



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

Distr.: General
14 November 2011
English
Original: French

Committee on the Elimination of Racial Discrimination
Seventy-eighth session

Summary record of the 2062nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 22 February 2011, at 10 a.m.

Chairperson: Mr. Kemal

Contents

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

Nineteenth and twentieth periodic reports of Norway (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.05 a.m.

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

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

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*
2. **The Chairperson** opened the floor to the representatives of Norwegian national human rights institutions.
3. **Mr. Forberg Andersen** (Norwegian Centre for Human Rights) said that the Centre, Norway's national human rights institution, regretted that the Government still had not incorporated the Convention into domestic legislation at a higher level under the Human Rights Act of 1999, to ensure that in case of conflict it would prevail over domestic law (CERD/C/NOR/Q/19-20), as the Committee had recommended in its concluding observations following the consideration of Norway's previous periodic report (CERD/C/NOR/CO/18). The Centre would like the Committee to resubmit the recommendation to the Norwegian authorities again.
4. The Centre also drew the Committee's attention to the fact that Norway's Constitution did not provide for protection against discrimination on the ground of ethnic origin, despite recommendations to that effect by various international entities and by a State-appointed committee of experts. The Committee might therefore encourage the Norwegian Government to provide such protection in the country's Constitution.
5. **Ms. Haugseth** (Office of the Equality and Anti-Discrimination Ombud), recalling that a sound grasp of the Norwegian language was among the criteria for acquiring citizenship under the new Nationality Act, said that the Government should ensure that each and every population group had access to high-quality Norwegian language courses. Now that the municipalities were responsible for establishing language training programmes for applicants, the quality of teaching was very uneven. The Government, which was responsible for overseeing the programmes, had to date studied only their impact on employment but not which types of people were least likely to complete such training and why they did not do so. As the Ombud, she thought it would be preferable to suspend those programmes until a qualitative evaluation had been made and all population groups, regardless of sex, educational level or country of origin, could benefit from them.
6. Public services, which officially made no distinction among users on the basis of their ethnic origin, were actually easier for native Norwegians to use. Thus "ethnically neutral" public services could lead to indirect discrimination on the basis of ethnic origin. Furthermore, when seeking and receiving health care, non-native speakers of Norwegian did not always have the services of any interpreter, let alone a professional one, and would have to ask their children to interpret for them, which could endanger their health if the interpretation was faulty. The Committee might therefore encourage the Government to make the use of professional interpreters for all public services mandatory in cases where interpretation was needed.
7. Health-care services for refugees suffering from trauma were sorely lacking in Norway as regional providers of psychological care were not really competent in that area. The Committee should therefore encourage the Norwegian Government to establish a body specializing in such care and to incorporate United Nations guidelines for care of rape victims into the new regulations on health services for immigrants.

8. Given that women belonging to minorities were overrepresented in crisis centres (70 per cent) and their stays in the centres were much longer than those of native Norwegians, the Committee might also encourage the Norwegian Government to ensure that women in those centres could move to different housing within a reasonable time. She was concerned that, under the Crisis Centre Act of January 2010, the centres were wholly funded by the municipalities. The Committee might urge the central Government to assume responsibility for their funding.
9. In conclusion, she was concerned by the absence of coordinated public services for female victims of trafficking and domestic violence.
10. **Mr. Amir** expressed surprise that the State party was clearly unable to state the exact number of Roma children present in Norway. He wished to know what the Ombud's responsibilities were and whether she maintained relations with ministries and NGOs and was authorized to submit proposals to the Government.
11. **The Chairperson** said that, in default of qualified interpreters, children were not necessarily least qualified to interpret for their parents, as they generally had a better grasp of the language and best placed to describe their sick parent's situation. He offered for the delegation's consideration the idea of using CD-ROMs or other digital resources in teaching Norwegian to applicants for citizenship.
12. **Ms. Aasland** (Norway) said that, while the Norwegian Government recognized the concept of "racial discrimination", it would not use the term "race" in its legislation, since it could be misleading. The debate on that topic was closed as far as the current Government was concerned. Also, the removal of skin colour and language from the list of grounds of discrimination was still at an early stage: no decision had been taken in that regard. The question of whether to adopt comprehensive anti-discrimination legislation had been debated in a public hearing and the Government would prepare a proposal to strengthen relevant legislation as soon as it had examined the minutes of the hearing.
13. The Norwegian Government felt that the Convention had been sufficiently incorporated into national legislation, given that it had been integrated in the Anti-Discrimination Act. Moreover, as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women had been incorporated into national law through the Human Rights Act, all women and children were protected, regardless of their ethnic or national origin, ancestry or skin colour. In addition, the European Convention for the Protection of Human Rights and Fundamental Freedoms, also incorporated into the Human Rights Act, provided protection against discrimination on the basis of race, ethnic origin, skin colour, ancestry or national origin. In short, multiple discrimination was not possible as all grounds of discrimination were covered by a variety of laws.
14. On 18 June 2009 the Storting (Norwegian Parliament) had appointed a committee to propose amendments to the Constitution and ways of increasing its emphasis on human rights. That committee was expected to submit a report to the Storting in January 2012.
15. Norway's media were independent and enjoyed total editorial freedom. The authorities met regularly with media representatives to discuss the role of the media and the stigmatization of certain social groups. The media representatives had drawn up their own code of conduct, establishing boundaries. Sexist advertising was illegal.
16. Legislation dating from 1 January 2010 required local authorities to offer shelter and aid to victims of violence in the private sphere. Such shelters were open to any victim of conjugal violence, trafficking and forced marriages. In that context, local authorities needed to coordinate various related services, including interpretation if needed. She took note of the Chairperson's remarks on the use of patients' children as interpreters during medical

consultations. Also, crisis centres were required to cooperate with local authorities to find permanent homes for the victims they housed and to shorten their stay at the centres.

17. In 2009, the Norwegian Parliament had decided not to criminalize blasphemy, in the belief that Norway's democratic society was sufficiently solid to tolerate such statements. Concurrently, it had decided to adopt legislation for better protection of victims of insults or hate speech motivated by religious beliefs, although that legislation should be read in conjunction with the provisions on freedom of expression. The Norwegian Government greatly valued dialogue and cooperation among religions, mutual understanding and respect. The case of the caricatures of Islam demonstrated the value of the country's well-established interfaith dialogue of long standing: after publication of the caricatures, representatives of the Islamic Council of Norway, the Christian Council of Norway and the Church of Norway had issued a joint statement condemning both the drawings and the violent reactions to them. That had helped to restore calm.

18. Since unaccompanied minor asylum-seekers were vulnerable, Norway's Directorate of Immigration ran reception centres for unaccompanied minors aged 15 to 18 years, while the Directorate for Children, Young People and Family Affairs ran centres specially designed for children under 15. All children in Norway had equal access to primary and junior secondary education and health care, regardless of their personal history and immigration status. The Ministry of Education and Research was looking into the need for legislation on the right of unaccompanied minors to access senior secondary education in the same way as other children.

19. Believing that it was vital to combat prejudices and unequal treatment and wishing to set a positive example, the Government had established awareness-raising and training programmes for public servants. Current legislation required private and public enterprises to be fair in their hiring and to submit annual progress reports.

20. There were only around 100 East Sami left, very few of them in Neiden, as some had left their region of origin for one reason or another.

21. All members of national minorities were polled in censuses, but their minority identity was not necessarily recorded, because there were those who did not wish their national origin to be recorded by the State. That was understandable, given the impact of the Holocaust and the draconian assimilation policies to which Jews had been subjected during the Second World War. There were an estimated 700 Roma in Norway, living mainly in Oslo, and some 1,500 to 2,000 Jews. Norway was believed to be home to several thousand Romani (Tater) and Kven inhabitants and a very small number of Forest Finns, a people of Finnish origin.

22. **Ms. Aasland** (Norway) said that the East Sami museum would help to revive that community's language and part of its ancient culture. Experience had shown that creation of a museum strengthened cultural identity, in both practical and symbolic terms. Regarding the Sami living on the Russian side of the border, she was confident that the Norwegian Government would welcome the Russian Federation's participation in work towards a convention on the North Sami.

23. While issues relating to the activities of Norwegian firms abroad were outside the Committee's purview, Norway was committed to promoting their adoption of international norms for the respect of human rights, and would continue to follow the Human Rights Council's recommendations in that regard. Not only must the State protect human rights, but firms must also respect them. Regarding asylum-seekers, the maximum detention period was 4 consecutive weeks and 12 weeks in total unless special circumstances required a longer period. Given that the majority of such detentions were based on suspicion of the use of a false identity, improvement of the verification system should help to shorten the

detention period. Detention conditions had also improved and greater consideration was given to detainees' ethnic origin.

24. Regarding racism on the Internet, the police did not have a separate system for recording racist statements disseminated via the Internet, but the National Bureau of Criminal Investigations could transmit to the police security services racist statements, generally made on Facebook, to which it was alerted by the public. There were frequent complaints and official police reports about the websites of extreme right-wing organizations and groups, especially when the sites contained threats or insults to specific individuals.

25. While free legal aid was, in principle, provided without verification of the complainant's financial means, the legal aid system applied only to issues referred to in the Public Legal Aid Act, including cases relating to child welfare, asylum application and victims of violence. Some 40 per cent of aid was granted without verification of the applicants' financial resources. In addition, the Ministry of Justice had instituted a system whereby private organizations that granted legal aid could seek financial assistance from the State; in 2010 some organizations had received such assistance. The legal aid system was being reformed and the Government had submitted a bill on the subject to Parliament.

26. Female genital mutilation in all its forms was illegal in Norway, even when performed outside the country. The Action Plan against Female Genital Mutilation (2008–2011) was being evaluated and its results would be published in 2011 by an independent research institute. Since it was difficult to systematically record cases of female genital mutilations, the Action Plan provided for the establishment of a working group to propose ways of circumventing that difficulty.

27. Under the Nationality Act, applicants for Norwegian citizenship aged 18 to 55 years were obliged to complete 300 hours of Norwegian language courses before submitting their application. Any person who could prove that they had the required knowledge of the Norwegian or Sami language and those whose health status prevented them from participating in language training was exempt. There was currently no exit evaluation following the Norwegian language training; the situation was under review.

28. The Action Plan against Forced Marriage (2008–2011) had been evaluated and the results, published in June 2010, indicated that the Government's goals had been met. The Action Plan for the Integration and Social Inclusion of Migrants (2007–2010) had focused mainly on the employment and settlement of refugees, the situation of children, education and languages, gender equality, and participation. It had also made for a sizeable increase in the funds devoted to integration. Most of the measures in the Action Plan had remained in place after its ending date; a few years would be needed to evaluate its impact.

29. The Contact Committee between Immigrants and the Authorities (KIM) was both an advisory body and a discussion forum enabling the views of immigrant populations to be heard. It had been operational for 25 years and played a useful role in the development of Norway's integration policies. Formulating its own programme of work and its priorities, it had in 2009 focused on the financial crisis and its effects on immigrants, the reform of the Nationality Act, recognition of qualifications acquired abroad, and immigrants' ability to vote in parliamentary elections. The Office of the Ombud was also a very important institution in Norway. It was active in many areas and focused in particular on combating racial discrimination and promoting gender equality.

30. **The Chairperson** said that he was pleased by the size of the Norwegian delegation, which attested to the importance that Norway attached to the Committee's work.

31. **Mr. Avtonomov**, noting that the Mining Act, in force since January 2010, provided for consultations with indigenous populations living in territories affected by mining, asked

whether such consultations were actually planned, and requested more information on the subject. Noting that there had been consultations concerning Finnmark, he would like to know whether consultations had also been held in other territories and whether they were organized on a different basis. He was concerned by reports that Roma and members of other communities were barred from certain public places such as bars and restaurants and that the police sometimes helped managers of such venues to expel them. He would appreciate hearing the delegation's position on the issue.

32. **Ms. Aasland** (Norway) said that her Government's position was that neither Roma nor members of other communities should be expelled from any public place.

33. **Mr. Megard** (Norway) confirmed that the Sami parliament had participated in consultations on Finnmark and was also consulted about other regions. The Mining Act was designed to balance the interests of mining enterprises with those of various segments of society, including the Sami. While the Sami had been consulted, no comprehensive agreement had been reached, particularly concerning regions outside Finnmark. The provisions of the procedure for consultation on mining issues not affecting Finnmark would thus be examined at the time of presentation of the report on territorial issues. The Government had already begun consultations on the territorial rights of Sami living outside Finnmark.

34. **Ms. Hole** (Norway) drew the Committee's attention to the Action Plan to Promote Equality and Prevent Ethnic Discrimination (2009–2012), whereby the Government planned to step up efforts to combat discrimination in cafes and restaurants against young people belonging to ethnic minorities, and the police would oversee training in ethics and combating discrimination. The Government planned to establish an inspection and oversight system for such discrimination.

35. **Mr. Lahiri** expressed regret that the authorities had not approved the request to Norway to incorporate the provisions of the Convention into its human rights legislation. He was concerned at Norway's rejection of the term "race", since the definition of racial discrimination was clear and universally accepted. The Committee would continue to insist that Norway's position on the matter conflicted with that of the Committee, which found it difficult to talk of combating racial discrimination without using the term "race".

36. **Ms. Aasland** (Norway) said that she spoke on behalf of Norway's Government and Parliament, which considered that "race" should not be used in legislation, being a scientifically unsound concept that could be viewed as discriminatory. From that viewpoint, it was important to demolish the notion that people were divided into different races, which was false, especially in biological terms. It was important to keep debate on the issue alive, and she hoped that the Committee would take Norway's arguments into consideration in its deliberations on the issue.

37. **Mr. Prosper**, noting with interest the State party's views on the concept of "race", said that each State party was free to approach the issue, as it wished, since interpretation of the Convention was not set in stone. The Committee and the States parties had much to learn from one another about their views on the concepts of race, racism and racial discrimination. He wished to know what the Action Plan for the Integration and Social Inclusion of Migrants had achieved, particularly with regard to access by immigrants and members of ethnic minorities to senior positions.

38. **Ms. Aasland** (Norway) said that the most recent statistics showed that participation by immigrants and members of ethnic minorities in the labour market, including senior positions, was satisfactory, partly because of Norway's especially low unemployment rate (4 per cent), compared to that of other European countries. Some positions were held by individuals of foreign origin, not least the current President of the Parliament, who was of Pakistani origin. The Government hoped that there would be more such cases in the future.

39. **Ms. Merchant** (Norway) said that the Action Plan for the Integration and Social Inclusion of Migrants essentially consisted of two elements: the integration of newly-arrived migrants in all levels of the workforce; and the promotion of social mobility, even for second- and third-generation immigrants, the goal being to help individuals of foreign origin to secure senior positions, including access for adults to continuing education and training. The Action Plan had so far yielded excellent results, and the Government had judged it best to continue its implementation.

40. **Mr. Calí Tzay**, noting that Norway had adopted legislation outlawing and punishing female genital mutilation, even when performed abroad, asked whether Norway had considered adopting similar legislation making it an offence for Norwegian firms to conduct activities abroad that would harm local populations. Since Norway had been founded on a territory inhabited by two peoples, the Norwegians and the Sami, he wished to know more about the Sami people's exercise of its right to self-determination, and about the mechanisms the State had put in place to enable the Sami to exercise that right. Lastly, he would like information about the Sami parliament's role and its relations with the Norwegian Parliament.

41. **Ms. Aasland** (Norway) said that her country was one of the very few in the world to have established a parliament for its indigenous people, which it had done out of respect for the Sami people's customs, traditions and language. The Sami and Norwegian parliaments enjoyed an excellent relationship, cordial and based on mutual respect. Her delegation would later submit detailed information in writing on the division of responsibilities between the two parliaments.

42. **Mr. Megard** (Norway) said that the Sami people's right to self-determination fell under article 1 of the International Covenant on Civil and Political Rights, which conferred on all peoples the right to self-determination. In that particular, he referred Committee members to Norway's fifth periodic report to the Human Rights Committee (CCPR/C/NOR/2004/5), particularly paragraph 4, in which Norway had covered the issue of the Sami people's self-determination and described the Sami parliament's consultative procedures.

43. **Mr. Ewomsan** said that, while he agreed with the Norwegian delegation's view that science had shown that all human beings belonged to the same race and that racism therefore had no scientific basis, the notion of race was essential for combating racism and racial discrimination. In order better to combat acts based on racial superiority, they needed to be defined and identified. To say that race-based discrimination existed did not in any way legitimize earlier racist theories.

44. **Mr. Diaconu** said that there was no doubt that biological racism was a thing of the past but that racism was now a matter of different treatment of individuals depending on their race. Norway needed to fill the gaps in its internal legislation with a definition of racial discrimination, even if it specifically did not wish to use the term "race".

45. He wished to know why some international instruments, appeared to take precedence over domestic legislation, while others ratified by Norway had not been incorporated into domestic legislation. He particularly wondered what message the State was sending to Norwegian society when it refused to incorporate the Convention's provisions into human rights legislation.

46. **Mr. Thornberry** asked whether victims of discrimination were effectively protected by Norwegian law, since it made no explicit reference to the notion of race.

47. **Ms. Aasland** (Norway) said it was in the interest of constantly improving its anti-discrimination legislation that Norway was focusing on the terminology used in its legislation on racism and racial discrimination. Another ongoing debate in her country was

over whether to adopt a single comprehensive law, or specific laws targeting different grounds of discrimination. The Action Plan to Promote Equality and Prevent Ethnic Discrimination expressly stated that discrimination was practised on many grounds, including ethnic origin, skin colour, sex, age and sexual orientation, and that the various reasons for discrimination were closely linked.

48. **Mr. de Gouttes** stressed that, while the notion of race was biologically misleading, there were those who still believed in it and used it to exclude, reject and stigmatize others who were different. The discussion had clearly shown that the Committee wished Norway to incorporate the concept of racial discrimination into its legislation. The concept was enshrined in the Convention and, inasmuch as international human rights treaties prevailed over domestic legislation, its incorporation should not pose difficulties.

49. He would be interested to learn why Norway had not incorporated the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms into its human rights legislation. Noting that female genital mutilation was illegal and punishable even if performed abroad, he wished to know whether Norway permitted the practice in cases where the perpetrator and the victim were not Norwegian citizens.

50. **Mr. Forberg Andersen** (Norwegian Centre for Human Rights) said that the Norwegian Government was increasingly reluctant to incorporate international treaties ratified by Norway into domestic legislation, out of concern that doing so restricted the ambit of democratic action. Norway had not ratified Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Rights of Persons with Disabilities or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Nor had it taken an official stance on ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

51. **Ms. Winer** (Office of the Equality and Anti-Discrimination Ombud) said that national minorities were marginalized in Norway. In previous years her Office had received a number of complaints from members of the Roma minority claiming violations of their right to access to public places such as bars, restaurants and campsites. The Office had begun to cooperate with the police authorities to find solutions to the problem and to establish a training programme for improving police attitudes to that vulnerable minority.

52. **Ms. Aasland** (Norway) said that an extensive televised debate had been organized in 2010 on the topic of race, including differences between the biological and sociological interpretations of the term. Racial theories based on biology would evidently always have supporters, as would theories that adduced the biological differences between men and women to claim that women were inferior to men. Norway was not the only country where those issues were being debated, but her country had decided to discuss them publicly and frankly.

53. Her response to Mr. de Gouttes' question was that Norway did not institute criminal proceedings against perpetrators of female genital mutilation unless they were Norwegian citizens or had permanent resident status.

54. Four international instruments had been incorporated into domestic human rights law: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; and the Convention on the Elimination of All Forms of Discrimination against Women. Where domestic legislation and international norms were in conflict, the latter prevailed.

55. **Mr. Austad** (Norway), replying to a question asked at the previous meeting, said that 3,704 persons were currently being detained in Norwegian prisons, one third of them from Poland, Lithuania or Iraq.

56. **Mr. de Gouttes** welcomed the open and frank dialogue held with the Norwegian delegation, including on issues that had shown up differences in approach.

57. At the conclusion of the consideration of Norway's nineteenth and twentieth periodic reports, he listed several points to which the State party's attention would doubtless be drawn in the Committee's concluding observations, including the status of the Convention in Norway's legal system and the criminalizing of racial discrimination, and not only ethnic discrimination, in the Act on Prohibition of Discrimination, pursuant to article 4 of the Convention; migration policy and the situation of refugees and asylum-seekers, especially under the new Immigration Act, with regard to employment, medical and health care, and education; measures needed to safeguard the Sami people's culture and its rights with regard to the occupation and management of its lands and natural resources; problems relating to the integration of the Roma, their access to employment, housing, health care and education; and manifestations of xenophobia, racism and social intolerance, in particular the propagation by political parties and figures, including via the Internet, of racist ideas that could trigger acts of aggression and violence against members of minority groups.

58. **Ms. Aasland** (Norway) said that new draft legislation designed to ensure broader, more effective protection of the human rights of all Norway's inhabitants was under review. The authorities would continue to use the term "racial discrimination", which was broader than the term "ethnic discrimination".

59. With regard to migration policy, under article 1, paragraph 3, of the Convention, "Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality". Pursuant to that article, Norway had established specific criteria for its policy for granting status, in accordance with its obligations under international law and with its convictions.

60. The Norwegian Government, like the Committee members, was convinced of the importance of respect for the culture, language and customs of the Sami people and their right to live by their ancestral traditions in a modern world. Norway likewise did its utmost to take into account the concerns of the Roma, who were a small but very vulnerable group, and to ensure their successful social integration. The Government would avail itself of the Committee's concluding observations for a more effective crack-down on racist and xenophobic propaganda.

61. **The Chairperson** announced that the Committee had concluded its consideration of the nineteenth and twentieth periodic reports of Norway.

62. *The Norwegian delegation withdrew.*

The meeting rose at 1 p.m.