



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-ninth session
31 July-18 August 2006

**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 seventeenth and eighteenth periodic reports of Norway, submitted in one document (CERD/C/497/Add.1), at its 1774th and 1775th meetings (CERD/C/SR.1774 and CERD/C/SR.1775), held on 10 and 11 August 2006. At its 1784th meeting (CERD/C/SR.1784), held on 17 August 2006, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party, which is in conformity with the reporting guidelines, and expresses its appreciation for the detailed responses provided to the questions asked during the consideration of the report and for the open, frank and constructive dialogue with the delegation.

3. The Committee notes with appreciation the close collaboration with civil society in the elaboration of the report and that the Norwegian Centre for Human Rights and the Equality and Anti-Discrimination Ombud took the floor during the dialogue with the Committee.

B. Positive aspects

4. The Committee welcomes the fact that in April 2006 the State party established a national human rights institution in accordance with the Paris Principles, that is, the Norwegian Centre for Human Rights.

5. The Committee notes with satisfaction the adoption of the Act on the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal which entered into force in January 2006.
6. The Committee welcomes the adoption of the Finnmark Act in 2005 which sets out procedures to enhance the Saami people's right to participate in the decision-making processes regarding management of land and natural resources in the areas they occupy.
7. The Committee acknowledges the entry into force in 2006 of the amendments to section 135 (a) of the Penal Code, which aim to strengthen protection against expressions of racial hatred, and the new article 100 of the Norwegian Constitution.
8. The Committee welcomes the establishment of the Romani People's Fund in 2004, the objective of which is to compensate Romani victims for the negative effects of previous assimilation policies. The Committee also welcomes the delegation's assurance that the establishment of the fund signifies a pledge on the part of the Government of Norway not to repeat past policies of assimilation in respect of the Romani people.
9. The Committee welcomes the establishment of the Norwegian Centre for Minority Health Research in 2003, the mandate of which is to promote the best possible health services for groups of refugee and immigrant backgrounds.
10. The Committee also welcomes the setting up of the Directorate of Integration and Diversity in 2006 which aims at promoting diversity and improving the living conditions of immigrants through employment, integration and participation.
11. The Committee welcomes the establishment of the bilingual (Saami and Norwegian) Inner Finnmark District Court on 1 January 2004.
12. The Committee notes with appreciation that Norway has complied with the requirements of the Convention by submitting its reports regularly.

C. Concerns and recommendations

13. The Committee reiterates its concern regarding the lack of statistical data in the report of the State party on the ethnic composition of its population.

The Committee recommends that, in accordance with paragraph 8 of the reporting guidelines, the State party provide information on the use of mother tongues as indicative of ethnic differences, together with information derived from targeted social surveys performed on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned, and recalls its general recommendation 8 concerning the self-identification of members of racial and ethnic groups.

14. While observing that the Convention has been incorporated into domestic legislation through the Anti-Discrimination Act in June 2005, the Committee notes that it has not been incorporated through the Human Rights Act of 1999, as requested in its previous concluding observations; this would have ensured that the Convention would prevail over inconsistent domestic legislation.

The Committee invites the State party to consider incorporating the Convention at a higher level in its domestic legal order so as to ensure the primacy of the Convention over domestic legislation in case of conflict.

15. While noting that the State party has explained its difficulty in addressing the notion of “race” in the Convention, the Committee is concerned that the Anti-Discrimination Act does not specifically cover discrimination on the ground of race (arts. 1 and 2).

The Committee recommends that, within the anti-discrimination legislative framework, the State party ensure that discrimination on the ground of race is adequately covered in existing legislation and falls within the mandate of the Equality and Anti-Discrimination Ombud.

16. While taking note of the State party’s observation that a formal ban might have the unwanted side-effect of providing legitimacy to racist organizations, the Committee reiterates its concern regarding the absence of any explicit penal provision in national legislation which criminalizes and punishes racist organizations (art. 4 (b)).

The Committee recalls its general recommendation 15 on article 4, according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting all organizations promoting and inciting racial discrimination, and reiterates its recommendation that the State party adopt the necessary legislation in order to ensure full compliance with article 4 (b) of the Convention.

17. The Committee is concerned that the Finnmark Act does not address the special situation of the East Saami people (arts. 5 and 2 (2)).

The Committee recommends that the State party take further steps, in accordance with article 2 (2) of the Convention and its general recommendation 23 on the rights of indigenous peoples, to adopt special and concrete measures to ensure the adequate development and protection of certain highly vulnerable indigenous groups, namely, the East Saami people, for the purpose of guaranteeing the full and equal enjoyment of their human rights and fundamental freedoms, in particular to recognize and respect their distinct culture, history, language and way of life as an enrichment of the State’s cultural identity and to promote their preservation. It also requests the State party to provide further information on the Finnmark Commission and on the draft Nordic Saami Convention in its next periodic report.

18. The Committee is concerned that under the Immigration Act, a non-citizen may be remanded in custody on suspicion of having provided a false identity. It is also concerned that there is no maximum time limit for the period of custody, and at reports that some non-citizens have been in custody on remand for more than one year (art. 5 (a)).

The Committee draws the attention of the State party to its general recommendation 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system and general recommendation 30 on discrimination against non-citizens, and recommends that the State party ensure that detention is imposed only on objective grounds

stipulated in law, such as the risk of flight, the risk that the person might destroy evidence or influence witnesses, or the risk of a serious disturbance of public order. It also recommends that the persons detained enjoy all the rights to which they are entitled under the relevant international norms.

19. While noting the importance of adequate command of the State language as a vehicle of social integration, the Committee is concerned about the strictness of the language requirements for acquiring Norwegian citizenship in the new Nationality Act (art. 5 (d) (iii)).

In light of general recommendation 30, the Committee recommends that the State party ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship, and that it pay due attention to possible barriers to naturalization that may exist for long-term or permanent residents.

20. While the Committee recognizes the efforts made by the State party in the field of employment, including the Action Plan on the Integration and Inclusion of the Immigrant Population, it remains concerned at the high rate of unemployment among immigrants (art. 5 (e) (i)).

While recognizing the complexity involved in integrating the immigrant population, the Committee recommends, in light of its general recommendation 30, that the State party take more effective measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects. The Committee also recommends that legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken to reduce unemployment among immigrants present in the State party.

21. The Committee is concerned that many municipalities do not provide sufficient protection from disease in health services for asylum-seekers, refugees and persons reunified with their families (art. 5 (e) (iv)).

In light of its general recommendation 30, the Committee recommends that the State party take all necessary measures to ensure the right of non-citizens to an adequate standard of physical and mental health by, inter alia, improving their access to preventive, curative and palliative health services.

22. The Committee is concerned regarding the high dropout rate of immigrant children in upper secondary education (art. 5 (e) (v)).

The Committee urges the State party to take measures to strengthen participation of children of immigrant backgrounds in upper secondary education. In light of its general recommendation 30, the Committee recommends that the State party ensure that public educational institutions are open to non-citizens and children of undocumented migrants residing in the territory of the State party. It also recommends that it ensure the effective application of the Plan of Action against dropout in upper secondary education 2004-2006.

23. The Committee recommends that the State party continue to take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2-7 of the Convention, and that it include in its next periodic report information on further action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.
24. The Committee recommends to the State party that it ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families.
25. The Committee encourages the State party to continue providing awareness-raising training programmes for members of the judiciary, law enforcement officers, teachers, social workers and other public officials on the provisions of the Convention.
26. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of combating racial discrimination in connection with the preparation of the next periodic report.
27. The Committee recommends that the State party's reports be made available to the public from the time they are submitted and that the observations and recommendation of the Committee on these reports be similarly publicized.
28. The State party should within one year provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 17, 19 and 21 above pursuant to paragraph 1 of rule 65 of the Committee's rules of procedure.
29. The Committee recommends that the State party submit its nineteenth periodic report jointly with its twentieth periodic report in a single report by 5 September 2009, and that it address all points raised in the present concluding observations.

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