently considering whether free legal aid should be granted when legal proceedings are recommended by the Anti-Discrimination Ombud or the Anti-Discrimination Tribunal, as is the case with legal proceedings recommended by the Parliamentary Ombudsman. (arts. 2, 5 and 6)

Recalling its general recommendation No. 31, the Committee recommends that recommendations for free legal aid made by the Anti-Discrimination Ombud and Anti-Discrimination Tribunal be placed on an equal legal footing as those made by the Parliamentary Ombudsman.

15. While welcoming the Action Plan against Female Genital Mutilation (2008-2011), and the Action Plan against Forced Marriage (2008-2011), the Committee is concerned about the perceived excessive focus on these issues which may be seen as stigmatizing women and girls belonging to certain minority groups. (arts. 2, 5 and 6)

The Committee requests to receive an updated evaluation of the effectiveness of the Action Plan against Female Genital Mutilation (2008-2011), and the Action Plan against Forced Marriage (2008-2011) and an assessment of how these also promote the rights of women and girls from certain minority groups without stigmatizing them.

16. The Committee is concerned at the double or triple discrimination against women from certain ethnic minority or immigrant backgrounds, in particular those who are victims of violence and/or human trafficking. It also expresses its concern at the cessation of

earmarked government grants to crisis centres after the entry into force of the Crisis Centre Act, the majority of whose occupants are women from this type of backgrounds. The Committee is also concerned at the lack of adequate knowledge and specific competences of crisis centre staff and the difficulties encountered in finding alternative housing for persons who leave the centres. (arts. 2, 5 and 6)

Recalling its general recommendations Nos. 25 (2000), 29 (2002) and 30, the Committee recommends that the State party monitor and assess the effectiveness of care provided and financed by municipalities after the cessation of earmarked government grants to crisis centres. It urges the State party to ensure that crisis centres under the new arrangement have professional staff with adequate knowledge and specific competences to work with persons from ethnic minority or immigrant backgrounds, in particular those who are victims of violence and/or human trafficking. It also recommends that all efforts be made to find adequate housing for those leaving the centres, away from persons by whom they were abused.

17. The Committee is concerned about the effects on indigenous peoples and other ethnic groups in territories outside Norway, including the impact on their way of life and on the environment, of the activities by transnational corporations domiciled in the territory and/or under the jurisdiction of Norway. (arts. 2, 5 and 6)

In light of its general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee recommends that the State party take appropriate legislative or administrative measures to ensure that the activities of transnational corporations domiciled in the territory and/or under the jurisdiction of Norway do not have a negative impact on the enjoyment of rights of indigenous peoples and other ethnic groups, in territories outside Norway. In particular, the State party should explore ways to hold transnational corporations domiciled in the territory and/or under the jurisdiction of Norway accountable for any adverse impacts on the rights of indigenous peoples and other ethnic groups, in conformity with the principles of social responsibility and the ethics code of corporations.

18. The Committee is concerned that measures taken may not be sufficient to preserve and promote the culture of the Sami people and address the special situation of the East Sami, in particular regarding their access to land for reindeer grazing and that of the Sea Sami, in particular regarding their fishing rights. The Committee is also concerned about the persistence of discrimination towards Sami communities and the lack of implementation of the status of Sami language instruction, including teaching materials and staff. (arts. 2, 5 and 6)

In light of its general recommendation No. 23 , the Committee recommends that the State party consult with the East Sami and Sea Sami and implement measures with a view to enabling them to fully enjoy their human rights and fundamental freedoms and to maintain and develop their culture, means of livelihood, including management of land and natural resources, in particular regarding reindeer grazing and fishing. The Committee urges the State party to take active measures to enable the Sami community to preserve its cultural identity and to monitor and address all forms of discrimination against the Sami communities. It recommends that the State party enact an educational policy to address the mother-tongue teaching requirements, including materials and staffing resources, of the Sami community. The Committee would appreciate receiving the results of the examination of East Sami land claims by the Finnmark Commission.

19. The Committee takes note of the existence of provisions dealing with Sami interests in Finnmark in the Mining Law of 19 June 2009, which entered into force on 1 January

2010. However, the cited Law does not stipulate anything with regard to Sami interests in other places traditionally inhabited by the Sami in Norway that are outside Finnmark.

The Committee requests the State party to include in its next periodic report information about consultations that were and are being conducted by the Government of the State party concerning industrial and other projects in all the territories where indigenous peoples traditionally live.

20. The Committee expresses its concern with regard to the Roma and Romani/Tater communities and in particular their access to public places, housing, employment and the measures taken to integrate children from Roma communities, especially from travelling families, into the educational system in accordance with their way of living. (arts. 2, 5 and 6)

In light of its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party take active measures to prevent discrimination against the Roma and Romani/Tater communities, in particular regarding their access to public places, housing and employment, and allocate additional resources to find appropriate solutions for integrating children from Roma and Romani communities, especially those from travelling families, into the educational system, to ensure that they benefit fully from all levels of the system, taking into account the community's lifestyle and including an enhanced teaching provision in their language.

21. The Committee is concerned about racist views expressed by extremist groups, some representatives of political parties, in the media, including the internet, which constitute hate speech and may lead to acts of hostility against certain minority groups and about the existence of associations involved in such activities. The Committee is also concerned that there are few complaints against racist acts, including those committed by law enforcement agents, and that few cases are dealt with by courts. The Committee is concerned further at the lack of judicial statistical information concerning the number of complaints, investigations, prosecutions and condemnations regarding racist acts. (arts. 4 and 6)

The Committee recalls its general recommendation No. 15 (1993) on article 4, according to which all provisions of article 4 of the Convention are of a mandatory character, and recommends that the State party establish a clear and transparent definition of hate speech and hate crimes with a view to observing a balance between the right to freedom of expression and overt expressions of racist views according to article 4 and ban organizations promoting racism and racial discrimination. It recommends the development of a strategy to deal with racism in public discourse more effectively. In light of its general recommendation No. 31, the Committee also requests the State party to provide judicial statistical data on the number of complaints, number of cases dismissed and reasons for dismissal, investigations, prosecutions and condemnations regarding all types of racist acts, as provided for in article 4 of the Convention, including those committed by law enforcement agents.

22. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

23. While taking note of the State party's plans for follow-up to the Durban Review Conference, and in light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party continue to give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and

Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

24. The Committee recommends that the State party undertake and publicize adequately an appropriate programme of activities to commemorate 2011 as the International Year for People of African Descent, as proclaimed by the General Assembly in its resolution 64/169 of 18 December 2009).

25. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

26. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 9, 12, 13, and 16 above.

27. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 10, 18, 19, and 20 and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

28. The Committee recommends that the State party submit its twenty-first and twenty-second periodic reports in a single document, due on 5 September 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).
