



ROYAL MINISTRY
OF FOREIGN AFFAIRS

OHCHR - Office of the UN High Commissioner for Human Rights

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Your ref.:

Our ref.:
05/12755-14

Date:
12 March 2008

Questionnaire regarding the preparatory committee of the Durban Review conference

We refer to the letter from OHCHR dated 17. January 2007, with the enclosed questionnaire. The Ministry is pleased to present the following answers to the core questions:

1. Can you assess the implementation of the Durban Declaration and programme of Action in your country?

In our view Norway has showed a clear commitment to the Durban Declaration and programme of action. The Norwegian Plan of Action to combat Racism and Discrimination (2002-2006) incorporated in our view many of the recommendations of the Durban declaration.

The clearly stated goal of the Norwegian Government is that Norway should be an inclusive society in the sense that all inhabitants, regardless of their background, should have equal opportunities to contribute and participate actively in the Norwegian society. Mainstreaming is an important principle for government policies. The needs of ethnic minorities are included in broad general programmes or policies at the various administrative levels (state, regional, and local). Public administration must recognise and respect diversity by ensuring that different needs in the population are reflected in the design of public services and general social systems. Ensuring equal access to public services constitutes recognition in practice of the diversity in the Norwegian society. Dialogue and contact with civil society are important elements of the policy-making process.

The Government of Norway has in recent years stepped up its activities in the anti-discrimination field both with respect to the institutional framework, the policy framework and the legal framework.

With regard to the institutional field, year 2006 saw the starting of the work of three new institutions, the Equality and Anti-Discrimination Ombudsman, the Equality and Anti-Discrimination Tribunal, and the Directorate of Integration and Diversity. Year 2006 saw also

the coming into force of the Anti-Discrimination Act. With regard to the policy framework, important recent initiatives include among others the White Paper on Work, Welfare and Inclusion, Action Plan for Integration and Social Inclusion of the Immigrant Population and Goals for Social Inclusion, Action Plan to Fight Poverty, Plan of Action Against Forced Marriages and the Strategy for better learning and greater participation by language minorities in day-care centres, schools and education, Equal education in practice! The actions cover a lot of grounds and involve a number of government departments. Combating racism and discrimination should be an integral perspective of all measures in these plans.

It is also worth mentioning that Norway has designated a lead ministry that is responsible for coordinating policies in the field of anti-discrimination. From October 2007 onwards The Ministry of Children and Equality have the responsibility for coordinating the action across all equality strands.

On the other hand, there are areas where Norway need to put more focus. Equality considerations have not yet been fully mainstreamed into all decision-making; there is a need for more equality data; the legal framework is based on a negative, reactive approach, whereas a more proactive, positive approach, is what would be needed to promote achievement of equal treatment in practice.

Reference is made to question 3 below for more detailed information.

2. Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

Reports and studies show that racism and discrimination exist in various sections of the Norwegian society. The problem is not primarily racist groups spreading terror in the streets, but more subtle forms of everyday discrimination, especially in the labour and housing markets.

The Equality and Anti-Discrimination Ombud receives most complaints of discrimination based on ethnicity in employment. The percentage of complaints alleging police misconduct or complaints concerning health and social services varies from year to year.

Unemployment among immigrants is considerably higher than in the population at large. This difference has been stable for a long time, also in periods of high unemployment rates. In general immigrants residing in Norway have more problems in finding and keeping jobs than native Norwegians. Inadequate knowledge of the Norwegian language, insufficient or unrecognised education, lack of work experience from - and knowledge about - Norwegian working life, and last but not least discrimination in the labour market are all factors with large impact on this situation.

Immigrants, along with other vulnerable groups such as vocationally disabled, youth and long-term unemployed, are therefore considered as target groups within the labour market policy, and are given priority when it comes to labour market measures.

Study of living conditions among non-western immigrants

The study of living conditions among non-western immigrants 2005-2006 is designed to find issues such as perceived discrimination, language, social contact and family, both in Norway

and the country of origin, and special challenges in the labour and housing market. The study shows among other things that 50 % of the immigrants in the study have experienced discrimination in one or several fields. Immigrants from Somalia and Iran experience most discrimination and men experience more discrimination than women.

Public sector authorities and discrimination

Due to serious complaints in 2007 about ethnic discrimination exercised by some public sector authorities, anti-discrimination activities have been stepped up. A descriptive study of the situation regarding ethnic discrimination exercised by public authorities was initiated. The objective was to accumulate more knowledge about the level and occurrence of discrimination within the state sector and what measures that have been taken to prevent and combat such discrimination. The Equality and Anti-Discrimination Ombud has summarized the results of the study and proposed new measures. The study shows among other things that many state sector authorities have taken little action to prevent discrimination. There also seems to be lack of knowledge of how discrimination may be manifested. The Government are now considering new measures to be taken to combat discrimination exercised by public sector authorities.

3. Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

The Plan of Action to Combat Racism and Discrimination (2002-2006)

In our view combating racism and discrimination must be based on long-term, continuous, focused attention. Several Norwegian governments have presented action plans to combat racism and discrimination. The most recent plan were implemented in the period 2002–2006. This plan focused on initiatives and actions taken by Norwegian authorities. The plan applied to the indigenous people, national minorities and the immigrant population of Norway.

A follow-up mechanism for the plan of action was established, consisting of representatives from relevant ministries, The Directorate of Immigration, The Centre for Combating Ethnic Discrimination, The Contact Committee for Immigrants and the Authorities and NGOs working in the field of racism and discrimination.

The 48 measures set out in the plan covered the following areas: The labour market, public services, school/education, the police/public prosecutors/courts, documentation/surveillance, the Internet, local communities, strengthening of judicial protection against ethnic discrimination and racist expressions, and general measures.

An evaluation and status report by 1. June 2006 shows that most of the measures under these target areas were implemented. Apart from the measures to strengthen the legal protection against discrimination the following achievements deserve particular attention:

- A number of initiatives have been implemented to improve interpreting services. A national register of interpreters has been established, and educational programmes for interpreters have been developed.

- A research and development programme has been initiated to strengthen the minority perspective in public service provision in general. Specific measures have also been implemented to enhance expertise within certain sectors. Furthermore steps have been taken to encourage more educational institutions to focus on understanding diversity.
- In addition to other positive measures all public enterprises have been instructed to interview at least one applicant with immigrant background when making new appointments, provided that the applicant is qualified.

The Government intends to present a new national action plan by the end of 2008.

Legal protection against ethnic discrimination

The Act on prohibition against discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act), in force as of 1.1.2006, applies to all areas of society, except for family life and personal relationships. It prohibits discrimination based on ethnicity, national origin, descent, colour, language, religion or belief. The act protects against both direct and indirect discrimination. It covers harassment on the same grounds and instructions to discriminate or harass. The act has a ban on reprisals against a person who files or intends to file a complaint about violation of the act. This protection also covers witnesses. Furthermore it is forbidden to participate in discrimination.

From January 2006 an Equality and Anti-Discrimination Ombud has both proactive and supervisory functions in relation to the Anti-Discrimination Act, and other civil legislation in the fields of anti-discrimination, such as the Gender Equality Act, the antidiscrimination regulations in the Working Environment Act and in housing legislation. The Ombud and an Equality and Anti- Discrimination Tribunal make decisions on individual complaints concerning discrimination. The Ombud also has the task of monitoring the Anti-Discrimination Act.

The role of the Ombud is to investigate incidents where alleged breaches of the laws have taken place. Following investigations of complaints, the Ombud may then make a recommendation. In the field of employment the Ombud encourages employers to avoid ethnic discrimination and promote ethnic equality in their enterprises. The Ombud has a consultancy and advisory service that is offered free of charge to individual employers in both private and public enterprises. An important function is to disseminate good examples and methods and help to improve knowledge in this field. Out of a total of 288 cases in 2006, the Ombud handled 61 complaints on discrimination based on ethnicity and 10 on language. Furthermore, the Ombud guided in 150 cases concerning ethnicity and 17 concerning language, out of a total of 794 cases.

A Commission to propose a comprehensive anti-discrimination legislation was appointed by the Government 1. June 2007 and shall submit its recommendations within 1. July 2009. A partial recommendation on the exceptions for religious communities has been submitted within 1. January 2008. Different Acts prohibit discrimination on the basis of gender, ethnic origin, national origin, descent, colour, language, religion, ethical and cultural orientation, political views, membership of a trade union, sexual orientation, disability or age, as well as discrimination of employees who work part-time or on a temporary basis. The protection against discrimination varies depending on the basis of the discrimination.

The Commission shall submit a proposal for a compiled and more comprehensive anti-discrimination legislation. According to the mandate, the Commission shall consider the following questions:

- A compiled act against discrimination, including the question if new groups should be protected by the anti-discrimination legislation.
- Abolition of the special exceptions for religious communities from the prohibition on discrimination on the basis of gender or homosexual cohabitation in the Gender Equality Act and the Working Environment Act.
- Ratification and implementation of The European Human Rights Convention Protocol 12 on discrimination.
- Anti-discrimination provisions in the Constitution, unless a commission appointed by the Parliament is mandated to consider this question.

Question 4 How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanism dealing with the issues of racism, racial discrimination, Xenophobia and related intolerance in order to enhance them?

Norway supports the Durban declaration and programme of action and would like to draw attention to some of the most important issues in the follow up mechanisms:

Norway would like to emphasise that all states have a responsibility to combat racism and to promote diversity and tolerance. Norway would like to emphasize the plan of action that urge states to establish national policies and action plans as well as to adopt and implement national legislation and administrative measures to combat racism.

Norway would also emphasise the importance in combating multiple discrimination, and incorporate gender perspectives in all programmes of action against racism, and have a special focus on indigenous women and girls. Norway supports the Durban declarations' message to states to adopt necessary measures to promote, protect and ensure the enjoyment by indigenous peoples of their rights.

We also support the Durban declarations and the emphasis it has on the role of NGOs. States are urged to enable NGOs to work freely and NGOs should have a role in promoting tolerance and fighting discrimination.

Question 5 What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

Norway has a good track record in terms of ratification of key international treaties. The Anti-Discrimination Act and other legal amendments connected to this Act may be regarded as the transformation of ICERD into Norwegian law. All these amendments aim to strengthen protection against ethnic discrimination, thereby better fulfilling the objectives of the Convention. Furthermore, the Convention has been implemented in Norwegian legislation by means of incorporation through the Anti-Discrimination Act. The Convention has a natural connection with this Act. Incorporating ICERD through the Anti-Discrimination Act could therefore help to ensure the best possible clarity in Norwegian legislation. In its Proposition to

the Odelsting, the Government has emphasised that the fact that the Human Rights Act has not been chosen as the incorporating statute does not mean that ICERD is not considered to be an instrument of fundamental importance. A similar solution has also been chosen for the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is proposed to be incorporated through the Gender Equality Act. Reference is made to the mandate of the commission to propose a comprehensive anti-discrimination legislation mentioned above.

The Parliament has approved a provision in the Act on the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal to the effect that the Equality and Anti-Discrimination Ombud shall monitor that ICERD is complied with. According to the amendment, the Equality and Anti-Discrimination Ombud shall also be responsible for monitoring compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women.

Questions 6 Please identify and share good practices achieved in the fight against racism, racial discrimination, Xenophobia and related intolerance in your country

Active recruitment

Reports on employers' attitudes towards hiring immigrants, both in public and private sector, show that even under circumstances where the immigrants' international experience would be of value, there is scepticism to recruit them. The Government is very much concerned by discrimination on the labour market, and has implemented several important tools to combat racism and discrimination

One measure in the Action plan for integration and social inclusion of the immigrant population is active recruitment of persons with immigrant background to public administration and health authorities. Through their allotment letters all agencies within the public administration and the health authorities are instructed to draw up plans aimed at increasing the recruitment of persons with immigrant backgrounds.

All employers, whether state, municipal or private, should have a deliberate and active recruitment policy relating to persons with immigrant background and should counteract all types of direct and indirect discrimination. In the public administration, employers are obliged to call in at least one qualified applicant with immigrant background for interviews when hiring personnel. Managers of all state-owned enterprises are urged to introduce the same scheme and the Government has also called on the privately-owned companies to follow suit.

Moderate affirmative action for persons with immigrant background to public administration positions will be tried out in a 2-year pilot project, starting in 2008. The project includes 12 government services. Moderate affirmative action means that if candidates have equal or approximately equal qualifications, a candidate with an immigrant background is to be preferred.

The Romani People's Fund

In 2004 the Storting established a fund for the national minority, the Romani people (Travellers), with a capital of NOK 75 million. A board consisting of representatives of the Romani people, Norwegian authorities and NGOs will administer the profits of the fund. The fund has been established as collective compensation for the negative effects of previous

assimilation policies. The purpose of the fund is to improve opportunities for cultural activities. The fund is not intended to give individual compensation to people who have suffered from assimilation policy but the profits of the fund may be used to assist persons in applying for individual compensation.

The establishment of the fund signifies an assurance on the part of the Norwegian Government that the policy of assimilation towards the Romani people will not be continued or repeated.

Best regards



Tormod C. Endresen
Deputy Director General