

ECRI REPORT ON NORWAY

(fourth monitoring cycle)

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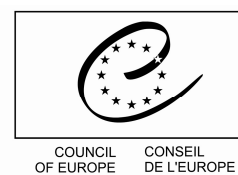


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FOREWORD

The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country-by-country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work is taking place in 5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, and those of the third round at the end of the year 2007. Work on the fourth round reports started in January 2008.

The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.

The fourth round country-by-country reports focus on implementation and evaluation. They examine the extent to which ECRI's main recommendations from previous reports have been followed and include an evaluation of policies adopted and measures taken. These reports also contain an analysis of new developments in the country in question.

Priority implementation is requested for a number of specific recommendations chosen from those made in the new report of the fourth round. No later than two years following the publication of this report, ECRI will implement a process of interim follow-up concerning these specific recommendations.

The following report was drawn up by ECRI under its own and full responsibility. It covers the situation as of 20 June 2008 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.

SUMMARY

Since the publication of ECRI's third report on Norway on 27 January 2004, progress has been made in a number of fields covered by that report.

The Norwegian authorities have taken a number of important steps to improve the legal framework against racism and racial discrimination and its implementation. Thus, the Anti-Discrimination Act, which prohibits discrimination on grounds of ethnicity, national origin, descent, skin colour, language, religion or belief, has been in force in Norway since January 2006. The Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal have been established to support the implementation of this act and other anti-discrimination legislation, including on grounds not covered by ECRI's mandate. A Law Commission established to propose consolidated legislation against discrimination on all grounds currently protected under Norwegian law is currently examining the question of the ratification of Protocol No. 12 to the European Convention on Human Rights (ECHR) and the need for additional safeguards against discrimination in the Norwegian Constitution.

Following the Supreme Court decision of December 2002, in which openly antisemitic and anti-immigrant speech uttered in the context of an illegal demonstration held in memory of Rudolph Hess and Adolf Hitler were deemed to be protected by freedom of speech, considerable work has been carried out to improve protection against racist speech, resulting in an amendment to the Constitution and changes to the Criminal Code.

The prosecuting authorities and the police, who are reported to be among the Norwegian institutions that have made issues of combating racism and racial discrimination and promoting diversity more central to their work since ECRI's last report, have initiated work to both improve the response of the criminal justice system to manifestations of racism and racial discrimination and to monitor the incidence of these phenomena, although this is still very much work in progress. Commendable efforts have been made by these institutions to counter extreme right-wing groups, which are reported to have lost some strength as a result. Welcome initiatives have also been taken to increase the representation of persons of immigrant background in the police with some signs of success, at least at the level of initial recruitment.

The vast majority of the measures foreseen in the National Plan of Action to Combat Racism and Discrimination (2002-2006) have been implemented. Following an incident in which the emergency services failed to assist a 37 year-old man of immigrant background in August 2007, the Norwegian authorities have launched a survey on discrimination in the public sector, whose results will be fed into the new Plan of Action against Racism and Discrimination (2009-2013) that is currently being prepared. Action Plans for Integration and Social Inclusion of the Immigrant Population were adopted in 2007 and 2008, accompanied by Goals for Social Inclusion, which are used as indicators. As part of this, the Norwegian authorities are piloting a project in twelve government Ministries and agencies, whereby applicants of immigrant background will be preferred for recruitment if they have qualifications corresponding to the best qualified applicant for a particular post.

A Directorate of Integration and Diversity (IMDi) was established in January 2006 with the goal, inter-alia, of promoting employment-based integration through a number of tools, including introductory courses for immigrants. Partly at the initiative of IMDi, some progress has been made in monitoring racial discrimination, particularly through perception-based data. A study on living conditions among non-Western immigrants (2005-2006) was published in 2008 to increase knowledge about the perception of discrimination among this group of persons, their language skills and practices, social

contacts, family situations and specific challenges they might face in the labour and housing markets.

Persons of immigrant background are increasingly present in the media profession and as employees in the public sector.

ECRI welcomes these positive developments in Norway. However, despite the progress achieved, some issues continue to give rise to concern.

Persons of immigrant background are still lagging behind in vital areas. The unemployment rate among young people of immigrant background is reported to be twice that registered among the rest of the same age group, and a disproportionately high drop-out rate from secondary education is registered among students of immigrant background. Imbalances, although being slowly reduced, are furthermore to be found in the housing sector, with rates of homelessness six times higher among persons of immigrant background than in the population as a whole. Disadvantage, notably linked to lack of professional interpretation and failure to take diversity into account is reported in the health sector and the legal system.

Racial discrimination is reported to be a central cause of these imbalances. However, its exact role remains to be more clearly defined, as consistently advocated by civil society actors. More efforts are needed to generate data on actual manifestations of racial discrimination and on the position of minority groups in a number of areas that could help identify patterns of direct and indirect racial discrimination. Furthermore, the lack of adequate information on the extent to which measures taken to combat racial discrimination have met with success limits the possibility of making fully informed decisions on whether these measures should be continued or replaced.

While welcome efforts are underway to improve the situation, the public sector's approach to combating racial discrimination and promoting equal opportunities needs to move more decidedly from piecemeal to an approach whereby these issues are mainstreamed across all of the areas of work of Ministries and agencies. A key step in this process appears to be better awareness and acknowledgement among the public sector of the different forms of racial discrimination. In this connection, there is a need to examine the extent to which unwitting prejudice, ignorance, thoughtlessness and racist stereotyping result in processes, attitudes and behaviour that prevent persons belonging to minority groups from receiving services equal to those received by others.

Political speech has sometimes taken on racist and xenophobic overtones, especially in connection with security concerns. As a result, the association of Muslims on the one hand, and terrorism and violence on the other, and generalisations and stereotypes concerning persons of Muslim background have been on the rise in public debate. Media portrayal of persons of immigrant background has also not always been conducive to challenging stereotypes and generalisations concerning this group of persons. On the Internet, where the exponents of racist extreme right-wing groups organise their activities, racist material targeting among others Jews, Muslims and Sami is commonly found.

Little progress has been made towards combating discrimination and improving the situation of members of Romani/Tater and Roma communities, whose position of disadvantage and marginalisation continues to be a cause for concern.

The possibilities for persons of immigrant background to benefit from family reunification are still limited for many, including those who are granted residence permits on humanitarian grounds. A viable solution to the situation of non-citizens who cannot be returned to their country of origin for practical reasons, a number of whom have now lived in Norway for many years, also remains to be found.

In spite of efforts made in the fields of combating racism and racial discrimination and promoting diversity, key challenges lying ahead for the police include addressing racial profiling practices and the related question of improving the confidence of the population of immigrant background in the police, especially following an incident in which a 48-year-old man of Nigerian origin died in a police intervention in September 2006.

In this report, ECRI recommends that the Norwegian authorities take further action in a number of areas.

As concerns the legal framework against racism and racial discrimination and its implementation, ECRI recommends that the Norwegian authorities ratify Protocol No. 12 to the ECHR, introduce constitutional safeguards against racial discrimination and empower the Equality and Anti-Discrimination Tribunal to award redress to victims of racial discrimination.

Alongside general reporting obligations, the duty on public authorities and private employers to promote equality and prevent discrimination in carrying out their functions should include specific duties, notably in the field of monitoring, and the adoption and implementation of equality programmes. Furthermore, in addition to monitoring the implementation of this duty and providing assistance and guidance to those subject to it, the Equality and Anti-Discrimination Ombud should be empowered to legally enforce the duty. ECRI requests priority implementation for these recommendations in the next two years.

ECRI recommends that the Norwegian authorities promote awareness among judges of international standards concerning racist expression, and that they remain open to the possibility of fine-tuning legislation in this field. The Norwegian authorities should also strengthen their efforts to counter instances of racist expression committed through the Internet, including by bringing those responsible for any offences to justice.

ECRI recommends that as part of their plans to adopt the new Plan of Action against Racism and Discrimination, the Norwegian authorities set clear targets and indicators for progress achieved and thoroughly involve civil society stakeholders in the setting of these targets and indicators.

ECRI also makes a series of recommendations covering the different areas of discrimination. These recommendations include: as concerns employment, measures to improve the participation of persons of immigrant background, especially young people, in the labour market; as concerns education, monitoring the new system of Norwegian language instruction and promoting kindergarten attendance among children of immigrant background; as concerns housing, the introduction of a comprehensive set of measures to tackle racial discrimination in this field in the new Plan of Action. As concerns the health sector and the legal system, ECRI recommends that the Norwegian authorities increase the availability and use of professional interpretation in these two areas and requests priority implementation for this recommendation in the next two years.

The Norwegian authorities should improve the monitoring of racist incidents and the investigation of racist offences, including through the adoption of a broad definition of a "racist incident". Particular attention should be devoted to monitoring violent incidents and offences. To these ends, the Norwegian authorities should work in close co-operation with immigrants' organisations so as to break down barriers that may still prevent victims of racist offences from reporting these offences.

ECRI recommends that the Norwegian authorities take steps to address racial profiling, notably in stop and search operations carried out by police and customs and immigration officials. In particular, ECRI recommends that the Norwegian authorities carry out in-depth research on racial profiling and monitor police activities in order to

identify racial profiling practices. ECRI requests priority implementation for this recommendation in the next two years.

ECRI recommends that the Norwegian authorities ensure that refugees and persons who are granted residence on other protection or humanitarian grounds are not kept away from their families for unduly long periods of time. It also recommends that the Norwegian authorities facilitate access to residence permits for non-citizens who cannot be returned to their country of origin for practical reasons.

ECRI recommends that the Norwegian authorities include commitments in the field of combating discrimination against members of Romani/Tater and Roma communities and improving the situation of members of these communities across all fields of life in the Plan of Action against Racism and Discrimination (2009-2013).

Finally, the Norwegian authorities should monitor the situation and address all manifestations of Islamophobia, antisemitism and racism and discrimination against members of the indigenous Sami population.

FINDINGS AND RECOMMENDATIONS

I. Existence and Implementation of Legal Provisions

International legal instruments

1. In its third report, ECRI recommended that Norway ratify Protocol No. 12 to the European Convention on Human Rights (ECHR), which provides for a general prohibition of discrimination. ECRI notes that in the National Action Plan to Combat Racism and Discrimination 2002-2006¹, the Norwegian authorities stated that they were in favour of Norway's ratification of the Protocol. At the time of writing however, the Protocol has not yet been ratified. A Law Commission appointed on 1 June 2007 (*Diskrimineringslovutvalget*) by the Norwegian Government to propose consolidated legislation against discrimination on all grounds currently protected under Norwegian law, has been mandated to examine a number of other questions², including the ratification of Protocol No. 12. ECRI notes that the Law Commission is expected to submit its recommendations before 1 July 2009.
2. ECRI recommends that Norway ratify Protocol No. 12 to the European Convention on Human Rights.
3. In its third report, ECRI recommended that Norway ratify the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. ECRI is pleased to note that, following its ratification by Norway on 29 April 2008, the Additional Protocol will enter into force in the country on 1 August 2008.
4. In its third report, ECRI noted that through their incorporation into the Norwegian domestic legal order by way of an addition to the Human Rights Act of 1999, a certain number of human rights instruments had been afforded prevailing status over any conflicting statutory provisions. In that report, ECRI therefore recommended that the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) be afforded the same prevailing status in the Norwegian domestic legal order. The Norwegian authorities have stressed that they have incorporated ICERD into Norwegian domestic legislation through the Anti-Discrimination Act of 3 June 2005 No. 33³ and CEDAW through the Gender Equality Act of 9 June 1978 No. 45. ECRI welcomes this step. ECRI also notes however, that in its Declaration issued in autumn 2005, the current Norwegian government pledged to incorporate CEDAW through an addition to the Human Rights Act, thereby giving the provisions of this convention precedence over any other conflicting statutory provisions. The Norwegian authorities have stated that this question is still under consideration.
5. Since the publication of ECRI's third report on Norway, the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families has entered into force. Norway has not yet signed this instrument.

¹ See below, Discrimination in Various Fields.

² See below, Provisions covering racial discrimination.

³ See below, Provisions covering racial discrimination.

6. ECRI recommends that the Norwegian authorities strengthen the position of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the domestic legal order, by incorporating these instruments through an addition to the Human Rights Act of 1999.
7. ECRI recommends that Norway ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families.

Provisions covering racist expression

8. In its third report, ECRI dealt at length with the issue of ensuring protection against racist expression in Norway. It strongly recommended that the Norwegian authorities strengthen such protection by reforming both Article 100 of the Norwegian Constitution, which guarantees freedom of expression, and Section 135a of the Criminal Code, which prohibits the uttering of discriminatory or hateful expressions. Part of the background to these recommendations was the Norwegian Supreme Court's judgment of 17 December 2002, in which the Court held that strongly antisemitic and anti-immigrant speech uttered in the context of an illegal demonstration held in memory of Rudolf Hess and Adolf Hitler were protected by freedom of expression⁴. In that report, ECRI deeply regretted that statements such as those uttered in the circumstances and in the case in question could go unpunished. ECRI notes that since then, the Committee for the Elimination of Racial Discrimination concluded that the Norwegian Supreme Court judgment violated article 4 and Article 6 of ICERD⁵, which concern respectively the prohibition of racist propaganda and the right to effective protection and remedies.
9. ECRI is pleased to note that considerable work has been carried out in Norway on the issue of ensuring protection against racist expression. This work has resulted in amendments to both the Constitution and the Criminal Code. The Norwegian authorities have stated that the new formulation of Article 100 of the Constitution, which entered into force on 30 September 2004, allows for the punishment of racist expressions to a greater extent than before⁶. Since ECRI's third report, Section 135a of the Criminal Code was also amended twice and has been in force in its current formulation since 1 January 2006⁷. Three main changes were introduced. Firstly, the maximum penalty provided for in case of

⁴ Rt-2002-1618.

⁵ CERD/C/67/D/30/2003, Opinion of the Committee on the Elimination of Racial Discrimination under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, Communication No. 30/2003: Norway (Jurisprudence) 22 August 2005.

⁶ The first two sections of Article 100, as amended, stipulate that: "(1) There shall be freedom of expression; (2) No one may be held liable at law, except on the basis of contract or other private legal basis, for having conveyed or received information, ideas or messages unless such liability can be justified in consideration of the reasons for the right to freedom of expression namely the search of truth, democracy and the individual's free formation of opinions. Such legal responsibility must be clearly prescribed by law."

⁷ "Any person who wilfully or through gross negligence publicly utters a discriminatory or hateful expression shall be liable to fines or imprisonment for a term not exceeding three years. An expression that is uttered in such a way that it is likely to reach a large number of persons shall be deemed equivalent to a publicly uttered expression, cf. section 7, No. 2. The use of symbols shall also be deemed to be an expression. Any person who aids and abets such an offence shall be liable to the same penalty. A discriminatory or hateful expression here means threatening or insulting anyone, or inciting hatred or persecution of or contempt for anyone because of his or her a) skin colour or national or ethnic origin, b) religion or life stance, or c) homosexuality, lifestyle or orientation.

breach was raised from two to three years' imprisonment. Secondly, gross negligence on the part of the perpetrator is now sufficient for the offence to occur. Thirdly, it is no longer necessary for the expression to have been made in public or otherwise disseminated to the public. It is sufficient for such expression to have been made in a way that makes it fit for public dissemination, irrespective of whether it actually reaches the public or not.

10. The Norwegian authorities have stated that they consider that with these changes, statements such as those that were examined by the Supreme Court in December 2002 would be found to be in breach of Norwegian legislation. While they welcome the fact that the legal framework around racist expression has been reformed, civil society organisations have underlined the need for cases to be tried and tested in order to assess the extent to which protection against racist expression has actually improved in practice in Norway.
11. Against this background, ECRI notes with interest the Supreme Court judgment of 21 December 2007 relating to virulent antisemitic statements made by the spokesman of an extreme right-wing group during an interview with one of Norway's largest newspapers in July 2003. The accused had, among other things, stated that Jews were "the main enemy", that they had "killed our people" and were "vicious murderers". He had also stated that Jews were "not humans" but "parasites" that were to be "cleaned out". He furthermore stated that the organisation for which he was the spokesman conducted weapons and combat training, and that he did not care whether anything happened to people he did not want in the country. The accused was convicted by unanimous decision of the district court. However, he was unanimously found not guilty by the court of appeal, which held that his statements were protected by freedom of expression. Following an appeal by the Director of Public Prosecutions, the Supreme Court unanimously set aside the court of appeal's acquittal on the basis of an error in law and concluded that the statements were punishable under Section 135a, as they contained a call or support for clear acts of physical injury to Jews, and moreover involved a gross disparagement of Jews' human worth.
12. ECRI notes that the judgment of the Supreme Court is based on Section 135a as it stood before the amendments that entered into force on 1 January 2006. However, it also notes that the Supreme Court refers to the parliamentary debates that led to the current formulation of Article 100 of the Constitution and that the Norwegian authorities consider that the Supreme Court judgment considerably contributes to the clarification of the law as regards the scope of Section 135a as it currently stands. In particular, they stress that the emphasis put by the Supreme Court on the existence of a call or support for clear acts of physical injury and of gross disparagement of a group of people's human worth will be helpful in developing a consistent prosecution practice in racist expression cases in the future. ECRI notes that the development of such practice is among the areas to be covered by ongoing efforts of the Office of the Director of Public Prosecutions to raise awareness and competence among police and public prosecutors on issues of racism and racial discrimination⁸.
13. ECRI welcomes these developments. It also notes, however, that there are instances of racist expression that still appear to fall beyond the reach of the legal provisions in force against racist expression. For instance, ECRI notes that in 2007 the Equality and Anti-Discrimination Ombud (LDO)⁹ brought charges under Section 135a of the Criminal Code against the publisher of a website for posting offensive racist material in the form of jokes. ECRI

⁸ See below, Provisions covering racially motivated offences.

⁹ See below, Provisions covering racial discrimination.

understands that the prosecuting authorities dismissed the case as they considered that it would fall outside the scope of Section 135a as interpreted in the light of the recent Supreme Court judgment.

14. More generally, it has been pointed out that racist expression is still widely present on the Internet. ECRI notes that the LDO has contacted website publishers to warn them that they might be in breach of criminal legislation and that there are police units specialised in monitoring illegal content on the Internet. However, ECRI understands that so far there have been no convictions for breaches of Section 135a committed through the Internet.
15. ECRI encourages the Norwegian authorities to continue with their efforts to improve the protection provided by Norwegian legislation against racist expression and raise awareness among the police and public prosecutors of the changes in the legal framework against racist expression and their implications.
16. ECRI encourages the Norwegian authorities to promote awareness among judges of international standards against racist expression and of the need to take all instances of racist expression seriously.
17. ECRI recommends that the Norwegian authorities keep the adequacy of the criminal law provisions against racist expression under review. In particular, it draws the attention of the Norwegian authorities to the fact that in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, ECRI recommends that member States penalise not only incitement to violence, hatred and discrimination, but also the expression of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin¹⁰.
18. ECRI recommends that the Norwegian authorities strengthen their efforts to counter instances of racist expression committed through the Internet, including by bringing those responsible for any offences to justice.

Provisions covering racial discrimination

19. In its third report, ECRI recommended that the Norwegian authorities strengthen the protection provided by the Norwegian Constitution against racial discrimination. It also recommended that a comprehensive body of civil and administrative law provisions against racial discrimination be introduced.
20. ECRI notes that the Law Commission appointed by the Norwegian Government on 1 June 2007¹¹ will examine the need for antidiscrimination provisions in the Constitution (unless a commission appointed by Parliament receives a specific mandate to consider this question). As concerns the adoption of civil and administrative law provisions against racial discrimination, ECRI welcomes the adoption by Parliament on 3 June 2005 of the Anti-Discrimination Act, which has been in force since January 2006. The Act prohibits, *inter alia*, direct and indirect discrimination, harassment and instructions to discriminate on grounds of ethnicity, national origin, descent, skin colour, language, religion or belief.
21. ECRI is pleased to note that a number of elements included in its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination are reflected in the Anti-Discrimination Act. For instance,

¹⁰ ECRI General Policy Recommendation No.7, paragraph 18d (and paragraphs 38-39 of the Explanatory Memorandum).

¹¹ See above, International legal instruments.

the Act applies to all areas of life, including important public authority functions such as the activities of the police, border control officials and immigration authorities. It also includes provisions for a shared burden of proof and allowing for temporary special measures to be taken. However, other aspects of General Policy Recommendation No. 7 have not been included. For instance, the Act does not place public authorities under a duty to ensure that those parties to whom they award contracts or other benefits respect and promote a policy of non-discrimination. Nor have public authorities been placed under a duty to promote equality and prevent discrimination in carrying out their functions. With respect to this last aspect, however, ECRI is pleased to note that in June 2008 the Parliament adopted an amendment to the Anti-Discrimination Act that places public authorities and employers with more than 50 employees under such a duty; ECRI notes however, that this duty does not include obligations other than general reporting obligations.

22. The implementation of the Anti-Discrimination Act is supported by two institutions also established since ECRI's third report: the Equality and Anti-discrimination Ombud (LDO) and the Equality and Anti-Discrimination Tribunal¹². In addition to the Anti-Discrimination Act, these institutions help with the implementation of the Gender Equality Act, the regulations concerning equal treatment contained in the Working Environment Act and the anti-discrimination provisions contained in different pieces of housing legislation¹³. Accordingly, in addition to discrimination on grounds covered by ECRI's mandate, these institutions also deal with discrimination on other grounds, including gender, age, sexual orientation, political views and, from 1 January 2009, disability.
23. ECRI notes that since these institutions started to function in January 2006, complaints of discrimination filed with the LDO on grounds covered by ECRI's mandate have made up around one third of the total amount of complaints (80 or 27,1% in 2006; 50 or 33,1% in 2007; and 13 or 31,7% in the first quarter of 2008). Most of these complaints have concerned the areas of employment and public administration. The LDO found for a violation of the Anti-Discrimination Act in approximately half of these cases. Over the same period, the Tribunal, to which parties who are dissatisfied with the decision of the LDO can turn, has dealt with 12 cases of discrimination on grounds covered by ECRI's mandate, which represent approximately 21% of the total amount of cases dealt with by this institution.
24. Among the factors that may be at the origin of the relatively small number of complaints filed with the LDO on grounds covered by ECRI's mandate, the still limited knowledge of the possibility of filing a case with the LDO among victims of racial discrimination and shortcomings in the system of sanctions have been highlighted¹⁴. An additional factor that has been stressed is that although the LDO provides legal guidance and orientation to applicants, it does not provide legal representation in individual cases, as its role is precisely to adjudicate these cases. Civil society organisations have stressed that, as a result of the discontinuation of the Centre for Combating Ethnic Discrimination (SMED), which prior to the establishment of the LDO provided individual legal assistance and representation in cases of racial discrimination before the courts, victims of this type of discrimination may feel less encouraged to bring their cases to the institutions. A need for free specialised legal assistance for victims of racial

¹² See below, Anti-discrimination bodies and other institutions.

¹³ The Tenancy Act, the Owner-Tenant Act, the Housing Co-operative Act and the Home Building Association Act.

¹⁴ On these points, see below, Anti-discrimination bodies and other institutions.

discrimination has consistently been stressed. ECRI notes that these developments run counter to the recommendation it made in its third report to the effect that specialised legal assistance should remain available to victims of racial discrimination after the discontinuation of SMED. On the other hand, ECRI also notes that since January 2008, the Civil Litigation Act enables the LDO to play the role of *amicus curiae* (“friend of the court”) and take part in proceedings in order to increase awareness with regard to issues related to discrimination.

25. In its third report, ECRI also recommended that the Norwegian authorities pursue their efforts to improve the implementation of Article 349a of the Criminal Code, which prohibits refusal of goods and services in a commercial or similar activity on grounds, *inter alia*, of religion, skin colour or national or ethnic origin and refusal of admission to a public performance or exhibition or other public gathering on the same grounds. As mentioned below¹⁵, the police and prosecuting authorities have carried out work in the field of combating racism and racial discrimination since ECRI’s third report and ECRI notes that this work has also covered the improvement of police investigations and prosecuting authorities’ decisions on alleged breaches of Section 349a. ECRI notes however, that convictions under Section 349a remain extremely rare. For instance, although charges were brought in a number of cases in 2006 and 2007, none of these led to a conviction.
26. ECRI recommends that the Norwegian authorities strengthen the constitutional protection against racial discrimination. ECRI draws the attention of the Norwegian authorities to its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination, where it recommends that constitutions enshrine the principle of equal treatment, the commitment of the State to promoting equality as well as the right of individuals to be free from discrimination on grounds such as race, colour, language, religion, nationality or national or ethnic origin¹⁶.
27. ECRI recommends that the Norwegian authorities ensure that the general duty on public authorities and private employers to promote equality and prevent discrimination in carrying out their functions includes specific duties, notably in the field of monitoring, and the adoption and implementation of equality programmes as recommended in its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination¹⁷.
28. ECRI recommends that the Norwegian authorities introduce provisions subjecting public procurement to contractors’ compliance with non-discrimination standards, in accordance with its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination¹⁸.
29. ECRI recommends that the Norwegian authorities take steps to improve the access of victims of racial discrimination to free legal assistance.
30. ECRI recommends that the Norwegian authorities pursue their efforts to improve the implementation of Article 349a of the Criminal Code.

¹⁵ Provisions covering racially motivated offences.

¹⁶ ECRI General Policy Recommendation No.7, paragraph 2 (and paragraph 10 of the Explanatory Memorandum).

¹⁷ ECRI General Policy Recommendation No.7, paragraph 8 (and paragraph 27 of the Explanatory Memorandum).

¹⁸ ECRI General Policy Recommendation No.7, paragraph 9.

Provisions covering racially motivated offences

31. In its third report, ECRI recommended that the Norwegian authorities explicitly provide in law that racist motivation constitutes a specific aggravating circumstance in respect of all offences. ECRI is pleased to note that legislation to this effect was adopted in March 2008¹⁹. Thus, Section 77 of the Criminal Code now provides that such an aggravating circumstance occurs when the background of an offence is *inter alia*, another person's religion or belief, skin colour, national or ethnic origin or other circumstances concerning groups who are in special need of protection.
32. In its third report, ECRI also recommended that the Norwegian authorities pursue efforts to improve the investigations of the police and decisions of prosecuting authorities relating to racially motivated offences. ECRI is pleased to note that work has been carried out since then by the prosecuting authorities and the police in order to tackle racism and racial discrimination, including racially motivated offences. In addition to the appointment of a prosecutor with special responsibility for cases of racism and racial discrimination in each regional office of the public prosecutors (a measure which had already been taken at the time of ECRI's third report), one police prosecutor with similar responsibilities has been appointed in each of Norway's twenty-seven police districts since July 2004. The Office of the Director of Public Prosecutions has also required the regional offices of the public prosecutors and police districts to provide training and set compulsory training requirements. The priority given to tackling racism and racial discrimination, including racially motivated offences, has been reflected in repeated public statements by the Director of Public Prosecutions. In the circulars on targets and priorities for the police and prosecuting authorities issued by the Director of Public Prosecutions in recent years, offences that appear to be racially motivated have also been included among those that are given precedence.
33. While these efforts are welcome, ECRI notes that their impact is not yet immediately clear. One of the reasons for this is that there is still no comprehensive and easily retrievable data on incidents that may constitute racist offences (racist incidents) and on the way in which the criminal justice system responds to these. In this connection, ECRI notes however that the Office of the Director of Public Prosecutions has been working on the establishment of a reporting system from the different police districts which would make it possible to gain an overview of the number of reports received, processing time and other case history. Although this is still work in progress, ECRI understands that initial reviews indicate that the number of reports of racially motivated offences is very low. The Norwegian authorities have indicated that it is difficult to establish whether this is due to a low incidence of this type of criminality or to few cases being reported. ECRI sees here an opportunity for the prosecuting authorities to work with civil society organisations that are active in the field of combating racism and racial discrimination to identify and break down barriers that may still prevent victims of racist offences from reporting these offences.
34. ECRI encourages the Norwegian authorities to continue with their efforts to improve the response of the criminal justice system, and notably the police and the prosecuting authorities, to racially motivated offences.
35. ECRI recommends that in addition to measures aimed at improving the investigation of racially motivated offences, the Norwegian authorities pay

¹⁹ Law of 7 March 2008 No.4.

particular attention to monitoring racist incidents. ECRI strongly recommends that the Norwegian authorities draw inspiration from its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, which provides detailed guidance on both areas, including the adoption of a broad definition of “racist incident”²⁰.

Provisions covering racist organisations

36. As already noted in ECRI’s third report, since racist groups in Norway are generally not formally organised, the Norwegian authorities have not considered it necessary to adopt provisions on the dissolution of racist organisations. However, in that report, ECRI recommended that the Norwegian authorities strengthen legislation to counter racist organisations, including by providing for the possibility of dissolving such organisations. Although no such provisions have been enacted, ECRI notes that Section 15 of the Anti-Discrimination Act introduces new penalties for persons who commit serious discrimination or harassment in loose-knit groups. ECRI understands that so far there have been no cases of the application of Section 15.

37. ECRI recommends that the Norwegian authorities monitor the implementation of the provisions introduced by Section 15 of the Anti-Discrimination Act.

38. ECRI recommends that the Norwegian authorities keep the situation concerning racist organisations and the legal framework to counter them, closely under review. As part of this review, ECRI draws once more the attention of the Norwegian authorities to its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination, where it recommends that the law provide for the possibility of dissolution of organisations which promote racism²¹.

Anti-discrimination bodies and other institutions

39. As mentioned above²², since ECRI’s third report the Equality and Anti-Discrimination Ombud (LDO) and the Equality and Anti-Discrimination Tribunal were established to assist with the implementation of anti-discrimination legislation, including on grounds covered by ECRI’s mandate. The LDO has been empowered to issue non-binding opinions concerning breaches of anti-discrimination legislation, including the Anti-Discrimination Act. ECRI understands that in practice, most of the opinions of the LDO are complied with by those found to be in breach. However, the opinions of the LDO can also be appealed before the Tribunal by the parties involved in the case. In respect of private parties, the Tribunal can issue administrative decisions, including orders that an act be stopped or other measures taken to prevent the repetition of discrimination. The Tribunal can also impose administrative fines for non-compliance with its decisions. With respect to acts of the municipal and state institutions the Tribunal can only issue non-binding recommendations and opinions. ECRI notes however, that neither the LDO nor the Tribunal can award compensation for damages. In order to claim these, victims of discrimination must therefore file a claim before the Courts. It has been highlighted that this may reduce the discrimination victims’ willingness to bring cases before the LDO in the first place.

²⁰ ECRI General Policy Recommendation No.11, paragraphs 11-14 (and paragraphs 62-75 of the Explanatory Memorandum).

²¹ ECRI General Policy Recommendation No.7, paragraph 17 (and paragraph 37 of the Explanatory Memorandum).

²² Provisions covering racial discrimination.

40. Apart from the functions already referred to, which consist essentially in adjudicating complaints and providing legal guidance as necessary, the LDO carries out a considerable number of other tasks, including providing guidance to different stakeholders on how to prevent discrimination, monitoring manifestations of discrimination and carrying out awareness raising and information activities. These activities are carried out with respect to twelve grounds of discrimination, including grounds covered by ECRI's mandate. It has been reported to ECRI that with the human and financial resources currently available to this institution (a staff of thirty-six and a budget of 30 million NOK or approximately 3.8 million €), it is not always possible for the LDO to carry out all these tasks effectively. For instance, the LDO considers that greater outreach work would be key to raising awareness of potential victims of racial discrimination and therefore increase the use made of this institution by those who might need it. More extensive work on monitoring the follow-up given to the decisions of the LDO by those found in breach of anti-discrimination legislation would also be desirable. Furthermore, ECRI is pleased to note that following the establishment of a duty for public authorities and employers to promote equality and eliminate discrimination²³, the LDO is now responsible for monitoring and assisting with the implementation of this duty. In accordance with its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, ECRI considers that the LDO should also be given a key role and the corresponding powers in legally enforcing the duty. In view of the considerable workload that these functions entail, ECRI considers the question of the adequacy of the resources available to the LDO to be even more pressing.
41. ECRI recommends that the Equality and Anti-Discrimination Tribunal be made competent to award redress to victims of racial discrimination.
42. ECRI recommends that the Norwegian authorities empower the Equality and Anti-Discrimination Ombud to legally enforce the duty for public authorities and employers to promote equality and eliminate racial discrimination in carrying out their functions. ECRI draws the attention of the Norwegian authorities to its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination, where it provides additional guidance on this issue²⁴.
43. ECRI recommends that the Norwegian authorities ensure that the Equality and Anti-Discrimination Ombud has enough human and financial resources available to carry out its tasks effectively.

II. Discrimination in Various Fields

Overarching strategies

44. In its third report, ECRI recommended that the Norwegian authorities implement the various measures contained in the National Plan of Action to Combat Racism and Discrimination (2002-2006). ECRI is pleased to note that the evaluation made at the end of the implementation period, in which a follow-up mechanism that included representatives of civil society organisations participated, indicated that most measures had been successfully implemented. However, the evaluation also highlighted difficulties in assessing the impact of the various measures taken.

²³ See above, Provisions covering racial discrimination.

²⁴ ECRI General Policy Recommendation No.7, paragraph 8 (and paragraph 27 of the Explanatory Memorandum).

45. ECRI notes that, following an incident involving the emergency services in August 2007²⁵, the Ministry of Labour and Social Inclusion requested all Ministries to obtain from all agencies under them information on the extent to which the latter are aware of and work against racial discrimination. ECRI notes that according to the LDO, which is responsible for examining the responses to this survey and formulating recommendations for government action, there is still very little awareness among most agencies in the public sector of the way in which racial discrimination manifests itself. Furthermore, when it is carried out at all, anti-discrimination work is generally not mainstreamed across the different aspects of the work of these agencies, but typically takes the form of one-off measures. ECRI considers that placing public authorities and employers under a duty to promote equality and eliminate discrimination as is currently envisaged²⁶, can be a very powerful tool to address these shortcomings, especially if, as recommended above²⁷, specific obligations are laid down and adequate mechanisms for monitoring and enforcement are provided for. The Norwegian authorities have indicated that the Ministry of Health and Care Services has stated in the annual steering document to the Regional health authorities that the services shall be of a high quality. The goal is equal health services of good quality and the provision to reach out to everyone regardless of their financial situation, social status, age, gender and ethnic background.
46. ECRI is pleased to note that the results of the evaluation of the Plan of Action to Combat Racism and Discrimination (2002-2006) and the recommendations resulting from the LDO's analysis of the survey on discrimination in the public sector will be reflected in the new Plan of Action against Racism and Discrimination (2009-2013), which the Government plans to adopt at the beginning of 2009. Under the co-ordinating responsibility of the Ministry of Children and Equality, the new plan will address the situation of both the immigrant population and national minorities such as Romani/Taters and Roma, and include measures to combat discrimination based on ethnicity, national origin, descent, colour, language, religion or belief. It will cover four main areas: employment, housing, public sector (both State and local authorities) and discrimination in access to places of entertainment. The main focus of the new plan will be on measures by the central authorities, although it will also try to bring about greater local involvement by seeking the co-operation of local authorities, non-governmental organisations and social partners. ECRI notes with interest that the Norwegian authorities have stated that while the previous plan concentrated mainly on legal protection, in the new plan there will be a stronger focus on positive action.
47. In addition to the plans of action against racism and discrimination, ECRI notes that an Action Plan for Integration and Social Inclusion of the Immigrant Population was adopted under the co-ordinating responsibility of the Ministry of Labour and Social Inclusion in 2007. This was accompanied by the setting of Goals for Social Inclusion, which are used as indicators of the degree of social inclusion of the immigrant population. The plan, which was adopted in essentially the same form in 2008 and has a value of NOK 400 million, contains a number of measures in the field of employment, education and language, gender equality and participation, some of which are addressed below.

²⁵ See below, Health.

²⁶ See above, Existence and Implementation of Legal Provisions - Provisions covering racial discrimination.

²⁷ See Existence and Implementation of Legal Provisions - Provisions covering racial discrimination and Anti-discrimination bodies and other institutions.

48. ECRI encourages the Norwegian authorities to keep to their plans in adopting a new plan of action against racism and discrimination. It recommends that the plan include clear targets and indicators for progress achieved. ECRI also recommends that the Norwegian authorities thoroughly involve civil society stakeholders in the designing, implementation and evaluation of the plan, including the setting of targets and indicators.
49. ECRI recommends that the new plan of action against racism include measures to improve awareness of the different manifestations of discrimination, including indirect and institutional discrimination, among public sector agencies and measures aimed at mainstreaming the fight against discrimination in all aspects of their work.

Employment

50. In its third report, ECRI recommended that the Norwegian authorities take further steps to combat the discrimination of persons of immigrant background in the labour market and to ensure that these persons enjoy genuinely equal opportunities in employment. As already noted²⁸, legal protection against discrimination in employment has since been strengthened. ECRI also notes that a number of measures included in the Action Plan for Integration and Social Inclusion of the Immigrant Population concern employment. In this connection, the Norwegian authorities have stressed that, together with other groups, persons of immigrant background are a priority target for labour market schemes. Thus for instance, by November 2007, persons of immigrant background accounted for 40% of the beneficiaries of such schemes. ECRI also notes the establishment in December 2004 of the Directorate of Integration and Diversity (IMDi), whose goal is to promote employment-based integration through a number of tools, including introductory courses for immigrants²⁹.
51. However, in spite of a marked improvement in employment rates among the population of Norway as a whole in recent years, the gap between the employment rates of persons of immigrant background and those of the rest of the population is reported to still be considerable and to remain essentially unchanged. For instance, the unemployment rate among young people of immigrant background is reported to be twice that registered among the rest of the same age group. These figures point to a general need for further efforts to be deployed to improve the participation of persons of immigrant background in the labour market. However, civil society organisations have consistently stressed that greater knowledge is needed about the effectiveness of measures already taken to this end, in order to enable a more informed decision on whether these measures should be continued or replaced by other measures.
52. In its third report, ECRI encouraged the Norwegian authorities to pursue their efforts to improve the representation of persons of immigrant background in the public sector. The Norwegian authorities have reported that representation of persons of immigrant background (and within these, persons of non-Western immigrant background) in public administration is slowly increasing. Persons of immigrant background made up 4.7% of all civil servants in 2003, 4.9% in 2004, 5.3% in 2005 and 5.9% in 2006. The overall percentage of non-Western immigrants was 2.8 in October 2006, although their representation within the different Ministries was reportedly uneven. ECRI notes that as part of the Plan

²⁸ Existence and Implementation of Legal Provisions - Provisions covering racial discrimination.

²⁹ See below, Reception and Status of Non-Citizens.

of Action to Combat Racism and Discrimination (2002-2006), the Norwegian authorities have implemented a measure consisting in interviewing at least one suitably qualified person of immigrant background when making new appointments. Although this measure is reported to have been implemented with some success, in that interviews did indeed take place in many cases, ECRI is not aware of the actual outcomes in terms of recruitment. ECRI is pleased to note that the Norwegian authorities have now started implementing a temporary pilot project in twelve government Ministries and agencies, whereby applicants of immigrant background will be preferred for recruitment if they have qualifications corresponding to the best qualified applicant for a particular post. This project, which ECRI understands will take account of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, is being carried out under the responsibility of the Ministry of Government Administration and Reform, will last for two years, 2008 and 2009, and will subsequently be evaluated.

53. ECRI recommends that the Norwegian authorities intensify their efforts to improve the participation of persons of immigrant background, and especially young people, in the labour market.
54. ECRI strongly recommends that the Norwegian authorities improve their systems for measuring the impact of the different initiatives they take in this field.

Education

55. In its third report, ECRI recommended that the Norwegian authorities monitor and address shortcomings in the system for assigning school children to NOM (Norwegian as a mother tongue) and NOA (Norwegian as a second language) classes. Part of the background to this recommendation was that in practice, children who were deemed to present a number of differences, including ethnic minority background, were often automatically assigned to NOA classes and in many cases never made a transition to NOM classes. ECRI notes with interest that this system was discontinued in autumn 2007 and that Norwegian language instruction is now standardised for all pupils, with special assistance being offered on the basis of individual needs.
56. In its third report, ECRI examined the compulsory subject entitled “Christianity, Religions and Philosophy” and the system of exemptions from the corresponding course. It recommended that the religious education provided in schools reflect the religious diversity of Norwegian society and stressed that the predominance of one particular religion as a compulsory area of study be avoided. ECRI notes that since then, the European Court of Human Rights has found that the refusal to grant parents full exemption from the course resulted in a violation of Article 2 of Protocol No.1 (Right to Education) to the European Convention on Human Rights³⁰. The Norwegian authorities have reported that a number of changes have been made or proposed since ECRI’s third report and the Court’s judgment. These include proposals for change to the object clause of the Education Act. Furthermore, amendments have been adopted in the Education Act and in the curriculum of the subject (which is renamed Religion, Philosophies of life and Ethics), decreasing the relative weight of the teaching of Christianity and expanding the system of exemptions. ECRI also notes reports

³⁰ European Court of Human Rights, Grand Chamber, Case of Folgerø and Others v. Norway (Application No. 15472/02), Strasbourg, 29 June 2007. Article 2 of Protocol 1 to the European Convention on Human Rights stipulates that “[n]o person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”.

according to which pupils exempted from the course are not always offered alternative instruction of equal value during school time.

57. More generally, ECRI notes that figures indicate that pupils of immigrant background are falling behind other children in education. This includes disproportionately high drop out rates from secondary education. The Norwegian authorities have highlighted a number of measures they have initiated to address this situation, although they have also stressed that when the educational levels of the parents are taken into account, the gap between students of immigrant background and other students tends to reduce considerably. Measures taken have included the provision of vocational training and, as part of the Action Plan for Integration and Social Inclusion of the Immigrant Population, provision of free core time in kindergartens for all four- and five-year-olds in neighbourhoods with a high proportion of children of immigrant background. Once again, civil society organisations have welcomed these initiatives although they have stressed that due to the wide autonomy that municipalities enjoy in matters relating to education it is difficult to ensure that any good practice is reproduced throughout the country.
58. ECRI recommends that the Norwegian authorities monitor the practical implementation of the new system for Norwegian language instruction to ensure that special assistance is offered to pupils on the basis of actual need and irrespective of considerations such as a pupil's immigrant background.
59. ECRI recommends that the Norwegian authorities ensure that the teaching of religion is in full compliance with the right to education protected by Article 2 of Protocol No.1 to the European Convention on Human Rights, in accordance with the case law of the European Court of Human Rights and with the guidelines provided in ECRI's General Policy Recommendation No.10 on combating racism and racial discrimination in and through education³¹. ECRI also recommends that the Norwegian authorities ensure that alternative educational opportunities of equal value are made available for children who are exempted from the course.
60. ECRI strongly recommends that the Norwegian authorities take measures to bridge the gap in educational attainment between children of immigrant origin and other children. ECRI recommends that the Norwegian authorities focus in particular on reducing the disproportionately high drop out rates from secondary education and that they increase efforts to promote kindergarten attendance among children of immigrant background. ECRI recommends that the Norwegian authorities improve their systems for measuring the impact of the different initiatives they take in this field and that they ensure that good practice is reproduced throughout the country.

Housing

61. In its third report, ECRI recommended that the Norwegian authorities strengthen their efforts to address the problems of discrimination and disadvantage faced by persons of immigrant background in housing. In addition to a rigorous implementation of housing anti-discrimination legislation, ECRI recommended that such efforts include more proactive measures, such as requiring central and local authorities to draw up targeted action plans to address the housing situation of persons of immigrant background.

³¹ ECRI General Policy Recommendation No.10, paragraphs II. 2. b) and c).

62. As already noted³², legal protection against discrimination has since then been strengthened, notably through the introduction of anti-discrimination provisions in housing legislation, followed by the enactment of the Anti-Discrimination Act and the establishment of specialised institutions that assist with the implementation of these provisions. A number of cases dealt with by the LDO and the Equality and Anti-Discrimination Tribunal have concerned racial discrimination in the renting and purchasing of property, a phenomenon that continues to be commonly reported. ECRI notes that a study on discrimination against immigrants and refugees in rental housing has been commissioned by the Norwegian authorities and will be completed before the end of 2008. The study will attempt to measure the effect of the anti-discrimination provisions of housing legislation, notably those embedded in the Tenancy Act, and to give a more detailed picture of possible discrimination patterns facing immigrants and refugees within different segments of the housing market.
63. The Norwegian authorities have highlighted that alongside general measures to help people in need of a place to live through favourable loans and grants offered by the State Housing Bank, persons of immigrant background may benefit from more specific measures included in the social housing action plans of municipalities. The Norwegian authorities report that these plans, which normally include all disadvantaged groups on the housing market, pinpoint local challenges, set targets within a defined timeframe, and identify measures to be used.
64. Overall however, persons of non-Western immigrant background³³ still have considerably poorer housing standards than average. For instance, the rate of homelessness is six times higher among persons of non-Western immigrant background than in the population as a whole. However, some progress has also been registered. Thus, a study on living conditions among persons of non-Western immigrant background published by Statistics Norway in February 2008³⁴ indicates that a bigger share of persons of non-Western immigrant background live in owned property today than ten years ago, while the share of those who live in rented accommodation and cramped conditions has decreased.
65. ECRI recommends that the Norwegian authorities include a comprehensive set of measures in the National Action Plan 2009-2013 to tackle racial discrimination in housing.

Health

66. Since ECRI's third report, racial discrimination in health and the position of persons of immigrant background in this field have been the object of considerable public attention, especially in relation with an incident that occurred in August 2007. After being attacked in a park in Oslo, a 37-year-old man of ethnic minority background was left unattended by paramedics of the emergency services and was transported to hospital in a taxi, where he underwent surgery for several hours to treat serious head injuries. ECRI notes that the investigation by the Norwegian Board of Health Supervision found that there had been a serious breach of the law governing the duties of health personnel. The Board considered the behaviour of the paramedics to have been improper and unacceptable. However, the Board did not find it sufficiently documented that the cause for the behaviour was actually grounded in racism

³² Existence and Implementation of Legal Provisions - Provisions covering racial discrimination.

³³ According to the Norwegian authorities, their statistical category of "Non-Western countries" comprises countries in Asia, Turkey, Africa, South and Central America and Eastern Europe.

³⁴ See below, Monitoring racism and racial discrimination.

and ethnicity. The LDO on the other hand found in March 2008 that the behaviour of the paramedics was in breach of the Anti-Discrimination Act. Both decisions have recently been appealed.

67. Following this case, the Norwegian authorities initiated a survey on racial discrimination in the public sector whose preliminary findings indicate that there is still little awareness among most agencies in the public sector of the different manifestations of racial discrimination, including institutional discrimination³⁵. Civil society actors have reported that the health sector is one of the sectors of the administration where greater awareness and recognition of racial discrimination would be particularly beneficial. Beyond the individual racist or racially discriminatory behaviour of any individuals working in the healthcare field, which should be effectively identified and adequately sanctioned, ECRI considers that there is a need to examine the extent to which unwitting prejudice, ignorance, thoughtlessness and racist stereotyping result in processes, attitudes and behaviour that prevent persons belonging to minority groups from receiving professional health services equal to those received by others.
68. ECRI understands that one of the few measures of the National Action Plan (2002-2006)³⁶ not to have been implemented, is a survey regarding the possible need to adapt health and care services for persons of immigrant background. ECRI also notes, however, that the Norwegian authorities have announced that a study on health and immigration will be finalised in May 2009. Although ECRI is not aware of the exact scope of this study, it hopes that it will provide an opportunity to tackle the issues mentioned above.
69. One particular dimension of racial discrimination in health and of the position of persons of immigrant background in this field is connected to the extent to which persons who do not master the Norwegian language are able to obtain professional services in practice. In this connection, ECRI notes that the Directorate of Integration and Diversity³⁷ has carried out research among doctors into practices relating to the use of interpretation. ECRI also notes that the LDO has suggested that the right to a free interpreter when using public services, including health services, should be guaranteed by clearer legal provisions, whereas the Norwegian authorities have stated that the legal provisions are clear and that it is the availability of interpretation that should be improved. In this connection, ECRI notes that in August 2007, the Norwegian authorities initiated a one-year education programme in community interpretation in Oslo. A database containing information on interpreters and their qualifications has also been set up with the objective of facilitating the use of interpretation by the public services. Although these initiatives are not specific to the health sector, ECRI considers that they might be instrumental in addressing current shortcomings in the availability of professional interpretation in health and care services.
70. ECRI recommends that the Norwegian authorities carry out in-depth research on and address manifestations of racial discrimination in the health sector, including institutional discrimination.
71. ECRI recommends that the Norwegian authorities ensure that all instances of racist or racially discriminatory behaviour by health personnel are effectively investigated and adequately sanctioned.

³⁵ See above, Overarching strategies.

³⁶ See above, Overarching strategies.

³⁷ See above, Discrimination in Various Fields – Employment.

72. ECRI urges the Norwegian authorities to increase the availability and use of professional interpretation in the health sector.

Administration of justice

73. In its third report, ECRI recommended that the Norwegian authorities initiate research aimed at identifying possible patterns of discrimination or situations of disadvantage affecting ethnic minority groups in the criminal justice system, which should include, as appropriate, a gender perspective. ECRI understands that research has since been carried out on the availability of interpretation and translation services in the legal system, which is still reported to be an area where there are margins for improvement. To ECRI's knowledge, no further research has been carried out in the field highlighted by ECRI's recommendation. However, ECRI considers that such research would be useful, especially as ECRI has received some reports of shortcomings in the way in which, for instance, violent offences committed against ethnic minority women are investigated.

74. Another issue that has been raised with ECRI concerns the possible discriminatory impact of the use of fingerprint data which has been collected as part of the asylum procedure for criminal investigations. ECRI notes that the establishment of a fingerprint database to be included in the immigrant registry was originally authorised by the Norwegian Parliament with the limitation that fingerprint data collected as a mandatory part of the asylum procedure was to be used only in order to establish the identity of asylum seekers (and not as an aid in possible subsequent criminal investigations). However, ECRI notes that the police have since been granted the power to use the fingerprint data contained in the immigrant registry in the investigation of crimes which carry sentencing guidelines of six months' imprisonment or more. It has been stressed that this may have a discriminatory impact on the position of ethnic minority groups in the criminal justice system.

75. ECRI reiterates its recommendation that the Norwegian authorities conduct research aimed at identifying possible patterns of racial discrimination or situations of disadvantage affecting ethnic minority groups in the justice system and include, as appropriate, a gender perspective.

76. ECRI recommends that the Norwegian authorities increase the availability and use of professional interpretation in the legal system.

Access to public places

77. Discrimination in access to places of entertainment such as bars, restaurants and discotheques continues to be reported. In its third report, ECRI noted that the National Action Plan 2002-2006 had announced plans to introduce legislation to the effect that discrimination in access to places of entertainment might result in the withdrawal of licences to serve alcohol. Although the Alcohol Act has not been amended, ECRI notes that since January 2008 the law regulating the granting of licences to serve food and beverages expressly provides that a breach of the Anti-Discrimination Act can result in the withdrawal of such licences. The police can also decide to close down such places of entertainment temporarily on the same grounds. ECRI also notes that the Norwegian authorities intend to cover discrimination in access to places of entertainment as one of the focus areas of the plan of action against racism and discrimination that is currently being prepared³⁸.

³⁸ See above, Overarching strategies.

78. ECRI recommends that the Norwegian authorities increase their efforts to counter racial discrimination in access to places of entertainment.

III. Racist Violence

79. The Norwegian authorities and civil society organisations concur to say that racist violence has not been a prominent phenomenon in Norway since ECRI's third report. At the same time, ECRI notes that no comprehensive data on the incidence of racist violence is available at the moment. As already mentioned, the police and prosecuting authorities are working to improve monitoring of racist incidents and investigation into possible racist offences³⁹, which obviously cover violent incidents and offences. Apart from this data, what is known about racist violence comes essentially from media reports.

80. Essentially, the reports of racist violence that ECRI has become aware of are connected with the activities of extreme right-wing groups. For instance, there were reports of violent acts carried out by neo-Nazis against two Kurdish families in Halden, a town in East Norway near the border with Sweden, in 2005. However, by and large, ECRI considers that the recommendation it made in its third report to the effect that the Norwegian authorities should keep the situation as concerns extreme right-wing groups under control and take the necessary corrective action, has been followed. ECRI welcomes in particular the work carried out by the police to stop recruitment to these circles. However, ECRI considers that the situation calls for continued close attention, particularly as extreme right-wing groups are still actively present on the Internet.

81. ECRI recommends that as part of their efforts to improve monitoring of racist incidents and the investigation of possible racist offences⁴⁰, the Norwegian authorities pay particular attention to violent incidents and offences.

82. ECRI encourages the Norwegian authorities to pursue their efforts to keep the situation as concerns extreme right-wing groups under control. It recommends that the Norwegian authorities monitor the Internet activities of the members of these groups and take firm action against any offences they commit through the Internet.

IV. Racism in Public Discourse

83. In its third report, ECRI stressed that politicians should take a firm and public stance against the use of racist or xenophobic discourse in political life and pay particular attention to the risks of stigmatisation of members of minority communities. Since then however, ECRI notes that the use of this type of discourse by Norwegian political parties has continued, often in connection with security concerns. For instance, ECRI notes that during the run-up to the September 2005 general elections, the Progress Party (Fremskrittspartiet, FrP) disseminated a brochure establishing, through text and images, very clear links between serious security issues and persons of foreign origin. More generally, many civil society actors find that the expression of anti-immigrant views in political and public debate has become more common in Norway in recent years. In particular, there has reportedly been a rise in the association of Muslims on the one hand, and terrorism and violence on the other, as well as generalisations and stereotypes concerning persons of Muslim background.

³⁹ See above, Existence and Implementation of Legal Provisions – Provisions covering racially motivated offences.

⁴⁰ See above, Existence and implementation of Legal Provisions – Provisions covering racially-motivated offences.

84. However, welcome initiatives have also been taken to curb the expression of racist and xenophobic propaganda in politics. Thus, at the initiative of the LDO, in the course of the 2007 municipal elections all main political parties represented in Parliament signed a pledge to refrain from racist or xenophobic discourse, and discourse that might stigmatise other vulnerable groups. The pledge is reported to have worked well, although ECRI understands that the media uncovered a few cases where it was not respected.
85. ECRI reiterates that political parties must resist the temptation to approach issues relating to minority groups, including persons of immigrant background, in a negative fashion and should emphasise the positive contribution made by different minority groups to Norwegian society, the economy and culture. ECRI's position is that political parties should take a firm public stance against any forms of racism, discrimination and xenophobia.
86. ECRI encourages the Norwegian authorities to consider the adoption of legal provisions specifically targeting the use of racist and xenophobic discourse by exponents of political parties. In this respect, ECRI draws the attention of the Norwegian authorities to the relevant provisions contained in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination⁴¹.
87. In its third report, ECRI noted that persons of immigrant background had continued to feature in the media predominantly in connection with crime stories or issues of forced marriages and female genital mutilation. In its third report, ECRI also stressed the importance of monitoring the observance of the Code of Ethics by the media profession. ECRI furthermore emphasised that an increased presence of persons of immigrant background in the media profession could positively affect the media portrayal of persons of immigrant background.
88. In spite of a considerable increase in the overall number of complaints received by the Press Complaints Commission since ECRI's third report, complaints filed with this commission in relation to issues of immigration, racism and/or persons with an immigrant background have not been significantly on the rise. At the same time, civil society actors have reported to ECRI that news media have continued to refer to suspects' national origins and ethnic backgrounds when these do not have any bearing on the case. News coverage of violence between close family members is also reported to often include speculations with regard to cultural or religious motivations when those involved have ethnic minority backgrounds, while similar episodes involving ethnic Norwegians are portrayed as the result of individual medical or psychological conditions. Furthermore, the sensationalism and sweeping generalisations with which the media has reportedly often addressed phenomena such as female genital mutilation and family violence regardless of the actual opinions or attitudes towards these phenomena among members of the communities concerned, has continued to contribute to the stigmatisation of entire groups.
89. As concerns the representation of persons of immigrant background in the media profession, positive developments have been reported to ECRI as concerns media recruitment practices. Thus, individual media are reported to increasingly encourage persons with an immigrant background to apply for positions as journalists and the number of journalists of immigrant background has reportedly increased since ECRI's third report.

⁴¹ ECRI General Policy Recommendation N°7, paragraph 16 (and paragraph 36 of the Explanatory Memorandum).

90. ECRI encourages the Norwegian authorities to impress on the media, without encroaching on their editorial independence, the need to ensure that the method of reporting does not contribute to creating an atmosphere of hostility and rejection towards members of any minority groups. ECRI recommends that the Norwegian authorities increase opportunities to discuss with the media and members of other relevant civil society groups how this could best be achieved

V. Vulnerable/ Target Groups

Muslim communities

91. Civil society actors agree that Islamophobia has been on the rise since ECRI's third report. Political, and more generally public debate has been characterised by frequent associations made between Muslims on the one hand, and terrorism and violence on the other, and by generalisations and stereotypes concerning perceived cultural features of persons of Muslim background. Although many have stressed that such a debate has had a negative impact on the general public's perception of Muslims, generally speaking it does not seem that these perceptions have translated into acts of violence against this part of Norway's population, at least not to any visible extent. Instances of discrimination on the basis of actual or perceived Muslim background have however been reported. For instance, there are reports of women wearing the Islamic headscarf having been refused employment or having been dismissed from their jobs. Persons with names revealing a possible Muslim background are also widely reported to experience difficulties in securing job interviews. Furthermore, plans to build Mosques have sometimes been met with unjustified resistance among the general population and local authorities.

92. ECRI strongly recommends that the Norwegian authorities monitor the situation as concerns Islamophobia in Norway and take swift action to counter any such manifestations as necessary. It encourages the Norwegian authorities to cooperate with representatives of the Muslim communities of Norway in order to find solutions to specific issues of their concern.

Romani/Tater and Roma communities

93. In its third report, ECRI made a number of recommendations aimed at combating discrimination against Romani/Tater communities (estimates of whose population vary from 2 000 to over 10 000 persons) and Roma communities (around 500 persons) and at improving their situation. ECRI recommended in particular that the Norwegian authorities pursue dialogue with representatives of the Romani/Tater communities in view of the establishment of a system of reparations for past human rights violations committed against members of these communities. ECRI notes that in 2004 the Norwegian Government established a fund of 75 million NOK to this end. The fund is administered by a foundation composed of Romani/Tater representatives and an observer from the authorities. The Norwegian authorities have reported that the fund has an annual return of 3,7 million NOK, which is allocated to activities aimed at developing Romany language, culture and history.

94. In its third report, ECRI recommended that the Norwegian authorities intensify their efforts to support Romani language education and provide children of itinerant families (which include both Romani/Tater and Roma families) with regular education. The Norwegian authorities have reported that in 2004 the Ministry of Education and Research launched a three-year pilot project aimed at devising appropriate solutions to favour the integration of Romani/Tater children into the education system and promote the acknowledgement of their culture

more successfully in schools. The project is continuing throughout 2009 and, according to the Norwegian authorities, the response so far has been that the project is developing in a positive direction. The Ministry is considering extending the duration of the project and including more schools. There are also plans to develop a thematic booklet by the end of the year. It is not clear to ECRI however, the extent to which this project has resulted in an increased participation of Romani/Tater children in education. In this respect, civil society actors have stressed that lack of data on school attendance and attainment by Romani/Tater and Roma children negatively affects the possibility of designing and evaluating policies targeting them. Concerning in particular Roma children, ECRI notes that recent media reports indicate that their participation in school is very low. The Norwegian authorities and civil society organisations have stated that approximately 60 of the estimated 150 Roma children are enrolled in school, although data is not available on how regularly they attend school. No progress is reported in the field of supporting their language (Romanese) education. The Ministry of Education and Research is working on measures concerning Roma children in kindergarten, primary, secondary and upper secondary education. These measures will be part of an action plan which will be drawn up by the Ministry of Labour and Social Inclusion. The plan is due by the end of 2008.

95. In its third report, ECRI also recommended that the Norwegian authorities find arrangements that would allow Romani/Taters to continue to exercise certain traditional professions in the craft industry. ECRI is not aware of developments in this field.
96. Romani/Taters and Roma are also reported to experience discrimination when trying to gain access to campsites. Furthermore, they are reported to sometimes meet with difficulties when trying to report these cases to the police. ECRI notes that the LDO plans to start work in co-operation with Romani/Tater and Roma organisations, the campsites' management companies, the police and local authorities to address this problem.
97. ECRI notes that the Norwegian authorities have recently committed to establishing an action plan to improve the situation of the Roma communities, which will have a value of 3 million NOK.
98. ECRI strongly recommends that the Norwegian authorities take measures to address discrimination against members of Romani/Tater and Roma communities and to improve the situation of members of these communities across all fields of life, including education, housing, employment and relations with the police. ECRI strongly recommends that the Norwegian authorities involve representatives of Romani/Tater and Roma organisations in the designing and implementation of these measures. It recommends that the Norwegian authorities include commitments in these areas in the Plan of Action against Racism and Discrimination (2009-2013).

Jewish communities

99. Since ECRI's third report, the most visible manifestations of antisemitism in Norway are reported to have taken the form of speech by extreme right-wing groups through different means of communication⁴². However, ECRI notes that manifestations of antisemitism intensified during the Israel-Hezbollah conflict in Lebanon in the summer of 2006, including an outbreak of desecrations and insults, threats and physical attacks against members of Jewish communities. In September 2006, several rounds from an automatic military rifle were also

⁴² See above, Existence and implementation of Legal Provisions – Provisions covering racist expression.

fired at the Oslo synagogue. One person was convicted for this offence by Oslo District Court in June 2008. ECRI notes that in general, representatives of Jewish communities have valued the response made by the Norwegian authorities to the manifestations of antisemitism that have occurred in Norway since ECRI's last report.

100. ECRI encourages the Norwegian authorities to monitor the situation as concerns manifestations of antisemitism in Norway closely and to continue to react to any manifestations that may occur. It draws the attention of the Norwegian authorities to its General Policy Recommendation No. 9 on the fight against antisemitism, which contains practical guidance on measures governments can take to prevent and counter antisemitism.

Sami communities

101. In its third report, ECRI noted some reported incidents of harassment of members of the Sami communities, although the situation seemed to be globally improving. Since then, cases of harassment of members of the Sami communities and hate speech targeting Sami on the Internet, have continued to be reported. The Norwegian authorities have informed ECRI that in two surveys carried out among Sami on perception of discrimination, 36% of the interviewees indicated having experienced discrimination in 2003-2004 and 25% in 2005-2006. The Norwegian authorities report that they are currently preparing a White Paper that will cover discrimination against members of Sami communities.
102. In its third report, ECRI recommended that the Norwegian authorities pursue their dialogue with the Sami Parliament in view of the adoption of the Finnmark Act, which dealt with legal rights to and management of, land and natural resources in Finnmark county. ECRI is pleased to note that the Finnmark Act was enacted in June 2005 and came into force on 1 July 2006.
103. ECRI recommends that the Norwegian authorities monitor and address all manifestations of racism and discrimination against the Sami population.

VI. Reception and Status of Non-Citizens

104. At the time of ECRI's third report, the Norwegian authorities were in the process of setting up a two-year introductory programme for refugees, persons granted residence on other protection or humanitarian grounds, and members of their families who came to join them in Norway. The programme includes Norwegian language training, an insight into Norwegian society and preparation for working life or further education and is addressed to people between the ages of 18-55 without basic qualifications. In parallel to this programme, which has now been running for almost four years, an obligation to complete a 300-hour course of Norwegian language and insight into Norwegian society was introduced for most immigrants coming to Norway as from 1 September 2005. Both schemes are administered by the municipalities which are required by law to organise the courses.
105. In its third report, ECRI recommended that the introductory programme for refugees should be adapted to the special circumstances of each individual person, including his or her level of education, professional competence, age and health status and that a high standard of training should be provided in municipalities throughout the country. ECRI notes that the municipalities are required to provide the course at three different levels. However, it seems that there are still margins for improvement in terms of better tailoring courses to

individual needs and that the quality of training offered varies greatly from one municipality to the other.

106. ECRI notes that the two-year introductory programme for refugees is combined with an economic benefit, which can be reduced if the person does not participate in the course without a valid reason. ECRI has received reports however, that in some cases benefits have been reduced even when absence was justified. As concerns the 300-hour course, ECRI notes that those who are under an obligation to follow this course must complete it in order to be eligible for permanent residence and, as from 1 September 2008, Norwegian citizenship.
107. ECRI also notes that while persons who are nationals of EEA/EFTA countries are exempted from the obligation to follow the 300-hour course, non-EEA/EFTA nationals are not only under that obligation but, if they come to Norway on a work permit, must also cover the participation costs themselves. The extent to which such differential treatment on the basis of nationality can be seen to rest on an objective and reasonable justification has been questioned.
108. ECRI encourages the Norwegian authorities to ensure that the courses imparted as part of the introductory programme for refugees and the 300-hour course for immigrants are tailored as much as possible on the needs of the individual person concerned. It recommends that the Norwegian authorities further intensify their current efforts to ensure a good standard of training in municipalities throughout the country.
109. ECRI recommends that the Norwegian authorities monitor the use of reductions in economic benefits as sanctions for non-compliance with the obligation of participating in the introductory programme for refugees. It also recommends that they monitor the impact of the obligation to complete the 300-hour course on immigrants' access to permanent residence and citizenship.
110. ECRI encourages the Norwegian authorities to review the obligation to complete the 300-hour course in the light of the prohibition of discrimination on grounds of nationality.
111. In its third report, ECRI recommended that the Norwegian authorities ensure that the right to private and family life is fully respected for all persons residing in Norway, including foreigners and persons of immigrant origin. Family reunification was one of the areas covered by this recommendation. Civil society actors have consistently reported to ECRI that it has since become increasingly difficult for persons residing in Norway to have the members of their family join them there. In this connection, in addition to the almost two-fold increase in processing fees for non-EEC/EFTA nationals who apply for a residence or work permit, income requirements have been highlighted as especially problematic. In particular, it has been highlighted that only recognised refugees (and not persons who are granted residence on other protection or humanitarian grounds) are exempted from meeting this requirement. ECRI notes that the Immigration Act of 15 May 2008 No. 35 (which is expected to enter into force on 1 January 2010) announces that the Government will raise the amount of income required for family reunification purposes, as well as tighten the income requirement in other regards (i.e. it shall be made a condition that the reference person has had sufficient income also in the year before the permit is granted, and also that the reference person has not received social assistance in the year before the permit is granted). On the other hand, by extending the notion of refugee to include all persons who

are given residence on international protection grounds⁴³, a number of those who are currently subject to the income requirement would be exempted.

112. Another issue brought to ECRI's attention concerning spousal reunification, is that for those who are over 23, the income requirement applies only if they have been married for less than three years, whereas for those who are under 23 the requirement applies irrespective of the length of time they have been married. It has been highlighted that this policy impacts disproportionately on persons of immigrant background, among whom there is a higher share of persons who get married at a young age. The Norwegian authorities have highlighted that this policy aims at preventing forced marriages and at encouraging self-sufficiency. Civil society organisations stress however, that a number of persons who get married at a young age may be forced to leave education in order to meet the income requirement that would allow their spouses to join them in Norway.
113. In its third report, ECRI also addressed practices relating to the issuing of visas to non-citizens, notably for visiting their families in Norway. ECRI notes that practices concerning the issuing of visas to Pakistani siblings of Norwegian residents have been changed so as to better take the specific circumstances of individual cases into account. ECRI understands that the Directorate of Immigration is carrying out a review of practices in the issuing of visas to nationals of all countries.
114. In its third report, ECRI recommended that the Norwegian authorities ensure that foreign women who have divorced from their husbands due to ill-treatment obtain a residence permit, as provided for by law. ECRI has since continued to receive reports of difficulties encountered by some of these women in securing residence essentially linked to the fact that their account is not believed or that medical certificates are not deemed to provide enough evidence of ill-treatment. The Norwegian authorities emphasise that the conditions for establishing likelihood of the ill-treatment in these cases are not strict. According to the regulations, the assessments shall be based on the explanation of the ill-treated woman, unless there are clear reasons to believe that her explanation is not true. Although comprehensive data is not available, on the basis of research and on actual figures relating to the year 2005, the Norwegian authorities estimate that about two thirds of applications made by these women result in residence being granted by the Directorate of Immigration. The authorities also point out that an additional number of these women obtain residence on appeal.
115. ECRI reiterates its recommendation that the Norwegian authorities ensure that the right to private and family life is fully respected for all persons residing in Norway, including foreigners and persons of immigrant origin. In particular, ECRI encourages the Norwegian authorities to ensure that refugees and persons who are granted residence on other protection or humanitarian grounds are not kept away from their families for unduly long periods of time.
116. ECRI recommends that the Norwegian authorities ensure that any measures they take to combat forced marriages and promote self sufficiency do not put persons of immigrant background at a disadvantage without objective and reasonable justification, notably as concerns these persons' right to private and family life.
117. ECRI reiterates its recommendation that the Norwegian authorities ensure that the right of foreign spouses to obtain a residence permit in case of divorce due to ill treatment is thoroughly respected in practice.

⁴³ See below, Asylum Seekers.

118. ECRI notes that since its last report, tackling forced marriage and female genital mutilation has been an important priority for the Norwegian authorities, who have devoted considerable human and financial resources to these issues, as reflected in the Action Plan for the Integration and Social Inclusion of the Immigrant Population, the Action Plan for combating female genital mutilation (2008-2011) and the Action Plan against forced marriage (2008-2011). ECRI welcomes the willingness of the Norwegian authorities to address these problems, which are also of concern for organisations working in the field of protecting the rights of persons of immigrant background. However, the latter have pointed out that so far government action in this field has not made the most of the expertise existing among grass-roots organisations, which have close links with and enjoy the trust of the communities most affected by these phenomena. It has been stressed that this tends to diminish the effectiveness of government action in this area.
119. ECRI recommends that in their efforts to tackle forced marriages and female genital mutilation, the Norwegian authorities continue their current efforts for taking into account the NGO's knowledge and make the most of the existing expertise among grass-roots organisations which have close links with and enjoy the trust of the communities most affected by these phenomena.

VII. Asylum Seekers

120. In its third report, ECRI noted that only around 2% of those who applied for asylum were granted refugee status and that between 20 and 30% of them were granted residence permits on other grounds. ECRI notes with interest that the share of asylum seekers who are recognised as refugees has since risen considerably (11% in 2005, 16% in 2006 and 20% in 2007). When other international protection grounds (i.e. not relating to the Refugee Convention) and humanitarian grounds are considered, the share of asylum applications that have resulted in a residence permit being granted has also increased since ECRI's third report (37% in 2005 and 41% in 2006 and 38% in 2007)⁴⁴. ECRI notes with interest that the new Immigration Act⁴⁵ will extend the notion of refugee to include those persons who are entitled to international protection on grounds other than those relating to the Refugee Convention, and notably Article 2 and 3 of the European Convention on Human Rights, which concern respectively the right to life and the prohibition of torture.
121. ECRI notes that since its last report, new procedures for the examination of asylum applications have been introduced. These include a 48-hour procedure designed to deal with manifestly ill-founded cases, including applications from nationals of countries regarded as safe. Civil society actors have stressed that a procedure of such a short duration jeopardises the normal operation of existing legal safeguards. It is reported for instance, that lawyers often do not have more than a couple of hours to appeal against a negative decision issued in this procedure.
122. In its third report, ECRI recommended that the Norwegian authorities ensure that asylum seekers can participate in Norwegian society during the examination of their asylum applications, including through opportunities to learn the Norwegian language. ECRI is pleased to note that as from 1

⁴⁴ The number of applications for asylum was 5402 in 2005, 5302 in 2006 and 6528 in 2007. There were 579 decisions granting full refugee status in 2005, 461 in 2006 and 1014 in 2007. There were 862 decisions granting a residence permit on other international protection grounds (i.e. not relating to the Refugee Convention) in 2005, 600 in 2006 and 864 in 2007. There were 1073 decisions granting a residence permit on humanitarian grounds in 2005, 625 in 2006 and 996 in 2007. The numbers above only include First Instance decisions, not including numbers from the Appeals Board.

⁴⁵ See above, Reception and Status of Non-Citizens.

September 2007, asylum seekers older than 16 who are waiting for a residence permit in reception centres receive up to 250 hours of instruction in the Norwegian language. If they eventually receive a residence permit, they join the introductory programme for refugees⁴⁶ organised by the municipality where they live. In its third report, ECRI also encouraged the Norwegian authorities to promote a better integration of the reception centres into local communities. The Norwegian authorities report that the managers of the reception centres have obligations to establish good co-operation and contacts with local communities and must draw up a written plan to this end.

123. In its third report, ECRI recommended that the Norwegian authorities keep the situation as concerns the detention of asylum seekers under review and ensure that it is only used as a last resort. The legal framework governing detention of persons who are in Norway without legal status, including persons who have received a final rejection of their asylum applications, has remained unchanged. These persons may be held in detention pending the execution of a deportation order (in this case, the maximum length of detention is 6 weeks, although the new Immigration Act extends this term to 12 weeks, or longer in case of special circumstances) or if the identity of the person is not known or the authorities suspect that it might be false. The practice concerning detention is also reported to have remained unchanged. The Norwegian authorities have indicated that the average duration of detention was 3.2 nights in 2007 and 3.1 in 2008. Most detainees are reportedly kept for between a few hours and 2 weeks, although there have been individual cases where people have been detained for much longer. ECRI understands that the Parliamentary Ombud is currently investigating complaints on detention of asylum seekers at the detention centre in Trandum and the conditions in which they live and that the Ministry of Justice and Police has announced improvements in detention conditions there.
124. In its third report, ECRI recommended that the Norwegian authorities address the situation of non-citizens who could not be returned to their countries of origin for practical reasons and therefore lived in Norway without legal status. It is difficult to establish the number of people in this category, which include rejected asylum seekers, irregular migrants and persons who remained in Norway after their permits expired. ECRI understands that between 2000 and 2006, approximately 22 000 asylum seekers had left the reception centres without the Directorate of Immigration being in a position to account for them. However, many are thought to have left the country and the estimation that seems to prevail sets the number at around 10 000 for the whole group.
125. Since they cannot legally work, many of these persons are reportedly employed illegally, as a rule under very disadvantageous conditions. They also have no access to health services other than emergency services. As concerns rejected asylum seekers, ECRI notes that after they were denied accommodation in reception centres for asylum seekers in January 2004 and a number of them were left destitute as a result, these persons can now be accommodated in two temporary reception centres, where they also receive a small weekly allowance. ECRI notes that the LDO has received a number of complaints from persons accommodated in the temporary reception centres about the conditions there.
126. In its third report, ECRI recommended that the Norwegian authorities consider the establishment of procedures which would enable non-citizens who cannot be returned to their countries of origin for practical reasons to gain legal status. The Norwegian authorities have stressed that their position, as also reflected in regulations introduced in June 2007 and the new Immigration Act, is that

⁴⁶ See above, Reception and Status of Non-Citizens.

special regulatory provisions allowing for individual access to residence permits can only be envisaged for those who co-operate on being returned, while for the others the principle should remain that no such permits shall be granted. However, it has been stressed that it proves very difficult in practice for the person concerned to provide proof of such co-operation. More generally, it has been highlighted that a number of these persons have now been living in Norway for many years.

127. ECRI notes that in recent years, the Norwegian authorities have started to issue “limited-right” permits to persons who are allowed to stay on humanitarian grounds, but in respect of whose identity the Norwegian authorities have strong doubts. The rights attached to these permits are limited in that, for instance, the latter do not provide a basis for gaining permanent residence nor do they give the holder access to the introductory programme for refugees. ECRI notes that the new Immigration Act introduces a provision enabling such permits to be issued, although the Norwegian authorities also consider that extensive use of such permits is not desirable.
128. ECRI recommends that the Norwegian authorities ensure that any time limits set for the examination of asylum applications do not jeopardise the normal operation of legal safeguards, such as access to a lawyer or the possibility of lodging an appeal.
129. ECRI strongly recommends that the Norwegian authorities facilitate access to residence permits for non-citizens who cannot be returned to their country of origin for practical reasons.

VIII. Monitoring Racism and Racial Discrimination

130. As was the case at the time of ECRI's third report, civil society actors working in the fields covered by ECRI's mandate in Norway are unanimous in highlighting monitoring of manifestations of racism and racial discrimination as one of the areas where improvements and government action are most urgently needed.
131. One area of monitoring that needs to be addressed concerns the need to collect both more accurate information on concrete manifestations of racial discrimination and data on the position of minority groups in a number of areas that could help to identify patterns of racial discrimination. ECRI is pleased to learn that since its last report work has been carried out in these areas. Thus for instance, a study on living conditions among non-Western immigrants was carried out in 2005-2006 to increase knowledge about the perception of discrimination among this group of persons, their language skills and practices, social contacts, family situations and specific challenges they might face in the labour and housing markets⁴⁷. At the initiative of the Directorate of Integration and Diversity (IMDi), a survey was also carried out among non-Western immigrants about, *inter alia*, the perception of discrimination. Furthermore, surveys have continued to be carried out by Statistics Norway on attitudes towards immigrants and immigration policies among the general public, which can also contribute to shedding light on racial discrimination.
132. However, civil society organisations stress that while perception-based information is essential in order to gain a comprehensive picture of racial discrimination, this information should be accompanied by greater efforts to generate data on actual manifestations of racial discrimination and on the position of minority groups in a number of areas than is the case at present. As concerns the need for data on manifestations of racial discrimination, ECRI

⁴⁷ See above, Discrimination in Various Fields – Housing.

reiterates that the introduction of a duty for public authorities and employers to promote equality and eliminate discrimination provides a unique opportunity to introduce monitoring obligations concerning manifestations of discrimination⁴⁸. This will constitute an invaluable complement to the information resulting from the activities of the LDO⁴⁹ and the data which will hopefully be increasingly available on the response of the police and prosecuting authorities to cases of racism and racial discrimination⁵⁰.

133. With regard to the need for more information on the position of minority groups in a number of areas, ECRI notes that although no data broken down by grounds such as ethnic origin is collected in Norway at present, data on parental country of birth is largely available in administrative registers. The Norwegian authorities have pointed out that because of the patterns of immigration to Norway, parental country of birth can be used at present as a reasonably accurate proxy for ethnic origin. However, ECRI notes that even this type of data is currently not collected in respect of all areas where it could be used to monitor possible patterns of racial discrimination or progress achieved through the implementation of anti-discrimination or social inclusion policies. Furthermore, ECRI stresses that as time goes by, the extent to which parental country of origin can be used as a proxy for ethnic origin to monitor discrimination is decreasing, as the parents of the youngest Norwegians of immigrant background are increasingly also Norwegian-born.
134. Another area of monitoring that has been highlighted as needing improvement concerns the measures that are taken to counter racial discrimination and promote the social inclusion of persons of immigrant background. Civil society actors have repeatedly stressed that there is no overall picture of the measures taken throughout the country and, perhaps more importantly, no information on the extent to which the measures taken have yielded results. It has been stressed that as a result, measures are sometimes continued or discontinued without the necessary knowledge base that would allow a fully informed decision on the matter. On the other hand, ECRI also notes that the Norwegian authorities have made efforts to build evaluation mechanisms into many of the measures they have taken, although it would seem that this could be done more effectively and systematically.
135. ECRI strongly recommends that the Norwegian authorities take steps to improve their monitoring of racism and racial discrimination in Norway. This should include monitoring manifestations of racial discrimination and patterns of disadvantage among the population of immigrant background, but also monitoring the effectiveness of measures taken to counter these phenomena. ECRI strongly recommends that the Norwegian authorities work in close co-operation with civil society actors to identify the type of information needed, the areas in respect of which it should be collected and the evaluation mechanisms that would best allow for progress to be made in the field of monitoring.
136. ECRI recommends that the Norwegian authorities consider collecting information broken down according to categories such as ethnic or national origin, religion, language and nationality to monitor racial discrimination and patterns of disadvantage among the population of immigrant background. ECRI recommends that the Norwegian authorities ensure that this is done in all cases

⁴⁸ See above, Existence and Implementation of Legal Provisions - Provisions covering racial discrimination.

⁴⁹ See above, Existence and Implementation of Legal Provisions - Provisions covering racial discrimination.

⁵⁰ See above, Existence and Implementation of Legal Provisions - Provisions covering racially motivated offences.

with due respect to the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. These systems should be elaborated in close co-operation with all the relevant actors, including civil society organisations.

IX. Conduct of Law Enforcement Officials

137. In its third report, ECRI made a number of recommendations aimed at combating racism and racial discrimination in policing. As reflected in other parts of this report⁵¹, civil society organisations consider that the police is one of the Norwegian institutions that has taken the fight against racism and racial discrimination and promotion of diversity more seriously since ECRI's last report. Progress is therefore reported in a number of areas. At the same time, there are still very important challenges ahead and the police also remains one of the institutions in respect of which persons of immigrant background more frequently raise issues of racial discrimination.
138. However, the number of formal complaints of police misconduct in which issues of racism or racial discrimination are raised is very limited. Complaints that do not entail criminal responsibility are examined by mechanisms that are internal to the police although, if racial discrimination is at stake, the complainant can also turn to the LDO. Although the tagging system allowing the retrieval of information on the number of complaints processed through the internal mechanisms that raise issues of racism or racial discrimination is still being fine-tuned, figures available indicate that in 2006 there were 12 complaints of this type (out of a total of 701) and that only two were found to be justified. When the police conduct complained of may give rise to criminal responsibility, the complaints are investigated by the Norwegian Bureau for the Investigation of Police Affairs, which can bring charges against the officers concerned. Established in January 2005, the Bureau for the Investigation of Police Affairs is organised as an independent service outside the police and the prosecuting authorities, although it reports administratively to the Ministry of Justice and professionally to the Director General of Public Prosecutions. The registration procedures until 2007 have not made it possible to generate valid statistics on cases concerning issues of racism or racial discrimination. The Bureau is working on improving the procedures. From 2008 the Bureau will have a procedure to collect data on cases where the complainant claims that the police conduct was racist or discriminating, independent of the legal classification of the offence. Since 2005 the Bureau has handled cases where racism or racial discrimination has been an issue. There are examples of cases where the conduct complained of did not meet the criteria of the provisions in the Penal Code concerning racist conduct or speech, but where the Bureau has considered other provisions such as misconduct in duty, gross lack of judgement in the course of duty or improper conduct towards a person in the performance of duty. Although data on the number of complaints filed with the Bureau that raise issues of racism or racial discrimination is not readily available, the Norwegian authorities have reported that complaints of this type are very rare. There were, however a few such cases in 2006 and 2007.
139. One of these cases, in which a 48-year-old man of Nigerian origin lost his life following an arrest made in a social welfare office in Trondheim in September 2006, has received much public attention. Following a refusal on the part of officials to pay welfare benefits, the man became angry and four police officers arrived on the scene. After a controversial grip called the "choke hold" was used around his throat, the man died by asphyxiation. The subsequent investigation by the Special Unit found no grounds to prosecute one officer in May 2007,

⁵¹ Existence and implementation of Legal Provisions - Provisions covering racially motivated offences.

while the case for the other three had previously been closed due to insufficient proof of any punishable offence. ECRI notes that following public protest, demonstrations and criticism about the investigation and its results, the Director General of Public Prosecutions decided to re-open the investigation into the case. ECRI understands that, although a number of shortcomings were highlighted as concerns the use of the “choke hold”, the findings as concerns the officers’ criminal responsibility were confirmed. ECRI also understands that the Ministry of Justice has ordered a review of all complaints mechanisms against police misconduct, including the Bureau for the Investigation of Police Affairs, whose results will be available in April 2009.

140. Since its last report, ECRI has continued to receive information indicating that racial profiling, notably in stop and search operations carried out by police and customs and immigration officials is still common in Norway. While the Norwegian authorities are aware of the problem – ECRI notes for instance that provisions that clarify the legal framework for the exercise of general immigration checks have been introduced in the new Immigration Act – it does not appear to ECRI that measures commensurate to the problem have yet been taken. In its third report, ECRI encouraged the Norwegian authorities to proceed with plans to introduce a system for monitoring the frequency of police checks on individuals. It recommended that such a system be evaluated and that civil society actors participate in the evaluation of this system with a view to its possible extension. However, ECRI understands that although this system was piloted in 2003 in one geographical area, in February 2004 the Parliament decided that it should be discontinued. Instead, a scheme involving clearly visible identification numbers on police uniforms was introduced.
141. In its third report, ECRI also encouraged the Norwegian authorities to pursue their efforts to improve the representation of persons of immigrant background in the police. It recommended that in addition to recruiting officers of immigrant background, the authorities focus on improving working conditions through measures aimed for instance at preventing racial harassment, so as to ensure that these officers remain in the police service once recruited. ECRI welcomes the efforts made by the Norwegian Police Academy, also in co-operation with the National Police Directorate in these areas. Figures indicate that the number of persons of immigrant background who have applied for the Police Academy and started the training has been on the rise since ECRI’s third report. ECRI notes however, that the Norwegian authorities do not collect figures on the number of persons of immigrant background who are serving as police officers, a circumstance that makes it difficult to evaluate the extent to which efforts to promote the retention of officers of immigrant background in the police service have been successful. Civil society organisations report that a disproportionate number of police officers of immigrant background leave the service and highlight racial harassment, prejudice and stereotypes in the workplace as one of the reasons for this.
142. More generally, the Norwegian authorities report that they are aware of the fact that many persons of immigrant background, especially among the young, have little trust in the police due to bad experiences in contacts with the police service. They recognise that this is a problem that needs to be addressed. ECRI notes that since its last report, fora for dialogue between the police and representatives of immigrants’ organisations have been set up at central and local levels. It also notes that a train-the-trainer programme on racism and racial discrimination was initiated at the combined initiative of the Public Management Department and the Police Academy and is now being revised. More recently, the National Police Directorate has initiated a project (*Safety and Trust*) whereby five police districts will identify and work on a number of areas in the field of improving relations between police and persons of immigrant

background. Training on diversity, ethics, and issues of racism and racial discrimination will form an integral part of the project. The results of the evaluation of the project will form the basis for further training and work on improving policing a diverse society.

143. ECRI encourages the Norwegian authorities in their efforts to combat racism and racial discrimination in policing and improve the performance of the police in providing professional services to a diverse society.
144. ECRI recommends that the Norwegian authorities ensure that effective investigations are carried out into all alleged cases of racial discrimination or racially-motivated misconduct by the police and that as necessary, the perpetrators of these acts are adequately punished. To this end, ECRI draws the attention of the Norwegian authorities to its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, where it recommends that a body, independent of the police and prosecution authorities, should be entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police⁵².
145. ECRI strongly recommends that the Norwegian authorities take steps to address racial profiling, notably in stop and search operations carried out by police and customs and immigration officials. In particular, ECRI recommends that the Norwegian authorities carry out in-depth research on racial profiling and monitor police activities in order to identify racial profiling practices. To these ends, ECRI strongly recommends that the Norwegian authorities draw inspiration from its General Policy Recommendation No. 11, which provides extensive guidelines in both areas⁵³.
146. ECRI encourages the Norwegian authorities to intensify their efforts to recruit persons of immigrant background into the police and ensure that they have equal opportunities for progression in their careers, in accordance with its General Policy Recommendation No. 11⁵⁴. ECRI recommends that the Norwegian authorities follow-up progress achieved in these areas by collecting adequate data to monitor both the recruitment and retention of officers of immigrant background in the police.
147. ECRI recommends that the Norwegian authorities intensify their work to improve relations between the police and persons of immigrant background, notably young people. It draws the attention of the Norwegian police to its General Policy Recommendation No. 11, which provides guidance in a number of relevant areas⁵⁵.

⁵² ECRI General Policy Recommendation No.11, paragraphs 9 and 10 (and paragraphs 54-57 and 58-61 of the Explanatory Memorandum).

⁵³ ECRI General Policy Recommendation No.11, paragraph 2 (and paragraphs 40-43 of the Explanatory Memorandum).

⁵⁴ ECRI General Policy Recommendation No.11, paragraph 17 (and paragraphs 79-81 of the Explanatory Memorandum).

⁵⁵ ECRI General Policy Recommendation No.11, Part IV.

INTERIM FOLLOW-UP RECOMMENDATIONS

The three specific recommendations for which ECRI requests priority implementation from the Norwegian authorities are the following:

- ECRI recommends that the Norwegian authorities ensure that the general duty on public authorities and private employers to promote equality and prevent discrimination in carrying out their functions includes specific duties, notably in the field of monitoring, and the adoption and implementation of equality programmes as recommended in its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination⁵⁶. ECRI recommends that the Norwegian authorities empower the Equality and Anti-Discrimination Ombud to legally enforce the duty for public authorities and employers to promote equality and eliminate racial discrimination in carrying out their functions. ECRI draws the attention of the Norwegian authorities to its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination, where it provides additional guidance on this issue⁵⁷.
- ECRI urges the Norwegian authorities to increase the availability and use of professional interpretation in the health sector. ECRI recommends that the Norwegian authorities increase the availability and use of professional interpretation in the legal system.
- ECRI strongly recommends that the Norwegian authorities take steps to address racial profiling, notably in stop and search operations carried out by police and customs and immigration officials. In particular, ECRI recommends that the Norwegian authorities carry out in-depth research on racial profiling and monitor police activities in order to identify racial profiling practices. To these ends, ECRI strongly recommends that the Norwegian authorities draw inspiration from its General Policy Recommendation No. 11, which provides extensive guidelines in both areas⁵⁸.

A process of interim follow-up for these three recommendations will be conducted by ECRI no later than two years following the publication of this report.

⁵⁶ ECRI General Policy Recommendation No.7, paragraph 8 (and paragraph 27 of the Explanatory Memorandum).

⁵⁷ ECRI General Policy Recommendation No.7, paragraph 8 (and paragraph 27 of the Explanatory Memorandum).

⁵⁸ ECRI General Policy Recommendation No.11, paragraph 2 (and paragraphs 40-43 of the Explanatory Memorandum).

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APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Norway

ECRI wishes to point out that the analysis contained in its report on Norway, is dated 20 June 2008, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Norway was subject to a confidential dialogue with the authorities of Norway. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the authorities of Norway requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.

Appendix from the Norwegian Authorities comments and observations to ECRI's fourth report on Norway - 5 December 2008

"Norwegian Authorities have the following comments and observations to different chapters and paragraphs in ECRI's report (we use identical numbering as ECRI):

II Discrimination in Various Fields

Employment

51. We have during the dialog asked the following comments been taken into account, which in fact has not been done. ECRI continue to argue as follows:

51. *"However, in spite of a marked improvement in employment rates among the population of Norway as a whole in recent years, the gap between the employment rates of persons of immigrant background and those of the rest of the population is reported to still be considerable and to remain essentially unchanged."*

We therefore repeat our comments:

There has indeed been an employment growth within all immigrant groups in Norway over the last years, but the employment level among different groups varies. Immigrants from the EU countries consisting of many labour immigrants, have an employment rate higher than the national average at 72 per cent in the fourth quarter of 2007. In comparison, the employment rate among immigrants from Africa is 49 per cent, Asia 56 per cent, Eastern Europe outside the EU 62 per cent and South and Central America 66 per cent.

One important factor behind some of the low employment rates is a relatively high proportion of newly arrived refugees within some groups, especially among those with an African background. In addition, there is a very low employment rate among women from some Asian and African countries which also reduces the average rate. The employment rate among Norwegian women is in comparison among the highest in Europe.

Efforts are made to increase the labour market participation among immigrant women. The Introduction Programme, the mandatory language courses and different types of measures included in the Action Plan for Integration and Social Inclusion of the Immigrant Population are some examples. Still, the need for further action is and will be continuously considered in the years to come.

Furthermore, ECRI mentions that the unemployment rate among young people of immigrant background is reported to be twice that registered among the rest of the same age group.

If we look more closely we find significant differences between young immigrants and young descendants⁵⁹ of immigrants. Descendants under 25 years are much more similar to the majority population than young first generation immigrants when it comes to the share employed or in education. For descendants aged 20

⁵⁹ Persons born in Norway by parents who are immigrants.

to 24 years, the employment rate is 73 per cent, which is 10 percentage points higher than the employment rate in the same age group among first generation immigrants and only 3 percentage points below the total average rate for this age group.

Several tools are needed to prevent inactivity among young people. This is why persons under the age of 20 who are not into school, nor work, shall be offered adequate labour market measures from the Labour and Welfare Service. A guarantee exists to ensure this group access to labour market measures. The guarantee is carried out in close cooperation between the Labour and Welfare Service and different municipal and county services (Follow-up Service). The importance of completing education is stressed as being a crucial factor for success.

To facilitate the transition from unemployment to work or education, there is also a *guarantee of service* for people aged 20 to 24 who have been unemployed for at least 3 months. The service and guidance given by the Labour and Welfare Service shall be adjusted to the jobseekers individual needs.

52. New text added Norwegian authorities:

The Ministry of Government Administration and Reform regularly monitor how state agencies follow their responsibility to interview at least one qualified person of immigrant background when making new appointments, as well as how many of those interviewed state agencies offered the job. 94 percent report that they follow the responsibility to interview – whenever such candidates are available. When it comes to the percentage of those interviewed who are offered the job the numbers fluctuate, but shows an increase from 28, 22 percent, and rose to 32 percent in the last period.

The Directorate of Integration and Diversity (IMDI) regularly monitor how 26 companies fully owned by the State follow a similar request. In 2007 20 of the companies interviewed one or more persons with immigrant background. When it comes to the percentage of those who were interviewed who were offered a job, data from 16 of the companies shows that 36 per cent were offered a job. However this is a decrease from 54 per cent in 2006. It should also be noted that in 2007 53 per cent of those with non immigrant background who were interviewed were offered a job.

53. New text added Norwegian authorities:

People under the age of 20 who are not in education, and who have no offer of a regular job, are offered work training or other labour market measures to facilitate a transition to the regular job-market. A guarantee exists that ensures them the right to different unemployment measures. At the same time the importance of completing upper secondary education is stressed because it is seen as a very important factor to succeed in the labour market.

To ensure a transition from unemployment to work or education as swift as possible for young people aged 20-24, there exists a guarantee of follow up service. The service shall be adapted to the individual needs of the jobseekers, and the focus is on job-seeking and motivation.

From 2009 the Government will introduce a guarantee for jobseekers in the age of 20-24 which ensures those who have been unemployed for at least 6 months the right to participate in an adequate labour market measure.

We recognize the need for more and better studies in this field. Still, we want to point at some important reports measuring the outcome of activities for increasing the labour market participation among immigrants. An evaluation was carried out by the Fafo Institute for Labour and Social Research in 2006 focusing on the outcome of the Introduction programme. The same institute has also studied non-western immigrant and their use of labour market measures. In addition both Statistics Norway and the Ragnar Frisch Centre for Economic Research have given important contributions to increase the knowledge of labour market behavior among different groups.

Education

58. *ECRI recommends that the Norwegian authorities monitor the practical implementation of the new system for Norwegian language instruction to ensure that special assistance is offered to pupils on the basis of actual **need and irrespective of considerations such as a pupil's immigrant background.***

The underlined text is a misconception of the curriculum it is referred to, and whom the target group for the curriculum is. We have therefore during the dialog asked it to be removed, which in fact has not been done.

Health

66. Additional text from Norwegian authorities:

Following the incident, the Ministry of Health and Care Services has hosted meetings with the management of the regional hospitals and the relevant immigrant organisations. Furthermore, the Ministry has arranged a national conference for senior staff members in the regional hospitals on equal medical treatment.

The Norwegian Government and The Norwegian Association of Local and Regional Authorities (KS) have initiated a joint project with the aim to strengthen the ethical competence among employees in the public health services.

67. Additional text from Norwegian authorities:

The Norwegian Government has appointed a council with the task of giving advice on minority issues and facilitating dialogue between minority groups and the authorities (the Contact Committee for Immigrants and the Authorities (KIM)). Health provisions for minority groups are one of the focus areas for the council in 2006-2009. The Ministry of Health and Care Services has one representative on the council. Furthermore, the Ministry of Health and Care Services is cooperating with the Norwegian Centre for Minority Health Research (NAKMI) in order to reduce communication barriers that might occur as a result of lacking competence on minority issues within the health and care services. Finally, the Ministry of Health and Care Services regularly issues reports and available information about the health services, as well as selected topics, in different languages.

68. Additional text from Norwegian authorities:

The report "Trends in the health sector" is the Directorate for Health's annual analysis of key aspects in the area of health. Next year's report focuses mainly on **migration and health**. With its report the Directorate wishes to contribute a fresh take on the health sector, to help foster positive trends in the area as well as providing a basis for formulating adjusted policy measures. The report is primarily aimed at decision-makers, administrators and staff in the health sector, but also at other interested parties in the professions, media and general public. The report will be finalized in May 2009.

69. Additional text from Norwegian authorities:

Norway has experienced a significant increase in the number of immigrants over the last few years, posing a considerable challenge in many areas of public services - including health services. The Directorate of Integration and Diversity (IMDI) is continuously working on improving the availability of interpreters in the public services. Actions are:

- Structured improvement of the education of interpreters
- Improved registration and information about available interpreters in a database
- Improved availability and knowledge of the database aimed at relevant users

In order to improve the interpreters' qualifications, there is a need for specialised interpreters in the health sector - as ECRI has pointed out in its report. Oslo University is proposing an extension of the education of interpreters with an added curriculum on health specific knowledge.

III Racist Violence

82. We have during the dialog asked the following comments been taken into account, which in fact has not been done.

82. ECRI encourages the Norwegian authorities to pursue their efforts to keep the situation as concerns extreme right-wing groups under control. It recommends that the Norwegian authorities monitor the Internet activities of the members of these groups and take firm action against any offences they commit through the Internet.

We therefore repeat our comments:

The Director of Public Prosecutions outlined the following division of responsibilities in a letter dated September 10th 2001:

In accordance with section 59 in the law on criminal proceedings The Director of Public Prosecutions decided that the National Criminal Investigation Service (KRIPOS) has the prime responsibility for conducting investigations concerning racism on the Internet. This implies that the Bureau must keep watch on the Internet with the aim of identifying racist statements that might constitute violations of section 135a in the Penal Code, and should receive notifications from the public about such cases and pass on the information to the relevant local police department in a suitable manner.

Investigations are then to be carried out by the local police under the guidance of the police prosecution service. KRIPOS is expected to have the capacity to assist the police districts also in this area following normal rules on assistance.

KRIPOS was instructed to initiate close cooperation with the Police Security Service so that their surplus information about racism on the Internet could be used in the course of normal investigations while making sure that the activity done by KRIPOS does not harm the work carried out by the Police Security Service.

It must be added that the Police Security Service recently confirmed that they pass on such information on a regular basis.

V Vulnerable /Target Groups

Romani/Tater and Roma communities

These comments on Romani/Tater and Roma communities have been given during the dialogue with ECRI, but have not been taken into account. We therefore repeat our comments:

93. The individual compensation schemes, as well as the collective compensation - the fund called "Romanifolket/taternes kulturfond" - are both in function. The grant scheme for the Romani/Tater- organisations' activities has been evaluated by an external research institution, IRIS, concluding that the grant scheme is functioning well according to the intention of the scheme. The evaluation has been done in cooperation with the Romani/Tater-organisations.

94. Romani/Tater organisations are involved in projects informing schools about the Romani culture and thus facilitating the schooling of Romani children. The municipality has established a project for young illiterate Roma (age 16-34) which facilitates the schooling also of the children. Both projects receive state support.

95. Meetings have been held between the relevant authorities with the aim to facilitate the exercise of traditional professions by the Romani/Taters.

97. A draft of The Plan of Action to improve the situation of the Roma community in Oslo is supposed to be presented at the end of 2008. The work is being carried by a working group headed by the Ministry of Labour and Social inclusion in cooperation with the relevant ministries. The work is done in close cooperation with the municipality of Oslo and the Roma organisations.

98. The outcome of the Plan of Action for Roma will, where relevant, be sought incorporated in the Plan of Action against Racism and Discrimination (2009-2013). All the national minorities were informed about the preparatory work of the Plan of Action against Racism at a meeting in the Contact Forum between the National Minorities and the Authorities this spring and invited to contribute with suggestions regarding affirmative actions in the future plan.

Sami communities

This comment on Sami communities has been given during the dialogue with ECRI, but has not into account. We therefore repeat our comments:

101-103. At a meeting 11 September 2008 between the Deputy Minister for Sami Affairs and the Equality and Anti-Discrimination Ombud/LDO, measures regarding discrimination of the Sami and discrimination within the Sami community were discussed. The Government will invite the Sami Parliament and the Equality and Anti-Discrimination Ombud to initiate common action against discrimination in the Sami community.

VI Reception and Status of Non-Citizens

104, 105 and 107:

Same small new text corrections in **underlined bold**, old text are ~~strikeout~~:

104. At the time of ECRI's third report, the Norwegian authorities were in the process of setting up a two-year introductory programme for refugees, persons granted residence on other protection or humanitarian grounds, and members of their families, **both those who came with them and those who came later in family reunification.** ~~to join them in Norway.~~ The programme includes Norwegian language training, an insight into Norwegian society and preparation for working life or further education and is addressed to people between the ages of 18-55 **who require** ~~without~~ basic qualifications. In parallel to this programme, which has now been running for almost four years, an obligation to complete a 300-hour course of Norwegian language and insight into Norwegian society was introduced for all ~~most~~ immigrants coming to Norway **who have been granted a work or residence permit that constitutes grounds for a settlement permit** as from 1 September 2005. Both schemes are **provided and** administered by the municipalities which are required by law to organise the courses.

105. In its third report, ECRI recommended that the introductory programme for refugees should be adapted to the special circumstances of each individual person, including his or her level of education, professional competence, age and health status and that a high standard of training should be provided in municipalities throughout the country. ECRI notes that the municipalities are required to provide the course **in accordance to the recommendations** ~~at three different levels~~. However, it seems that there are still margins for improvement in terms of better tailoring courses to individual needs and that the quality of training offered varies greatly from one municipality to the other. ECRI notes that as part of the Action Plan for Integration and Social Inclusion of the Immigrant Population 43, the Norwegian authorities have increased the funding they channel to the municipalities for these courses.

107. ECRI also notes that while persons who are nationals of EEA/EFTA countries are exempted from the obligation to follow the 300-hour course. **This is because it is not possible to give EEA/EFTA nationals obligations through law, and it was not considered correct to grant them a right to language training without an corresponding obligation.** Non-EEA/EFTA nationals are not only under that obligation but, if they come to Norway on a work permit, must also cover the participation costs themselves. The extent to which such

differential treatment on the basis of nationality can be seen to rest on an objective and reasonable justification has been questioned. **The grounds for this difference is that the rights and/or obligations regarding language training is corresponding with the individuals reason for coming to Norway, meaning depending on their permit to stay. Persons who come to Norway on a work permit have a choice whether they want to come or not, and their reason for coming is a concrete job offer. Their position as workers makes it possible for them to pay for their training themselves.**

ECRI's text should have a small correction at the end of this quotation in paragraph 111.

111. *"In its third report, ECRI recommended that the Norwegian authorities ensure that the right to private and family life is fully respected for all persons residing in Norway, including foreigners and persons of immigrant origin. Family reunification was one of the areas covered by this recommendation. Civil society actors have consistently reported to ECRI that it has since become increasingly difficult for persons residing in Norway to have the members of their family join them there. In this connection, in addition to the almost two-fold increase in processing fees for non-EEC/EFTA nationals who apply for a residence or work permit, income requirements have been highlighted as especially problematic. In particular, it has been highlighted that only recognized refugees (and not persons who are granted residence on other protection or humanitarian grounds) are exempted from meeting this requirement. ECRI notes that the Immigration Act of 15 May 2008 No. 35 (which is expected to enter into force on 1 January 2010) announces that the Government will raise the amount of income required for family reunification purposes , as well as tighten the income requirement in other regards (i.e.)....." i.e.*

(id est) must be corrected to i.a. (inter alia)

115. With reference to ECRI's recommendation in paragraph 115 regarding the respect for private and family life, in particular for refugees and persons who are granted residence on other protection or humanitarian grounds, the Norwegian Authorities would like to make the following statement which have been given during the dialogue with ECRI, but have not been taken into account. We therefore repeat them:

Norway has, next to the Netherlands, experienced the largest increase in the arrivals of asylum seekers in Europe in 2008. So far this year, more than twice as many asylum seekers have arrived compared to the same period last year. 60 per cent of the applications for asylum are rejected. In 2007, Norway received 6 500 asylum seekers, and in 2008 around 15 000 arrivals are expected. The main reason for the increase is developments in the home countries of the asylum seekers. How the Norwegian asylum policy is perceived, especially in comparison with comparable countries like Sweden, may also explain the distribution of asylum seekers to various European countries.

The Government is concerned with protecting the right of asylum for refugees, and with the rapid inclusion into the Norwegian society of those granted protection. It is therefore necessary to take measures to decrease the number of arriving asylum seekers who do not meet the conditions for protection.

In May 2008, the Government announced several measures to reduce the number of asylum seekers arriving in Norway. Among other measures, the subsistence requirement was restricted. In September 2008, the Government proposed additional measures to reduce the number of arrivals; i.a. tightening the conditions for family reunification for certain groups (cf. measure no. 5):

1. To assess the question of humanitarian grounds, each case shall be examined individually, and not undergo a general group assessment based on the particular geographical area.
2. Lack of link to a particular geographical area, shall not be conclusive when it comes to accessing the internal flight alternative, there have to be other strong humanitarian grounds for granting residency.
3. Norwegian asylum and immigration policies are determined by the Norwegian authorities. Norwegian practice shall as a main rule harmonize with practices in other comparable countries, both today and in the future.
4. Norway's assessment of cases under the Dublin II regulations will be harmonized with practices by other member states to the effect that Norway does not make general exceptions from the regulations unless there are particular reasons to do so. An individual assessment shall be carried out concerning applicants who are to be returned to Greece and unaccompanied minors.
5. Persons who have been granted residency on humanitarian grounds must have four years of education or work experience in Norway to be granted family reunification with existing or new family members. The same conditions apply for those who have been granted refugee status, but only related to family establishment. Persons with permits granted on the basis of a job offer in Norway and citizens of the EU/EEA, are exempt from these conditions, and other exemptions can also be made under special circumstances.
6. Based on an individual assessment, temporary residency without the right to renewal can be granted to unaccompanied minors who are 16 years or older and today are given residency simply because Norwegian authorities cannot locate their parents/family.
7. When establishing a practice contrary to UNHCRs recommendations concerning protection, the changes should as a main rule be put forward to the Grand Board of the Immigration Appeals Board, unless the new practice has been put down by instructions from the Ministry of Labour and Social Inclusion.
8. The Ministry of Foreign Affairs has the responsibility for negotiating a readmission agreement with Iraq. This shall be given priority. The conditions for entering into such an agreement and the budgetary consequences shall be further investigated.
9. The Government will intensify efforts to negotiate readmission agreements with the main countries of origin for persons who are in Norway illegally.

10. Further investigation will be done into the possibilities of faster procedures for asylum applicants who do not contribute to disclose their identity.
11. Fingerprints shall be taken of all applicants who cannot document their identity or are suspected of having a false identity.
12. A proposition for regulations to limit the meetings in the Immigration Appeals Board only to issues that are essential for the result of the cases, will be sent on a public consultation.

A fast track procedure for particular groups where there are a high percentage of rejections will be established. This is conditional of cooperation between all government bodies needed in the process.

119. These comments to paragraph 119 have been given during the dialogue with ECRI, but have not been taken into account. We therefore repeat our comments:

Individuals and NGOs have played a significant role in combating forced marriage and female genital mutilation (FGM) in Norway. Good communication with minority groups who are affected by this problem is crucial to the successful prevention of forced marriage and FGM. The authorities have the main responsibility for combating forced marriage and FGM. Recent studies (Bredal and Skjerven 2007 and Bredal and Orupabo 2008) emphasise the need for more comprehensive and sustainable efforts through public support agencies. An important aim of the two new national action plans is to mainstream the work against forced marriage and FGM. The NGOs knowledge and network is a necessary and important supplement. In 2008 almost 14 million NOK has been allocated to NGOs work against forced marriage (measure 17 and 29) and 3 million NOK to work against FGM (measure 20).

VII Asylum Seekers

These comments to the footnote at paragraph 120 have been given during the dialogue with ECRI, but have not been taken into account. We therefore repeat our comments:

Footnote 45 in paragraph 120:

The numbers above only include First Instance decisions, not including numbers from the Appeals Board. The numbers on decisions granting full refugee status are slightly higher including the numbers from the Appeals Board. However, the numbers for other international protection grounds and humanitarian grounds are, including the numbers for the Appeals Board, substantially higher. E.g. the numbers for international protection grounds and humanitarian ground in total for 2007, are, when including numbers for the Appeals Board, instead of 1910 in 2007, 3445.

128 – 129. These comments to paragraph 128 and 129 have been given during the dialogue with ECRI, but have not been taken into account. We therefore repeat our comments:

128. With reference to ECRI's recommendation in paragraph 128 regarding ensuring that any time limits set for the examination of asylum applications do not jeopardize the normal operation of and safeguards, such as access to a lawyer or the possibility of lodging an appeal, the Norwegian Authorities would like to make the following statement:

The 48-hour procedure (cf. paragraph 121) was introduced to process asylum applications from persons arriving from countries the Directorate of Immigration (UDI) considers generally safe. Very few asylum seekers with assumed groundless applications are allowed to stay in Norway. The application will be processed individually, but more quickly than ordinary applications (within 48 hours) and pursuant to a simplified procedure. The decision is normally served to the applicant the same day as the interview. The applicant's lawyer will be present and might call the applicant back to a meeting to consider a possible appeal against the decision. Norwegian authorities do not consider the procedure to jeopardise the normal operation of legal safeguards.

129. With reference to ECRI's recommendation in paragraph 129 regarding facilitation of access to residence permits for non-citizens who cannot be returned to their country of origin for practical reasons, the Norwegian Authorities would like to make the following statement:

The Government considers it vital that an asylum seeker with a final rejection of his/her application returns voluntarily to the home country. This will enable Norway to grant asylum to those in need for protection. Others should return. However, to comply with those who have not returned voluntarily and who cannot be returned to their country of origin due to practical obstacles, the Government introduced a new provision last year. For granting a residence permit on the basis of this new provision, it is a condition that a return has not been implemented within three years after the application was made, and that there is no prospect of such return. Further requirements in the provision are, e.g., that the applicant has co-operated with the authorities in order to clarify his/her identity.

VIII Asylum Monitoring Racism and Racial Discrimination

136. ECRI recommends that the Norwegian authorities consider collecting information broken down according to categories such as ethnic or national origin, religion, language and nationality to monitor racial discrimination and patterns of disadvantage among the population of immigrant background. ECRI recommends that the Norwegian authorities ensure that this is done in all cases with due respect to the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. These systems should be elaborated in close co-operation with all the relevant actors, including civil society organisations.

ECRI have based on paragraph 130 till 134 given two recommendations in the report (in paragraph 135 and 136, the latter quoted above). The purpose of this comment is to answer some of the concerns and recommendations put forward by ECRI concerning lack of adequate data on ethnic minorities in Norway.

To answer and reply to some of the concerns it is necessary to give a description the of the Norwegian population statistics, see the text below:

Key data sources and responsible institutions

The Central Population Register

The main source for Norwegian migration statistics, both on stocks and flows, is information from the Central Population Register, the CPR. All population statistics produced by Statistics Norway is based upon the CPR. The CPR is administratively situated in the Office of the National Registrar subordinated the Norwegian Tax Administration (NTA). Statistics Norway is responsible for production of population statistics based on events reported to CPR, and for all kinds of linkages between the CPR and other registers, for statistical and analytical purposes. This holds true also when micro data are used for analytical or planning purposes by other authorised institutions.

One of the main reasons for establishing the register was to create a register for taxation and otherwise serve administrative needs in the civil administration. In addition the CPR is the basis for all Electoral rolls. The use of the data for population statistics is an added bonus as the register was established primarily for administrative, not statistical purposes. A register used for a large number of purposes will have better prospects for being well up-dated, but will risk not having all statistically relevant variables included.

The CPR includes all residents in Norway with a valid permit and an intention to stay six months or more. Furthermore all registered population movements are registered. Each person in the register is assigned a unique Personal Identification Number, a PIN-code. The PIN-code is essential in linking the persons registered in the CPR to information in other administrative registers for the purpose of statistical descriptions and analysis.

The Aliens Register

In addition to the CPR some migration statistics in Norway is also produced with data from the Aliens Register. The main purpose of the Alien Register is to support the immigration authorities in their case-processing. The Aliens Register was established in 2004 and replaced the Fremkon register (the old Aliens register) and the Refugee Register. Central information from these two registers were adapted to new standards and included in the new register. As a result, the Aliens Register now contains data going back to 1991. The register is owned by the Directorate of Immigration and is the case-processing register for the entire Immigration Administration, including the Police. The Directorate of Immigration generates some statistics on migration based on permits from this register. The main statistical unit in the register is permits, not persons. Data from the Aliens Register can be linked to the CPR using the PIN-code.

Surveys

Sample surveys are to a lesser degree used for statistics and analyses on migration and integration in Norway. This is mainly because of the extensive use of the registers. But there is valuable information on immigrants living conditions found in three special surveys conducted by Statistics Norway in 1983, 1996 and 2005/2006. These surveys have the CPR as sampling frame, giving very rich information on non-response and of representativity. There are in addition a limited number of surveys to cover aspects not included in registers, like attitudes and opinions. All these surveys conducted in Statistics Norway will use

record linkage to collect information already included in registers, like income, education and labour market variables.

Population Census data

The Population Censuses in Norway are to a very large extent based on record linkage, and is a product of our registers. The 2001 –round was used to establish a dwelling register, and was the last one with a questionnaire to all households.

Historical evolution of the national data collection system/ data collection practices and policies on data collection

Brief history of Population Registration in Norway

The first law on population registration was introduced in Norway shortly after independence from Sweden in 1905. Following the Population Registers Act of 1946 each municipality had to establish a population registry where all residents of the municipality compulsory were to be registered. This information was centralized in 1964 with the establishment of the CPR, based on the Population Census of 1960 and these local registries. All persons resident in Norway at the time of the census was included. At the same time the 11 digit PIN-code was introduced. While the census in 1970 was used to correct the Population Register, the population censuses in 1980 and 1990 were not used for that purpose, as the quality of the register was considered to be sufficient.

The Office of the National Registrar has from 1946 been the administrative body responsible for the CPR. Between 1964 and 1990 the office (and the CPR) was located within Statistics Norway, and run jointly with the tax authorities. The registration of individual information is increasingly important for a series of legal individual rights. Consequently, to run a register was considered to be so different from the key responsibilities of a national statistical office that it could not be combined with national responsibility for statistics. In 1991 the office was transferred to the National Tax Administration. From 1985 the register was centralized in one database, at the same time all transactions and registrations were gradually fully computerized. By 1994 all vital events were registered online from the local population registers.

The current legal foundation for the CPR is the Population Registration Act of 1970 (with several amendments up to 2007). It states when and where a person shall be registered, when a change of address has to be reported and how a civil registration decision is reflected in the register. Consequently, statistical purposes have only a minor influence on the content and definitions of the register. That is occasionally a problem for statistical purposes, but variables established only for statistical purposes might turn out to be very difficult to keep on a high level of quality.

Other Nordic countries have a similar history of population registration and vital statistics as Norway.

Statistics Norway use of data from the CPR

Statistics Norway receives electronic copies of the CPR every day. These data are used to update a separate population database in Statistics Norway kept for statistical purposes. This base, labelled Besys, is basically a copy of the CPR, and

forms the basis of all current register-based population statistics, statistics on stocks as well as on flows. Statistics Norway reports back to the NTA on errors or shortcomings detected during the compilation of statistics. The same definitions are used in both registers and routines for updating correspond closely. The result is a good correspondence between the two registers, even after many years with physically independent updating routines.

Data in the CPR and the role of the PIN-code

All vital events (births, deaths, marriages, national and international migration etc.) and demographic characteristics like age, marital status, citizenship, number of children, place of birth, national background (including parental country of birth), and year of first immigration are registered in the CPR. In total there are around 75 variables. In addition to this, Statistics Norway generates a number of variables for statistical use so in total there are around 400 variables in Besys. A further description of the most central variables in the field of immigration is provided below in concepts and definitions.

The CPR gets its data from a combination of self-reporting and data from other administrative registers. For instance, reports of births are given by the hospital or the maternity clinic. Deaths are reported by the probate court or the local police in the deceased's municipality of residence. Migration is in general based on mandatory reports sent to the local population registries. The PIN-code is only issued by the NTA.

Each person in the Population Register is given the PIN-code, a unique 11 digit personal code, based on date of birth, six digits, and a five digit personal number. The role of the 11 digit PIN-code is pivotal for everyday life in Norway and for production of statistics in general. As mentioned above, if you intend to stay in Norway for six months or more you are given a PIN-code. The PIN-code is needed in order to register that you are living in Norway, to open a bank account, to establish a telephone line, to obtain a tax card for work and to become a member in the National Health Insurance and for a long range of other purposes. In short, it is an integral part of being a resident in Norway. The PIN-code is essential for Statistics Norway in linking the persons registered in the CPR to other administrative registers for statistical analysis.

From information in the CPR it is possible to reconstruct individual demographic biographies for the period over which the register has existed. When persons die or emigrate, a PIN-code is never re-assigned, and all relevant information is kept in the historical archives. Thus, a person can't leave the CPR, once registered the personal file is kept forever. The only thing that changes when a person dies or emigrates is the registration status. By January 1st 2008, Norway had a population of 4.7 million. In the history of the CPR more than 450 000 persons had emigrated and nearly 2 million persons had died. In total the CPR has around 7 million persons registered.

A person who stays in Norway for less than six months will not be given an ordinary PIN-code, but what is called a D-number. This is an ID number which is given to all foreigners staying in Norway for less than six months, and for others with economic activity in Norway without qualifying to be registered as living here. The D-number population is also a part of the CPR, but is not counted in as

regular residents. Statistics Norway produces a limited range of statistics based on the D-number, for instance statistics on short term labour in Norway.

Immigrants in the CPR

The main rule is that a person is registered as a resident of Norway if she intends to stay for at least six months and has a residence permit allowing her to do so.

As an immigrant coming to Norway it is the intended length of your stay (at least six months), or for most migrants the length and validity of the permit, that determines whether a person is registered or not. This information in the CPR is often based on information from the Aliens Register. Similarly, registration as an emigrant requires that the person emigrating must intend to reside abroad for at least six months. Nordic citizens do not need a permit when immigrating to Norway and in-migration of Nordic citizens goes directly to the CPR. There is also a system within the Nordic countries for notification on migration between the local population registers. There is nearly a 1:1 ratio in the counting of migrants between the Nordic countries, a system probably unrivalled in Europe (Economist 2002).

Migrants from non-Nordic countries must apply for a residence permit, also migrants from the European Union, in most cases processed by the Police, whereas migrants from outside the EU are processed by the Directorate of Immigration. Immigrants without the necessary permits are (of course) not to be included in the register. The immigration authorities are also responsible for providing individual data on these accepted migrants to the CPR. In addition to this there is also a daily exchange of information the other way and CPR officers have easy access to information from the databases in the Immigration Authorities. In the last years we have seen a development of what has been coined "Active Population Registration". Immigrants whose permits are expired are written out of the system. This entitles active cooperation with the police and the Immigration Authorities.

From 1987 to 1994 asylum seekers as a rule were counted as immigrants - and therefore also as residents of Norway - even though their application for a residence permit had not been completely processed. Before and after this period only asylum seekers with a granted permit to stay have been registered. Asylum seekers who have been given a permit are registered when they are settled in the local municipality, not upon the time of arrival to Norway.

All children born alive to parents resident in Norway are included in the register as are the live births to immigrants who have been granted a permit to stay.

Data from the Aliens Register transferred directly to Statistics Norway

Once a year, Statistics Norway receives data from the Directorate of Immigration about all persons who have been granted residence permits. The information covers (among others) the grounds for settlement (reason for immigration). Based on this information, Statistics Norway creates the variable „reason for immigration“ for all non-Nordic immigrants to Norway.

In some cases it is not unproblematic to identify the initial reason for migration. One person can for instance have multiple permits opening up for a permanent stay in Norway. The main principle is that the last permit prior to the first registration of immigration to Norway is used.

From 2004 it is registered in the Aliens Register to whom a person who migrates on a family permit is (re)united with. Statistics can be given for family formation/establishment and family reunification, and by "anchor person".

For the period 1990-onwards, "reason for migration" has been assigned to 99 per cent of all first time non-Nordic immigrants. For the years prior to 1990 all immigrants coming as asylum seekers, convention refugees and their families have been registered for a period as long back as the 1970s. Thus for the years before 1990 it is only possible to identify whether an immigrant came as a refugee or not.

Coordination and linking

On the basis of the Statistics Act of 1989, Statistics Norway is granted access to all official registers in Norway. However, registers on health and a few others are not available for statistical purposes, due to the sensitivity of their information. Not only does Statistics Norway have the right to use nationwide administrative data for statistical purposes. But also according to the Statistics Act, Statistics Norway shall be informed of the establishing and changing of such registers in advance and have the right to express preferences concerning all aspects of such registers. In accordance with this law, Statistics Norway has prepared and signed agreements with all relevant ministries and institutions to secure the flows of administrative records needed for generating statistics.

With the consent of the Data Inspectorate, the information in the CPR can be linked for statistical and analytical purposes to all these other administrative registers. It will never be allowed to give information about identifiable individuals. The CPR is at the core and by using the PIN-code Statistics Norway can link population data with the different registers.

A number of registers in the private and public sector use the PIN-code. To mention a few from the public sector: Education, Employment, Income, Social security and Crime registers. Statistics Norway can only link these data with information from the CPR for statistical purposes, not for any sort of control, and statistics that can be used to reveal information that might identify particular individuals can not be published. If for instance the Police or taxation authorities need to combine information on labour market activity and use of social welfare benefits, then they will have to address the owners of these registers to have access to this information. Statistics Norway can not give away such information.

Most official statistics on individuals and households from Statistics Norway are based on these registers. So when figures on for instance employment rates are produced. They are based on data from the Register of Employees and the Unemployment Register, both at the Norwegian Labour and Welfare Administration and information from tax files from the National Tax Administration. Information on immigrant background can be derived from the CPR and linked to these data. The official statistics on employment and the statistics on immigrants' employment are based on the same system. Hence the

statistics on immigrants' labour participation correspond to, and can be compared to, the figures for the population as a whole.

Statistics on employment and education are published annually and the immigrant perspective is covered more or less in every publication. The system of linking these data is ideal for longitudinal studies of individual integration paths for different immigrant groups. Statistics Norway can (as opposed to many other countries) not only say how many migrants immigrate to Norway. But using this system of integrating and linking data we can give accurate and detailed statistics on how immigrants perform on different social arenas, enabling us to analyze their living conditions in Norway

Concepts and definitions

All our concepts and definitions follow from the content and definitions in the CPR. As concerns the country of usual residence, its definition follows the recommendations of the future Census Round. Core variables have still to be analysed more in depth.

Immigration category

Based on the register information, there are a number of possible ways of identifying immigrants. We could, as many do, use citizenship, but this poses a number of limitations and pitfalls, especially for comparative analysis. The main problem relates to the fact that individuals do change their citizenship through naturalisation and that naturalisation varies greatly between countries. Country of birth is arguably a better indicator since it is invariant. Still it is important to be able to clearly identify different generations since many of the offspring of immigrants have the same living conditions as their parents, and some of them retain demographic behaviour patterns similar to theirs. It is for this reason that Statistics Norway has developed a standard classification based on parental country of birth for demographic analysis as well as for the study of other aspects of immigration like living conditions, discrimination and citizenship. This variable is now widely used in research, administration and media in Norway.

Immigrant population includes persons who have two foreign-born parents, or more precisely: Persons who neither have parents nor grandparents born in Norway. The immigrant population thus covers first-generation immigrants and persons born in Norway of two foreign-born parents.

Persons with a background from immigration cover a larger group than the immigrant population, the most important one being persons who have one foreign-born parent and one Norwegian-born parent. Statistics on this category is produced annually, but seldom used for analytical purposes.

It is also possible to identify persons with four grandparents born abroad, usually named third generation immigrants. 1.1.2008 this group consisted of 159 persons, and 80 per cent were aged 0-5 years.

Country of birth is mainly the mother's place of residence at the time of the birth of the child.

Year of immigration

The official date of immigration in the Central Population Register is the date of registration.

Reason for immigration

All first time immigrants with a non-Nordic citizenship who immigrated after 1989 have been assigned one of the main values Refugee, Family, Labour, Education and Other. Most of them are registered with a more specified reason for immigration. In most cases, these values reflect the values of the variable 'reason for decision' in the Aliens Register.

In connection with reason for immigration the term 'refugee' means 'immigrated for refugee reasons', and is not limited to e.g. Convention refugees only. The value "family immigration" can be distinguished between reunification, accompanying person and formation/extension. The classification is mainly based on assessments of dates of immigration and marriage (when relevant) of both the immigrant and the reference person, and on registrations of that variable in the data from the Aliens register. Family reasons are often broken down by migration status of the reference person.

National minorities and indigenous population

In the population register it is not possible to identify the national minorities. Jews, Kvens (people of Finnish descent in Northern Norway), Roma and Romani people, and Forest Finns have status as national minorities⁶⁰ in Norway.

The Sami are an indigenous people who live in Norway, Sweden, Finland and Russia. Because there is no overall registration of the Sami population, no one knows exactly how many Sami there are today. The Sami are scattered throughout the country, but the most concentrated Sami settlement areas are north of Saltfjellet. The Sami in Norway have three different languages: Northern Sami, Lule Sami and Southern Sami.

Because there is no overall registration of the Sami population, it is difficult to generate statistics on the Sami as a group. The statistics here have been drawn up based on the geographic range for the Sami Development Fund north of Saltfjellet, also known as the Sami Development Fund area. The Sami population south of Saltfjellet is not included in the statistics since the Sami settlement here is so spread out that areas with Sami settlements are not regarded as Sami local communities, and it would be difficult to create geographically-based statistics from this. One result of such a geographic division is that persons within the Sami Development Fund area that do not regard themselves as Sami, are included in the statistics. Correspondingly, Sami who live outside the Sami Development Fund area are not included.

⁶⁰ Council of Europe's Framework Convention for the Protection of National Minorities.

Core demographic data on immigrants

Population stocks and general demographic characteristics

Statistics on population stocks and demographic characteristics of the population is based on data from the CPR. As described in section above, all vital events (births, deaths, marriages, national and international migration etc.) and demographic characteristics like age, marital status, citizenship, number of children, place of birth, national background (including parental country of birth), and year of first immigration are registered in the CPR. All events are registered with a corresponding date so statistics on the stock of immigrants can be produced for any given time. On an annual basis Statistics Norway produce statistics on the stock of immigrants residing in Norway, all based on data from the CPR.

Migration flows

Also as described in previous section, migration flows are covered by the CPR and migration flows can be described using the whole range of CPR-variables (sex, age, country of birth etc). Migrants coming to Norway are registered in the CPR if they have the intention to stay for six months or longer. The individual migrant has an obligation to register with the local registry within one week after coming to Norway. For most immigrants however, in practice this information is gathered by the CPR with information from the Aliens Register. Registration as an immigrant requires that the person immigrating must intend to stay in Norway for at least six months, and has a valid permit to stay for at least that period. Similarly, registration as an emigrant requires that the person emigrating must intend to reside abroad for at least six months.

Registrations of emigrations are not as reliable as registrations of immigrations as some emigrants fail to report to the authorities upon departure from Norway. The number of such is difficult to gauge precisely. For intra-Nordic migrations this does not pose a problem as individual migration data are exchanged between the Nordic countries.

Duration of stay can be calculated from the reported immigration and emigration date. The length of the permit is not one of the variables in the CPR and most of the permits given are renewable. Hence, to base the length of stay on the length of the permits would probably not give an accurate description. Consequently, duration of stay can only be found when the emigration has occurred. If there is no registration of an emigration it is assumed that the person still resides in Norway.

Short term migrants (migrants with a shorter intended stay than six months) are also registered in the CPR, but are not counted as being a member of the population of Norway. They are possible to identify through the D-number system. See also information on short term employment statistics in the section below.

Purpose of stay

Information about reason for migration is derived from the Aliens register owned by the Directorate of Immigration, and does only include non-Nordic citizens. Nordic citizens have the right to take up residence and work in another Nordic

country without any kind of permission, but they have to report their move to the authorities. For the period 1990-onwards, "reason for migration" has been assigned to 99 per cent of all first time non-Nordic immigrants grouped together into four main categories: Labour, education, family and refugees. The term 'refugee' means 'immigrated for refugee-like reasons', and is not limited to convention refugees. The data from the Aliens register also opens up for more detailed subdivisions. One example: Family-related migration can be distinguished between reunification, accompanying person and formation/extension, and for family formation, whether the person already living in Norway had an immigration background or not. The classification is mainly based on assessments of dates of immigration and marriage (when relevant) of both the immigrant and the reference person, and on registrations of that variable in the Aliens register.

For the years prior to 1990 all immigrants coming as asylum seekers, convention refugees and their families have been registered for a period as long back as the 1970s. Thus, for the years before 1990 it is only possible to identify whether an immigrant came as a refugee or not.

In theory all registrations from the Aliens register can be linked to immigrants residing in Norway, however only the most useful for administrative purposes are included as core variables in the CPR. Statistics Norway receives all the data from the Aliens register once a year and can link these data to the CPR and produce statistics. Only residents with a legal permit for stay are included in the CPR.

Citizenship

Only one citizenship status is registered in the CPR with a corresponding day for acquisition of citizenship. The main rule on acquisition upon application is that any person has a right to Norwegian nationality if the applicant at the time the administrative decision is made has provided documentary that clearly establishes his or her identity and has spent a total of seven years in Norway during the last ten years. In addition there are some newly introduced requirements on Norwegian language training, the applicant can have no criminal record in the waiting period and must be released from the previous nationality(ies). Norway does not support dual citizenship, but individual surveys have shown significant proportions with dual citizenship for immigrants from certain countries. The new naturalisation law will in principle not accept dual citizenship. In addition, there are some special rules for persons who are married to Norwegian national where the applicant only has to have been resident in the realm for the last three years. The same rules apply for registered partners and cohabitants. Nordic nationals may be entitled to Norwegian citizenship after having resided in Norway for only two years.

Asylum seekers

Asylum seekers are not registered in the CPR before they are given a residence permit that enables them to stay for six months or more. There is one important exception. During the period 1987 to 1994 asylum seekers were counted as immigrants, and therefore also as residents of Norway, even though their applications for a residence permit had not been completely processed. Before and after this period only asylum seekers with a granted permit to stay have

been registered. Asylum seekers who have been given a permit are registered when they are settled in the local municipality, not upon the time of arrival to Norway. The Directorate of Immigration publishes on a monthly basis the number of persons seeking asylum in Norway by country of origin.

Irregular migration

Irregular immigrants are obviously not registered in the CPR. Statistics Norway has lately done an attempt to find a method to estimate the number of irregular/undocumented migrants (Zhang 2008). The study found that the irregular residents population of non-EU origin is estimated to be 18 196 by 1.1.2006. This constituted 0.39% of the official population of Norway in 2005. The estimated lower and upper bounds of a 95% confidence interval are 10460 and 31917, respectively. Of the estimated total irregular residents, 12325 were previous asylum seekers, and the rest, 5871, were persons that had never applied for asylum.

Measuring integration, discrimination and diversity

In general the rich variety and availability of administrative data opens up for detailed monitoring on how immigrants integrate in the Norwegian society. By using this system of integrating and linking data from the CPR with administrative sources we can give accurate and detailed statistics on how immigrants perform on different social arenas compared with the population as a whole. The system is also ideal for longitudinal studies, measuring integration development over time. This is especially true for areas where there is a long history of using administrative records for statistical purposes, such as registers on employment.

Some topics are however not covered by the administrative registers. One example is education taken by immigrants before entering the country. Furthermore some administrative sources, such as most health registers are not available due to legal restrictions. Also, the administrative data does not measure the softer aspects of immigrants' living conditions or any kinds of norms and attitudes, and has to be supplemented by surveys.

Employment

The most important source on how immigrants do in the labour market is derived from register data. The register statistics on the employment and unemployment among immigrants are based on several sources: Data from the Register of Employees and the Unemployment Register, both at the Norwegian Labour and Welfare Administration and information from tax files from the National Tax Administration. Annually Statistics Norway produces statistics on *Employment among immigrants, Unemployment among immigrants and Employee statistics for immigrants*. The official statistics on employment and unemployment for the whole population is based on the same system. The statistics on immigrants' labour participation correspond to, and can be compared to, the figures for the population as a whole.

Persons who move to Norway for a shorter period than six months as individual employees, self-employed, or are employed by a foreign employer selling their services in Norway, are not included in the regular population/labour market statistics. From 2006 statistics on this group have been published. The statistics

on employment and unemployment among short term immigrants are intended to provide better data on inflows not captured in the regular labour market statistics. This statistics do probably not yet have a full coverage of the target group.

Immigrants are also identifiable in data from the Labour Force Survey (LFS). There are however too few immigrants in the sample to produce detailed statistics on subgroups etc. (see Villund 2008). As a member of EEA, Norway follows the European LFS-regulations, and carries out the module on migrants in 2008.

Data from the survey "Living conditions among immigrants" conducted in 1983, 1996 and 2005/2006 is an important supplement to the register based data on topics not covered by the administrative data (Blom and Henriksen 2008).

Income

The main data source on immigrants' income is based on "The Income Distribution Survey". From 1986 to 2004 it was based on a representative sample survey. From 2005 and onwards it is based on a total count. Income data are received by linking different administrative registers and statistical data sources for the whole population as in the end of the fiscal year. Income and biographical data are collected from several sources; the most important is data from tax returns (wages and salaries, entrepreneurial income, pensions etc.). Data from the Tax Return is the basis for all of Statistics Norway's statistics on income for persons. The tax return statistics include data on all types of taxable income. Income statistics for immigrants are produced annually, two years after the current income year. In addition specific statistics on social allowance are produced annually.

Housing

Housing has so far not been covered by registers in Norway. Based on the Population and Housing Census 2001, there has been made attempts to establish a register of unique dwelling addresses, linking all resident persons to a dwelling. So far, it seems that the person/dwelling link is established on a satisfactory quality level for all groups, but the information about each dwelling is still of a rather rudimentary quality. For the time being, housing conditions for immigrants is best described through the 2001 Census, but the dwelling register is expected to be of good quality before the next Census in 2011.

Health

Compared to other integration variables, the information sources on immigrants' health are poor. Norway does not have an individual based health or patient-register that is available for linking to the CPR-system. Neither has there been conducted a national survey on immigrants health, only local ones. However, the survey "Living conditions among immigrants" covers some areas regarding immigrants' health situation, and gives the best information on the national level.

Education

Statistics on education is also derived from administrative registers and statistics on immigrants' education undertaken in Norway is good. Statistics on how immigrants and their children perform in the educational system compared to the population as a whole is produced on a regular basis. For lower and primary education the data sources are not particularly rich, as at the lowest grades there are no personal identifiable registers. For upper secondary schools and universities the data sources are richer and statistics on throughput and marks are published for immigrants and for the population as a whole.

However, Norway does not have a systematic way of collecting and storing data on immigrants' education taken abroad, before arriving to Norway. Some surveys have been conducted but with high non-response rates. As a consequence the information on educational background is not as good for the immigrant population as for the population as a whole. The register on the population's highest level of education lacks information for about a third of the immigrant population. This is especially dominant among recent arrivals. A new survey is planned together with the Census in 2011.

Family

Since 1975, family statistics have been produced on the basis of information from the CPR. From 1993 cohabiting couples with at least one common child were incorporated. Since 1995 registered partnerships of same sex couples were included. The introduction of a unique address for all dwellings made it possible to produce statistics also for cohabiting couples without common children. Furthermore, the introduction of a unique address for all dwellings made it possible to produce an annual household statistics based on registers and formal address, statistics according to the household-dwelling concept.

Persons are grouped into families in the CPR through the allocation of family numbers. The family number is maintained by reports on marriages, divorces, deaths, migrations etc. Families in the CPR comprise married couples with or without children, lone parents with children and persons living alone. Only children who are registered on the same address as their parent(s) are counted as family members. Due to the before mentioned problems with the Dwelling register, the quality of family statistics is probably better than of household statistics, especially for immigrants.

Political participation

Several aspects of political participation among immigrants are covered by Statistics Norway, ranging from electoral turn out to the representation of immigrants in the local municipality boards. All statistics are based on electoral rolls and municipal registries of eligible and elected representatives. This information is linked to the CPR-system to identify persons with immigrant background. For both national and local elections the number of immigrants eligible to vote and the subsequent electoral turnout among immigrants is published. From 2007 the election statistics also include information about candidates with immigrant background and whether a representative in the municipality board has immigrant background or not. In 2007 there was also a survey on how the immigrants voted in the local election.

Crime

Most police and judicial administrative records use the pin-code so in theory most of these records can be linked to CPR-system. Some studies on immigrants and crime have been conducted by Statistics Norway, but none on a regular basis.

Discrimination

Statistics Norway has since 2000 been involved in the development of methodology to measure the nature and extent of discrimination. From 2004-2006 Statistics Norway participated in a project named *Common Measures for Discrimination* in co-operation with NSOs from Denmark, the Netherlands, Czech Republic and Portugal. The project funded by the European Union also involved complaints bodies and ombudsmen from the countries mentioned above, and resulted in two reports with descriptions of data availability and recommendations (Olli and Olsen ed. 2005 and 2006).

The European Commission is designing activities to develop a data knowledge base in the field of anti-discrimination. Its work was supported by a specially formed Working Group on Data Collection, composed of representatives from selected Member State authorities, national and Community statistical authorities, groups exposed to discrimination and the Commission's relevant units, including the Anti-Discrimination unit. Statistics Norway participated in this Working Group of data collection from 2004-2006.

From 2008 Statistics Norway is involved in Eurostat's Task Force on Equality Statistics. The mandate of this Task Force is to present recommendations and proposals on indicators to measure discrimination in and between European states for the Directors of Social Statistics.

Recently, Statistics Norway published a report from a survey on Living Conditions among Immigrants 2005/2006 (Blom and Henriksen 2008). The report includes analyses of perceived discrimination among immigrants in Norway, and it shows that near half of the immigrants in the survey have had negative experiences due to their ethnic or immigrant origin.

Annually Statistics Norway conducts a survey on attitudes towards immigrants in Norway. This survey includes some questions comparable to the European Social Survey, and it shows that Norway ranks as one of the more tolerable countries towards immigrants in Europe.

Quality and scope of data collection.

Quality of data

The fact that the register was established primarily for administrative and not statistical purposes is important, because it determines the quality of the statistics. A register made only for statistical purposes would probably not manage to keep its data quality over time, due to lack of personal interests in keeping it updated. On the other hand, the definition and selection of variables in such an administrative register might not be the best for statistical and analytical purposes. Statistics Norway does not own the register, and changes might be introduced against our priorities. Statistics Norway will be consulted before any

substantial changes in administrative registers, and normally there are common interests between the statisticians and other users.

The general and frequent use of the CPR is essential to the quality of the statistics. You can't have a salary, drive a car, have access to health services, open a bank account, or buy a house etc. without the PIN-code given to you upon registration. It is an integral part of being a Norwegian resident. Thus, as the information from the register system is so widely used, we may reasonably assume that all serious quality problems have been uncovered, although not necessarily solved. The most serious problems (not related to migrants) are linked to place of residence of young persons, mainly students, where the registration rules are not in accordance with the principles for population statistics. The great majority of immigrants are included, if not always on their exact date of arrival, because it is very difficult to live in Norway for any length of time without being registered. Information on their address might be of lower quality. Those given a PIN-code will normally be legally resident immigrants.

The number of persons living in Norway illegally is difficult to gauge precisely but one study estimates the number to be around 0.4 percent of the population (Zhang 2008).

One problem is linked to the emigration of immigrants. Many of these are unaware of their obligation to notify the register upon departure, and even if they knew, they might not see any reason for doing so.

For some foreign workers it might be in their employers' or their own interest not to de-register, and such cases can obviously affect the reliability of the statistics on both stocks and flows. Estimates made around 1990 indicated that between 10,000 and 15,000 foreigners had left the country without being de-registered. The majority of these were oil-workers from origin countries such as, for instance, the UK and the USA, with fewer third world migrants than might have been expected. Since then, the system for de-registration has been improved. Whenever personal rights and other interests depend on register status, e.g. voting rights or ownership rights, these pose risks to register quality. In the last years we have seen a development of what we have coined „Active Population Registration“. Immigrants that have permits that have expired are written out of the system. The same goes for other persons if there is not registered any "activity" in any register on their part during some years, and where the local register workers and the municipality cannot find any evidence of continued stay in Norway. This also entitles active cooperation with the police and the Immigration Authorities.

In Sweden there has been some discussion on the reliability of mortality data of migrants as they fail to report emigration thus distorting among other mortality rates. These are probably problems that Norway faces as well, but the numbers involved are probably low, as the immigrants are still young.

Experiences from the survey of Living conditions among immigrants showed that the address information on some groups of migrants is not as good as for the rest of the population. This could pose a problem for the statistics produced from the system, especially for regional breakdowns.

Accessibility of data

Individual data

Micro-data are available either from Statistics Norway or from the Norwegian Social Science Data Archive (NSD). NSD receives survey data from Statistics Norway data that are available for research, and they are serving the research community free of charge. Micro data may be communicated to research and for planning purposes. Non-sensitive anonymised micro data may on certain specified conditions be distributed with a notification to the Data Inspectorate. Delivery of sensitive data assumes as a main rule that the researchers in addition have concession from the Data Inspectorate, and that the data have been made unidentifiable. Register data is mostly available through Statistics Norway for research purposes. It will normally be easier to have Statistics Norway, against covering their expenses, to do tabulations and estimations, than to have access to micro data files. It is easier to have access to micro data for users in Norway than abroad, due to the Privacy Act.

Aggregate data

Statistics and analyses are available on ssb.no/en. The statistics may be used free of charge by everybody as long as Statistics Norway is quoted as the source. Aggregate data can be obtained from the Statistics Bank ssb.no/english/statbank where most of the core tables on the immigrant population and living conditions among immigrants are published. Other than that tables are published for each topic under the title "Daily statistics". More detailed tables or distributions than those publicly available might be produced upon request to Statistics Norway.

Conclusions

- o Statistics on population stocks and demographic characteristics of the population is based on data from the Central Population Register (CPR). As described in section above, all vital events (births, deaths, marriages, national and international migration etc.) and demographic characteristics like age, marital status, citizenship, number of children, place of birth, national background (including parental country of birth), and year of first immigration are registered in the CPR. All events are registered with a corresponding date so statistics on the stock of immigrants can be produced for any given time. On an annual basis Statistics Norway produce statistics on the stock of immigrants residing in Norway, all based on data from the CPR. Information on ethnic origin, language and religion is not registered in the CPR.
- o Based on the register information, there are a number of possible ways of identifying immigrants. We could, as many do, use citizenship, but this poses a number of limitations and pitfalls, especially for comparative analysis. The main problem relates to the fact that individuals do change their citizenship through naturalisation and that naturalisation varies greatly between countries. Country of birth is arguably a better indicator since it is invariant. Still it is important to be able to clearly identify different generations since many of the offspring of immigrants have the same living conditions as their parents, and some of them retain demographic behaviour patterns similar to theirs. It is for this reason that

Statistics Norway has developed a standard classification based on parental country of birth for demographic analysis as well as for the study of other aspects of immigration like living conditions, discrimination and citizenship.

- o Statistics Norway can link the CPR to other registers for statistical and analytical purposes.

In general the rich variety and availability of administrative data opens up for detailed monitoring on how immigrants integrate in the Norwegian society. By using this system of integrating and linking data from the CPR with administrative sources we can give accurate and detailed statistics on how immigrants perform on different social arenas compared with the population as a whole. The system is also ideal for longitudinal studies, measuring integration development over time. This is especially true for areas where there is a long history of using administrative records for statistical purposes, such as registers on employment.

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IX Conduct of Law Enforcement Officials

139. The text in paragraph 139 given during the dialogue with ECRI, has not been taken into account. We therefore repeat the following text since ECRI's description is a misconception of the facts:

139. One of these cases, in which a 48-year-old man of Nigerian origin lost his life following an arrest made in a social welfare office in Trondheim in September 2006, has received much public attention. Following a refusal on the part of officials to pay welfare benefits, the man became angry and two police officers arrived on the scene. Two of the officers tried to lead the man out of the office and when he forcefully resisted their attempt, one of the officers used a controversial grip called "choke hold" around his neck. The post-mortem report however showed that the use of this grip was not the cause of his death some minutes later. Two other police officers arrived on the scene to assist. The man was handcuffed and laid down on his stomach outside the office. As the man's need for respiration was influenced by the struggle, he died of asphyxiation as a result of the pressure on his body when he was laid and held down on his stomach by three of the officers. The subsequent investigation by the Norwegian Bureau for the Investigation of Police Affairs in May 2007 found no grounds to prosecute the one officer that did take part in the actual arrest. The case for the three officers arresting the man was closed since the investigation could not establish sufficient proof to meet the law's criteria of culpability. ECRI notes that following an appeal from the man's relatives, the Director General of Public Prosecutions ordered some further investigation into the case before making his decision. ECRI understands that, although a number of shortcomings were highlighted as concerns the knowledge of restraint position and positional asphyxia, the findings as concerns the officers' criminal responsibility were confirmed. The case has caused public protest, demonstrations and criticism about the investigation and its results. ECRI also understands that the Ministry of

Justice has ordered a review of all complaints mechanisms against police misconduct, including the Norwegian Bureau for the Investigation of Police Affairs, whose results will be available in April 2009.

144. The text in paragraph 144 have been given during the dialogue with ECRI, but have not been taken into account. We therefore repeat the text since it contains essential information:

144. With the Act of 5 March 2004 No. 13, Parliament decided to establish a new centralised nationwide unit tasked with investigating complaints against members of the police and the prosecution service. The new unit is called the "Norwegian Bureau for the Investigation of Police." One of the main reasons for the reorganisation was to achieve a high level of trust and legitimacy for such investigations. The new unit is assumed to fulfil the demands of ECRI recommendation number 144."

