



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination
Seventy-eighth session

Summary record of the 2061st meeting*

Held at the Palais Wilson, Geneva, on Monday, 21 February 2011, at 3 p.m.

Chairperson: Mr. Kemal

later: Mr. Calí Tzay (Vice-Chairperson)

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Nineteenth and twentieth periodic reports of Norway

* No summary records were issued for the 2059th and 2060th meetings.

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Nineteenth and twentieth periodic reports of Norway (CERD/C/NOR/19-20; CERD/C/NOR/Q/19-20; HRI/CORE/NOR/2009)

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*
2. **Ms. Aasland** (Norway), recalling that January 2011 had marked the tenth anniversary of the racially motivated murder of 15-year-old Benjamin Hermansen in Norway, said that combating hate crime and discrimination and promoting equal treatment were priorities for her Government, along with the advancement of universal human rights.
3. Given that complaints of discrimination were usually made on several grounds, the Government took the view that multiple discrimination should be tackled as a whole in all areas of society. Gender equality was especially important, as women tended to be more affected by racial discrimination than men. She noted that only 2 out of the 18 members of the Committee on the Elimination of Racial Discrimination were women and expressed the hope that that imbalance would be rectified in future elections.
4. Her Government, the Sámediggi (Sami parliament), the Norwegian Centre for Human Rights, the Equality and Anti-Discrimination Ombud (Commission) and NGOs all worked together to combat discrimination. The Government had subsidized the preparation of a shadow report linked to its periodic report by various NGOs and had paid for five NGO representatives to attend the current meeting. The Sámediggi had also been involved in the preparation of the periodic reports.
5. The Norwegian State had been established on the territory of two peoples, the Norwegians and the indigenous Sami. National minorities included the Kvens, Jews, Forest Finns, Roma and Romani, and immigrants made up 11 per cent of the population. Norwegian society was not immune to prejudice and xenophobia but the authorities were working to combat those phenomena. Integration policies were based on the fundamental values of Norwegian society, which included freedom of opinion and expression, gender equality, equal treatment and the right to marry the spouse of one's choice.
6. The establishment of the Sámediggi in 1989 had been a landmark in the history of the Sami people. Financed by the State, it promoted political initiatives concerning the Sami and carried out administrative functions. In 2005, the Government and the Sámediggi had agreed to make consultations between the two on matters concerning the Sami obligatory. The Government maintained a dialogue with organizations representing the national minorities and, in 2003, it had set up a contact forum between them and the central authorities.
7. The Contact Committee for Immigrants and the Authorities was an advisory body appointed by the Government every four years, while a separate committee of immigrant representatives from all of Norway's counties advised the Government on matters affecting immigrants.
8. Efforts by the State party to prevent ethnic discrimination were based on three main pillars. Firstly, the Anti-Discrimination Act of 2005 prohibited discrimination on grounds of ethnicity, national origin, descent, skin colour, language, religion or belief. Secondly, the Equality and Anti-Discrimination Ombud monitored and enforced anti-discrimination legislation. Anyone could file a complaint with the Ombud, which could then refer cases to the Equality and Anti-Discrimination Tribunal. People could also file complaints with the

civil courts. Thirdly, the Government had launched a national action plan to promote equality and prevent ethnic discrimination.

9. Tripartite cooperation between the State, employers' federations and trade unions was important for the achievement of equal treatment for all and had been a key to achieving gender equality in the workplace.

10. The Government and local authorities were responsible for ensuring equal access to public services. Local communities contributed to the reduction of prejudice and xenophobia through education and the facilitation of contact between individuals from different groups.

11. One goal of the national action plan to promote equality and prevent ethnic discrimination was to improve the collection of data on ethnic discrimination. The European Commission against Racism and Intolerance had recommended that the State party closely monitor anti-Semitism in its territory and so the Government was funding a survey on attitudes towards Jewish people, Judaism and the State of Israel. Carried out by the Norwegian Holocaust Centre and due for completion in 2012, it would also include data on attitudes towards Roma and Muslims.

12. **Ms. Hole** (Norway) acknowledged that structural discrimination in the public sector and labour and housing markets could not be excluded, which was why the Equality and Anti-Discrimination Ombud and Tribunal had been established. Statistics on complaints handled by the Ombud provided valuable insight into the extent of discrimination. The national statistics office had also been asked to collate data relating to all forms of discrimination and inequality.

13. A distinction must be made between prejudice and discrimination. The Norwegian authorities defended the right to freedom of speech as specified in articles 19 and 20 of the International Covenant on Civil and Political Rights and people were entitled to express their views, however unpalatable. There was also a distinction between discrimination and a lack of integration; indeed, integration and anti-discrimination policy were two sides of the same coin. A multiple-discrimination approach was an essential element of the Ombud's mandate and should be fully applied in efforts to combat discrimination.

14. The private and public sectors were duty-bound to strive for equal treatment and to combat discrimination. The Gender Equality Act, in particular, had proved a useful tool in that regard, and guidelines on how to work towards greater equality and report on progress in that endeavour had been prepared in 2009 by the Government and its social partners for distribution to all branches of industry and services. Indeed, the State party had taken several initiatives to combat prejudice and unequal treatment. State planning guidelines aimed at preventing any undesired consequences of policymaking had been updated to take into account issues relating to ethnicity, disability, sexual orientation, age and gender. A manual on the duty to report on measures taken to combat discrimination had been prepared for the public sector in 2010.

15. The Ministry of Government Administration, Reform and Church Affairs had developed instructions and monitoring systems for public servants, and the Diversity Portal contained examples of good recruitment practice, inclusive working environments and multicultural workplaces. The Directorate of Public Management and eGovernment and the Directorate of Integration and Diversity were working together on training and competence development for managers and employee representatives, and the Government was trying out moderate quota schemes to promote the employment of non-Western immigrants in Government agencies.

16. The obligation on all 430 municipalities to promote equality and report once a year on progress in that area was key to spreading tolerance and enhancing diversity in

Norwegian society. A gender equality barometer at the municipal level had been published in 2010 and that could be extended to cover other forms of discrimination. The user forum of the Municipalities' Central Board would in future develop indicators on equality and ethnic discrimination. The governors of Norway's 18 counties also had instructions to monitor the performance of municipalities in their respective counties. An annual report on progress in the implementation of the action plan to promote equality and prevent ethnic discrimination would be made to the Cabinet and Parliament, and the plan would be the subject of a midterm evaluation. Various ministries ran other plans, such as the action plan for Roma, targeted at specific groups.

17. She underlined the importance of contributions made by civil society, NGOs and the Sámediggi to the preparation of the State party's periodic reports.

18. In 2013, minority women would be accorded a privileged place in celebrations to mark the 100th anniversary of universal suffrage in Norway. The following year would mark the 200th anniversary of the Constitution, and Norway's cultural diversity would feature prominently in celebrations of the event with a view to reinforcing the idea of a changing Norwegian identity.

19. **Mr. Austad** (Norway) said that racist violence was not a major phenomenon in his country but the authorities were nonetheless trying to improve the collection of data on all hate crimes, which included threats and property damage. Broadly speaking, such crimes were motivated by hatred of the ethnicity, religion or sexual orientation of the victim. The Government followed closely debates in the Organization for Security and Cooperation in Europe relating to hate crimes and systems for recording them.

20. Police had begun recording hate crimes in 2006 and a recent report had shown that the average yearly rate for such crimes, most of which had been motivated by racial prejudice, had been stable between 2008 and 2010. Clearly, not all such crimes were reported and, among those reported, it was often difficult to establish the exact motives. Violence between asylum-seekers, for instance, could arise from ordinary arguments. The police were aware that more needed to be done in order to deal with hate crime and were looking at approaches adopted in Sweden and elsewhere.

21. **Ms. Folkvord** (Norway) said that her Government helped to provide immigrants with the tools they required in order to gain knowledge of Norwegian society and its language so that they could contribute to and participate in society. Such participation was based on the principle of equal rights, obligations and opportunities for the whole of the population. Immigrants were defined as persons whose parents had both been born abroad. They accounted for more than 11 per cent of the total population and 27 per cent of the population of Oslo.

22. Norwegian integration policy was based on three strategies: placement of immigrants in a position where they could exercise their rights and make the most of their potential; action to facilitate their access to employment; and the establishment of, and support for, structures conducive to dialogue with immigrants.

23. A sound grasp of the Norwegian language was in most cases a prerequisite for actively participating in society, exercising rights and taking advantage of opportunities. The Government had introduced a right and duty for newly arrived immigrants to attend Norwegian courses and a social studies programme. Most immigrants were entitled to 300 hours of tuition free of charge and the municipalities were required to offer further tuition, if necessary, for a maximum of 3,000 hours.

24. Ensuring employment for all was an important step towards reducing social differences. As quite a large percentage of immigrants were refugees, obtaining access to the labour market could be a lengthy process in some cases. The Government ran a special

scheme for the rapid settlement of refugees. A full-time programme for refugees and their families, which could run for up to two years, provided basic language skills, knowledge of Norwegian society and preparation for working life and/or education. The Government financed the programme through grants to the municipalities. The workplace was an important arena for interpersonal contact and hence one of the most important meeting-places for immigrants and the rest of the population.

25. The Government maintained an open dialogue with the immigrant population in order to solve problems and gain a better understanding of different perspectives. The resulting policies were more effective and helped to prevent discrimination. For instance, a Contact Committee for Immigrants and the Authorities had been established. The Government also offered grants in support of the work of NGOs, which played an important role in dialogue and social inclusion.

26. The Government thus ensured through legislation, funding and public information that immigrants were able to participate in and contribute to society on an equal footing with the rest of the population. Integration efforts were in many ways the other side of the non-discrimination coin.

27. **Mr. Megard** (Norway) said that his country was home to several national minorities with a long history, including the Sami, who were also recognized as an indigenous people. The normal democratic and representative processes did not always adequately address the concerns of indigenous peoples and national minorities. Minorities would almost by definition be on the losing side if political disagreements were solved solely through majority voting systems. For a governance system to be truly democratic, special differentiated consultation procedures were required. The right to participation and consultation was a core element of both the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples.

28. The Norwegian Government and the Sámediggi (Sami parliament) had agreed in 2005 on procedures for consultations between the State authorities and the Sámediggi. The agreement, which had recently been described as an example of good practice by the Special Rapporteur on the rights of indigenous peoples, was based on the following main principles: early communication of interests and preliminary positions between the Government and the Sámediggi; an arena for dialogue where representatives from the Sámediggi could explain their views; efforts in good faith to reach agreement; and written documentation of the Sámediggi's positions, especially when agreement was not reached. A proposal from the Sami Rights Committee for specific rules in national legislation governing the consultation process was currently under consideration. Consultations had led to increased awareness in ministries and agencies of the duty to consult, and formal consultations were conducted on some 20 or 30 matters each year, leading to a consensus in most cases. The Sámediggi had thus been able to strengthen its position as a representative and competent voice for the Sami people.

29. In January 2011, the Government had appointed a committee of independent experts tasked with documenting and assessing policies concerning the Romani people, also known as Tater. One of the committee's aims was to establish a shared understanding of past injustices and abuses in order to facilitate reconciliation with the Norwegian authorities. The Romani people and organizations had been closely involved in drafting the committee's terms of reference and three observers attended committee meetings.

30. In June 2009, the Government had submitted a plan of action aimed at improving the situation of the Roma in Oslo. The plan had been prepared in cooperation with various ministries, the municipality of Oslo and Norwegian Roma living in Oslo. Concrete measures to combat discrimination against Roma and improve their living conditions

included: a special adult education programme under the auspices of the municipality of Oslo; an advisory centre to provide information and guidance to Roma individuals and families, and to facilitate equal access to the general welfare system; a forum for dialogue between the authorities and Roma representatives; and courses for public employees to familiarize them with the Roma and their culture. The Roma and the Romani people were two distinct ethnic groups in Norway.

31. With regard to land rights in Finnmark and the situation of the East Sami, he said that the Sami and Kven minorities had long suffered from systemic discriminatory practices in the area of land rights. Moreover, the East Sami lived on the Norwegian-Russian border, where perceived security threats had led to particularly harsh Norwegianization policies. Compensatory measures had been provided for in the Finnmark Act of 2005, which formally recognized the land rights of the Sami and others in Finnmark, and transferred authority over former State-held land to local ownership. The Act also established a special commission to investigate all land claims in Finnmark.

32. Some of the key incidents leading to the loss of exclusive East Sami fishing rights and subsequently reindeer-herding lands had occurred many decades previously. If the clock were turned back on those events, other Sami might be deprived of their current legal rights and so the Government had reservations about such an approach. However, the Finnmark Commission would examine the land claims of the East Sami on an equal basis with those of other inhabitants of the region.

33. The Government contributed financially to the strengthening of the East Sami language and culture through cross-border cooperation between East Sami groups and the authorities in Norway, the Russian Federation and Finland. The East Sami museum in Neiden would also be an important centre for revitalization of the East Sami language and culture and for cultural exchanges.

34. **Mr. de Gouttes** (Country Rapporteur) said that, as noted by the delegation, Norway had experienced radical changes in the composition of its population in recent years, becoming a diverse and multicultural country with the associated benefits and risks.

35. He commended the State party's compliance with the periodic reporting provisions of the Convention and the Committee's reporting guidelines.

36. In reviewing the Norwegian report, he had taken into account the many documents issued in connection with the Human Rights Council's universal periodic review (UPR) of Norway in December 2009, the report of the Special Rapporteur on the rights of indigenous peoples on the situation of the Sami people dated 7 July 2010 (A/HRC/15/37/Add.6), the report of the European Commission against Racism and Intolerance published on 24 February 2009, reports from the Norwegian Equality and Anti-Discrimination Ombud and the Ombudsman for Children, as well as many reports from NGOs.

37. With regard to the first part of the report concerning issues raised by the Committee in its concluding observations concerning the State party's previous report (CERD/C/NOR/CO/18), he was pleased to note that a great deal of progress had been made on many fronts. However, he would welcome additional information on a number of points. For instance, the population data contained in the report were not particularly informative about the number of immigrants in Norway and their region of origin. According to the core report (HRI/CORE/NOR/2009) and the UPR report to the Human Rights Council (A/HRC/WG.6/6/NOR/1), the largest groups of immigrants came from Sweden, Germany, Poland, Iraq, Pakistan and Somalia. The number of Sami had been estimated at 37,760 in 2007. The Committee would appreciate receiving a more recent estimate, and also numerical data concerning the other national minorities mentioned in the UPR report, namely Jews, Kvens, Roma, Romani people/Tater and Forest Finns. In general, it hoped for

more detailed information in the State party's next report on the demographic composition of the population.

38. According to paragraph 9 of the report, the Convention had been incorporated in the Anti-Discrimination Act but not in the Human Rights Act, although several other treaties, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, had been incorporated in the latter Act. As the Government had also informed the Human Rights Council in 2010 that it had no plans to incorporate the Convention in the Human Rights Act, the Committee feared that the Convention was being denied formal primacy at the national level. He asked whether the State party would consider incorporating it in domestic legislation at the highest level, as requested by the Equality and Anti-Discrimination Ombud.

39. According to the report, there was no explicit reference to race in Norwegian law on the ground that the term might prove to be socially divisive. Racial discrimination was held to be covered by the prohibition of discrimination on ethnic grounds. The Committee considered, however, that a State party which had ratified a convention containing an explicit reference to racial discrimination should consider using the term in order to ensure consistency.

40. With regard to the absence of any explicit provision in national legislation criminalizing racist organizations, the State party claimed that such organizations would be covered by the provision prohibiting acts of discrimination committed jointly by several persons. It was essential, however, to ensure that the legislation took full account of all aspects of article 4 (b) of the Convention.

41. He had had the impression, on reading paragraphs 23 to 41 of the report, that little progress had been made in the area of protection of immigrants' rights under the new Immigration Act that had entered into force on 1 January 2010. It seemed, on the contrary, that a more stringent immigration policy was being pursued. For example, the conditions and duration of pretrial detention of foreign nationals who did not reveal their true identity remained severe. They could be detained for between 4 and 12 weeks, and even longer in exceptional circumstances. Norwegian-language requirements, especially for applicants for Norwegian citizenship, were very strict and failed to make sufficient allowance for the diversity of minority groups and the quality of language tuition, which might vary from one town to another. He felt that the linguistic requirements might be better adapted to individual circumstances and assessed on a case-by-case basis.

42. Responsibility for ensuring access to health care for immigrants, members of ethnic minorities and asylum-seekers lay with the municipalities, which apparently did not all attach the same importance to their task. The European Commission on Racism and Intolerance had referred to an incident in August 2007 in which the emergency services had failed to assist a 37-year-old immigrant. It had recommended that the Government should take steps to prevent discrimination in the health sector and to ensure that interpretation services were available where necessary.

43. The access of immigrant children to secondary schooling was confined to those holding a residence permit. Children awaiting a decision on the granting of a permit and rejected asylum-seekers were therefore denied access to educational facilities. He asked whether any measures had been taken for the benefit of immigrant children, especially unaccompanied minor asylum-seekers, including those in the 15 to 18 age group who no longer had access to childcare services.

44. Noting that Norway had so far been unwilling to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, he asked whether there was any prospect of a more flexible approach on the part of the authorities.

45. Turning to the part of the report concerning compliance with articles 1 to 7 of the Convention, he commended in particular the action taken to implement the Durban Declaration and Programme of Action, the Plan of Action to Promote Equality and Prevent Ethnic Discrimination (2009–2012), the Anti-Discrimination Act, the bolstering of the provisions of the Criminal Code against hate speech, the Anti-Discrimination Tribunal, the Norwegian Centre for Human Rights, the defence of Sami rights by the Sámediggi, the procedures for consultations between the State authorities and the Sámediggi, and the White Paper on Sami policy.

46. The Committee wished to hear how the Norwegian authorities assessed the implementation of the following measures: the plan of action to promote equality and prevent ethnic discrimination, the 2009 plan of action to strengthen Sami languages, the plan of action to improve the living conditions of the Roma and to integrate Roma children, the plan of action against forced marriage, the plan of action to combat female genital mutilation, and the action plan for the integration and social inclusion of the immigrant population.

47. He enquired about the lessons drawn from the investigations by the National Bureau of Criminal Investigation into racism on the Internet, and about the outcome of the meetings to date of the Contact Committee for Immigrants and the Authorities appointed by the Government on 1 January 2010.

48. According to an NGO report from Indigenous Peoples Links and the Irish Centre for Human Rights at the Middlesex University Department of Law, several multinational companies operating in the oil, gas, mineral, forestry and fishing industries, which were based in and financed by Norway, were violating the rights of indigenous people in several countries, adversely affecting their health, lifestyle and land rights and the quality of the water supply. The Government had already taken some measures to render them accountable. He asked whether any further action was envisaged, in keeping with the State party's commitments under the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169.

49. According to the report, no date had yet been set for the entry of force of the General Civil Penal Code 2005, which would provide stronger protection against racial discrimination. He enquired about the reasons for the delay. Aggravated penalties were prescribed, also under the existing Code, where an offence was ethnically or racially motivated. The Committee would be interested in hearing about specific cases in which such penalties had been imposed.

50. The report mentioned a Supreme Court decision of 21 December 2007 based on the General Civil Penal Code, 1902 against the Vigrid organization, which had been found guilty of hate speech against Jews. He asked what sentence had been imposed on the leader of the organization.

51. The National Police Directorate and the Oslo Police District had reported 257 cases of hate crimes in 2007, including 209 that were racially or ethnically motivated. He asked what judicial action had been taken against the perpetrators.

52. With regard to article 5 of the Convention, he commended the Police Directorate's security and trust project launched in 2008, the aim of which was to create a trusting relationship between immigrants and the police. A dialogue forum had also been established within the police, both centrally and locally. The Committee would be interested in hearing about the results of the two initiatives. He also welcomed the decision to recruit students from minority backgrounds to the Police University College and to involve them in vocational training for the Norwegian correctional services.

53. Further commendable measures included the encouragement of persons of immigrant origin to participate in municipal council, county council and general elections, and the adoption in 2006 of the Norwegian Nationality Act, which abolished the discretionary capacity of the public administration by clearly setting out the legal conditions for the acquisition of citizenship.

54. He requested additional information about the Second Chance programme for immigrants who had failed to secure a stable job after several years in Norway. He noted with interest that Government agencies were required to encourage persons with an immigrant background, including those of non-Western origin, to apply for vacant positions.

55. The Finnmark Act adopted in 2005 had introduced procedures aimed at strengthening Sami rights, including their right to be consulted and to participate in decision-making on land and natural resource management. He requested more detailed information concerning the results of the 2009 plan of action to strengthen Sami languages, the White Paper on Sami policy, and cooperation between Norway and neighbouring States, especially the Russian Federation and Finland, concerning protection of the Sami language and culture.

56. The Government had taken action in 2008 to limit the number of asylum-seekers because of the marked rise in their number. Sixty per cent of asylum applications had been turned down by the Directorate of Immigration. The European Commission against Racism and Intolerance had expressed concern about certain new procedures, especially a 48-hour procedure for dealing with applications that were deemed to be manifestly unfounded. He invited the delegation to comment on the Commission's criticism.

57. According to the report, the Government was intending to impose more stringent Norwegian-language requirements involving, inter alia, compulsory tests and was also considering the introduction of a new residence certificate.

58. According to reports on the living conditions of immigrants published in 2008, levels of employment and education among immigrants were lower than among the rest of the population. The Equality and Anti-Discrimination Ombud stated that the same was true of poverty levels, the housing situation, access to social welfare and health-care services, especially in the case of refugees and women and child victims of violence and exploitation. The Ombud had recommended the establishment of crisis centres for women victims of violence.

59. According to paragraph 237 of the report, Somali and Iranian immigrants experienced the greatest discrimination.

60. The report also stated that since the 2008 international economic crisis, unemployment among immigrants had increased at a faster pace than among the population as a whole. Immigrants from European Union countries in Eastern Europe had been particularly hard hit.

61. He would welcome the delegation's comments on the high incidence of discriminatory police questioning of persons based on their apparent ethnic origin and the death in 2006 of a Norwegian citizen of Nigerian origin who had been arrested by police officers in Trondheim. He wondered whether the number of detainees of foreign origin in the State party might be indicative of racial discrimination.

62. The Committee was concerned at reports that politicians and celebrities were making racist and xenophobic statements. Such statements often conflated the issues of immigration, minority communities and delinquency, supposedly responding to security fears, but targeting Muslims, Jews, Roma, Sami and other minorities.

63. He requested details of the report of the Directorate of Education and Training on the strategic plan “Equal Education in Practice! 2007–2009”. The Committee would also appreciate an account of the outcome of the Romani People – from Child to Adult project (CERD/C/NOR/19-20, para. 212), which had aimed to provide guidance and training for new teachers and increase Romani pupils’ knowledge of their own culture.

64. Turning to article 6, he acknowledged the progress the State party had made and requested precise statistics on complaints, prosecutions and trials in cases of racial discrimination. It would be useful to learn what use had been made of the hate-crime hotline that the National Criminal Investigation Service had set up in 2004. He also asked how much money the Ministry of Justice had allocated to special-interest organizations that provided legal aid in 2009 and 2010.

65. On article 7, he welcomed the fact that the press had its own code of ethics and that there was an annual Human Rights Prize for journalists. The Committee would welcome additional information on the application of the code of ethics.

66. **Mr. Calí Tzay** commended the State party for supporting international initiatives in defence of indigenous peoples’ rights. In addition, it had excluded several companies that were operating in indigenous territories overseas from its pension fund portfolio owing to the negative impact some of the companies’ projects were having on the indigenous peoples’ enjoyment of their rights. However, he remained concerned at reports that the exploitation of natural resources by transnational corporations registered in Norway continued to adversely affect the rights and way of life of indigenous peoples outside the State party.

67. Those corporations were failing to meet the requirements for consultation and informed consent as contained in the Committee’s general recommendation No. 23, the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169. In particular, the Committee had received reports of large-scale mining by Intex Resources in the Mangyan territories in the Philippines; plans for Trayenko, a subsidiary of SN Power which was funded by Norwegian State capital, to construct a major hydroelectric project in Mapuche territories in Chile; controversial dam expansion projects along the Mekong river in Laos financed by Norwegian companies Statkraft and Norplan; and operations affecting indigenous peoples in the Peruvian Amazon region conducted by Occidental Petroleum and Repsol, both of which the State party invested in through its trust fund.

68. He therefore wished to know what legislative and administrative measures were available to the State party to prevent transnational corporations registered in Norway from taking action that detracted from indigenous peoples’ enjoyment of rights in territories outside Norway. It would be useful to learn how the State party ensured that such companies were held to account. He asked whether the Government would consider establishing an independent monitoring mechanism which could receive complaints from indigenous peoples and conduct investigations that resulted in sanctions enforceable by the State party.

69. **Mr. Avtonomov** said that, notwithstanding the explanation provided in paragraph 11 of the periodic report, it was important that the State party should incorporate the definition of racial discrimination contained in article 1 of the Convention within its domestic legislation.

70. While he welcomed the construction of an East Sami museum, steps should also be taken to maintain the living culture of the East Sami. The Committee appreciated the fact that ownership of the lands on which the East Sami herded reindeer and their fishing rights were complex issues. Nonetheless, it was incumbent on the Government to create the conditions for the East Sami to continue their existence in accordance with their traditional

way of life. He asked whether the State party would consider linking cross-border cooperation on the rights of the Sami with its work in the Nordic Council.

71. Given that the Equality and Anti-Discrimination Ombud had reported that the Roma were systematically denied access to public places such as restaurants and campsites, he asked what measures the State party planned to take in order to prevent managers and owners from taking such discriminatory action.

72. *Mr. Calí Tzay (Vice-Chairperson) took the Chair.*

73. **Mr. Thornberry** said that he would welcome the delegation's comments on the proposal to incorporate an anti-discrimination provision in the Constitution, as described in the report from the Equality and Anti-Discrimination Ombud. He asked whether the State party was able to address cases of multiple discrimination, given that gender discrimination and race discrimination were not treated on the same level in domestic legislation.

74. In addition to the State party's arguments for not using the term "race", as outlined in paragraph 11 of the periodic report, the Committee had received reports of suggestions to exclude references to "colour" and "language" as grounds for discrimination in a proposed comprehensive anti-discrimination bill. Regardless of the validity of the arguments for not using the term "race", they were not applicable to colour, which was externally visible and had no other connotations. He requested clarification of the State party's precise intentions with its avoidance of the term "race". The Convention did not attempt to make any scientific or pseudoscientific statements about race. The State party should examine whether its policy left gaps in coverage that might disadvantage some classes of victim by missing some forms of discrimination through not using the full vocabulary available to it, as set out in article 1 of the Convention.

75. On the issue of the East Sami, he asked whether the construction of a museum was not an indicator of a decline in East Sami culture, as had been suggested in reports submitted to the Committee. That view was supported by information pointing to a general decline in interest in learning the Sami language in the State party.

76. Given that the Human Rights Committee had agreed on a first reading of its draft general comment on article 19 of the International Covenant on Civil and Political Rights concerning freedom of speech, he suggested to both the State party and the Committee on the Elimination of Racial Discrimination that it was perhaps time to reconsider its general recommendation on article 4 on organized violence based on ethnic origin in the light of changing forms of racial discourse. It was important that the various normative bases for freedom of speech and prohibition of hate speech should be aligned. The increasing acceptability of hate speech directed against certain groups in the State party was regrettable, but was unfortunately not a development confined to Norway. In general terms, States had reached a dangerous point when hate speech was normalized and became merely banal, as from then on it was likely that matters would only get worse.

77. **Mr. Diaconu** supported the points Committee members had made concerning the term "race", adding that it was difficult to understand the arguments against using the term when the State party agreed that measures were necessary to eliminate racial discrimination. The notion of racial difference remained in people's consciousness, regardless of the actual existence of different races, which was why racism and racial discrimination continued to exist. Moreover, the exclusion of references to "colour" and "language" as grounds for discrimination in future legislation would render it incomplete in terms of the Convention, since ethnicity and colour were certainly not synonymous. Care should indeed be taken not to exclude groups of people from the protection afforded by future legislation.

78. The State party's refusal to ban organizations that disseminated racist propaganda had resulted in the creation of several such organizations, notably some with Islamophobic messages. He urged the Government to take steps to prohibit those organizations, in line with article 4 of the Convention.

79. Other sources of concern were the situation of refugees and asylum-seekers, the fact that statistics demonstrated that racial profiling continued to occur and the numerous uninvestigated cases of members of minorities being refused access to public places. The Government must find a solution that enabled the East Sami to have access to land, as that was a fundamental part of their cultural identity. It should also take measures to protect the cultures of small ethnic groups; if it did not, they would disappear, which would harm the country's cultural diversity.

80. **Ms. Crickley** took note of the delegation's concern at the gender imbalance within the Committee and underscored the importance of incorporating the gender perspective into all activities, both within Member States and the United Nations system.

81. While Norway had successfully adopted measures as part of its follow-up to the Durban Declaration and Programme of Action, the Committee would like to receive more information on their outcome and impact.

82. In the light of the institutional discrimination suffered by the travelling community following their removal with the aim of eradicating poverty, it would be interesting to know how the Government planned to ensure that the measures adopted to address the issues of female genital mutilation, forced marriage, family reunification of dependent partners and the hijab would not discriminate in terms of race or gender.

83. The Committee had taken note of the concerns regarding the participation and consultation of minority organizations and wished to know how the Government was supporting national ethnic minority groups and, in particular, the ethnic minority organizations involved in the fight against racism.

84. On the question of mainstreaming racism, it would be useful to know what steps the Government had taken to ensure that racism continued to be identified as such and received an adequate response.

85. The Committee noted with concern the link established between anti-discrimination legislation and integration within a State-funded organization, as the organization in question appeared to promote neither action against discrimination nor integration.

86. As to the importance of equal employment opportunities, the Committee would like to know whether the legal obligation for public and private employers to promote equality covered issues relating to ethnicity as well as gender.

87. Conflicts between asylum-seekers in holding centres raised questions as to living conditions in those centres. Such conflicts often resulted from a failure to account for the divergent backgrounds of asylum-seekers and the Committee would be interested to learn how living conditions were being modified with the aim of putting an end to conflicts.

88. The Committee welcomed the Government's plans and strategies to improve the situation of the Roma in Norway, but clarification was needed as to whether those initiatives targeted only certain ethnic groups and, if that were the case, the measures adopted to target all national ethnic minorities.

89. The Committee had received reports that the apprehension of a Rom found begging on the street constituted sufficient grounds for expulsion and would appreciate information on the accuracy of those reports.

90. As to the differential impact of Norwegian investment decisions on the lives of indigenous people, it would be interesting to know whether the Government had adopted any measures to address that issue and, if that were not the case, whether it planned to develop such measures.

91. The Committee was concerned that the absence of the term “race” in national anti-discrimination legislation signalled a failure to account for the fact that people from different ethnicities were still Norwegian citizens and that the wording of the legislation should capture the multiculturalism of Norwegian society.

92. **Mr. Murillo Martínez** acknowledged the significant role played by Norway in the fight against racism and its contribution to reaching consensus at the Durban Review Conference. Given the country’s renewed commitment to the fight against racism, the Committee would be interested to learn of the activities it had planned to commemorate the International Year for People of African Descent, particularly in view of its role in the transatlantic slave trade.

93. The Committee had received reports that female genital mutilation was used to stigmatize the Somali community and would like to receive reliable statistics on that practice, as well as details on how those statistics were obtained.

94. With regard to the survey carried out on the Sami community’s experience of racism and discrimination, the Committee was interested to learn that one out of every four Sami had suffered some form of racial discrimination. The Committee considered the survey an effective means of gauging the problems posed by racism, and wished to know how often such surveys were carried out and whether they were carried out on other social groups affected by racism.

95. The ethnic composition of the prison population was often indicative of racism and racial discrimination. The Committee would welcome disaggregated data on the ethnic origin of prisoners and a copy of the findings of any national studies carried out in that connection.

96. **Mr. Kut** wished to know what specific strategy Norway had developed to counter racist and xenophobic discourse in politics, and particularly organized discourse. The Committee was concerned that if the State party failed to recognize the inseparability of prejudice and discrimination in the context of freedom of speech, legal loopholes would be created that would impede the development of such a strategy and obstruct potential legal proceedings. Similarly, the Committee would like to receive information on the State party’s strategy to combat online racism and xenophobia.

97. **Mr. Peter** expressed concern that the NGOs responsible for the preparation of the shadow report were funded by the Government. While civil society had a legitimate right to funding, receiving it from the Government raised questions over its impartiality. Furthermore, all national ethnic minorities should be given civil society representation.

98. The Government should give due consideration to NGO proposals to help put an end to female genital mutilation, especially since the Plan of Action to Combat Female Genital Mutilation would only be operational until the end of 2011. As to the routine practice of informing asylum-seekers at the time of registration about the Norwegian rules relating to female genital mutilation and forced marriage, the Committee was deeply concerned that, after the signing of a declaration of understanding, the practice could continue unchecked. It was also concerned at the lack of relevant data.

99. The fact that the consent of a parent or guardian was required for counselling and a genital examination offered to targeted groups of girls meant that there could be no governmental intervention until after the said counselling or examination had been carried out. More emphasis should be placed on prevention, as Norway could easily become a

sanctuary for parents or guardians wishing to perpetuate a traditional practice that had been outlawed in their home country.

100. **Mr. Lindgren Alves** said that the absence of the term “race” in anti-discrimination legislation might have originated from the desire to use politically correct language. However, the fact that the names of the Committee and the Convention contained the term “racial” had already established “race” as politically correct, which raised questions about Norway’s reluctance to include it in its anti-discrimination legislation, particularly as the Committee had already made a recommendation to that effect.

101. The absence of the term “skin colour” from a definition of racial discrimination would be even less desirable, particularly in view of the consensus reached by the Committee on its inclusion. It had been established that “ethnicity” was not an all-encompassing term and should be complemented by “skin colour”, and ideally “race” and “language”.

102. **Ms. Aasland** (Norway), responding to the comments on the absence of the term “race” in anti-discrimination legislation, said that her Government took the same line as civil society in that regard. The removal of the idea that people could be divided up biologically underpinned the fight against racism in Norway. Legislators had wished to avoid using the term “race” since, within the framework of the Anti-discrimination Act, racial discrimination amounted to ethnicity-based discrimination. It was a complex issue involving semantics, science and politics.

103. To her delegation’s knowledge, questions regarding citizenship, naturalization and immigration policy did not fall within the Committee’s area of competence and should be excluded from the discussion.

104. Statistics on national minority groups were sensitive in nature and were not widely disseminated. It was estimated that there were 40,000 to 80,000 Sami living in Norway, while only 50 East Sami remained. The East Sami museum would help to preserve the cultural heritage of that people.

105. While the 1814 Constitution had contained clauses that discriminated against Jews and Jesuits, those had long since been removed. Her Government attached great importance to the level at which new provisions were incorporated in national legislation and took seriously the persistence of discriminatory elements in its laws. The fight against racism could not be won on the strength of legislation alone. Efforts should be made to encourage both the general public and civil society to combat all forms of discrimination.

The meeting rose at 6.05 p.m.