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**REPORT SUBMITTED BY NORWAY  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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(Received on 2 March 2001)

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**INITIAL REPORT SUBMITTED BY NORWAY PURSUANT TO  
ARTICLE 25, PARAGRAPH 1 OF THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

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## **PART I**

### **1.1. INTRODUCTORY REMARKS**

This report describes the implementation of the provisions of the Council of Europe's Framework Convention for the Protection of National Minorities in Norway. The groups of persons considered to be national minorities in Norway are Jews, Kven (people of Finnish descent living in northern Norway), Roma/Gypsies, the Romani people/Travellers and Skogfinn (people of Finnish descent living in southern Norway).

The Sami people in Norway are also a national minority in the terms of international law. However, the Sámediggi (the Sami Assembly) has declared that it does not consider the Framework Convention to be applicable to the Sami people, since as an indigenous people the Sami have legal and political rights that exceed those covered by the provisions of the convention. In keeping with the wish of the Sámediggi, therefore, the Sami people will not be discussed in this report. Instead, Norway's reports on the implementation of ILO Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries are appended hereto.

### **1.2 RECENT STATEMENTS BY THE GOVERNMENT REGARDING ITS POLICY IN RESPECT OF NATIONAL MINORITIES**

On 8 December 2000 the Government presented a report to the Storting (the Norwegian parliament) on its policy in respect of national minorities (Report No. 15 (2000-2001) to the Storting on National Minorities in Norway). The report deals with policy in respect of Jews, Kven, Roma/Gypsies, the Romani people/Travellers and Skogfinn. It does not discuss official policy as regards the Sami people in Norway, both because Sami policy is defined in principle by Article 110 a of the Constitution of Norway, the Sami Act and the status of the Sami as an indigenous people, and because the Government presents a separate report to the Storting on Sami policy every four years (the next report will be submitted in spring 2001).

The report to the Storting on national minority policy is part of the follow-up of Norway's ratification of the Council of Europe's Framework Convention for the Protection of National Minorities. Among other things, it contains a review and evaluation of Norway's international obligations in this field, and examines the principles and legal foundation on which the policy is based. The report discusses ways of ensuring equal conditions for participation in society and the preservation of language, culture and cultural identity, and describes official plans for further work in this field.

Government policy is based on the principle that cultural plurality is positive. Everyone living in Norway, regardless of their background, shall have genuinely equal opportunities, equal rights and equal obligations to participate in society and make use of their resources. Racism and discrimination are contrary to our fundamental values and must be combated actively. In its report to the Storting, the Government also states that it will seek to promote a society that fosters the conditions necessary to enable persons belonging to minorities to express, maintain and develop their identity, both within their own group and in community with the rest of society.

The Government considers it a goal to ensure, as far as possible, that the needs of minority groups are met within the framework of the general policy, for instance by adapting general

schemes that also meet the needs of national minorities. However, the Government recognizes that some minority needs can only be met by means of special measures designed for these groups as a community, for instance in the media and education sectors.

In its Report to the Storting, the Government strongly condemns the abuses committed against the Romani people/Travellers. Moreover, the Government regrets the Norwegianization policy to which all the national minorities have been subjected, and apologizes on behalf of the state for the way in which the minorities have been treated

The Report was debated in the Storting 20 February 2001.

### **1.3. PRESENTATION OF THE FRAMEWORK CONVENTION TO THE GENERAL PUBLIC AND RELEVANT AUTHORITIES**

Before Norway ratified the Council of Europe's Framework Convention for the Protection of National Minorities in 1999, the question of Norwegian ratification was submitted to all government ministries and a number of other bodies for consultative comment.

After the convention was ratified, the Ministry of Local Government and Regional Development was given responsibility for coordinating central government policy particularly concerning the national minorities in Norway. To ensure that central government policy in various areas is in line with the Framework Convention and other legislation, the Ministry established an interministerial coordinating committee in 1999. This committee plays an important role in increasing the knowledge in the ministries of the rights of national minorities. The Ministry of Local Government and Regional Development is also responsible for dealing with matters submitted to the Ministry for consultative comment. This ensures that the rights of national minorities are emphasized in public documents concerning them.

The authorities also publish a newsletter on national minorities, which is aimed at increasing knowledge of national minorities, including their rights pursuant to the Framework Convention. The first newsletter was published in January 2001. This publication will be issued two to three times a year and will be sent to all municipalities, national minorities' organizations and other interested parties.

### **1.4. STATUS OF INTERNATIONAL LAW IN NORWEGIAN LAW**

Norwegian law is based on a dualistic principle, whereby a special implementation act is required in order for an international treaty to apply as Norwegian internal law. In other words, treaties by which Norway is bound do not automatically apply as internal legal rules. However, this basic principle is modified by the fact that international legal provisions will be weighty sources of law when determining Norwegian law. Norwegian law is presumed to be in accordance with international law.

The implementation of human rights conventions into Norwegian law has traditionally been effected by ascertaining that Norwegian law is in accordance with the requirements of the conventions (ascertainment of legal harmony).

However, by Act of 21 May 1999 No. 30 relating to the strengthening of the status of human rights in Norwegian law (the Human Rights Act), the European Convention on Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and

Cultural Rights, as well as the protocols to these Conventions, were incorporated into Norwegian legislation. Pursuant to section 1, the purpose of the Act is to strengthen the status of human rights in Norwegian law. Thus, the purpose is to strengthen the status of *all* human rights, not just the rights enshrined in the incorporated conventions. Section 3 of the Act declares that the provisions of the incorporated conventions shall take precedence over any other Norwegian legislation that may conflict with them.

In Proposition No. 3 (1998-99) to the Odelsting, the Government pointed out that adoption of the Act does not preclude the subsequent further implementation of other conventions. In connection with the Storting's adoption of the Human Rights Act, the Government was requested to prepare the implementation of the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Work on implementing the CRC has already begun. The Government's Plan of Action for Human Rights (Report No. 21 (1999-2000 to the Storting)) also makes provision for the implementation into Norwegian legislation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Moreover, the Government has stated that the general practice, pursuing the ascertainment of legal harmony in connection with ratification, should be abandoned and that the question of how a human rights convention should be implemented into Norwegian law should instead be considered in each individual case in relation to the convention concerned.

The Council of Europe's Framework Convention for the Protection of National Minorities was implemented into Norwegian law by ascertainment of legal harmony. In Proposition No. 80 (1997-1998) to the Storting regarding Consent to Ratification of the Council of Europe's Framework Convention of 1 February 1995 for the Protection of National Minorities, it was concluded that the convention entailed no new rights in relation to existing Norwegian law. Therefore, no legislative amendments were considered necessary in connection with Norwegian ratification.

## **1.5. CONSTITUTIONAL STRUCTURE**

### **1.5.1. The central government authorities**

Norway is a constitutional monarchy with a democratic, parliamentary system of government. The Constitution of Norway of 1814 is based on the principle of the separation of powers, whereby the Storting (the popularly elected national assembly) has the legislative power, the King the executive power and the courts of law the judicial power. Through constitutional customary law, the personal power of the King has been replaced by parliamentarism, so that today executive power is wielded by the Government. Under the parliamentary system, the Government is politically accountable for its actions to the Storting.

### **1.5.2. Local and regional public administration**

Norway has a system of local self-government. The country is divided into 435 municipalities (local units) and 19 counties (regional units). Norwegian municipalities and counties are separate, self-governing legal entities, have popularly elected bodies and have the power to levy taxes and appropriate funds. Municipalities and counties are on the same level of government, but have different administrative functions. Counties are assigned functions for

which it is practical to have geographical units that are larger than municipalities, such as the operation of upper secondary schools and business development.

Counties and municipalities only have the powers granted them by national legislation; all authority ultimately lies with the central government authorities (the Storting and the Government). Thus, Norway is not a federal state. However, the central government delegates a large part of its authority to make political decisions to municipalities and counties. Much of the work of public administration is also carried out at this level.

## **1.6. HISTORICAL BACKGROUND**

### **1.6.1. Introduction**

Jews, Kven, Roma, the Romani people/Travellers and Skogfinn all have a long history in Norway. Some of the groups appeared on the scene in Norway as early as the 16th and 17th century. At that time, Norway was part of a union with Denmark. This union was based on the assumption of full autonomy and equality for each country. However, Norway was too inferior financially, politically and culturally to be able to maintain this status in the long term, and from 1661 Norway was placed directly under the rule of the Danish monarch.

This absolute monarchy lasted until 1814, when Norway adopted its own constitution. This event was brought about by the fact that the Danish-Norwegian king was forced to cede Norway to the king of Sweden with full rights of property and sovereignty as a result of the Napoleonic Wars and the Treaty of Kiel in 1814. The Treaty of Kiel aroused bitterness in Norway, whose population considered that the country was not a province but a separate kingdom, and that the king could therefore not cede it to another monarch without the consent of the people. The population therefore considered itself to be released from its vow of allegiance to the Danish-Norwegian king. In the light of this, a national assembly was elected which gave the country a new constitution. However, Norway did not have forces to oppose a union with Sweden. The country was united with Sweden in the same year, but as an independent kingdom with its own constitution.

The union with Sweden lasted until 1905. Except for the period of occupation during World War II (1940-45), Norway has remained an independent state since the dissolution of the union with Sweden.

### **1.6.2. The Kven and the Skogfinn**

The settlement and history of the Skogfinn and the Kven in Norway are both part of an extensive process of colonization by Finnish peasants, almost in the form of a mass exodus from the old agricultural communities of Finland and northern Sweden. This wave of emigration continued for several hundred years, from the 16th century up until the first half of the 19th century. This was followed, later in the 1800s, by modern labour migration on a larger scale. While the reasons for this migration are unquestionably complex, it was primarily due to the fact that the resources available on the basis of the existing technology could not keep up with population growth. In the 19th century, the expansive economy along the Arctic coastline was an important cause of Kven migration to that region. Similarly, war and unrest contributed towards increasing the outflow of emigrants and determining the direction of migration and the destination.

### 1.6.2.1. *The Kven*

“Kven” is an old term. The first time it appears in Scandinavian sources is in *Ottars beretning* (Ottar’s Report), an oral report made by the Norwegian chieftain Ottar to King Alfred of England during a visit to the latter’s court, probably in the 890s. It was a Norse word, referring to people who inhabited the areas around the upper reaches of Bottenviken and the large river valleys surrounding Bottenviken.

The first fiscal registers for North Norway date from 1520 and onwards include the names of a few Kven. However, no immigration on any substantial scale began until the first half of the 18th century.

As a result of the Nordic war and in search of available farmland, the Kven moved to Norway from Sweden, making their way north to river valleys and the inner reaches of fjords in Nord-Troms and Finnmark. Some Kven settled down in this area around this time. In the rural communities of inner Finnmark, the Kven were intergrated relatively quickly into the Sami population.

Kven immigration to North Norway increased from around 1830. At the same time, immigration was increasingly governed by the labour market, in which the mining industry and expansion of the North Norwegian fisheries played an important role. The majority of these immigrants made for East Finnmark. The proportion of Kven in the population of North Norway peaked in 1875, when they accounted for over 24% of the population of Finnmark County (approx. 5,800 persons) and just over 8% of the population of Troms County (approx. 3,500 persons). Given the criteria on which the census was based, it is reasonable to describe these statistics as minimum figures.

A stringent policy was pursued in respect of the Kven minority, particularly during the period from 1850 to 1960. The Norwegianization policy, for instance, gave rise to special measures in schools and churches and intelligence activities targeting the Kven. Another example is the Sale of Land Act of 1902, which laid down that only Norwegian-speakers could purchase land. The modernization of society also reinforced the Norwegianization process. Nonetheless, the Kven language and culture were kept up relatively well until World War II in most of the “Kven districts” of North Norway, partly because of settlement patterns and Laestadianism (a revival movement founded by the Finnish-speaking Swedish minister Lars L. Læstadius). The pattern of settlement itself fostered “cultural entrenchment”, in that the Kven primarily settled in rural communities and urban neighbourhoods where other Kven were already established. Throughout the post-war period, this pattern was gradually weakened by modern migration and centralization trends.

### 1.6.2.2. *The Skogfinn*

The Skogfinn settlement in south-east Norway is a result of extensive emigration from south-east Finland northwards and westwards from the 16th century onwards

This expansion can partly be attributed to the agricultural culture itself, as well as to war and unrest. The slash-and-burn method of agriculture, which was the prevailing method of farming, required large forested areas and necessitated that fields be moved frequently.



The first Finns may have settled on the Norwegian side of the border around 1600. During the 17<sup>th</sup> century a belt of Finnish settlements was established along the border. This area was named Finnskogen (the Finn Forest). As time went by, Finnish settlements were established in more than 40 municipalities in the counties of Hedmark, Akershus, Oppland, Østfold and Buskerud. In 1686, a separate census was conducted for Finns in south-east Norway, which tallied 1065 “pure” Finns and 160 “half-breeds”, i.e. the mother was Norwegian or Swedish.

Like the Kven, the Skogfinn were subjected to a stringent policy of Norwegianization. In the 1820s, they approached the authorities in an attempt to request measures in connection with religious instruction and church services, education and economic matters. All their requests were rejected, primarily for political reasons. The government feared that the consequences might be Finnish separatism in the border regions.

Nonetheless, Finnish was spoken in everyday language in Finnskogen at the end of the 19th century. Later on, the Finnish language rapidly lost ground in Finnskogen, and when World War II broke out the language had practically fallen into disuse.

The Skogfinn can boast a rich tradition of handicrafts, folk music and folklore. Characteristic features of their architecture are simple log dwellings with a central, open fireplace and a smokehole in the roof (*røykstua*), saunas and sheds for drying and threshing rye (*ria*).

### **1.6.3. The Romani people/Travellers and the Roma/Gypsies**

The first documentary evidence of the Roma/Gypsies in the Nordic region dates from 1505, when a group of them reported to King Hans of Denmark-Norway. In 1512, another itinerant group appeared in Stockholm, where they were recorded as gypsies. They were probably representatives of the same ethnic group.

In source material from the 17th and 18th century, however, it is very difficult to distinguish between the Romani people/Travellers and the Roma/Gypsies. The most important material in which they are mentioned consists of laws and decrees aimed at monitoring and regulating itinerant groups.

A number of historians support a theory to the effect that the Romani people and the Roma have a common origin. This is usually founded on linguistic studies. Other researchers take the opposite view, i.e. the two groups have different origins, and that the similarities between the Romani and Roma languages may be ascribed to the cultural interaction between the two peoples.

By and large the same policy was applied in respect of both groups. The authorities gradually made it difficult for the Roma and the Romani people to make a lawful living for themselves by means of traditional occupations.

#### *1.6.3.1. The Romani people*

In the 1840s, the authorities were of the opinion that the large “bands of tramps” in Norway were becoming a general nuisance. The Government then decided that “vagabonds”, which included “tramps”, were to be counted in the census taken in 1845. This resulted in a list of 223 “bands of tramps”, totalling 1145 persons. Later, several different lists were made, in which the numbers vary significantly.

The Romani people were regarded by the majority population and society at large as a group with a different, aberrant way of life, and as representatives of an alien culture. Official policy therefore long consisted of heavy-handed attempts to bring the group under control by criminalizing their itinerant lifestyle and subjecting them to criminal prosecution.

In the latter half of the 19th century, the authorities attempted with varying degrees of force to counteract “vagabondage”, for instance by appropriating funds for measures designed to give the children of Travellers a Christian upbringing and schooling. Important landmarks were the Guardianship Act of 1896, establishment of the Association for the Prevention of Vagabondage the following year, and the Vagrancy Act of 1900. The association developed into a manager of social welfare for the Romani people, funded by grants from the state. In 1935, the association changed its name to the Norwegian Mission for the Homeless, hereinafter called the Mission. The Ministry of Social Affairs endorsed its activity, and the Storting praised the organization.

The Mission regarded it as its responsibility to take charge of as many of the travellers’ children as possible, so as to bring them up to live as residents with a fixed address. The organization ran several institutions for children and administered numerous placements in foster homes. According to the Mission’s own estimates, these measures encompassed approximately 1500 children. Many children were taken away from their families and relatives and grew up with no knowledge of their own background. Some of them did not learn of their own affiliation with the Romani people until they reached adulthood.

The measures targeting children were implemented by putting pressure on their parents or by coercion. The goal was full assimilation into Norwegian society. The research on the Romani people carried out under the auspices of the Research Council of Norway shows that the threshold for punishment was low in the institutions run by the Mission, and several of the children fell ill and were sent to psychiatric institutions. They may also have been sent away to psychiatric institutions because they resisted the strict discipline of the Mission’s institutions. In many cases, Romani persons who were placed in a children’s home, or in some cases in a residential school, tell of the systematic debasement of and contempt shown for their culture. The Child Welfare Act of 1953, which replaced the Guardianship Act, led to a slight reduction in the use of placements in institutions and greater emphasis on preventive measures at home.

The Mission also pursued an active policy aimed at inducing the group to settle down at a fixed address, and Svanviken Labour Colony in Nordmøre County was an instrument of this policy.

In 1934, the Storting adopted the Sterilization Act. Pursuant to this Act, the National Medical Officer could decide applications for voluntary sterilization signed by the person concerned, and in some cases also signed by the guardian. In the case of the insane and persons who were severely mentally retarded, the signature of their guardian or curator was sufficient, but in such cases the chief medical officer had to consult a board of experts chaired by him. No application was required for sterilization in order to protect the life and health of a woman.

The goal was to rid the population of “inferior genetic material”, thereby reducing the extent of such problems as mental retardation, crime and alcoholism. The Romani people were regarded as a group with a high crime rate and a generally “scandalous way of life”.

After World War II, arguments in favour of sterilization shifted away from eugenics and moralization about the way of life of specific persons to focus more on social and socio-economic aspects. The authorities hoped to be able to correct behaviour through activities such as those run by the Mission.

In autumn 2000, the Research Council of Norway concluded a special research programme on official measures implemented in respect of the Romani people. The sterilization of Romani women is one of the topics that was investigated, and the research programme shows that this group was overrepresented.

Both the eugenics in the inter-war period and the coercive measures that were practised to some extent until the late 1970s, reflect an intolerant attitude towards a different way of life. The goal was a well-regulated society in which every person had a fixed address, went through the same system of schooling, received the same benefits and contributed equally to economic development.

After the war, the Romani people were largely forced to abandon their traditional itinerant occupations due to regulations imposed by the authorities. One example is the Animal Protection Act of 1951, which prohibited the Romani people from keeping horses. This policy has made it difficult for the Romani people to continue their itinerant life style and the traditional occupations associated with this way of life. This in itself has undermined the basis for preserving, continuing and renewing the fund of experience, knowledge and practical skills on which the exercise of these occupations was dependent.

On the whole, it must be said that the policy pursued in respect of the Romani people, particularly in the 1900s, has been one of active assimilation. The policy has actively contributed towards undermining the traditional way of life and culture that were characteristic of this ethnic group, with the result that even today many people are reluctant to pursue their way of life and culture openly.

The early 1970s saw the start of a process that led to a change of policy. The government social measures targeted towards the Romani people/Travellers were phased out in the course of the 1980s.

In the past decade, the public at large has taken a strong and growing interest in the history and fate of the Romani people/Travellers in Norway. This is probably due to the general interest in minority issues and, more particularly, to the strong media focus on eugenics and the various measures that have been carried out over the years in Norway. Special attention has been focused on the Sterilization Act of 1934 and the consequences this Act had for the Romani people/Travellers.

In February 1998, the Minister of Local Government and Regional Development at the time, Mrs Ragnhild Queseth Haarstad, officially apologized for the abuses committed by the Norwegian authorities against the Romani people through history.

#### *1.6.3.2. The Roma*

Today, the Norwegian Roma/Gypsies largely live in the Oslo area and travel during the summer. They are members of the Vlach people, who are distinguished on the basis of their

language, which is distinctively Romanian (Wallakian). This may be an indication that the group spent a long period of time in the Balkans in the course of their westward migration.

The first Vlach Roma probably arrived in Norway in the 1860s. Around 1930, the entire group left Norway, probably for fear they would be subjected to the same measures that the Mission had applied to the Romani people.

In 1934, a group of 68 Roma was stopped at the border between Denmark and Germany by the Danish police. The Norwegian authorities informed the police that the group was not wanted in Norway, and the Roma were therefore sent back to Germany. Several of them died in concentration camps. Starting in the late 1950s, some Roma came to Norway and were eventually granted Norwegian citizenship.

In the 1970s and 1980s, the central government authorities and Oslo Municipality carried out a number of special measures to deal with problems arising within the Norwegian Roma/Gypsies group. For instance, a special day care facility and recreational centre for Roma children and young people was established. Furthermore, the so-called Office for Gypsies in Oslo was established in 1973. The most important functions of the Office for Gypsies were to help the Roma to establish residence and provide practical assistance in that connection, in addition to dealing with applications for social assistance and disbursing such assistance. All the special measures were phased out towards the beginning of the 1990s, partly because they were expensive and partly because they were deemed to be unsuccessful.

In the past few years, a number of Roma/Gypsies have come to Norway as asylum-seekers, primarily from the former Yugoslavia. There is no overview of how large this group may be, because all asylum-seekers are registered solely by nationality.

#### **1.6.4. The Jews**

Most of the material available on Jews in the Nordic region in earlier times consists of laws and decrees, the earliest dating from as far back as 1436 and prohibiting celebration of the Sabbath.

There was never any large-scale immigration of Jews to Norway. This is ascribable both to official policy and to the fact that Norway did not seem to be particularly attractive to Jewish settlers. King Christian IV of Denmark-Norway was eager to offer Jews access to the realm for economic reasons, but encountered resistance from the clergy and contented himself with allowing a few Jews to settle in Schleswig-Holstein as from 1620.

Developments in the course of the 17th and 18th centuries reflected an ambivalent attitude towards the Jews. On the one hand, legislation was restrictive, while on the other the authorities were very ready to grant safe-conducts entitling some Jews, particularly in times of war, to engage in trade for which they could provide the necessary capital.

Christian V's Norwegian Act of 1687 contained a provision governing Jews' access to Norway: "No Jew may enter or stay in this Realm without the special Safe-conduct of the King under Pain of a Fine of one thousand Rixdalers for each Person who sets foot herein without the prescribed Safe-conduct."

The general prohibition against Jews entering Norway was interpreted more stringently immediately after Norway's separation from Denmark in 1814 than when the two countries were united under the absolute Danish monarchy. The Constitution of 1814 gave the Norwegian population the right to free exercise of religion, but Jews were still excluded from entry to the realm. In the 1830s, the "Jewish issue" was addressed publicly in a variety of ways. It was not until 1851 that the Storting majority required in order to amend the Constitution was achieved, thereby enabling Jews to enter and settle in the realm.

At the time of the 1865 census, there were only 25 professed Jews in Norway, and in 1875 they numbered 34. Most of them had immigrated from Germany, Austria-Hungary, Schleswig-Holstein and Denmark. From around 1880, nationalism and anti-Semitism led to the persecution of Jews in Eastern Europe. This prompted a large number of them to emigrate, mainly to the USA, but also to Norway. The influx of Jews from the Baltic States was particularly great. By 1920, the number of Jews in Norway had grown to about 1,500.

Ever since the 19th century, most of the Jews in Norway have taken up residence in Trondheim and Oslo. Jews have primarily engaged in trade, handicrafts, industry and, gradually, the "liberal professions" (as physicians, dentists, lawyers, etc.).

World War II was cataclysmic for the Norwegian Jews, as it was for Jews in many European countries. In Norway only a small minority of those who were sent to Germany survived. In all, 767 Jews were deported, while around 1,300 managed to escape to Sweden. About 750 Jews lost their lives, and 230 families were completely exterminated.

The 1946 census recorded only 559 Jews in Norway, about one fourth of the number at the time the war broke out. It took many years to rebuild the Jewish community in Norway after the war, but its numbers are now nearing the pre-war level.

#### **1.6.5. The Sami people**

The Sami people are the ethnic group with the oldest historical ties to the counties of Finnmark and Troms. Sami settlement is considered to antedate the Christian era, and the Sami people are regarded as indigenous to Norway. Since this report does not cover measures targeting the Sami population, the history of the Sami people will not be described in further detail here. Reference is made to the appended report on the implementation of Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

### **1.7. DEMOGRAPHY**

As of 1 January 2000, the population of Norway totalled 4,480,000 inhabitants. At the beginning of 1999, the immigrant population totalled 260,700 persons, which is equivalent to 5.9 per cent of the total number of inhabitants. A total of 20 per cent of these immigrants originate from Nordic countries, while over half come from Third World countries.

There are no accurate estimates of the number of inhabitants belonging to national minorities in Norway, since no statistics of ethnic origin are kept. A possible estimate is that there are currently around 10,000-15,000 Kven, 1,500-2,000 Jews, a few hundred Skogfinn, 2,000-3,000 Romani people/Travellers and 300-400 Roma/Gypsies. These figures were provided partly by the ethnic groups themselves and partly by researchers. It must be emphasized that the figures are imprecise and reflect the number of people who might conceivably *regard*

*themselves as belonging to* the minority group, not the number of those who speak the language fluently or whose relatives in earlier generations were members of the groups in question. The number of language users is lower. This uncertainty is compounded by the fact that many people do not wish to admit that they belong to a minority group for fear that they will be discriminated against by society at large, or the fact that they are unaware of their origin. The Romani people/Travellers in particular claim that the aforementioned estimate is much too low due to circumstances of this nature.

## **1.8. GENERAL INFORMATION FOR 1999**

In 1999, Norwegian gross national product at market price totalled NOK 1,192,826 million (an increase of 0.9% compared with 1998). Gross national income at market price amounted to NOK 1,180,541 million, while net national income amounted to NOK 988,658 million. Per capita gross national product and per capita gross national income were NOK 267,328 and NOK 264,575, respectively.

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## **PART II**

### **2. ARTICLE 1**

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.**

#### **2.1. Relevant conventions ratified by Norway**

Norway is a party to the following conventions that are relevant to the protection of national minorities:

- European Convention on Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Rights of the Child
- European Framework Convention for the Protection of National Minorities
- European Charter for Regional or Minority Languages

#### **2.2. Participation in international and regional forums**

Norway has participated in the following international and regional forums where the situation of national minorities has been a key topic:

- UN General Assembly
- UN Human Rights Commission
- the OSCE Supplementary Human Dimension Meeting on Roma and Sinti Issues
- the Council of Europe's Specialist Group on Roma/Gypsies (MG-S-ROM)
- the Council of Europe's Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN)
- Joint Programme on National Minorities in Europe
- Council of the Baltic Sea States, Round Table "The Rights of Minorities in the Baltic Sea Region"
- Stability Pact for Southeastern Europe, International Conference on Interethnic Relations and Minorities in Southeastern Europe

#### **2.3. Access to the judicial system and other appeal systems**

##### *2.3.1. Access to courts of law*

The criteria for instituting civil legal proceedings apply generally. There are no special rules for ethnic minorities.

The main conditions that must be satisfied in order to bring a case before a court of law are laid down in section 54 of Act of 13 August 1915 No. 6 relating to Legal Procedure in Civil Disputes (the Civil Procedure Act), which declares that any person with a *legal interest* in

having a case decided by a court of law may institute legal proceedings. The condition as regards legal interest will be satisfied if a judicial decision has a significant effect on the plaintiff's legal status, e.g. if a person claims that an official administrative decision is invalid due to unfair differential treatment, or in cases relating to labour law where discrimination is alleged.

Non-profit organizations also have a certain right to institute legal proceedings. For an organization to be entitled to bring an action, the case must concern issues relating to the purpose of the organization.

### *2.3.2. Appeals against official administrative decisions*

An individual decision may be appealed to the body immediately superior to the body that made the decision. The appeal body may test all aspects of the case. If the appeal body finds that the decision was made on the basis of unfair differential treatment, the decision will normally be quashed or reversed by the appeal body.

### *2.3.3. Complaints to the Storting's Ombudsman for Public Administration*

Any person who considers that he or she has been unjustly treated by the public administration may submit a complaint to the Storting's Ombudsman for Public Administration (the Parliamentary Ombudsman). The Parliamentary Ombudsman is appointed by the Storting and is not subject to instructions by the public administration. Nor may the Storting issue instructions to the Parliamentary Ombudsman in individual cases. The main function of the Parliamentary Ombudsman is to ensure that no injustice is committed against an individual citizen by the public administration. He does not have authority to reverse administrative decisions, but may criticize the administrative agency or the public official in question if he finds reason to do so. He may also notify the prosecuting authorities that a case should, in his opinion, be investigated. The recommendations of the Parliamentary Ombudsman are normally followed in practice. No costs are incurred by submitting a complaint to the Ombudsman.

### *2.3.4. Legal aid*

Legal aid is widely available in Norway, and is provided through a number of different arrangements. Key legislation relating to legal aid outside the field of criminal law is to be found in the Legal Aid Act and in certain provisions of the Public Administration Act. The Legal Aid Act distinguishes between cases in which legal aid is granted subject to a means test and cases for which no means test is required.

In cases where no means test is carried out, citizens are entitled to free legal aid regardless of their income and assets. This applies in cases of a particularly radical nature, such as when the public authorities wish to take coercive action against a citizen pursuant to the Act relating to Social Services or the Act relating to Child Welfare Services. In 1998, cases that did not involve a means test accounted for a little over half of the total number of cases in which free legal aid was provided.

In other cases involving free legal aid, a means test must be carried out in accordance with the financial conditions laid down in the Legal Aid Act and appurtenant regulations. The maximum income level for eligibility for free legal aid as of November 2000 varied from



NOK 150,000 to NOK 170,000 in gross income, depending on the applicant's family support responsibilities. Moreover, the applicant's net assets must not exceed NOK 100,000.

When "special reasons" obtain, free legal aid may be granted pursuant to the Legal Aid Act even if the income limits are exceeded. Legal problems related to cultural matters of importance for national minorities and indigenous populations have been considered to be "special reasons".

Persons who consider themselves to have been the victims of ethnic discrimination may also obtain legal aid from the Centre for Combating Ethnic Discrimination. The centre is an independent governmental agency that combats discrimination on grounds of religion or belief, colour or national or ethnic origin. It provides free legal aid to individuals and seeks to document the type and extent of discrimination in Norway. While the centre does not bring cases to court, it will be able to cover the costs of legal counsel in cases involving important principles. Reference is made to section 4.2 of this report for a more detailed description of the centre's activity.

### 2.3.5. *The Storting's ex gratia payment scheme*

An application may be made to the Storting for an ex gratia payment by any person who believes that he or she, through no fault of his or her own, has suffered a loss, either pecuniary or non-pecuniary, which cannot be covered by other schemes such as national insurance, social benefits, insurance or compensation on a legal basis. Applications for ex gratia payments are decided by the Storting's Ex Gratia Payment Committee.

The ex gratia payment scheme is intended as a helping hand for the benefit of those who through no fault of their own have been particularly unfortunate compared with others in the same situation. Thus ex gratia payments are not an entitlement. There are no formal rules for granting ex gratia payments from the state treasury, and the decisions of the Ex Gratia Payment Committee may not be appealed.

The question of whether or not to grant an ex gratia payment is decided by an assessment of what is reasonable in each individual case. In this assessment, decisive importance is attached to whether the public authorities are to blame for the loss that has occurred. The most common cases in which ex gratia payments have been granted are cases in which persons have either received inadequate schooling, received erroneous treatment from the public health services or been misassessed in cases where children have been taken into care by the child welfare authorities. In many cases, persons considered to belong to the Romani people/Travellers have received ex gratia payments for such injustices. Today, it is regular practice to award persons with a Romani/Traveller background who have received inadequate schooling an ex gratia payment of NOK 60,000.

## **3. ARTICLE 3**

**1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**

**2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others.**

**3.1. Article 3, paragraphs 1 and 2**

Policy in respect of national minorities in Norway is based on the principle of self-identification, i.e. the persons concerned must themselves decide whether or not they wish to be treated as a member of a national minority. The Government has stated this explicitly in its Report to the Storting on national minorities. Moreover, official policy is not framed in such a way as to give rise to any disadvantage as a result of this choice or of the exercise of the rights connected with it.

In Norway, the term “national minorities” is understood to mean minorities with a long-term connection with the country. Minority groups must be in the minority and must hold a non-dominant position in society. Furthermore, they must have distinctive ethnic, linguistic, cultural and/or religious characteristics which make them substantially different from the rest of the population of Norway. The persons concerned must also have a common will to maintain and develop their own identity.

The term “long-term connection” has not been defined, but the Norwegian authorities have taken into consideration a criterion suggested internationally to the effect that groups must be able to claim a minimum of 100 years of connection with the state in question. Thus more recent immigrant groups are not deemed to be national minorities in Norway. However, the situation is more nuanced in the case of immigrants to Norway with backgrounds from the same groups that have been granted the status of national minorities in Norway. These immigrants will be eligible for measures designed for the national minority (such as language training) even if the individual immigrant does not have a long-term connection with Norway.

In order for a minority group to be deemed to be a national minority in Norway, it is normally also required that all or most of the members of the minority group are Norwegian nationals. However, the requirement as regards nationality does not preclude a national minority from comprising individuals who have been granted a residence permit in Norway, but who are not yet Norwegian nationals.

The term “national minority” is not used in Norwegian legislation. Thus there is no legal definition of the term nor any list of the groups that are considered to be national minorities in Norwegian legislation.

When Norway ratified the Council of Europe’s Framework Convention for the Protection of National Minorities, the Government chose not to make a declaration as to which groups the convention was considered to apply. One reason for this was that such a declaration could be regarded as a limitation of the scope of the convention, another reason was that it might give rise to unintended reactions among persons belonging to the groups in question. During the preparations for ratification, the Norwegian Sami Parliament clearly stated that the Sami did not wish to be included in such a declaration, since they prefer to maintain their status as an indigenous people and protect the strengthened legal status that has been achieved for indigenous peoples through ILO Convention No. 169. Nor did certain organizations among the Romani people/Travellers wish to be “declared” a national minority.

In Proposition No. 80 (1997-1998) to the Storting relating to Consent to Ratification of the Council of Europe's Framework Convention of 1 February 1995 for the Protection of National Minorities, the authorities concluded that the Sami, Kven, Skogfinn, Romani/Travellers, Roma/Gypsies and Jews satisfy the criteria for "national minorities", and that these groups therefore fall within the scope of the convention. As mentioned above, the Sami Parliament does not wish the Sami to be encompassed by central government policy in respect of national minorities, a factor that is reflected in the Report to the Storting on national minority policy. Reference is made to points 1.6 and 1.7 for information regarding the number and geographical affiliation of these groups.

### **3.2. Registration of demographic data**

The Ministry of Finance, represented by the Directorate of Taxes, is the administrative agency responsible for the national population register. Demographic data are collected by local population registers, which forward them to the national population register.

The national population register consists of all the personal identity numbers that have been assigned to individuals. The register may also contain the following data linked to each personal identity number: name, place of birth, marital status, address, family number, personal code, the personal identity number of an individual's father/mother/spouse/children, parental responsibility, employer, occupation, membership of the Church of Norway, nationality, work permit, residence permit, registration status (liable to tax, resident, emigrant, disappeared, etc.), sentenced to loss of the right to vote, declaration of legal incapacity and guardian.

In connection with the national population register, a separate Sami electoral register is also kept. Eligibility to vote in Sami parliamentary elections is conditional on being entered in this register. Provisions governing the Sami electoral register are laid down in section 2-6 of Act of 12 June 1987 No. 56 relating to the Sameting (the Sami Parliament) and other Sami legal matters (the Sami Act).

Voters are entered in the Sami electoral register on a voluntary basis. Apart from this register, the Norwegian authorities at present have no registers based on ethnic origin. However, there are examples that the central government authorities formerly kept registers containing this type of sensitive information ("Register of Mentally Retarded Persons" and the National Bureau of Crime Investigation's "Register of the Romani people/Travellers"). These registers are now stored in the National Archives of Norway, which is the administrative agency responsible for the archives of the central government administration. The registers are subject to strict rules governing public access to information. The registers will neither be erased nor anonymized, as doing so might mean erasing documentation of past abuses. This is in keeping with the wishes of the Romani People's Association of Norway (Romanifolkets Landsforening), which is one of the voluntary organizations for the Romani people/Travellers.

## **4. ARTICLE 4**

**1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

**2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**

**3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

#### **4.1. Article 4, paragraph 1**

Government policy on national minorities is based on the principles of equal treatment and non-discrimination. These are fundamental principles enshrined in the Universal Declaration of Human Rights and in international human rights conventions.

It is an overriding goal for the Government of Norway to ensure that all persons residing in Norway, irrespective of their background, have genuinely equal opportunities, equal rights and equal obligations to participate in all areas of society and to make use of their own resources.

Nevertheless, national minorities still experience discrimination, although the nature of the discrimination may vary from one group to another. Reports from national minority organizations and from the Centre for Combating Ethnic Discrimination (see point 4.2) show that discrimination is perceived as a problem by persons belonging to national minorities. This applies both to their contacts with the public sector and in the private sector. National minorities are subjected to bullying and harassment at school and at other times in their daily life. In some cases, it is a question of undisguised discrimination, where strong, negative attitudes are expressed.

The Centre for Combating Ethnic Discrimination has provided assistance in cases where families belonging to the Roma/Gypsies and Romani/Travellers communities have been discriminated against in that they have been turned away from campsites for no objective reason. The centre also reports examples in which an application for a loan was probably rejected because of the ethnic origin of the applicant. Other complaints received by the centre concern the social service, the health service and the police.

At present, there are certain provisions which prohibit ethnic discrimination in specific fields. However, these provisions are seldom tried by a court of law. Those groups whom the provisions are intended to protect find that they have little genuine protection against discrimination.

The principle of non-discrimination, as it is enshrined in the European Convention on Human Rights and the two International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights is part of Norwegian law, since these conventions were incorporated into Norwegian legislation by the Human Rights Act of 21 May 1999. Apart from this, Norwegian legislation contains no general provisions prohibiting discrimination on grounds of race or ethnic origin, neither in the Constitution nor in other statutes.

The general principles of administrative law as regards equal treatment and the prohibition against unfair differential treatment apply to all public sector activity, whether at central

government or local government level. In many cases, the requirement as regards objective grounds entails that no account must be taken of a party's personal characteristics such as gender, race, religion, political opinions, membership in an organization or the like.

Section 55 a of Act of 4 February 1977 No. 4 relating to Worker Protection and Working Environment, etc. (the Working Environment Act) prohibits the differential treatment of applicants for employment on grounds of "race, colour, national or ethnic origin or homosexual orientation or homosexual cohabitation". In this context, the term "differential treatment" means any action which, for no objective reason, directly or indirectly gives persons unequal status on these grounds. Section 60 of the same Act provides that objective grounds are required in order to dismiss an employee.

Objective grounds are also stipulated as a requirement in several other statutes based on the principle of equality. Examples include Act of 26 March 1999 No. 17 relating to House Rents (the House Rent Act), Act of 4 February 1960 No. 2 relating to Housing Cooperatives, Act of 4 February 1960 No. 1 relating to House Building Cooperatives and Act of 23 May 1997 No. 31 relating to Owner-Tenant Units.

Act of 22 May 1902 No. 10 (the General Civil Penal Code) contains provisions intended to protect citizens against racist utterances, racially motivated actions and discrimination. These provisions will also affect persons belonging to a national minority. Contraventions of the Penal Code may result in imprisonment and/or fines.

Section 135 a of the Penal Code prohibits public utterances or communications which threaten, insult or subject any person to hatred, persecution or contempt because of their religion, race, colour or national or ethnic origin. Furthermore, racial motivation may be considered an aggravating circumstance, for instance in connection with an offence against the person (cf. section 232 of the Penal Code). Section 292 of the Penal Code prescribes that importance shall be attached to whether an act of vandalism is racially motivated when deciding whether the vandalism is serious.

Section 330 of the Penal Code contains a general prohibition against establishing or participating in associations that either are prohibited by law or whose purpose is the commission or encouragement of offences. This provision may also be applied to racially motivated crimes. Section 104 a of the Penal Code makes it a punishable offence to form or take part in a private organization of a military character, or to support such an organization.

Section 349 a, first paragraph, of the Penal Code prohibits any person in an occupational or similar activity from refusing any person goods or services on the same conditions as apply to others because of his or her religion, race, colour or national or ethnic origin. The provision applies only to discrimination in "commercial activity", i.e. it does not apply to private matters. Furthermore, it applies only to refusal of "goods or services", which means that housing and employment matters will not normally be governed by this provision. However, the mediation of housing and employment will be regarded as "services" and will be subject to the provision if the mediator himself or herself discriminates against a person. However, the provision will hardly apply to simple mediation of a discriminating product if the mediation service itself is effected in a non-discriminating manner. Reference is made in this connection to the Supreme Court judgment of 27 August 1999, in which the Supreme Court concluded that there was no legal authority for convicting a mediator of rental housing units, even though some of the lessors applied clearly discriminating criteria to their lessees.

Pursuant to section 349 a, second paragraph, of the Penal Code, any person who refuses a person admission to a *public* performance, exhibition or other public gathering on the same conditions as apply to others because of his or her religion, race, colour or national or ethnic origin is liable to a penalty. A gathering is public when it is accessible to the general public with or without payment.

#### **4.2. Article 4, paragraph 2**

The Government emphasizes that the state has a special responsibility for ensuring that measures are implemented to ensure equal treatment and prevent discrimination.

Government policy in this area is based on the Plan of Action to Combat Racism and Discrimination (1998-2001). The Plan of Action prescribes various measures targeting the judicial system, the labour market, the housing market, schools, key sectors of public administration, basic and further education for certain occupational groups and local community activities.

The Centre for Combating Ethnic Discrimination was officially inaugurated in February 1999 and will operate on a trial basis until the end of 2002. The purpose of the centre is to ensure protection against ethnic discrimination. The main function of the centre is to provide legal aid in cases involving discrimination because of religion, race, colour or national or ethnic origin, and to document and monitor the situation as regards the nature and extent of this type of discrimination.

Since its establishment, the centre has published two reports on ethnic discrimination in Norway (November 1999 and October 2000). The reports provide information on the types of discrimination that exist and make it clear that there is a great need for legal assistance in such cases.

The activities of the Centre for Combating Ethnic Discrimination encompass all of Norway. To ensure that the target groups are well informed about its work, the centre has attached importance to establishing a dialogue with representatives of minority organizations. To this end, the centre has had meetings with organizations for Jews, Kven, Roma/Gypsies, the Romani people/Travellers and Skogfinn. Work has begun on an ongoing evaluation of the centre's activity during the trial period.

In March 2000, the King in Council appointed a legislative committee to prepare an act prohibiting ethnic discrimination. The committee is to submit its report to the Ministry of Local Government and Regional Development. The task of the committee is to examine how legal protection against ethnic discrimination can be strengthened and to present draft legislation prohibiting ethnic discrimination. The committee is to consider appropriate sanctions, various ways of ensuring an effective system of enforcement and the role of the Centre for Combating Ethnic Discrimination in enforcing the Act. Furthermore, the committee is to consider how the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) can be implemented into Norwegian law.

The Government attaches great importance to international efforts to combat racism and discrimination, and will participate actively, in collaboration with non-governmental

organizations, in the process prior to the World Conference against Racism in 2001 (see point 6.1.4, last paragraph).

The other measures implemented by the authorities to promote full and effective equality between persons belonging to a national minority and those belonging to the majority population, in all areas of economic, social, political and cultural life, are described under the following Articles in this report.

#### **4.3. Article 4, paragraph 3**

Special positive measures designed to ensure that every person, irrespective of background, has equal opportunities to participate in society are not considered to be acts of discrimination by the Norwegian authorities. Nor are such measures subject to the statutory provisions or principles mentioned above under point 4.1.

### **5. ARTICLE 5**

**1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

**2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

#### **5.1 Article 5, paragraph 1**

In its report to the Storting on national minority policy, the Government states that it will seek to foster a society that promotes the conditions necessary to enable persons belonging to minorities to express, maintain and develop their identity, both within their own group and in community with the rest of society. The Government further states that the cultural heritage of national minorities is part of Norwegian cultural heritage, and that Norway therefore has a special responsibility for preserving the cultural heritage and cultural traditions of minorities.

The Government bases its policy on the fact that some of the needs of national minorities can only be met by adopting special measures for these groups, such as the establishment of special cultural institutions for the individual ethnic groups. Nevertheless, the Government aims to ensure that the needs of minorities are met as far as possible within the framework of general arrangements, for instance by adapting general arrangements to enable national minorities to also benefit from them. The Government considers it crucial that the minority concerned itself define the criteria to be applied when adapting the arrangements and that the measure be part of the group's own efforts to maintain and strengthen their culture.

The Government's efforts to promote the necessary conditions are described under the following Articles in this report.

### 5.1.1. *Religion*

Norway has had a state church for many centuries. This principle is enshrined in Article 2 of the Constitution, which states that “the Evangelical-Lutheran religion shall remain the official religion of the State.” The same article of the Constitution also declares that all inhabitants of Norway shall have the right to free exercise of their religion. For a further description of religious freedom, reference is made to point 8 of this report.

There is no inventory or list of recognized religions in Norwegian legislation.

### 5.1.2. *Language*

Norway has two official languages: Sami and Norwegian. That Sami is an official language is laid down in section 1-5 of Act of 12 June 1987 No. 56 relating to the Sameting (the Sami Parliament) and other Sami legal matters. The right of national minorities to use their own language is discussed under point 10 of this report.

### 5.1.3. *Traditions and cultural heritage*

Cultural policy in respect of national minorities is a complex task where solutions vary according to the needs of the individual minority. The measures implemented by the authorities in this area are partly of a permanent nature designed to protect cultural heritage and partly short-term, project-oriented cultural measures.

#### 5.1.3.1. *Cultural heritage protection*

One of the functions of archives, libraries and museums in Norway is to reflect historical and cultural diversity. It is of decisive importance that these cultural heritage institutions possess or can acquire materials and services that are relevant for individual users, including national minorities. However, there is no doubt that most institutions and the material they administer represent different aspects of the Norwegian majority society. Additional efforts are required to ensure that the cultural pluralism of modern Norwegian society is given greater prominence in the cultural sphere. In Report No. 22 (1999-2000) to the Storting on Sources of Knowledge and Experience - Archives, Libraries and Museums in an ICT era and Structural Parameters in the Cultural Sphere, stronger emphasis on this dimension of Norwegian cultural heritage is a stated goal.

#### 5.1.3.2. *Investment grants for cultural buildings, etc.*

The museum for Kven culture in Norway (Vadsø Museum - Ruija Kven Museum) received NOK 516,000 in government funding in 2000. Furthermore, a government operating grant was provided from the budget of the Ministry of Cultural Affairs for the Kvæntun Centre, which is to be a centre for Kven language and culture. In 2000, this grant amounted to NOK 758,000. The centre's activities include documentation, preservation and development of the Kven language, with particular emphasis on linguistics. The institution will also arrange cultural events and promote cooperation in the cultural sphere. In its report to the Storting on national minority policy, the Government stated that it will seek to contribute towards ensuring that the Kvæntun project is realized. Nordreisa Municipality also has plans to



establish a Kven cultural centre for the documentation and presentation of Kven culture and traditions, particularly in Troms County.

An area that has hitherto been completely neglected is the Romani people/Travellers and their cultural history in Norway. The Glomdal Museum in Elverum has drawn up plans to establish a permanent cultural history centre for the documentation and presentation of Traveller culture as a new department of the museum. The efforts of the Ministry of Cultural Affairs to preserve Traveller culture are concentrated primarily on the project at the Glomdal Museum, for which the central government authorities have granted project funding for several years. The planned exhibition will focus on the history and culture of the Romani people, while a small section of the exhibition will revolve around the attitudes towards and measures implemented in respect of this minority by society at large. The museum wishes to illustrate clearly what a minority is, and promote greater awareness of abuses and oppression as well as increased tolerance and understanding of what is different. In its report to the Storting on national minority policy, the Government proposes that funds be appropriated for investments in and the operation of the Glomdal Museum with a view to commencing construction in 2002. In this way, the Government wishes to redress the wrongs that have been committed against the Romani people/Travellers in the past.

A distinctive feature of the Kvæntun project and the new section of the Glomdal Museum is the fact that the national minorities themselves have influenced and are actively engaged in the planning process, and that the projects are part of the group's own efforts to preserve and strengthen their culture.

Besides the Kvæntun centre and the Glomdal Museum, the Gruetun Museum in Finnskogen was granted NOK 265,000 from the budget of the Ministry of Cultural Affairs in 2000. Levanger Museum also received NOK 120,000 in government funding for the purchase of a listed house which belonged to a Romani family.

The Jewish minority was granted NOK 150 million in 1999 to secure the culture and future of the Jewish community in Norway, as a historical and moral settlement for the economic liquidation of the Jewish minority during World War II (the so-called Jewish property settlement). This settlement is more than a purely financial settlement based on assets confiscated from Jews during the war. The sum was paid to the Jewish communities in Norway, who will decide how the funds are to be used. As part of the collective portion of the Jewish settlement, NOK 40 million was granted for the establishment of a centre for studies of the Holocaust and religious minorities in Norway. The purpose of such a centre is to build up expertise in Norway on the Holocaust in general and on the Norwegian chapter of Holocaust history in particular, as well as to lay the foundation for broad knowledge of the history, beliefs, traditions, culture and status of belief minorities in Norwegian society. Preparations are now being made to establish the centre.

Funds are appropriated from the budget of the Ministry of Cultural Affairs for grant schemes for local, regional and national cultural buildings. Within the framework of these schemes, applications may be submitted for funding for the construction of new buildings and conversion of existing buildings for cultural measures for minorities. Cultural buildings should provide facilities for various types of cultural activities, such as meetings and gatherings, activities for members of minorities, and presentations of art and culture. The premises must be designed to meet the needs of the various groups in the local community, and be suitable for a wide range of cultural activities. In parts of the country where, for

instance, the Sami constitute a large percentage of the population, local cultural buildings will be particularly designed to facilitate and be used for Sami cultural activities. Such considerations may be taken into account in areas where national minorities are strongly represented.

#### *5.1.3.3. Other cultural measures*

A number of cultural measures oriented towards national minorities are of a short-term nature and reflect both diverse and changing needs. They are largely in the form of projects. Both the Ministry of Cultural Affairs and the Norwegian Council for Cultural Affairs have provided support for cultural measures for national minorities on several occasions. The Norwegian Council for Cultural Affairs is an advisory body for national cultural affairs, and administers the Norwegian Cultural Fund. The council allocates grants from the fund on the basis of professional and artistic criteria in accordance with the purpose of the fund and the general cultural policy priorities established by the Government and the Storting. The council is administered and financed by the Ministry of Cultural Affairs.

Support for project-oriented cultural measures for and run by national minorities are part of the regular activity of the Norwegian Council for Cultural Affairs. In other words, the council will be able to consider funding projects and measures in the fields of cultural heritage protection, traditional handicrafts, music and dramatic art, as well as information brochures. Artists with minority backgrounds are considered according to the same criteria as other artists.

From 1998 to 2000, the Norwegian Council for Cultural Affairs had a special programme for art and the multicultural society entitled “Mosaic”. The purpose of the programme was to promote intercultural forms of artistic expression involving, for instance, immigrant culture and minority culture. During the project period, increasing importance was attached to the minority dimension, and several of the national minorities applied for and received support. The Norwegian Council for Cultural Affairs plans a similar scheme in order to continue to promote intercultural forms of expression in 2001.

The programme for cultural heritage protection is the Norwegian Council for Cultural Affairs’ fund to protect Norwegian cultural heritage and make it accessible to as many people as possible. Both museum projects and projects outside the museums’ sphere of responsibility are eligible for support. The cultural heritage of national minorities is considered on the basis of the same criteria as other Norwegian cultural heritage, and several organizations based on a national minority have received support for cultural projects through this programme. For instance, funding was provided for the collection of early Kven cultural material, the documentation of Romani songs, an information brochure on Romani culture, a Gypsy festival and a tour of artists presenting traditional Jewish music.

In the course of the 1990s, the Norwegian Council for Cultural Affairs received applications from the Norwegian Kven Foundation (Norske Kveners Forbund) for grants for events and measures within the council’s sphere of responsibility for literature, music and other forms of art and culture. The council has been very receptive to these applications and has given them priority.

The Council has also given priority to applications from the Romani People’s Association of Norway (Romanifolkets Landsforening). It has appropriated funds from the budget chapter

for cultural heritage protection for the collection and registration of objects with a view to building up a representative collection at the Glomdal Museum, and for two projects for the collection of music subsequently to be produced as a CD.

#### *5.1.3.4. Libraries*

An annual appropriation of NOK 500,000 is granted to a Finnish library based in Vadsø Library/Finnmark County Library. According to an agreement with the central government authorities, the library is to function as a central library in Norway for literature in Finnish, serving Kven- and Finnish-speaking persons living in Norway. The collection comprises fiction and non-fiction works for children, young people and adults, and totalled some 11,000 volumes in 1997. The number of libraries that wish to be sent Finnish-language books for lending has increased in recent years. Finnmark County Library has recently established a web site on the Internet with a presentation of its Finnish collection, links to relevant Finnish web sites and a searchable media collection.

## **5.2. Article 5, paragraph 2**

### *5.2.1. Norwegian integration policy*

The Norwegian authorities strongly condemn policies or practices aimed at assimilating persons belonging to national minorities against their will. In its report to the Storting on national minority policy, the Government apologized on behalf of the state for the Norwegianization policy pursued in the past and for the way minorities were treated. Moreover, the authorities provide protection for persons belonging to national minorities against actions aimed at such assimilation through the legislation mentioned under point 4.1 and the law enforcement system. Norway has no legislation that deals particularly with general integration policy.

The Government's integration policy is discussed in Report No. 17 (1996-1997) to the Storting on Immigration and a Multicultural Norway. The fundamental principles of this policy are as follows:

- Cultural pluralism is enriching and strengthens the community.
- Steps must be taken to facilitate openness and dialogue, interaction and innovation.
- Racism and discrimination are contrary to our fundamental values and must be combated actively.
- Within the framework of Norwegian law and fundamental human rights, all inhabitants have the right to foster their values, pursue their cultural traditions and practice their religion.
- All persons, regardless of background, shall have equal opportunities, rights and obligations to participate in society and make use of their resources.
- Social differences must be combated.
- Special measures are necessary in some areas to meet special needs or because it is in the interest of the community.
- All measures shall be equally available to men and women.

### 5.2.2. *Central government infrastructure for integration policy*

The Ministry of Local Government and Regional Development is responsible for coordinating central government integration policy in Norway. The Ministry is also responsible for coordinating policy that particularly concerns national minorities. This means that the Ministry is responsible for ensuring that policy in different areas is based on the principles of equality and non-discrimination, and that measures are in keeping with international obligations.

However, the principle of sectoral responsibility for ministries applies in all specialized areas, such as culture, education and health. According to this principle, the specialized authorities in the various sectors and at the different administrative levels are responsible for all population groups in their areas, including persons belonging to national minorities.

## 6. **ARTICLE 6**

**1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

### 6.1. **Article 6, paragraph 1**

Tolerance, dialogue and interaction between different population groups are important in order to prevent the creation of negative stereotypes and conflicts. Intercultural dialogue is also a prerequisite for deriving the full benefit of the diversity of experience and knowledge that is inherent in a culturally pluralist society. The Government therefore seeks to promote mutual tolerance, respect and intercultural dialogue.

Norwegian integration policy is primarily framed with a view to meeting the needs of the immigrant population who has come to Norway in the last 30 years. National minorities have only recently been placed on the political agenda. As described in point 1.7, moreover, the immigrant population is a considerably larger group than the national minorities. Consequently, the following description will largely focus on more recent groups of immigrants.

#### 6.1.1. *Attitudes in society*

The authorities' relationship with minorities with a non-Norwegian ethnic background was initially coloured by the idea that Norway as a nation should ideally consist of one people with a common history, language, religion and culture. In the 20th century, however, views on immigrants, national minorities and cultural pluralism changed significantly, and since the 1970s the authorities have pursued a policy aimed at promoting integration, equality and participation for immigrants.

Each year, Statistics Norway conducts a survey of the population's attitudes towards immigrants and immigration policy. Although the survey focuses on immigrants, it may nonetheless offer some general indications of the attitudes prevailing in society as regards persons with a different ethnic, cultural, linguistic or religious identity.

The survey shows that attitudes towards immigration and immigration policy became somewhat more positive, on the whole, in the 1990s, even though the changes from one year to the next are generally small. However, both immigrants and national minorities still encounter discrimination in society today (see further information under point 4.1 of this report).

### 6.1.2. *The role of the media*

The media are society's most important source of information and therefore have a responsibility in terms of shaping the attitudes of the majority population. Certain members of the Romani people/Travellers have stated that they consider their minority group to have been negatively portrayed in some newspapers. The Norwegian Kven Foundation maintain that they have poor access to the media, and have found that there is little editorial interest in news and information about the Kven. The fact that there are few journalists with a minority background on the staff of Norwegian media is a general problem.

As part of its monitoring function, the Centre for Combating Ethnic Discrimination collects press reports from local and national media to examine how the press covers immigrant-related issues, in particular differential treatment, discrimination and racism. In its report for 2000, the centre praises the media's efforts to expose discrimination against minority groups. At the same time, it criticizes newspapers for a lack of awareness as regards the wording used in headlines. Article titles often consist of quotes of insulting words and expressions which are deplored by the author of the article. In its report, the centre urges the media to exercise caution, warning them that such headlines may create greater acceptance of the use of derogatory expressions.

The book *Pressen og de fremmede* (The Press and Foreigners) (Lindstad & Fjelstad, 1999) deals with the way the Norwegian media cover immigrant issues. A survey in the book confirms that everyday, unsensational discrimination is a topic that is seldom raised by the media. On the other hand, there is considerable focus on racism, xenophobia and right-wing extremists.

### 6.1.3. *Organizations*

An important method of promoting tolerance and dialogue in society is to facilitate participation in organizations and various collaborative forums. The authorities have several grant schemes aimed at encouraging active participation, diversity, dialogue and interaction. The national minorities have a special central government grant scheme, which is administered by the Ministry of Local Government and Regional Development. The scheme is divided into two categories, basic support and project support (see point 6.1.5 for a description of project support).

The aim of basic support is to support non-governmental organizations with a basis in national minorities which through their activities safeguard the interests of national minorities

and promote dialogue and cooperation between national minorities, non-governmental organizations and public authorities. These organizations offer national minorities a possibility of promoting their common interests in relation to the authorities, as well as creating contacts and disseminating knowledge of their own particular interests and culture to both the public authorities and the rest of the population. In 2000, the following NGOs have received basic support through this grant scheme: the Norwegian Kven Foundation (Norske Kveners Forbund), the Romani People's Association of Norway (Romanifolkets Landsforening), the Roma Foundation (Stiftelsen Roma) and Skogfynn Interests in Norway (Skogsfinske Interesser i Norge).

There are local immigrant organizations all over Norway. These local organizations may apply for state funding through a grant scheme for municipal measures for immigrants.

The Directorate of Immigration also administers a grant scheme which aims at supporting nation-wide organizations that promote contact, dialogue and cooperation between immigrant organizations, other non-governmental organizations and the public authorities. The nation-wide organizations have gradually acquired considerable importance as consultative bodies and collaborative partners for the authorities.

#### *6.1.4. Collaborative forums and advisory bodies*

There are no permanent collaborative forums or advisory bodies in which national minorities are represented. However, the authorities attach great importance to maintaining contact and dialogue with these groups and therefore invite them to meetings and conferences on topics that concern them. Further information on this subject may be found under point 15.1.

The Council for Religious and Life Stands Communities in Norway is a forum for representatives of various religious and belief communities in Norway (the Jewish Communities in Oslo and Trondheim, the Norwegian Buddhist Association, the Norwegian Humanist Association, the Islamic Council of Norway, the Church of Norway, etc.). The primary function of the council is to promote mutual respect and understanding between different religious and belief communities. The council also seeks to promote the common interests of the members in relation to the public authorities and society at large. The council receives funding from the central government.

The Liaison Committee between Immigrants and the Authorities is the only agency for cooperation between immigrants and the public authorities at central government level. Besides fulfilling an important function as advisory body for the authorities, the most important role of the committee lies perhaps in fostering a dialogue on cultural pluralism in Norway. The committee is composed of representatives of immigrant communities, the public authorities and the political parties represented in the Storting.

Local immigrant councils have been established in several of the largest municipalities in Norway. These councils serve as advisory bodies, collaborative partners, forums for discussions and consultative bodies for local authorities. Members are recruited from immigrant organizations or among private individuals.

In addition to these permanent councils, temporary collaborative forums have also been established for non-governmental organizations in connection with the European Conference and World Conference against Racism, Racial Discrimination, Xenophobia and Related

Intolerance to be held in 2000 and 2001, respectively. In these forums, the organizations have provided input for the authorities' efforts to prepare for the conferences, besides preparing and coordinating their own contributions to the conferences. The national minorities are represented in these collaborative forums.

#### *6.1.5. Central government measures to promote tolerance*

Besides encouraging participation in organizations, the authorities have also implemented several other measures to promote tolerance, mutual respect and understanding between all persons living in Norway.

The central government grant scheme for national minorities was described under point 6.1.3. The project support portion of the scheme aims at facilitating the dissemination of information on the situation of minorities and contributing towards documentation of discrimination, efforts to promote sound attitudes, self-help activities and contact and cooperation between national minorities across national frontiers. Funding may be granted for projects that fall within the scope of the scheme's objectives and that are proposed by organizations, municipalities, counties or others. In 2000, funds were appropriated for information measures, exhibitions, seminars, self-help activities, a music festival and other cultural events. Experience shows that this grant scheme is an important means of increasing the visibility of national minority groups and has contributed towards strengthening the activities of minority groups.

As mentioned under point 4.2, the Government has adopted a Plan of Action to Combat Racism and Discrimination which provides for various measures targeting schools, the housing market, local communities, etc. These measures are primarily designed with more recent immigrant groups in mind, but several of the measures are of a general nature and will therefore also benefit the national minorities.

## **6.2 Article 6, paragraph 2**

Central government measures to protect persons who may be subjected to discriminating, hostile or violent acts, or threats of such acts, because of their ethnic, cultural, linguistic or religious identity, have been described above under points 2.3, 4.1 and 4.2.

In 2000, a total of 32 reports of racial discrimination were reported pursuant to section 135 a of the General Civil Penal Code (racist utterances, see point 4.1 of this report for further details of the provision). In the same year, eight legally enforceable judgments were pronounced pursuant to this provision, five of which were acquittals and three convictions. A total of 66, 47, 45 and 38 cases were reported in 1996, 1997, 1998 and 1999 respectively. Of these, 32, 51, 26 and 35 cases respectively were investigated by the police. We have no accurate data to show how many of these cases resulted in a conviction.

Eight contraventions of section 349 a of the Penal Code (see point 4.1) were reported in 1999 and 11 in 1998. However, section 349 a also prohibits discrimination on grounds of homosexual bent or way of life, and the statistics do not show the reason for the discrimination. Similarly, racial motivation is one of several aggravating circumstances in cases of violence, threats or vandalism, but the statistics do not indicate how many reports concern racially motivated contraventions.

There are no corresponding statistics for section 55 a of the Working Environment Act, since this provision is not a criminal law provision and cases pursuant to the provision are therefore not included in the police register of criminal cases.

## **7. ARTICLE 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

General freedom of association and assembly is not a constitutional right in Norway, even though it is closely related to freedom of expression. However, the provisions regarding freedom of association and assembly of the European Convention on Human Rights and Fundamental Freedoms (Article 11) and of the International Covenant on Civil and Political Rights (Articles 21 and 22) have been incorporated in Norwegian law by the Human Rights Act of 1999 (see point 1.4.2).

These provisions ensure that every person, and thus also persons belonging to national minorities, have the right to freely participate in peaceful assemblies. Regulatory interventions may only be carried out in the interests of public law and order or if there is a threat of violence against a person or property, cf. Article 99 of the Constitution of Norway and sections 136, 137 and 329 of the Penal Code.

Freedom of association encompasses the right to participate in association with others, but also the right not to be organized. The authorities encourage the establishment of organizations among national minorities by providing funding through the grant scheme for national minorities. This scheme is described under points 6.1.3.1 and 6.1.5.

## **8. ARTICLE 8**

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.**

The right of all persons to practice their religion freely is laid down in Article 2, first paragraph, of the Constitution of Norway. Freedom of religion also entails the right not to have or to belong to any religion. The right to form a congregation has been elaborated and laid down in Act of 13 June 1969 No. 25 relating to Religious Communities and Act of 12 June 1981 No. 64 relating to Grants for Belief Communities. Furthermore, national minorities are ensured freedom of religion by international human rights conventions, including the conventions that have been incorporated into Norwegian law (see point 1.4.2).

The principle of equal treatment forms the basis for religious policy in Norway and is expressed through the above-mentioned statutes. This also includes the right to financial support from the central and local government (cf. section 19 of the Religious Communities Act and section 1 of the Belief Communities Act). This grant is calculated in such a way that it is equivalent, proportionate to the community's membership, to the central and local government budget appropriations received by the Church of Norway. As a main rule, religious and belief communities are granted the authority to solemnize marriages on a par with the Church of Norway. The principle of equal treatment aims to ensure broad-based



freedom of religion in Norway. This also includes efforts to secure the rights of national minorities as set out in the Framework Convention.

As regards religious beliefs, the national minorities are represented in various religious communities, including the Church of Norway, other Christian communities and in the Jewish Community. Except for the Jews, the national minorities are not organized into separate religious or belief communities, and are generally members of religious or belief communities that are oriented towards the entire population.

## **9. ARTICLE 9**

**1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

### **9.1. Article 9, paragraph 1**

Freedom of expression is laid down as a statutory right in Article 100 of the Constitution. There are no provisions in Norwegian legislation that limit the freedom of persons belonging to linguistic minorities to hold opinions and receive and impart information and ideas in the minority language. In its report to the Storting on national minority policy, the Government states that Norway has a responsibility for strengthening national minorities' opportunities for expression, both through their own channels and in other ways in the public sphere. The Government further states that actively supporting freedom of expression and opportunities for expression for minorities is an important political measure in a culturally pluralistic society.

### **9.2. Article 9, paragraph 2**

Act of 4 December 1992 No. 127 relating to Broadcasting and Act of 15 May 1987 No. 21 relating to Films and Videograms and appurtenant regulations declare that a licence is required for the screening and sale of films or videograms for commercial purposes and for

the operation of broadcasting or local broadcasting services. The ethnic background of the applicant is irrelevant in connection with the allocation of licences.

Responsibility for administering the licensing arrangement for the screening and sale of films or videograms lies with the municipalities, cf. section 2 of the Act relating to Film and Videograms. Decisions of the municipal authorities regarding licences may be appealed to the county governor.

Licences for the operation of broadcasting services are granted by the Ministry of Cultural Affairs and the Norwegian Mass Media Authority, cf. section 2-1 of the Broadcasting Act.

### **9.3. Article 9, paragraph 3**

No official permit or the like is required to start up or operate printed media in Norway. As regards the start-up and operation of broadcasting media, an application may be made for a central government grant for purposes such as local broadcasting. The guidelines for the grants stipulate that special account must be taken of applications from ethnic and linguistic minority groups. Grants for local broadcasting purposes are allocated by the Foundation for Audiovisual Production, an administrative agency placed under the Ministry of Cultural Affairs.

The central government authorities appropriate funds for the Kven newspaper *Ruijan Kaiku*. The newspaper was established in 1995 as a pilot project on the initiative of the Norwegian Kven Foundation and is published every two-three weeks. Since 1998, *Ruijan Kaiku* has received NOK 250,000 from the budget of the Ministry of Cultural Affairs. The newspaper is now an important forum for comment, information and discussion in the Kven community. The grant will be increased to NOK 350,000 in 2001.

### **9.4. Article 9, paragraph 4**

The basic objective of the Government's media policy is to secure freedom of expression, create conditions favourable to a diversity of opportunities for expression and to ensure objective, comprehensive media services to everyone living in Norway. Public service broadcasting programmes must meet the needs of the different groups in society, including minority language groups.

The Norwegian Broadcasting Corporation Ltd. (NRK) is the state-owned broadcasting company in Norway. NRK is organized as a limited company and its purpose is to provide public service broadcasting services to the entire nation. Although the state owns all the shares of NRK, the Government has no authority to decide NRK's regular programming. However, the central government authorities may make their views known to NRK through the Public Service Broadcasting Council. This Council consists of members appointed by the Storting and the Government, one of whom is the chairman of the Sami Programme Council. The function of the council is to discuss and comment on the main policies for NRK programming. Through the Public Service Broadcasting Council, the authorities seek to ensure compliance with the principles that apply to public service broadcasting, including the requirement as regards programmes for minority language groups.

Every week, NRK's district office in Troms broadcasts a 12-minute programme in Finnish. The programme consists of news, feature reports, music and cultural items. In its report for

1999, the Public Service Broadcasting Council stated that NRK should consider prolonging the Finnish broadcast and making the broadcasts nation-wide.

The authorities provide grants for applied media research and continuing education with special emphasis on issues relating to media ethics. In this way, the authorities wish to support measures that contribute towards ensuring that the media and media research facilities shed light and foster debate on the role and responsibilities of the media, for instance in relation to media coverage of issues concerning racism and discrimination. Public funding has been provided for surveys and seminars on media-ethical issues.

## **10. ARTICLE 10**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.**

### **10.1. Article 10, paragraph 1**

Norwegian law is based on the principle that whatever is not explicitly prohibited is permitted. There is no prohibition against the use of minority languages in any context. Moreover, Norway has ratified the European Charter on Regional and Minority Languages adopted in 1992. The charter entered into force on 1 March 1998.

Norway's report to the Committee of Experts on Issues relating to the European Charter on Regional and Minority Languages, which was submitted to the Council of Europe in May 1999, confirms that the provisions of Part II of the Charter apply to Kven/Finnish and the non-territorial languages Romanes and Romani.

Measures which the Norwegian authorities have initiated or maintained in order to comply with the obligations set out in the Charter on Regional and Minority Languages are described in other sections of this report (see under point 5.1.3.2 on the Kvæntun centre, point 5.1.3.4 on Vadsø Library/Finnmark County Library, point 9.3 on the Kven newspaper *Ruijan Kaiku* and point 11.3 on the Act relating to Place Names).

### **10.2. Article 10, paragraph 2**

Reference is made to Norway's First Report on the implementation of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, side 7 et seq., for

information on central government measures to ensure conditions which make it possible to use the Sami language in relations between the Sami population and the administrative authorities.

### **10.3. Article 10, paragraph 3**

Pursuant to section 232 of Act of 22 May 1981 No. 25 relating to Legal Procedure in Criminal Cases (the Criminal Procedure Act), suspects shall be informed of the nature of the case and that they are not obliged to make a statement. This must be interpreted as meaning that this information must be given in a language understood by suspects. Furthermore, section 2-8 of the Prosecution Instructions prescribes that the decision reached by the prosecuting authorities in the case being prosecuted must be translated into a language understood by the person concerned. Section 135 of Act of 13 August 1915 No. 5 relating to Courts of Law (the Courts of Law Act) declares that an interpreter shall be used when a person who does not speak Norwegian is to take part in the proceedings. Section 304 of the Criminal Procedure Act provides that at least the proposals made by the prosecutor and defence counsel must be brought to the knowledge of the person indicted. The general practice is that if the person indicted does not understand Norwegian, the entire proceedings will be translated by an interpreter.

The rights enshrined in Article 10, paragraph 3 of the Framework Convention also seem to correspond with the rights that flow from Article 6, paragraph 3, litera a and e, of the European Convention on Human Rights, and Article 14, paragraph 3, litera a and f, of the International Covenant on Civil and Political Rights. These conventions have been incorporated into Norwegian legislation (see point 1.4.2 of this report).

There have been no reports of any problems as regards language comprehension for the aforementioned minority groups in their relations with the prosecuting authorities and the judicial system.

Reference is made to Norway's First Report on the implementation of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, side 14 (Article 9, second paragraph), for information regarding the right to use the Sami language in the judicial system.

## **11. ARTICLE 11**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**

**2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other**

**topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

### **11.1. Article 11, paragraph 1**

In a dialogue with the authorities, the Norwegian Kven Foundation has demanded that the Act relating to Personal Names be amended “so that it will be possible for Kven families to resume their original surname, also in cases where these names have only been used orally.” Representatives of the Skogfinn have demanded that those persons who so wish be allowed to resume their former Kven or Finnish surnames as their last or middle name.

Persons who wish to change their names may notify the national population register accordingly. If the population register does not permit the change of name, the decision may be appealed to the county governor. In certain cases, a name may also be changed by submitting an application to the county governor, in which case the decision may be appealed to the Ministry of Justice.

#### *11.1.1. Surnames*

Act of 29 May 1964 No. 1 relating to Personal Names lays down special conditions for changing a surname. The Act does not make special provision for national minorities, but due consideration for national minorities is emphasized insofar as the provisions allow for discretion.

As regards the right to use a surname that has only been used orally and the issue of whether names are “foreign” or the like, section 6, first paragraph of the Act relating to Personal Names prescribes that foreign-sounding names or names with a foreign spelling should not normally be permitted. The Ministry of Justice emphasizes that surnames of national minorities are not considered to be foreign-sounding or have a foreign spelling today.

Section 6, third paragraph, of the Personal Names Act provides that historical names, names no longer in use or foreign names which are generally known in the realm should not normally be permitted. Permission to use such a name will not be refused pursuant to this provision, because there is hardly any name used by national minorities that is “no longer in use” or “historical” as well as “generally known” in Norway.

This means that today permission will be granted without a problem for newly created surnames for national minorities. The term “newly created surnames” means names that are not currently registered by the national population register as being in use. Thus the name might have been used earlier.

Problems might arise if a person wished to assume a surname that is registered in Norway and that is protected by law. According to current practice, all surnames that are borne by less than 500 persons are protected by law pursuant to section 7, second paragraph, of the Personal Names Act. The surnames of national minorities are also protected by law pursuant to this provision. Anything else would be discrimination against those persons who already bear the surname.

If the surname is protected by law, section 7, second paragraph, of the Personal Names Act requires that all persons bearing the name must consent to the applicant assuming the name.

An exception is made from the requirement regarding consent pursuant to section 9 of the Personal Names Act when the applicant substantiates that the name was the surname of one of his or her parents when unmarried or the surname of one of his or her grandparents when unmarried, in addition to substantiating that the person in question used the name as a surname for approximately 25-30 years. The provision is meant to serve as a means of preventing unreasonable refusals.

In a case in 1999, the Ministry decided that changes of name pursuant to section 9, paragraph 6 shall be permitted as far back as the original Kven surname borne by one of the applicant's great-grandparents, if the reason for the change of name from Kven to a Norwegian surname was Norwegianization.

#### *11.1.2. First and middle names*

Pursuant to section 15, first paragraph of the Personal Names Act, names which may be disadvantageous to those whose names they are may not be chosen. In principle, first names that have traditionally been used by persons belonging to national minorities are not regarded as being disadvantageous. Nor, pursuant to section 15, second paragraph of the Personal Names Act, may first names be chosen which are in use as surnames and which are not originally first names.

#### *11.1.3. Evaluation of the legal position*

By a letter dated 22 April 1999, the Ministry of Justice appointed a working group to evaluate the Personal Names Act. The working group is to consider amendments to the Act, among other things, in relation to national minorities. The recommendation of the working group was submitted to the Ministry in December 2000. The recommendation is currently being circulated for comment and will be considered by the Ministry at the end of the consultation period.

### **11.2. Article 11, paragraph 2**

Norwegian law contains no provisions that limit national minorities' use of cultural forms of expression, clothing or language.

### **11.3. Article 11, paragraph 3**

Section 3, second paragraph, of Act of 18 May 1990 No. 11 relating to Place Names with appurtenant regulations declares that Sami and Finnish names that are normally used by people locally shall be used by the public authorities on maps and signs, in registers, etc. Section 4, first paragraph, prescribes that the spelling of the place name shall be determined on the basis of the way it has traditionally been pronounced locally. It also declares that the spelling shall comply with the orthographic principles that apply to Norwegian and Sami. The spelling of Finnish place names in North-Norway shall comply with the orthographic principles that apply to Finnish. The orthographic principles (sound system/phonetics) are the same as those that apply to Finnish and Kven (for further information on the relationship between Kven and Finnish, see point 14.2.1.1 of this report).

An evaluation report on the Place Name Act is currently under consideration by the Ministry of Cultural Affairs.

## **12. ARTICLE 12**

**1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

**2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**

**3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

### **12.1. Article 12, paragraph 1**

#### *12.1.1. Education*

Schools are a key arena of society in which the national minorities should be visible. They can serve as a channel through which society at large can communicate information about national minorities to children and young people, and over time to the rest of the majority population. It is therefore important that schools provide a true, unbiased picture of national minorities in today's society and of their situation in Norway in the past.

The Curriculum for Primary and Lower Secondary School (L-97) states that schooling shall maintain and improve pupils' knowledge of national and local traditions. Furthermore, it states that education must communicate knowledge of other cultures and take advantage of the opportunities for enrichment provided by minority groups and Norwegians with a different cultural background. Instruction in schools shall include efforts to promote sound attitudes aimed at preventing bullying and harassment of a person because he or she belongs to a minority.

Even though the national minorities are not mentioned in L-97, they will constitute subjects for discussion in connection with such topics as racism and discrimination. Teaching must aim at enhancing the self-confidence of pupils belonging to national minorities, while presenting the idea of a culturally pluralist Norway in a positive light to the majority population.

#### *12.1.2. Research*

Research on national minorities must aim at producing knowledge that will contribute towards ensuring the best possible foundation for the development of policy in this field. At present, the authorities possess a certain amount of knowledge, but much of it is fragmentary and insufficiently documented. There is therefore a need for more systematic research into various issues related to national minorities and their situation.

The minority groups express a need for more knowledge about themselves. Historical knowledge, knowledge of the recent past and better knowledge of their language and its development are other key topics. Several of the groups have demanded the right to participate in determining the basic criteria for research projects concerning them. In the

Research Council of Norway's research programme on the Romani people/Travellers (see point 12.1.2.2), this demand was satisfied when representatives for one of the special-interest organizations affiliated with the group participated in the reference group for the programme.

All of Norway's national minorities are small groups. The Roma/Gypsies consist of only a few hundred individuals. Consequently, it may be difficult to anonymize the material, and the results of the research may make the entire group feel exposed.

#### *12.1.2.1. The Kven*

Most research on Kven issues is conducted at the University of Tromsø and the College of Finnmark. The Research Council of Norway has its own Kven research programme with an annual budget of approximately NOK 1.5 million. Research on the Kven has generally focused on their language, history and, to some extent, their ethnology and folklore.

#### *12.1.2.2. The Romany people/Travellers*

The treatment to which the Romani people/Travellers have been subjected by the central government authorities, the organization Norwegian Mission for the Homeless<sup>1</sup> and the rest of society at large has been documented by research through the Research Council of Norway. This research has been financed by the Ministry of Health and Social Affairs. In its report to the Storting on national minorities, the Government states that it will provide funding for research on and documentation of the ideology that prompted the health and welfare sector to treat ways of life that differed from the norm as a disease. The Ministry of Health and Social Affairs will also seek to obtain a better overview of the kind of practices that were carried out in the mental health care sector whereby ethnic identity was treated as a disease.

#### *12.1.2.3. The Jews, Skogfinn and Roma*

There has been no coordinated research on the situation of Jews, Skogfinn and Roma/Gypsies. The Skogfinn in particular have pointed out the need for documentation of their history. As part of the Jewish settlement, a special centre for research on the Holocaust and the status of belief minorities (see point 5.1.3.2) is to be established. It is a stipulation that research carried out at the centre must also focus on Jewish issues in Norway.

#### *12.1.2.4. Children and young people*

There is a need for documented, systematised information on children and young people from national minorities and on their life situation and the conditions in which they grow up. There is also a need to make existing knowledge available in an easily accessible manner. The Ministry of Children and Family Affairs will commission the preparation of a Nordic overview of information on children and young people from national minorities, which will also include child welfare services. Including the entire Nordic region in the overview will increase the volume of empirical knowledge and ensure a larger target group.

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<sup>1</sup> Administrator of social welfare in respect of the Romani people/Travellers, see point 1.6.3.1.



## 12.2. Article 12, paragraph 2

Measures related to teacher training and access to textbooks have focused particularly on Finnish instruction in schools (see further details on Finnish instruction under point 14). In 1997 the Ministry of Education, Research and Church Affairs established a reference group for Finnish instruction. A position related to Finnish matters was also established at the National Education Office in Troms in accordance with a Storting resolution. The aforementioned reference group was succeeded by another reference group from autumn 2000.

There is a lack of teachers who can teach Finnish. It is a goal to ensure that teachers who are employed in schools are also qualified to teach Finnish. Recruiting teachers from Finland is not considered to be a satisfactory solution in the long term. At present, teacher training for students with a Kven background is adapted to exempt them from the required examination in both forms of Norwegian (*bokmål* and *nynorsk* (New Norwegian)<sup>2</sup>) in the compulsory Norwegian subject in the general teacher training programme, if they choose Finnish in the optional section. The National Education Offices in Finnmark and Troms will propose measures to improve the situation as regards teachers qualified to teach Finnish. At the National Education Office in Troms, teaching materials are now being developed for instruction in Finnish on the Internet. As of November 2000, there were three Internet-based works in Finnish as second language for primary school pupils.

After gaining experience with the practical implementation of such projects for a year, the next step will be to devise corresponding teaching materials for the lower secondary level. This work is expected to take three years. For the time being, the aim is to begin work on Internet-based teaching materials for upper secondary schools in 2002.

## 12.3. Article 12, paragraph 3

Education for all is a basic principle of Norwegian policy. Children and young people shall have an equal right to education, irrespective of where they live or their gender, social and cultural background or functional skills. One challenge posed by the national minorities is that schooling is not always adapted to the itinerant way of life of the Roma/Gypsies and the Romani people/Travellers. Nonetheless, the Government has determined that the duty to attend school applies equally to all children. In its report to the Storting on national minority policy, the Government states that it will consider whether information and communication technologies, combined with school-supported contact networks in the areas in question, can be tailored to meet the educational needs of the Roma/Gypsies and the Romani people/Travellers, who travel for parts of the school year.

A primary and lower secondary school in Oslo has participated in a project aimed at promoting fruitful cooperation with the parents of children with a Roma background and developing teaching models that would make schooling attractive to the Roma. The project was financed by the EU's Socrates programme, the central government authorities and Oslo Municipality.

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<sup>2</sup> The Norwegian language consists of two language forms of equal status: *nynorsk* and *bokmål*. The two forms are very similar to one another linguistically; every person who speaks *nynorsk* understands *bokmål* and vice versa.

### **13. ARTICLE 13**

**1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2. The exercise of this right shall not entail any financial obligation for the Parties.**

Every person in Norway has the right to operate a private school provided that they satisfy the minimum requirements as regards qualified teaching staff and that their curriculum is approved. Government funding may be granted to private schools according to specific criteria. Rules regarding such funding are laid down in Act of 14 June 1985 No. 73 relating to Grants for Private Primary and Lower Secondary Schools and Private Schools that Provide Upper Secondary Schooling (the Private Schools Act) and Act of 11 July 1986 No. 53 relating to the Right of Private Colleges to Hold Examinations and Government Grants for Private Colleges (the Private Colleges Act). Whether a private school is operated by or for persons belonging to a national minority is irrelevant to the assessment of whether or not the school shall receive government funding.

### **14. ARTICLE 14**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**

**3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

#### **14.1. Article 14, paragraph 1**

The Norwegian authorities recognize that every person has the right to learn his or her minority language. However, the authorities have no positive obligation to provide such instruction to all persons belonging to linguistic minorities, nor to persons belonging to a national minority.

The Norwegian school system's measures targeting cultural and linguistic minorities have traditionally been justified by the need to help them to be able to acquire the knowledge provided by schools.

The Primary and Lower Secondary School Act of 1969 prescribed that school boards were to implement measures to provide assistance to all pupils who required it. Pursuant to this provision, the Curriculum Guidelines for Primary and Lower Secondary Education of 1974 set the goal of developing the subject *Norwegian as a foreign language* so as also to meet any needs which pupils with a Finnish-language background might have.

The rights of pupils belonging to a national minority are regulated by the principles that otherwise apply to mother tongue instruction. In Report No. 25 (1998-1999) to the Storting on Mother Tongue Instruction in Primary and Lower Secondary Schools, the Government states that “[...] instruction shall be adapted to the qualifications of each child [...] and linguistic background” with the primary goal of providing individual pupils with a satisfactory basis for personal development and education in Norway. “Pupils receive bilingual instruction until they have acquired a sufficient knowledge of Norwegian to be able to follow ordinary instruction in school. [...] When feasible, the mother tongue should be offered as an optional subject at lower secondary level.” In accordance with this, and pursuant to section 2-8 of the Education Act, the Ministry of Education, Research and Church Affairs issued regulations obligating municipalities to provide pupils from linguistic minorities with necessary mother tongue instruction, bilingual instruction in subjects and special instruction in Norwegian until they have acquired a sufficiently good knowledge of Norwegian to be able to follow the ordinary teaching programme in schools.

As regards Kven/Finnish, the central government has committed itself to the goal of providing suitable forms and means for the instruction and study of this language at all relevant levels, cf. Article 7, point 1 f, of the European Charter on Regional or Minority Languages. The measures implemented by the central government authorities in this connection are described under point 14.2.

## **14.2. Article 14, paragraphs 2 and 3**

### *14.2.1. Primary, lower secondary and upper secondary school*

#### *14.2.1.1. Instruction in minority languages*

In the Regulations of 16 June 1997 No. 791 relating to primary and lower secondary school curricula, Finnish was granted the status of second language in areas of Finnmark County and Troms County with a Kven/Finnish population. The regulations prescribe that when at least three pupils at a school in this area request instruction in Finnish as their second language, the pupils are entitled to such instruction. The new Education Act entered into force as from 1 August 1999, making the right to instruction in Finnish as second language a statutory right (section 2-7). The subject syllabus for Finnish as second language is part of the ordinary Curriculum for the ten-year Primary and Lower Secondary School (L-97). Subject syllabuses have also been drawn up for Finnish as second language for upper secondary school.

In the 1998/99 school year, 707 primary and lower secondary school pupils in 11 of the 19 municipalities in Finnmark County took Finnish as second language. In autumn 1999, the number of pupils totalled 720, divided among 14 municipalities. In Troms County, the number of pupils was 204, divided among 11 of the 25 municipalities in the county for the 1998/99 school year. In autumn 1999, there were 219 pupils divided among 10 municipalities.

The Kven disagree among themselves as to whether their language should be called Kven or Finnish. The state has therefore often chosen the double form Kven/Finnish. Nor is there agreement, either among the Kven or among experts, as to whether Kven should be considered a language in its own right or a variant of Finnish. Some Kven have sought to write texts as closely as possible to spoken Kven. In such cases, it is natural to say that the texts are written in Kven. Nevertheless, most people now write spoken Kven

in the standard form (grammar, conjugations and declensions, to some extent the choice of words, etc.) that is used in Finland (standard Finnish). In such cases, the authorities have determined that they are writing *Finnish*, not Kven.

Current subject syllabuses for Finnish as second language are conditional on pupils being tested in *Finnish* (standard Finnish) in connection with their final examination in tenth grade and in upper secondary school. Texts in Kven may be used in instruction to the extent that local conditions make this appropriate.

Pupils who choose Finnish as their second language in primary and lower secondary school are entitled to exemption from instruction and evaluation in the secondary form of Norwegian (New Norwegian). Pupils who have exercised this right in primary and lower secondary school are entitled to exemption from evaluation in the secondary form of Norwegian in upper secondary school, and instead receive the comment “participated” on their school documents (cf. Regulations appurtenant to the Education Act, chapter 8).

In connection with admission to an institution of higher education, the secondary form of Norwegian may be replaced by Finnish as second language in the same way as Sami. Pupils are also entitled to exemption from the required examination in both forms of Norwegian if they choose Sami or Finnish in the optional part of the general teacher training study programme.

In its report to the Storting on national minority policy, the Government states that it considers it important for the future recruitment of Finnish language teachers that pupils who have studied Finnish as a second language in primary and lower secondary school are able to continue the subject at upper secondary level without being dependent on being admitted to specific schools. Internet-based instruction will, in the near future, enable schools to provide instruction in Finnish at upper secondary level without necessitating amendments to provisions regarding the right to instruction.

No instruction in Romani is offered at schools in Norway. Nor, to the Government’s knowledge, is any instruction in Romanes offered. There has not been any request for such instruction.

#### *14.2.1.2. Grant schemes*

In the primary and lower secondary school sector, there is a general grant scheme for linguistic minorities. This scheme also applies to the national minorities to meet any needs they might have for special instruction in Norwegian or their mother tongue, as described under point 14.1

There is also a special grant scheme for instruction in Finnish at primary and lower secondary school level. The aim of the scheme is to contribute towards enabling municipalities in Troms and Finnmark counties to provide pupils with a Kven/Finnish background with instruction in Finnish as their second language, and towards improving the Finnish language skills of teachers.

At upper secondary level, there is a grant scheme for linguistic minorities. The purpose of the scheme is to encourage school owners to provide additional language training for language

minorities. For Kven and Sami pupils, the grant is used for the instruction of Finnish and Sami. Priority is given to these two groups when allocating grants.

#### *14.2.2. Higher education and research*

The Finnish Institute at the University of Tromsø offers a full study programme of Finnish language and culture, culminating in a doctorate. Once they have begun work on their master's degree, students may also concentrate on Kven language and culture. Since 1998, in some semesters the university has offered semester subjects in Kven for which there has been no general entrance requirement, and where Kven students have been given priority as regards admission to the programme. The semester subject in Kven has not been offered every semester, partly because of a lack of university resources and partly because the number of people applying for this subject has been too low. In addition to the University of Tromsø, the University of Oslo also has a full programme of Finnish studies.

The College of Finnmark offers a semester subject and one-year course in Finnish. An additional one-year programme is offered every other year. A course in teaching Finnish is also available to teacher training students.

### **15. ARTICLE 15**

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

The Government regards the right to participate in social life in Norway, and particularly in the political decision-making processes, as fundamental rights. Every person must be able to participate in framing measures and schemes that concern themselves. It is important that groups themselves are able to take part in deciding which measures are to be prioritized, and how the measures are to be designed. Minority organizations have an important role to play in this respect, and the organizations receive financial support from the fiscal budget in order to fulfil this role (see point 6.1.3.1).

#### **15.1. Participation in public affairs**

The authorities conduct a dialogue with organizations representing the minority groups. When preparing the report to the Storting on national minority policy, the authorities invited organizations representing all the national minorities to bilateral meetings in order to hear their views. The question of Norwegian ratification of the Framework Convention for the Protection of National Minorities was also submitted to organizations and individuals associated with these minority groups. The national minorities have also participated in the process of preparing Norway's first report on the implementation of the provisions of the Framework Convention, in that this report was circulated for consultative comment by the national minorities before it was sent to the Council of Europe. Furthermore, the central government authorities have arranged conferences to which national minority organizations have been invited and been given the opportunity to present their demands and wishes to the authorities.

## **15.2. Participation in cultural life**

The national minorities participate in cultural life, both by playing an active role in defining the basic criteria for governmental cultural measures that concern the groups and by organizing their own cultural events. Further information on this subject may be found under point 5.1.3 on traditions and cultural heritage and point 6.1.5 on grants for national minorities (project support).

## **15.3. Participation in social and economic life**

No survey has been carried out of the living conditions of national minorities in Norway. However, it may be assumed that some of the groups have difficult living conditions, particularly as regards housing. There are no special arrangements to meet the needs of national minorities in such areas. The minorities are covered by the general social welfare and national insurance schemes, which are administered by the local authorities.

The Centre for Combating Ethnic Discrimination received 20 complaints from persons belonging to national minorities in 1999-2000, most of which were from Roma/Gypsies and the Romani people/Travellers. Most of the complaints concerned the social and health care sector, but the centre has also received complaints regarding schools and housing.

One case concerned an application for municipal housing for a married couple belonging to the Roma/Gypsies. The couple had maintained the traditional way of life, travelling around Europe for parts of the year. Initially, their application for municipal housing was rejected on the grounds that the applicant had to have lived in the municipality for three years to be eligible to apply for housing. The couple did not satisfy this requirement since they had not previously had any fixed residence anywhere. The Centre for Combating Ethnic Discrimination considered the municipality's condition to be contrary to the Framework Convention for the Protection of National Minorities and contacted the political leadership in the municipality about the case. The municipality concurred with the Centre and promised to change the conditions in this respect to ensure that persons belonging to national minorities have the same opportunity to apply for municipal housing as other persons.

Several of the Romani/Traveller organizations have pointed out to the authorities that the statutory condition whereby a trade certificate is required in order to exercise certain occupations poses a problem for many Romani/Travellers. This group has long-standing traditions in various sectors of the building industry (such as roofing, carpentry, bricklaying, etc.) The occupation has traditionally been passed on one generation to the next, with fathers teaching sons the trade, and has not been acquired through formal vocational training, with the result that workers lack examinations and trade certificates. Act of 14 June 1985 No. 77 relating to Planning and Building currently restricts the right to exercise such occupations without a trade certificate. Due to these restrictions, persons without a trade certificate basically may not hold a technical management position in an enterprise that is to carry out major construction projects. However, they may exercise their craft as an employee in an enterprise that has adequate technical guidance. Persons who do not possess a trade certificate may, on an independent basis, also undertake minor assignments for which no applications are required pursuant to the Planning and Building Act.

Act of 17 July 1998 No. 61 relating to Primary and Secondary Education (the Education Act) entitles candidates to sit for trade and journeyman examinations without completing a training programme if the candidates have long (as a rule five years or more), all-round practical experience in the trade. The candidate must also have a certain amount of theoretical knowledge, since an interdisciplinary theoretical examination must be passed before sitting for the practical trade and journeyman examination. As from 1 August 2000, adults who have completed primary and lower secondary school or the equivalent, but who have not completed upper secondary schooling, are entitled, free of charge, to an upper secondary school education that will make it possible for them to sit for an interdisciplinary examination. Responsibility for fulfilling this right lies with the county municipality.

Instruction must be tailored to the needs and based on the non-formal qualifications of each individual. This means that persons who have long practical experience but who lack theoretical knowledge will receive the instruction necessary to enable them to take the theoretical part of the test. At the same time, they may be exempted from the practical portion of the instruction. This right can be assured by establishing a flexible schedule of instruction or by means of distance learning, thereby enabling candidates to follow a programme of instruction while working full-time.

#### **15.4. Eligibility to vote for persons who are not Norwegian nationals**

The question of who is entitled to vote in Norway is regulated by Act of 1 March 1985 No. 3 relating to Storting elections, county council elections and municipal council elections (the Election Act). Section 3 of the Act provides that persons who are not Norwegian nationals are entitled to vote in county council elections and municipal council elections if they have been registered in the Norwegian national population register as a resident of the realm for the three years preceding the election day. Persons who are nationals of other Nordic countries are entitled to vote if they were entered in a Norwegian national population register on 31 March of the election year as a resident of the realm. Furthermore, non-nationals must satisfy the same conditions that apply to Norwegian nationals, i.e. they must have reached 18 years of age at the latest in the year on which the election is held and they must not have lost their right to vote, for instance due to a criminal offence or ballot rigging. Moreover, every person who wishes to vote in Norway must be entered in the electoral register on the day of the election in order to exercise his or her right to vote.

Persons who are not Norwegian nationals are not entitled to vote in Storting elections. This also applies if they are nationals of other Nordic countries.

#### **16. ARTICLE 16**

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

No changes have been made as regards the jurisdiction of local or regional authorities in Norway in the past few years. Nor have there been any changes in municipal or regional boundaries, neither geographical nor administrative.

## **17. ARTICLE 17**

- 1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**
- 2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.**

Persons belonging to national minorities have the right to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other states. Moreover, the authorities do not interfere with the right of national minorities to participate in the activities of non-governmental organizations, either at the national or international level.

According to the circular regarding the government grant scheme for national minorities (see point 6.1.3.1 and point 6.1.5), applications may be submitted for project support for projects designed to create contacts and cooperation between national minorities across national frontiers. In 2000, the authorities provided funding for the following projects for that purpose: the International Romani Union's meeting on Roma and Migration in Oslo in May 2000, the Norwegian Kven Foundation's project "Cooperation between National Minorities in the Barents Region", and the participation of Norwegian Roma in the Czech Republic's annual Roma conference, in International Roma Day in Kosovo in April 2000, in the OSCE's Contact Point for Roma and Sinti Issues (CPRSI) and in a Roma festival in Scotland in autumn 2000.

As regards the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, reference is made to point 7 regarding freedom of association and point 6.1.3.1 regarding the grant scheme for national minorities (basic support).

## **18. ARTICLE 18**

- 1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**
- 2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

Norway has not entered into bilateral agreements regarding the protection of national minorities. However, steps have been taken to initiate Nordic cooperation at senior government official level on policies concerning national minorities. These plans are still in the preparatory stage.

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## APPENDICES

\* Norway's first (1992), second (1994) and third (1998) report on the implementation of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries

\* Acts of legislation:

- The Constitution of Norway (Act of 17 May 1814)
- Act of 21 May 1999 No. 30 relating to the strengthening of the status of human rights in Norwegian law (the Human Rights Act)
- Act of 29 May 1964 No. 1 relating to Personal Names
- Act of 12 June 1987 No. 56 relating to the Sameting (the Sami Parliament) and other Sami legal matters (the Sami Act)
- Act of 13 June 1969 No. 25 relating to Religious Communities
- Act of 12 June 1981 No. 64 relating to Grants for Belief Communities
- General Civil Penal Code (Act of 22 May 1902 No. 10), sections 135 a, 228-232, 292 and 349 a
- Act of 22 May 1981 No. 25 relating to Legal Procedure in Criminal Cases (the Criminal Procedure Act), sections 232 and 304
- Act of 13 August 1915 No. 5 relating to Courts of Justice (the Courts of Justice Act), section 135
- Act of 17 July 1998 No. 61 relating to Primary and Secondary Education (the Education Act), sections 2-2, 2-3, 2-7 and 2-8
- Act of 4 February 1977 No. 4 relating to Worker Protection and Working Environment, etc. section 55 a (the Working Environment Act)

\* Report No. 15 (2000-2001) to the Storting on National Minorities in Norway - On Central Government Policy in respect of Jews, Kven, Roma/Gypsies, the Romani people/Travellers and Skogfinn (report to the Storting on national minority policy) (only available in Norwegian)

\* Statistics

- Expenditure on gross domestic product 1991-1999
- Economy
- Demography
- Consumption, living conditions, wages