



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-third session
4-22 August 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

NORWAY

1. The Committee considered the sixteenth periodic report of Norway (CERD/C/430/Add.2), which was due on 5 September 2001, at its 1602nd and 1603rd meetings (CERD/C/SR.1602 and 1603), held on 15 and 18 August 2003. At its 1611th meeting (CERD/C/SR.1611), held on 22 August 2003, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report, submitted by the State party in a timely fashion, and the additional oral and written information provided by the delegation. It expresses its satisfaction at the progress reported and the information that the Government's Advisory Committee on human rights and non-governmental organizations participated in the preparation of the report. The Committee further expresses its appreciation for the detailed responses of the delegation to the questions raised during the consideration of the report.

B. Positive aspects

3. The Committee acknowledges the quality of the report of the State party, which is in conformity with the reporting guidelines of the Committee and addresses the concerns and recommendations formulated by the Committee following the consideration of the previous report.

4. The Committee takes note of the amendments to Norway's Immigration Act in 2000, namely the transfer of responsibility for the State party's immigration policy from the Ministry of Justice to the Ministry of Local Government and Regional Development, as well as the appointment of a committee to revise the Immigration Act.
5. The Committee welcomes the amendment to section 135 (a) of the Penal Code, adopted in December 2002, which explicitly states that racist symbols are covered by this provision.
6. The Committee commends the adoption of a second National Plan of Action to Combat Racial Discrimination for the four-year period 2002-2006 to implement the Durban Declaration and Programme of Action, and the establishment of a committee to follow up the implementation of the first National Plan of Action.
7. The Committee commends the State party's policy in respect of national minorities which is based on the principle of respect for cultural diversity.

C. Concerns and recommendations

8. The Committee takes note of the State party's views on the difficulties involved in determining the ethnic composition of the population, but remains concerned that such information has not been provided in the State party's report.

In the light of the absence of statistical data on the ethnic composition of Norwegian society, the Committee recommends that the State party provide an estimate of the demographic composition of the population in subsequent reports, as requested in paragraph 8 of the reporting guidelines, and draws the attention of the State party to its general recommendation VIII concerning the self-identification of members of particular racial and ethnic groups.

9. The Committee takes note of the fact that the State party is currently considering the incorporation of the Convention into Norwegian law through an amendment to the Human Rights Act of 1999.

The Committee encourages the State party to give due consideration to this issue in order to give full effect to the provisions of the Convention in its domestic legal order.

While the Committee welcomes the proposed Act on protection against ethnic discrimination, which aims to provide wider protection against discrimination in various fields and introduces a rule on the shared burden of proof in civil cases, it notes that the proposed Act will only cover ethnic and not racial discrimination.

The Committee invites the State party to submit further information in its next periodic report on the reasons for not including racial discrimination in the proposed Act.

10. The Committee takes note of the amendments to the Aliens Act, which include provisions for the expulsion of persons charged with terrorist acts or where there are serious reasons to suspect a person of participating in such an act.

While acknowledging the State party's national security concerns, the Committee recommends that the State party seek to balance those concerns with its human rights obligations. In this regard, it draws the State party's attention to the Committee's statement of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin".

11. The Committee is concerned that the strict interpretation of the scope of section 135 (a) of the Penal Code, which prohibits any utterance or other communication of racist ideas made publicly or otherwise disseminated among the public, may not cover all aspects of article 4 (a) of the Convention.

The Committee invites the State party to review the provisions of section 135 (a) of the Penal Code in the light of article 4 (a) of the Convention and to provide information on this issue in its next periodic report.

12. The Committee takes note of the State party's observation that a formal ban on organizations might not be very effective in combating racism, owing to the fact that the groups involved in most of the racist activities are loose networks and not formal organizations. In this respect, the Committee draws the State party's attention to its general recommendation XV according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting all organizations promoting and inciting racial discrimination.

The Committee recommends that the State party adopt the necessary legislation in order to ensure full compliance with article 4 (b) of the Convention.

13. The Committee takes note that a high percentage of asylum applications have been decided either by the Chairman alone or by the legal secretariat of the State party's Immigration Appeals Board (UNE), without a hearing before the Board.

The Committee recommends that the State party provide additional information as to whether this procedure offers sufficient protection and ensures the relevant legal safeguards to all asylum applicants, without discrimination.

14. While the Committee acknowledges the frankness of the State party and its efforts to combat discrimination faced by minorities in relation to the housing and labour markets, it remains concerned about the persistence of such discrimination.

The Committee encourages the State party to intensify its efforts in these fields, in accordance with article 5 (e) of the Convention, and trusts that provisions to combat discrimination in the housing and labour markets will be included in the proposed Act on protection against ethnic discrimination.

15. The Committee notes with concern that, although there have been few court cases concerning discrimination consisting in refusing access to places serving the general public such as bars, discos, nightclubs and restaurants, discrimination in this area continues to exist. In this

respect, the Committee also notes that domestic courts can determine whether persons are refused entry to such places on racial grounds.

The Committee encourages the State party to include adequate provisions to combat discrimination in relation to access to places intended for use by the general public in the proposed Act on protection against ethnic discrimination.

16. The Committee is concerned about the shortage of well-qualified interpreters in court proceedings, which may be an obstacle to the enjoyment by non-native speakers of the right to equal treatment before the courts and all other organs administering justice.

The Committee recommends that the State party adopt further measures, in accordance with article 5 (a) of the Convention, to mitigate the current difficulties with regard to interpretation services.

17. With regard to article 7 of the Convention, the Committee notes with concern that courses focusing on racism and discrimination are not compulsory in the basic curriculum of the Police Academy.

The Committee draws the attention of the State party to its general recommendation XIII on the training of law enforcement officials in the protection of human rights, and invites the State party to consider reforming the Police Academy's education programme so as to ensure a better understanding of the norms and values in different cultures and to inform trainees about the obligations of the State party under the Convention.

18. The Committee is concerned that the recently proposed Finnmark Act will significantly limit the control and decision-making powers of the Saami population over the right to own and use land and natural resources in Finnmark County. The Committee draws the attention of the State party to its general recommendation XXIII on the rights of indigenous peoples which, inter alia, calls upon the State party to recognize and protect the right of indigenous peoples to own, develop, control and use their communal lands, territories and resources.

The Committee recommends that the State party find an adequate solution concerning the control and decision-making powers over the right to land and natural resources in Finnmark County in agreement with the Saami people.

19. The Committee encourages the State party to continue to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

20. The Committee recommends that the State party disseminate widely information on the domestic remedies available against acts of racial discrimination, on the legal avenues for obtaining compensation in cases of discrimination and on the individual complaint procedure under article 14 of the Convention.

21. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

22. The Committee recommends that the State party submit its seventeenth periodic report jointly with its eighteenth periodic report, due on 5 September 2005, and that it address all points raised in the present concluding observations.
