



NORWEGIAN MINISTRY  
OF CHILDREN AND EQUALITY

Action plan

# Action plan to promote equality and prevent ethnic discrimination

2009–2012



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# Preface

An inclusive society must be built on the foundation of equal obligations, rights and opportunities to participate. Discrimination violates human rights, thus not only harming individuals but also society as a whole.

The efforts to guarantee equality no longer focus only on equality between women and men. Now we talk about how everyone must be treated equally, regardless of gender, age, sexual orientation, functional ability, skin colour, ethnicity, religion and so on. Equality is also about giving underrepresented groups the opportunity to participate where decisions are made.

The measures proposed in the action plan aim to promote equality and prevent discrimination of immigrants and their children, the Sami people and national minorities. Studies reveal that these groups are subjected to discrimination. Thus we must also focus on discrimination within and between some minority groups, and which may particularly affect girls and women.

With this action plan, the Government is strengthening the cooperation with the employer and employee organisations in working life. The Government and these organisations have a common goal to combat discrimination in working life and increase the recruitment of minorities to positions in the public and private sectors. During the period covered by the plan, from 2009 to 2012, we will cooperate on several measures. Together we can make a greater active effort to promote equality and prevent discrimination.

Good legal protection against discrimination is absolutely necessary but not sufficient to ensure equality in major social arenas. As of 1 January 2009, employers, the public authorities and the employer/employee organisations have come under the legal obligation to make an active effort and to report on their efforts to promote equality and prevent the discrimination of people on the basis of their disability, ethnicity, religion and so on. Similar obligations to promote equality between the genders have long been in place.

While the measures in the plan will touch on the areas of responsibility of many ministries, the Ministry of Children and Equality has the overriding responsibility for coordinating the Government's efforts to promote equality and prevent discrimination.

Through this action plan, the Government will be intensifying its efforts to promote equality and prevent ethnic discrimination. An action plan in itself is not sufficient to resolve society's challenges in this field. An inclusive society, where each member has equal obligations, rights and opportunities, can only be achieved when each individual contributes by breaking down the barriers of prejudice, whether our own or those of others.

April 2009



Anniken Huitfeldt  
*Minister of Children and Equality*

Dag Terje Andersen  
*Minister of Labour and  
Social Inclusion*

«Cooperation between the parties involved is a critical factor if we are to succeed in creating an inclusive working life! KS is therefore pleased that the Government and the employer/employee organisations have agreed to endorse the Government's action plan to promote equality and prevent discrimination in working life. Ensuring diversity on all levels in each municipality is important for strengthening the competitiveness of local authorities in the labour market. Diversity in the municipal production of services is also necessary in order to serve an increasingly diverse population. KS is looking forward to good cooperation during the period covered by the plan!»

Halvdan Skard  
*KS – The Norwegian Association of  
Local and Regional Authorities*

# 1 Introduction

## Purpose

The Government's vision is a society with equality for all and the absence of discrimination.

Traditionally, the ideal of equality has focused on promoting equal opportunities and rights for women and men. Today, on the other hand, this term is used in a wider sense so that it also encompasses equality regardless of functional ability, sexual orientation, age, ethnicity religion and so on.

Equality does not only mean having the same opportunities, i.e. that each person has the same opportunities to participate in various social fields and arenas and can make choices that affect their own lives.

Promoting equality is also about achieving equal results, and providing equal opportunities is not enough for achieving genuine equality. In the endeavour to achieve equal results, it is necessary to open for legislation and public measures that allow preferential treatment of individuals who are unfavourably positioned in society due to, for example, gender, ethnicity or disability. These measures include positive action schemes and different quota systems.

Provisions on positive action are embedded in the Gender Equality Act, the Anti-discrimination Act, the Anti-discrimination and Accessibility Act and the Working Environment Act, cf. Attachment 1, where the discrimination legislation is discussed.

In fields where there has been particular imbalance in gender representation, more comprehensive measures have been adopted to achieve equal results. The provision that requires a minimum of 40 per cent gender representation in publicly owned and privately owned limited joint-stock companies and public joint-stock companies is an example of this.

Today we have statutory prohibition of discrimination based on gender, ethnicity, national origin, descent, skin colour, language, religion, belief, political opinion, membership in an employee organisation, sexual orientation, disability, age, temporary employment or part-time employment. It is a challenge that the protection against discrimination is embedded in different acts and that the protection differs according to what the grounds are for the discrimination. The Government has therefore convened an Anti-Discrimination Legislation Committee which will draw up a proposal for a comprehensive discrimination act before 1 July 2009.

Preventing discrimination means putting an end to unfair differential treatment. It also means that the society at large must give minorities the same protection as the majority population. For example, it is unacceptable if women are denied the right to education and employment, prevented from making their own choices or are suppressed in other ways due to culturally derived reasons that are not compatible with Norwegian equality legislation or human rights. The Gender Equality Act has a gender-neutral point of departure, but has provisions that put special focus on the situation of women. It is important to ensure that, in practice, minority women have the same protection as other women in Norway.

An overriding objective of this action plan is to promote equality and prevent ethnic discrimination. In this plan, ethnic discrimination is used as a collective term for the discrimination that particularly immigrants and their children, the Sami people and national minorities are subjected to due to ethnicity, national origin, descent, skin colour, language, religion and belief, cf. proposition to the Odelsting no. 33 (2004–2005) *Om lov om forbud mot diskriminering på grunn av etnisitet, religion mv.* (On the Act relating to the prohibition of discrimination based on ethnicity, religion etc.), where the grounds are explained in more detail.

The protection against ethnic discrimination is regulated in the Anti-discrimination Act. The Norwegian Civil Penal Code also has statutory protection against discrimination based on ethnicity and other grounds.

Discrimination occurs in all population groups and in all areas of society. Not only majority populations discriminate minority populations. Prejudice against others, scepticism, xenophobia, discrimination and racist actions/utterances can be found between minority groups and within minority groups, and may also target the majority population. The Anti-discrimination Act and the Norwegian Civil Penal Code offer protection against discrimination for both the minority population and the majority population.

The Government believes that all forms of racism, discrimination and harassment must be prevented. We all have a responsibility to combat unfair differential treatment. The public authorities and the majority population nevertheless have greater responsibilities than others, as they have the power to change societal conditions that contribute to unfair differential treatment.

Studies show that people with minority backgrounds are victims of discrimination. The focus in this plan is to combat the discrimination that particularly immigrants, the Sami people and national minorities are subjected to. Other groups, such as persons born in Norway of immigrant parents, people who are adopted or who have one parent born abroad, may be subjected to the same prejudices and discrimination as immigrants, often on the basis of their skin colour.

Immigrants, the Sami people and national minorities may be the victims of negative differential treatment due, for example, to ethnicity, skin colour or religion, but they may also be subjected to differential treatment due to gender, age, sexual orientation or a disability. It is important to show how discrimination based on various grounds can be interconnected.

Women may experience gender discrimination. Women with minority backgrounds may also experience discrimination due to their ethnic origin, religion and/or skin colour. When a number of factors are interconnected, the discrimination minority women are subjected to may be particularly harsh. The

concept of “intersectionality” defines the structural and dynamic consequences of this type of interaction, which researchers need to pay more attention to. People with disabilities who have minority backgrounds and homosexuals with minority backgrounds are also subjected to discrimination on various grounds. It is difficult to measure whether the endeavours to promote equality and prevent discrimination are successful. In practice it is always difficult to distinguish between what is biased differential treatment and what is not. Moreover, it is difficult to measure people’s attitudes, awareness and knowledge in this field.

With its new action plan to promote equality and prevent ethnic discrimination, the Government wishes to urge the public authorities and employers to work actively to promote equality and prevent discrimination. This may help to reduce unintended discrimination. One goal for the plan is therefore to initiate good implementation of the new duty to make active efforts and report that came into force on 1 January 2009 in the Anti-discrimination Act. The reporting obligation which is enforced by the Equality and Anti-Discrimination Ombud and will be an important tool for assessing goal attainment, cf. Attachment 1 on the discrimination legislation. Another goal of the plan is to increase knowledge about the type, scope and causes of discrimination so that we can develop measures that work.

*The action plan to promote equality and prevent ethnic discrimination* does not give a comprehensive picture of the work that has already been initiated in various sectors. The plan has its main focus on recent initiatives to be implemented at the central level during the period of the plan, from 2009 to 2012. Ongoing measures, where most were launched in 2008, are also mentioned. The ministries and their subordinate agencies will have the main responsibility for implementation of the measures in the plan. The Government is also cooperating with the main employer/employee organisations on some of the measures in the plan, as can be seen in the separate section on this below.

The measures in the plan shall combat both direct and indirect discrimination. Norway also has challenges in connection with hate crimes and expressions of hate that are directed at some minority groups in Norway. While the police receive few reports concerning hate

crimes, there is reason to believe that there are many unreported cases.

For practical reasons, the *Action plan to promote equality and prevent ethnic discrimination* will use the term minorities/persons with minority backgrounds as a collective term for immigrants and persons born

in Norway of immigrant parents, the Sami people and national minorities. In cases where the description only refers to circumstances that touch on one or some of the groups, this will be specified in the text, cf. the definitions below.

### Persons with minority backgrounds – definitions

In this action plan, people with a minority background are divided into three main groups:

#### **Immigrants and people born in Norway of immigrant parents:**

Immigrants are people born abroad of two parents who were born abroad. At some point in time they have immigrated to Norway. The definition of Norwegian-born of immigrant parents is people born in Norway of two parents who were born abroad, and who also have four grandparents who were born abroad, cf. Statistics Norway's new terms in the immigrant statistics, in force as of 1 September 2008.<sup>1</sup>

There are 381 000 immigrants in Norway, and 79 000 people were born in Norway of immigrant parents. These two groups constitute 9.7 per cent of the population (Source: Statistics Norway 2008).

#### **The Sami:**

The Sami are an indigenous people in Norway with the right to special cultural protection based on international law. It has been estimated that there are between 50 000 and 65 000 *Sami* in Norway.

#### **National minorities:**

These are ethnic, religious and/or language minorities with long ties to Norway. In Norway, Jews, *Kvens*

(persons of Finnish descent), Roma, Romani and *skogfinner* (Forest Finns) are national minorities.

Most *Jews* in Norway are members of the Mosaic communities in Oslo and Trondheim, with a total of around 1100 members.

Today there are probably between 10 000 and 15 000 people who call themselves *Kvens* or persons of Kven/Finnish descent in Norway.

The traditional group of *Roma* people (Gypsies) in Norway probably amounts to 700 persons, generally living in the Oslo area.

No exact figures are available for the number of *Romani* (travellers) in Norway today but estimates put the number at around a few thousand persons.

It is estimated that several hundred persons in Norway today identify themselves as *skogfinner* (Forest Finns).

Pursuant to Norwegian legislation, individuals may not be registered by ethnicity. Thus there are no accurate figures for the Sami people or others belonging to national minorities in Norway.

<sup>1</sup> Reference is also made to the fact that as of 1 September 2008, Statistics Norway no longer uses the terms Western and non-Western in official statistics. This division of the world no longer reflects reality. The terms Western and non-Western have therefore been replaced with two new groups of countries: 1. The EU/EEA countries, the USA, Canada, Australia and New Zealand. 2. Asia, Africa, Latin America, Oceania except Australia and New Zealand, and Europe outside the EU/EEA. The terms Western and non-Western are used in this action plan only when referring to reports written prior to 1 September 2008.

### Other state action plans

The action plan to promote equality and prevent ethnic discrimination 2009–2012 is a follow-up to the efforts in *Handlingsplan mot rasisme og diskriminering 2002–2006* (Action plan against racism and discrimination 2002–2006), where one of the main aims was to strengthen the legal protection against ethnic discrimination. The efforts in this plan must also be considered together with action plans initiated to promote integration and inclusion of immigrants and people born in Norway of immigrant parents, cf. for example *Handlingsplan for integrering og inkludering av innvandrerbefolkningen 2007* (Action plan for integration and social inclusion of the immigrant population 2007) and its follow-up plans in 2008 and 2009, and *Strategiplan for likeverdig utdanning i praksis 2004–2009* (Strategy plan for equal education in practice 2004–2009).

The efforts in *Action plan to promote equality and prevent ethnic discrimination* must also be considered together with the Government's efforts in relation to the Sami people and national minorities. In this context, see *Handlingsplan for samiske språk 2009–2014* (Action plan for Sami languages 2009–2014) and the work with *Handlingsplan for å bedre levekårssituasjon for norske rom* (The action plan to improve the living conditions of Norwegian Roma people), cf. Attachment 3 for more details about these action plans.

It is important, moreover, to consider the plan in conjunction with the Government's efforts to promote a society without violence in close relationships, cf. *Handlingsplan mot vold i nære relasjoner 2008–2011* (Action plan against violence in close relationships 2008–2011), *Handlingsplan mot tvangsekteskap 2008–2011* (Action plan against forced marriage 2008–2011) and *Handlingsplan mot kjønnslemlestelse 2008–2011* (Action plan for combating female genital mutilation 2008–2011).

A common goal for all these action plans is to ensure equal opportunities for all, regardless of ethnic background. The initiatives supplement each other and in part overlap. It is therefore important to consider all the action plans together.

Furthermore, the efforts in this plan must also be considered together with *Handlingsplan for bedre livskvalitet for lesbiske, homofile, bifile og transpersoner 2009–2012* (Action plan for improving quality of life for lesbians,

gays, bisexuals and trans persons 2009–2012) and the work on a new action plan for improving accessibility and promoting universal design for people with disabilities. Both these plans have discrimination perspectives and make it clear that people with minority backgrounds can be subjected to discrimination based on several factors.

The efforts here must also be related to *Regjeringens forbrukerpolitikk – Handlingsprogram 2008–2009* (The Government's consumer policy – Action programme 2008–2009). This action programme lists a number of ongoing and planned measures that will ease the position of consumers and which will also counteract discrimination.

### Responsible ministries

The Ministry of Children and Equality has coordinated the work with the *Action plan to promote equality and prevent ethnic discrimination 2009–2012*. In addition to the Ministry of Children and Equality, the Ministry of Labour and Social Inclusion (AID), the Ministry of Finance (FIN), the Ministry of Government Administration and Reform (FAD), the Ministry of Health and Care Services (HOD), the Ministry of Justice and the Police (JD), the Ministry of Education and Research (KD), the Ministry of Culture and Church Affairs (KKD) and the Ministry of Local Government and Regional Development (KRD) are responsible for measures in the plan.

### Cooperation partners

Creating a society with zero tolerance for discrimination is not a challenge the state authorities can solve alone. The most important efforts will be made in the local community, in day-care centres, in schools and workplaces. As working life is a main area of concentration in the plan, the eight main employer/employee organisations in working life are important partners.

The Government has entered into cooperation with these organisations on the section of the action plan that deals with working life.<sup>2</sup> The purpose of the cooperation is to support the local efforts against discrimination and to involve as many employers and employees as possible, cf. Chapter 8 Working life for more details on this cooperation.

<sup>2</sup> The main employer/employee organisations are: "Arbeidsgiverforeningen Spekter" (The Employer Organisation "Spekter"), HSH, KS, NHO, Akademikerne, LO, Unio and YS.

The Government has also initiated cooperation with the Municipal Agency for Business Development Services in Oslo to combat discrimination in the hotel, restaurant and nightlife industry, cf. Measure 7.

### **Meetings and written input**

In connection with the planning work, the Ministry of Children and Equality has had meetings with and/or received input on the design of the plan and possible measures from the Norwegian Contact Committee for Immigrants and the Authorities (KIM), the Equality and Anti-discrimination Ombud, the Sami Parliament of Norway, the Contact Forum for National Minorities and Public Authorities, a number of NGOs working against discrimination of people with immigrant backgrounds, the main employer/employee organisations, Oslo local authority, various actors in the housing market and researchers in various academic fields.

### **Focal areas and strategic measures**

Discrimination occurs in all social areas, cf. Attachment 4 for more details on the nature and scope of discrimination. In this plan, the efforts are focused on working life and the public services. The plan will also target measures in important fields for children and young people, such as school and education/training, the housing market and admission to restaurants and nightlife.

The overriding purpose of the action plan to promote equality and prevent discrimination will be achieved through the following strategic measures:

- Integrating the work to promote equality and prevent discrimination in day-to-day ongoing activities in the enterprises (mainstreaming), and considering to a greater extent the various grounds of discrimination as interconnected
- Having effective legal protection against discrimination and providing information on relevant rights, legislation and rules for various target groups
- Increasing knowledge and documenting the nature, scope and causes of discrimination
- Raising competence and providing awareness-raising activities
- Active recruitment to promote diversity in working life, boards, representation in organisations and education

### **Follow-up of the plan**

The Ministry of Children and Equality will coordinate the work to follow up the plan. An interministerial working group will be convened with responsibility for follow-up of measures proposed by the plan. Annual status reports for the follow-up will be prepared, and these will also be available on the internet.

For the planning and launch of measures, each responsible ministry will assess how the gender perspective can be optimally included.

During the plan period continuous contact is planned between the Government and the employer/employee organisations to follow up implementation of the measures that they are cooperating on.

NGOs working to combat and prevent ethnic discrimination will be invited to participate in a reference group for follow-up of the plan. KIM, the Sami Parliament of Norway and the Contact Forum for National Minorities and Public Authorities will also be important cooperation partners in the work on following up the plan.

The central authorities have particular obligations in relation to the Sami people and national minorities. When designing and implementing measures which particularly affect the Sami or national minorities, the Sami Parliament of Norway or the Contact Forum for National Minorities and Public Authorities will therefore be asked to contribute. The central authorities also have an obligation to consult the Sami Parliament of Norway in cases that might directly affect Sami interests, cf. Article 6 of the ILO Convention no. 169 and Procedures for consultations between the central authorities and the Sami Parliament of Norway.

The implementation and scope of the measures described in the action plan will be adapted to the annual budget proposals and their outcome in parliamentary debates.

The plan will be reviewed at the halfway mark and a final external evaluation will be carried out. The final evaluation should focus on the follow-up of the plan. A selection of the most important measures in the plan will also be evaluated.





## 2 Key terms

Below are definitions of key terms and concepts used in the plan. There is no consensus on some of the definitions and some have different content in different contexts.

### Diversity perspective

A diversity perspective may be understood as a general perspective which refers to a number of characteristics of a person, such as gender, age, functional ability, sexual orientation, ethnicity and religion. The idea is that the diversity in the population must be acknowledged and respected by reflecting on various needs of the population in the design of public services and common social programmes. It also requires us to expand our understanding of what it means to be Norwegian.

The point of departure for the Government is that the diversity in the population is a resource and a source of development and renewal. If groups of the population in Norway are excluded or underrepresented in central social areas, this will undermine our democracy.

Promoting diversity and equality in working life means:

- Recruiting managers and employees so that those who are underrepresented are also given the opportunity to participate
- Ensuring that all employees can exploit their talents and abilities and are fairly rewarded for this, without discrimination of any kind

The Government finds that the public authorities and service providers must integrate a diversity perspective in their ongoing planning and budget activities, in reports, in human resources policy, in education and training programmes and in the organisation and design of services.

### Discrimination as a phenomenon

Discrimination is a term used in everyday language, in political debates and in social science studies to deal with various phenomena. It is used about actions, utterances and practices. Discrimination is also a legal term used in human rights cases and with the Anti-discrimination Act's protection against discriminatory acts.

Unfair differential treatment is often how we understand discrimination in day-to-day language and in the social sciences. In working life, such unfair differential treatment often means that individuals or groups of individuals have fewer opportunities to realise or use their resources than others. A distinction is often made between the obvious and deliberate discrimination, where the aim is to discriminate, and the more unintended and unconscious discrimination, which is more difficult to uncover.

Discrimination can be motivated by prejudice and stereotypes, i.e. assumptions about characteristics of a group are the reason a person is treated in a certain way rather than according to his or her actual characteristics and qualifications. It is, however, important to distinguish between prejudice and discrimination. Prejudice does not necessarily lead to discriminatory acts.

Discrimination does not only involve differential treatment. A form of discrimination is also *treating each person the same way*. This may have different consequences for various groups because there is then a failure to recognise that each person is different and has different needs. If, for example, public service programmes are organised in a way that ignores the fact that users differ when it comes to Norwegian language skills, early development and cultural and religious background, and rather treats everyone the same, the

result may be that some people systematically receive less adequate services and benefits from the services. This becomes a form of indirect discrimination which may also be called structural discrimination.

The term structural discrimination is often used synonymously with such concepts as institutional discrimination or systemic discrimination. Here discrimination is expressed through administrative practices, organisation forms and structures that function as barriers to equality. Structural discrimination is generally hidden and unintended. One characteristic of this type of discrimination is that many find it difficult to understand that this actually is discrimination.

### The legal term: discrimination

Discrimination as a legal term may have different content according to the various human rights conventions Norway has signed and the various statutory acts in Norway which provide protection against discrimination.

The Anti-discrimination Act prohibits *direct* and *indirect* discrimination due to ethnicity, national origin, descent, skin colour, language, religion or belief, cf. Attachment 1.

It is important to be aware that what is often called discrimination in our day-to-day language may not always be discrimination in the letter of the law.

#### *Section 4 of the Anti-discrimination Act, Prohibition against discrimination*

By direct discrimination is meant that the purpose or effect of an act or omission is such that persons are, on the basis of their ethnicity, religion, etc., treated less favourably than others are, have been or would have been treated in a corresponding situation.

By indirect discrimination is meant any apparently neutral provision, condition, practice, act or omission that, on the basis of ethnicity, religion, etc., would put persons at a particular disadvantage compared with others. By indirect discrimination in working life is meant any apparently neutral provision, condition, practice, act or omission *that in fact has the effect of* putting a job applicant or employee in a less favourable position than other job applicants or employees, on the basis their ethnicity, religion, etc.

### Racism

Racism is not a legal term used in the Anti-discrimination Act. The term is primarily used in everyday speech and public debates. The debate on racism shows that there is no generally accepted understanding of racism and that the racism concept is not static. There is also great disagreement in scientific communities on the use of the term racism. We might say that roughly two different understandings of racism are heard in today's debates:

- A limited understanding where racism is understood as the idea that there are different races or ethnic groups with differing characteristics, and that these differences legitimate negative differential treatment. This is a rationale and justification for negative differential treatment of individuals or groups based on their race, skin colour, national origin, ethnicity, religion or culture. This type of racism is often based on contempt and prejudice against being different.<sup>3</sup>
- A wider understanding of racism where it is seen as equal to ethnic discrimination, whatever motive is the cause of the act, practice or utterance.

<sup>3</sup> Refer to the *Action plan against racism and discrimination 2002–2006* for a more detailed discussion of the term race. The term race has been removed from the Penal Code and is not used in the Anti-discrimination Act either, with the exception of the UN's Convention on the Elimination of All Forms of Racial Discrimination which is incorporated in the Anti-discrimination Act. The UN's Convention on the Elimination of All Forms of Racial Discrimination nevertheless rejects any theory about superiority based on racial differences.



## 3 Coordination and integration of an equality perspective

### Goal:

#### A more coordinated effort against discrimination on different grounds

In 2007, the Government chose to place the full responsibility for coordinating all the efforts against discrimination on various grounds and for promoting equality under the Ministry of Children and Equality. The Ministry of Children and Equality today administers the Gender Equality Act, the Anti-discrimination Act, the Anti-discrimination and Accessibility Act and section 13 of the Working Environment Act dealing with equal treatment.<sup>4</sup> Placing the enforcement of these acts under the roof of one ministry is a stage in the long-term effort to strengthen the efforts to combat discrimination, among other things by considering better the relationship between different grounds. Reference is also made to *Diskrimineringslovutvalget* (the Anti-Discrimination Act Committee) which will propose a joint and more comprehensive anti-discrimination legislation by 1 July 2009.

The Ministry of Children and Equality has a proactive role when it comes to integrating efforts to promote equality perspectives in all policy areas and administrative levels. However, all ministries are responsible for promoting equality and preventing discrimination on various grounds within their sector areas, cf. the sector responsibility principle.

The efforts to promote equality and prevent discrimi-

<sup>4</sup> Today there are legal prohibitions against discrimination based on gender, ethnicity, national origin, descent, skin colour, language, religion, belief, political opinion, membership in employee organisations, sexual orientation, disability, age, temporary employment and part-time employment.

nation cannot be based on individual projects that will be shelved once the project is completed. The efforts must be integrated in the continuous day-to-day work in the sectors. To succeed it is important to ensure that this work is solidly supported by the management of each enterprise.

In the period covered by the plan, the Ministry of Children and Equality will strengthen the efforts to consider the connection/relationship between various grounds of discrimination by organising the work internally in the ministry and also through its role as the coordinating ministry for all anti-discrimination activities.

In 2009, the Ministry of Children and Equality will launch a development programme for middle managers to motivate them and give them competence in their role as human resources managers in a diversity perspective (gender, sexual orientation, age, functional ability, ethnicity, religion, etc.) and when it comes to recruiting and keeping employees. *Plattform for ledelse i staten* (Platform for management in state agencies) issued by the Ministry for Government Administration and Reform in 2008 lays down important guidelines for this programme.

The new duty to make active efforts and report that came into force on 1 January 2009 in the Anti-Discrimination Act and in the new Anti-Discrimination and Accessibility Act based on similar obligations in the Gender Equality Act, is an important tool for the Ministry of Children and Equality in its role as prime mover for the other ministries.

The "Directive for Official Studies and Reports" is an important tool for strengthening the integration of the efforts to promote equality in all state official studies and reports. According to the Directive, all state agencies must study and report on the consequences for gender equality of their proposals and also the relation to human rights where this is particularly relevant. The Ministry of Children and Equality today provides guidebooks that will help in applying the Directive to cases involving gender issues and also issues involving immigrants, the Sami people and national minorities. It is necessary to give better information to the state employees undertaking official study and reporting work about these guidebooks. One is also needed to deal with discrimination of people with disabilities.

In its role as the coordinating ministry, the Ministry of Children and Equality must promote open dialogue and cooperation with minority organisations, religious and life-stance communities and NGOs in the efforts to promote equality and prevent discrimination. Meeting-places that have already been established should be used more than the case is today.

### Measures initiated

#### *Regional equality and diversity centres*

To support regional equality activities, in 2008, the Ministry of Children and Equality and the Ministry of Local Government and Regional Development contributed funding to the establishment of three regional equality and diversity centres. This funding will be continued in 2009, during which these regional centres will provide information and get efforts moving in their regions, which cover Troms, Nordland, Trøndelag, Oppland, Hedmark and Agder counties. For example, they will make the public actors more aware of their responsibilities with respect to the duty to make active efforts and report pursuant to the Gender Equality Act, the Anti-Discrimination Act and the Anti-Discrimination and Accessibility Act.

#### *Continuing dialogues with representatives of minority organisations and religious and life-stance communities*

The Ministry of Children and Equality will continue dialogues and contact with representatives of minority organisations and religious and life-stance communities in cases that come under the responsibilities of the Ministry of Children and Equality. Value issues, life-stance issues and issues relating to equality and various types of discrimination may be among the cases that will be relevant to discuss in more detail.

### New measures

#### **1 Training ministry staff in international conventions and treaties, anti-discrimination legislation and the Directive for Official Studies and Reports**

The Ministry of Children and Equality will arrange courses for case processing officers in ministries on the efforts to promote equality and prevent all types of discrimination. Relevant topics will include international conventions binding Norway in this field, anti-discrimination legislation with the new duty to make active efforts and report and the Directive for Official Studies and Reports with manuals. Training may also be given in how the ministries should supervise other agencies in their duty to make active efforts and report.

*Implementation: 2010–2012*

*Responsible: Ministry of Children and Equality*

#### **2 A common guidebook for the Directive for Official Studies and Reports on various grounds**

To provide good information on how the equality perspective should be integrated in the state's official studies and reporting activities, the Ministry of Children and Equality will revise the content of the current guidebooks and publish a common guidebook that covers the various grounds.

*Implementation: 2010*

*Responsible: Ministry of Children and Equality*

## 4 Legal protection against discrimination

### Goal:

#### Increase competence on anti-discrimination legislation

Legal protection against discrimination is necessary but cannot on its own ensure equal rights and opportunities for all to participate in society. In addition to having a clear set of rules and regulations, they must also be effectively enforced. For enforcement to be effective the acts and regulations must be generally known and people must be familiar with and have trust in the agencies that are to enforce the rules. It is important that people who experience discrimination lodge complaints so that the efforts can be targeted more precisely.

Access to effective legal aid is a requirement for effective protection against all grounds of discrimination. The Government wants to improve the legal protection of the general population, particularly for the poorest and people who have particular need of legal aid. The public legal aid scheme is to help to ensure equality under the law. It is important to provide good legal aid to those who cannot obtain such aid easily on their own. In accordance with the Government's Soria Moria declaration, a report is reviewing the legal aid scheme and will be submitted to the Storting (Parliament). The aim is to issue the report during the spring of 2009. The report will deal with important issues connected to the quality of the benefits and aid provided under the scheme, such as how the legal aid scheme should be organised and funded. The Government's aim is to lower the threshold for applying for legal aid and to solve legal problems at an early stage. Another major intention is that a greater part of the general population should be able to use this scheme.

In addition to effective legislation, active measures are needed to promote equality and prevent discrimination. The public authorities, public and private employers and the employer/employee organisations have therefore been legally obliged to promote equality and prevent discrimination, cf. Attachment 1. The Equality and Anti-Discrimination Ombud enforces the Anti-Discrimination Act and the new duty to make active efforts and report.

In 2009, NOK 9 million was added to the budget for the Equality and Anti-Discrimination Ombud due to the Ombud's obligation to enforce the new Anti-discrimination and Accessibility Act (for people with disabilities) and the new duty to make active efforts and report as laid down in the Anti-Discrimination Act.

The activities undertaken by the Equality and Anti-Discrimination Ombud also comprise the Sami people and national minorities who claim to be discriminated against for ethnic reasons. Up to this point in time, few cases involving complaints or guidance based on this reason have been raised by anyone other than persons with immigrant backgrounds.

The Government attaches importance to improving the efforts against discrimination of the Sami people and discrimination in the Sami community. As a stage in the follow-up of Report to the Storting no. 28 (2007–2008) *Samepolitikken* (Sami policies), the Government will take the initiative to invite the Sami Parliament and the Equality and Anti-Discrimination Ombud to work together to form a common front against discrimination in the Sami community.

The Ombud has arranged meetings with the national minorities to discuss their situation in general. *Taternes Landsforening* (The National Association of Travellers) and the Ombud have had meetings on the discrimination of Romani/Travellers at caravan sites. The Government wishes to develop the dialogue with the national minorities about priorities and the design of measures that affect them.

It is not an ideal situation that the current protection against discrimination on grounds of personal characteristics or opinions is spread over several acts. The protection against discrimination also changes according to the grounds and the social area involved. Therefore the aim is to make a more comprehensive legislation against all types of discrimination. This may help to show how various grounds of discrimination can be seen as interconnected, cf. Attachment 1 for a more detailed look at anti-discrimination legislation.

#### *The Anti-Discrimination Act Commission*

In a meeting of the Council of State on 1 June 2007, the Anti-Discrimination Act Commission was appointed to propose a joint and more comprehensive anti-discrimination legislation. According to its mandate, the commission shall report on:

- A comprehensive act against discrimination, including the issue of whether new groups should be covered by the act's discrimination protection
- Abolition of the special exemptions of religious communities from the prohibitions against discrimination on the basis of gender or homosexual cohabitation in the Gender Equality Act and the Working Environment Act
- Ratification and incorporation of Protocol 12 on discrimination in the European Convention on Human Rights<sup>5</sup>
- Addition of a provision in the Constitution protecting against discrimination, unless a constitutional committee appointed by the Storting is to be given this task

The committee will also discuss other issues of particular relevance to this action plan. This applies, for example, to issues on whether an employer's duty to make active efforts should be designed according to models in the internal control regulations in other acts,

<sup>5</sup> Mentioned in Attachment 2 International frameworks and obligations.

issues connected to the Ombud's authority to apply sanctions and issues connected to situations where people are subjected to discrimination on several grounds, cf. the committee's website: <http://www.regjeringen.no/nb/dep/bld/kampanjer/diskrimineringslovutvalget.html?id=476264>

The committee's deadline for publishing its recommendations is 1 July 2009. The committee submitted its recommendations on exemptions for religious communities on 11 January 2008, see NOU 2008:1.

## New measures

### 3 Comprehensive discrimination legislation

Based on the recommendations from the Anti-Discrimination Act Committee, the Government aims to propose more compiled and comprehensive anti-discrimination legislation in the course of the plan period.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

### 4 Strategy for information and implementation of the new duty to make active efforts and report

The Ministry of Children and Equality will develop and follow up a strategy to ensure good implementation of the duty to make active efforts and report. The Ministry will cooperate with the Equality and Anti-Discrimination Ombud, the regional centres for diversity and equality, the main employer/employee organisations and others to ensure that the duty to make active efforts and report pursuant to the Gender Equality Act, the Anti-Discrimination Act and the Anti-Discrimination and Accessibility Act is complied with.

The Ministry of Children and Equality will ensure that information material is prepared and that information about the new duty to make active efforts and report is distributed to all the parties who have this duty.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

See also the following measures:

24 *Guidebook on the duty to make active efforts and report*

28 *Course in discrimination law*

## 5 Information on the Penal Code and the penal system

The prosecution authority receives very few reports and complaints in relation to the discrimination provisions in the General Civil Penal Code. If particular population groups have a high threshold for using their statutory right to report criminal offences and complain about indictments, the barriers must be dismantled, and one way to do this is to provide factual information and dialogue on the rights and the consequences of using these in practice.

The Ministry of Justice and the Police will therefore prepare information material for relevant population groups on:

- The right to report to the police cases of racism and discrimination that are a criminal offence
- The right to lodge an administrative complaint to the police about discriminatory practice in the police
- The right to appeal to a superior prosecution authority if one is dissatisfied with the processing of a complaint by the police or the public prosecutor
- The main points in the Norwegian criminal justice system, including the roles of the prosecution authority and the courts of justice, and of the requirements for evidence to bring a case before the courts and to pronounce a sentence in criminal cases

Immigrant organisations and other NGOs in this field must be actively included in this work. The above-mentioned measure should be evaluated to determine whether it has had an impact on reports to the police/complaints.

*Implementation: 2009–2012*

*Responsible: Ministry of Justice and the Police*

### **Discrimination in restaurants, nightlife etc.**

The Government wishes to improve efforts against discrimination in restaurants, cafés and nightclubs, which in particular affects young people with minority backgrounds. Today the police are responsible for training and approving security staff. The training focuses on ethics and discrimination. In addition to the preventive training measures, the Government also intends to fortify inspection and control of such premises.

## New measures

### 6 The role of the local authorities as the inspection authority for discrimination issues in licensed venues

Serving alcoholic beverages is only legal if a licence has been obtained; cf. section 1-4a of the Alcohol Act. A licence can be revoked under given circumstances, including if there is repeated discrimination in the licensed venue for such reasons as listed in section 349a of the Norwegian General Civil Penal Code, for example on the basis of ethnic background.

In proposition to the Storting no. 1 (2008-2009) the Ministry of Health and Care Services allocated NOK 6 million for the efforts to improve the quality of the local authority's control and inspection of establishments with alcoholic beverage licences. The Ministry of Health and Care Services will assess whether section 1-8 third paragraph of the Alcohol Act should be included as part of the efforts to improve the quality of the control. It must be noted, however, that the local authorities have great freedom to determine alcohol policy that is adapted to local conditions, and that for this reason it is up to each local authority to decide whether any violation of the legislation should be punished by revoking the licence.

*Implementation: 2009*

*Responsible: Ministry of Health and Care Services*

### 7 Cooperation with the Municipal Agency for Business Development Services in Oslo on discrimination in restaurants etc.

In the autumn of 2009, the Ministry of Children and Equality will be planning and designing a cooperation project with the Municipal Agency for Business Development Services in Oslo to ensure that establishments serving alcoholic beverages comply with the prohibition against discrimination. Experiences from the project will be shared with the local authority in other municipalities.

*Implementation: 2009–2010*

*Responsible: Ministry of Children and Equality*

## 5 Documentation and knowledge development

### Goal:

**Increase the knowledge on the nature, scope and causes of discrimination**

It is necessary to increase the knowledge on the nature, scope and causes of discrimination to develop measures that address these issues more accurately.

Measuring the nature, scope and causes of discrimination is, however, difficult to do. It is impossible to give an accurate estimate of the scope of discrimination in Norway, in part because the approaches to discrimination as a concept differ, and in part because discrimination often is indirect and difficult to uncover.

In many contexts, it will be difficult to draw a clear line between differential treatment that is within the law and such treatment that is not.

We have good data in Norway on the living conditions of immigrants and persons born in Norway of parents who are born abroad. However, differences in living conditions of different groups are not proof that discrimination occurs. Nor will counting the number of decisions made by the Equality and Anti-Discrimination Ombud/The Equality Tribunal give a sufficiently clear description of the scope of discrimination, as the threshold for lodging a discrimination complaint to the Equality and Anti-Discrimination Ombud appears to be high.

Questionnaires on perceived discrimination do not say anything about how many of the subjective experiences are in fact discrimination. It is difficult, moreover, to define the risk population for ethnic discrimination, as

there is no data material on individual Sami or national minorities. Registration of ethnic and religious affiliations is a sensitive issue as this is very personal information. For historical reasons, this type of registration is met with strong scepticism by some minority groups.

It is necessary to use different methods and data sources to illuminate the nature and scope of discrimination (Craig, 2006, Olli and Kofod Olsen (Eds) 2006, Rogstad, 2002, 2006 and Tronstad, 2008).<sup>6</sup> Currently, the compilation of this type of data is conducted by a number of ministries, research institutions, NGOs and the Equality and Anti-Discrimination Ombud. More comprehensive and systematic collection and compilation of knowledge is required both as to the nature and scope of discrimination in different social areas and the causes of such discrimination.

It is also necessary to increase the knowledge on the cases where individuals are subjected to discrimination on several grounds. Moreover, there is a need to increase the knowledge and the efforts in relation to discrimination and the lack of equality in the minority communities, particularly when this impacts girls and women. More knowledge is also needed on the discrimination minorities experience due to religion.

<sup>6</sup> Ronald Craig, 2006: *Systemic Discrimination in Employment and the Promotion of Ethnic Equality*. Leiden: Martinus Nijhoff Publishers 2006. Eero Olli and Birgittve Kofod Olsen (eds.) (2006): *Common measures for Discrimination II Recommendations for Improving the Measurement of Discrimination*. The Norwegian Equality and Anti-discrimination Ombud and Danish Institute of Human Rights. Jon Rogstad, 2002: *Diskriminering og ulikhet – forklaring og metode*, (Discrimination and difference – explanation and method) *Sosiologisk tidsskrift*: 10 (1): 3-26 Jon Rogstad, 2006: *Usaklige hindringer for ikke-vestlige minoriteter på arbeidsmarkedet i Norge*, (Bias and impediments to non-Western minorities in the Norwegian labour market) ISF report 2006: 010 Kristian Tronstad, 2008: *Opplevd diskriminering*, (Experienced discrimination) SSB report 2008/5 *Levekår blant innvandrere i Norge* (Living conditions among immigrants in Norway) 2005/2006.



## Measures initiated

### *Research project on family relations and gender equality among immigrants*

The FAFO Institute for Labour and Social Research is undertaking a research project on assignment from the Ministry of Children and Equality on family relations and gender equality among immigrants. The aim of this study is to obtain more knowledge on family behaviour and gender equality so that public service programmes can be adapted to accommodate immigrant family needs, and to obtain knowledge on the views held by male immigrants on masculinity and gender roles so that equality policy can have the right focus. The study is planned for completion in May 2009.

### *Registration of hate crimes*

In November 2006, the police initiated a function in the criminal justice systems BL/ STRASAK/ PAL to label reports and complaints on crimes motivated by hate and prejudice due to race/ethnicity, religion and sexual orientation. Such labelling is activated by the police when the case processing officers feel there is reason to believe that the crime was motivated by hate. However, there are a number of issues connected to registration of the motive behind a crime, in addition to more general challenges that arise with the registration of crime, such as the number of unrecorded cases.

In 2008, the Police Directorate has worked with Oslo police district to implement a project to describe crimes motivated by hate that were registered by the police in 2007, which is the first full year of statistics with this functionality in operation. The project, completed in the autumn of 2008, evaluated the functionality of the labelling and has proposed measures to improve quality and ensure better labelling.

## New measures

### 8 A forum for equality data

The Ministry of Children and Equality will take the initiative to establish a forum for equality data for users of the data (selected ministries and their agencies and the Equality and Anti-Discrimination Ombud) and data generators (Statistics Norway, research institutions). This will be a stage in the efforts to achieve a more comprehensive and systematic

approach to the collection of data that may shed light on equality and discrimination on different grounds.

Finding out what type of data will serve as good indicators of equality and discrimination will be a crucial task for the forum to assess in more detail. The proposed mandate for the forum includes the following:

- Clarification of the existing statistical data on various grounds that might serve as indicators of equality and/or discrimination, and better exploitation of existing data
- Assessment of the possibilities of integrating questions on equality and discrimination on different grounds in existing statistics production
- Assessment of how the various grounds of discrimination may be seen as interconnected.
- Assessment of which additional data may be needed, also in relation to the data production occurring in EU/Eurostat
- Assessment of how enterprises can retrieve information on the proportion of immigrants employed by the enterprise

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

### 9 Situation testing

In 2008, the Ministry of Children and Equality funded ISF (The Institute for Social Research) to carry out a pilot study on the use of situation testing as a method of measuring discrimination.<sup>7</sup> Situation testing is a method developed by the International Labour Office (ILO). In its pilot study, the ISF has designed a survey programme for use in situation testing in Norway according to the ILO method. The ISF is also developing the method with a view to keeping its use within ethically acceptable standards. The proposed project has been discussed by the National Research Ethical Committee for Social Science and the Humanities (NESH). The ISF aims to launch a project in 2009 with situation testing in the labour market in Norway. The project will include a gender perspective. Using experiences from the project, the Government will assess whether such situation tests should be used in other social areas.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

<sup>7</sup> Jon Rogstad and Arnfinn Haagensen Midtbøen (2009) *Fra symptom til årsak – Metodiske utfordringer og forskningsetiske dilemmaer ved bruk av tester i studier av diskriminering* (From symptom to reason – Methodological challenges and research-ethics dilemmas in using tests in studies of discrimination).

### **10 A knowledge summary of research on discrimination against children and young people**

Children and young people are in the phase of life when identity is created and developed. They are therefore a vulnerable group when it comes to perceived discrimination. More knowledge should be obtained to provide a better overview of what children and young people see as discrimination and who they feel the discriminators are. The study will include a gender perspective. As an introductory measure, the Government will therefore initiate a summary of research on discrimination against children and young people.

*Implementation: 2010*

*Responsible: Ministry of Children and Equality*

### **11 Report on gender equality for girls and women in immigrant environments**

The Ministry of Children and Equality has initiated efforts to identify how the authorities can help all girls and women in Norway so that they have the same opportunities to benefit from Norwegian gender equality and welfare policies, and any measures and schemes the authorities have implemented to achieve this. This includes how oppressive practices in immigrant environments impact women's opportunities, and how the Norwegian authorities can help them secure their rights.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

### **12 Survey on how Sami policy is dealt with on the local and regional levels**

The Ministry of Labour and Social Inclusion is collaborating with KS (The Norwegian Association of Local and Regional Authorities) and the Sami Parliament to provide an overview on how Sami policy is dealt with on the local and regional levels by examining how the local and county authorities include consideration of the Sami population in their planning documents and service programmes. The study will examine municipalities inside and outside the official administrative areas where the Sami language is spoken. At a later stage, an overview might also be obtained of what the local authorities are doing for national minorities.

*Implementation: 2009–2013*

*Responsible: Ministry of Labour and Social Inclusion*

### **13 Survey of the number of Kvens (persons of Finnish descent) in Norway and their geographical distribution**

In connection with Norway's implementation of the Council of Europe's framework convention relating to protection of national minorities, in its remarks, the Council of Europe stated that a better data base is required to allow the Council to assess the situation and living conditions of the national minorities in Norway. The national minorities have been highly sceptical to all types of surveys on ethnicity. The Kvens (persons of Finnish descent) are, however, one exception as they have stated that they would like to have an overview of the number of Kvens in Norway. This wish is being addressed in cooperation with the Norwegian Research Council, the University of Tromsø and representatives of the Kvens, with a view to ascertaining the number of Kvens and their geographical distribution.

*Implementation: 2009–2011*

*Responsible: Ministry of Labour and Social Inclusion*

### **14 Research and development measures on ethnic discrimination**

The Ministry of Children and Equality will launch research and development measures to increase the knowledge on the nature, scope and reasons for ethnic discrimination.

*Implementation: 2009–2010*

*Responsible: Ministry of Children and Equality*

See also the following measures in this plan:

16 *A survey of living conditions and settlement for the Roma people*

19 *Sample study for the Pupil Survey*

26 *Attitude and experience survey of employers and employee representatives*

27 *Survey of the proportion of immigrants employed in the state, municipal and private sectors*

30 *State employee survey*

31 *Employee survey in municipalities*

34 *Survey of the use of interpreters in service provision*

37 *New national inhabitant survey*

38 *User studies in municipalities*

Reference is also made to measures in the action plan *Bedre livskvalitet for lesbiske, homofile, bifile og transpersoner 2009–2012* (Improving quality of life for lesbians, gays, bisexuals and trans persons):

Measure 3 *Research on lesbians, gays, bisexuals and trans persons in the immigrant population*

Measure 5 *Survey of living conditions for lesbians, gays, bisexuals and trans persons in the Sami population*



## 6 The housing market

### Goal:

**Everyone has the same rights, obligations and opportunities in the housing market, regardless of their ethnic background**

The aim of the Government's housing policy is that everyone should have a good and safe home. Some minorities encounter special challenges in the housing market due to language problems and limited knowledge on how the Norwegian housing market works. Moreover, many minorities find that they are turned away from renting or buying a dwelling due to their minority background, cf. Statistics Norway report 2008/5 and NIBR report 2009:2.<sup>8</sup>

To combat ethnic discrimination, measures are being implemented within the financial and legal frameworks. Another key measure is the provision of information and raising the competence of important actors in the housing sector. The Norwegian State Housing Bank administers the financial schemes and is a centre of expertise for the housing sector. People with minority backgrounds are priority target groups for several of the bank's loan and benefit schemes that are means tested.

Housing legislation and other relevant acts constitute the legal framework in the housing sector; cf. Attachment 1 dealing with protection against discrimination in the housing acts.

The Government supports the initiative launched by NEF (the Norwegian Association of Real Estate Agents) to combat discrimination when selling a dwelling. At its national convention in the spring of 2008, the NEF decided that all its members must advise sellers to accept offers from buyers regardless of race, religion, gender, sexual orientation, nationality or other irrelevant considerations. In those cases where it is obvious that the seller declines to sell to the highest bidder for reasons of discrimination, members shall notify the seller they will withdraw their services. This has now been embedded in the NEF's ethical rules (NEF-Info No. 11 – 2008).

### Measures implemented

#### *Information leaflets about the Tenancy Act*

In 2008, the Ministry of Local Government and Regional Development prepared simple and accessible information leaflets dealing with selected sections of the Tenancy Act, including a leaflet on discrimination in the housing market. The Tenancy Act regulates obligations and rights in the relation between the tenant and the landlord of housing units. The purpose of the leaflets is to increase the knowledge on different aspects of tenancy relations so that anyone who is a tenant or landlord is aware of their rights and obligations. These leaflets are distributed on the internet, at [www.husleie.dep.no](http://www.husleie.dep.no), or can be obtained at municipal offices, consumer council offices, the National Association of House Owners, tenant organisations and the Rent Dispute Tribunal.

<sup>8</sup> Svein Blom and Kristin Henriksen (eds.) *Levekår blant innvandrere i Norge 2005/2006*, (Living conditions among immigrants in Norway) SSB report 2008/5. Susanne Søholt and Kim Astrup *Etniske minoriteter og forskjellsbehandling i leiemarkedet*. (Ethnic minorities and differential treatment in the rental market) NIBR report 2009:2

## New measures

### 15 Follow-up of survey on discrimination in the housing rental market

Non-discriminatory clauses have been added to the Tenancy Act. It is important to ascertain and monitor the extent to which these provisions are being complied with. The NIBR (the Norwegian Institute for Urban and Regional Research) has conducted a study to obtain more knowledge on the nature and scope of discrimination in the rental sector, cf. Attachment 4 which deals in more detail with the report *Etniske minoriteter og forskjellsbehandling i leiemarkedet* (Ethnic minorities and differential treatment in the rental market) (Søholt and Astrup, NIBR report 2009:2)

The Ministry of Local Government and Regional Development will follow up the study by requesting that when allocating funding for renting a dwelling, the Norwegian State Housing Bank will grant subsidies for the acquisition of a *varied range of housing types and sizes*. The Government has dramatically increased rent subsidies, and in 2009, 3000 new rental housing units will be made available. The Ministry of Local Government and Regional Development will also request that the Norwegian State Housing Bank undertake competence-raising measures and provide information to landlords to refute the myths about renting to people with minority backgrounds. It is also important that this sector of the housing market should be regularly monitored through similar surveys.

*Implementation: 2009–2010*

*Responsible: Ministry of Local Government and Regional Development*

### 16 A survey of living conditions and settlement for the Roma people

On assignment for the Ministry of Local Government and Regional Development, the Norwegian State Housing Bank will survey the housing and settlement conditions of the Roma people. Currently we have little knowledge about the Roma people and their settlement patterns, including the establishment of a dwelling. There is little knowledge about Roma families and their wishes to establish themselves in their own or rented housing. The level of knowledge on their income is also low.

*Implementation: 2009*

*Responsible: Ministry of Local Government and Regional Development*

# 7 Kindergarten, school and education

## Goals:

- **Contribute to an inclusive learning environment in kindergartens and schools that is free of racism, discrimination, bullying and violence**
- **Contribute to an education system that reflects the diversity of the population**

The efforts to counteract problem behaviour and racist and discriminatory attitudes must be part of all daily activities in kindergartens, schools and apprenticeship companies. This has been embedded in the framework plan for kindergartens and in the national curriculum for schools. The new objectives clauses for kindergartens and education and training also state clearly that all forms of discrimination must be combated.

Section 2 of the Kindergarten Act states that care, upbringing and learning in kindergartens shall promote human dignity, equality, intellectual freedom, tolerance, health and appreciation of sustainable development. The right to a good learning environment for school pupils is based on Chapter 9a of the Education Act. The value of human life, racism and discrimination are topics in the curricula of several subjects. The education and training must promote cultural understanding and contribute to the development of self-insight, identity, respect and tolerance.

The efforts in the *Action plan to promote equality and to prevent ethnic discrimination* must be considered together with *Strategiplan for likeverdlig opplæring i praksis 2007–2009* (Strategy plan for equal education in practice) (The Ministry of Education and Research). Refer to this plan for a more detailed examination of the measures it covers. The efforts in this plan are particularly aimed at promoting an inclusive learning environment for all in day-care centres, schools and adult education.

It is important to have an education and training system that reflects the diversity of the population. In multicultural day-care centres and schools, the employees must consider cultural and linguistic diversity as the normal state of affairs and as a resource. It is also important that the background of the staff should reflect this linguistic and cultural diversity.

## Status for recruitment of persons with immigrant backgrounds to the education sector:

- Of those attending education leading to teaching qualifications in 2007, five per cent had immigrant backgrounds<sup>9</sup>
- Among pre-school teachers working in day-care centres in 2007, 3.8 per cent had immigrant backgrounds
- Among employees teaching in municipal primary and lower secondary schools in 2007 (regardless the type of employment), 3.4 per cent had immigrant backgrounds<sup>10</sup>
- Among the upper secondary education staff employed by the county authorities in 2007 (regardless the type of employment), 4.6 per cent had immigrant backgrounds<sup>11</sup>

(Source: Statistics Norway)

9 This includes general teacher education, pre-school teacher education, vocational teacher education, Master's degree teacher education and practical-pedagogical education. Immigrant background in this context is defined as those who are immigrants and those who were born in Norway of immigrant parents. People with Swedish and Danish backgrounds are not included.

10 Immigrant background in this context is defined as those who are immigrants and those who were born in Norway and have immigrant parents, including those with Swedish and Danish backgrounds.

11 Immigrant background in this context is defined as those who are immigrants and those who were born in Norway and have immigrant parents, including those with Swedish and Danish backgrounds.

## H. M. Queen Sonja's School Award

H. M. Queen Sonja's School Award was established in 2006 and is awarded annually to a school that has distinguished itself in practising equality and equal rights in a commendable manner. The Ministry of Education and Research will continue to award this prize for the time being.

The winner of H. M. Queen Sonja's School Award is a primary or lower secondary school or upper secondary school that:

- Attaches importance to giving each and every student positive attention
- Ensures that all can feel safe and that they belong to the school
- Practises adapted education and training in a satisfactory manner
- Ensures the pupils' rights with respect to participation and empowerment are ensured
- Has a holistic and long-term plan for realising equality and inclusion that involves pupils, parents, teachers and the head of school

## The Benjamin Award

The Benjamin Award is given annually to a school that has distinguished itself in counteracting racism and discrimination in celebration of Holocaust Memorial Day. Criteria for receiving the award are that the school's efforts to combat racism and discrimination are based on the school's long-term plans and work, that the work includes pupils, parents or the local community, and that it is made public and has originality. The Ministry of Education and Research will continue to award this prize for the time being

## Measures initiated

*Committee to review the education and training programmes for children, young people and adults with minority languages*

In a meeting of the Council of State on 24 October 2008, the Government appointed a public committee to review the education and training programmes for children, young people and adults with minority languages. The committee will undertake a comprehensive review of the education and training programmes for persons with minority languages in day-care centres, schools and higher education. The aim is to facilitate better for:

- Giving children with minority languages in day-care centres the best possible basis for development and continued learning
- Giving children, young people and adults with minority languages in primary school, lower secondary school and upper secondary school and training equally good education and training and the best possible learning dividends and learning environments
- Enabling those with minority languages to acquire good basic skills
- Providing a good basis for minority language speakers to participate in working life and/or higher education

The committee will submit a sub-report before Christmas 2009, and the final report in June 2010.

*The survey project The Diverse School*

The Ministry of Education and Research has funded a survey project under the auspices of OMOD (the Organisation against Public Discrimination) to improve multicultural competence in school. The project will survey the attitudes and practices at four schools and four municipalities to collect good examples and disseminate knowledge about them to schools, school authorities and others who can apply the findings in their day-to-day work. The final report from the project will be submitted by 1 March 2009.

*Follow-up of the Committee for approval and crediting of higher education*

The Ministry of Education follows up the efforts of the Committee for approval and accreditation of higher

education (the Brautaset committee). As stages in this work the following have been undertaken in 2008:

- A national information centre connected to NOKUT (the National agency for quality in education and training) was set up for approval of education and training taken abroad
- A list has been prepared of requirements for general admission to higher education for applicants with education from abroad (the GSU list). NOKUT will follow this up
- NAG (the national database for approval of higher foreign education) will be reviewed so that it can function as a tool for simplifying and rationalising accreditation activities. NOKUT has appointed a working group to review today's computerised solution and to propose measures to improve it. The working group will submit its proposal for further work on the NAG base to the ministry in the spring of 2009. The Ministry of Education and Research aims to give NOKUT the coordination responsibilities for the NAG base
- A more comprehensive standard template for letters concerning decisions on general approval of higher education from NOKUT has been made. The purpose is to give employers better information

#### *Increase in the recruitment of pre-school teachers and teachers with minority backgrounds*

The Ministry of Education and Research has initiated a number of measures to increase the proportion of pre-school teachers and teachers with minority backgrounds. Bilingual bachelor education is now offered by nine university colleges. In the long term, this will result in more multilingual teachers with formal competence. The first class graduated in 2008. This study programme will continue but within the university colleges' own framework.

A cooperation project between eight university colleges/universities is being funded to develop and carry out various measures to increase the recruitment and graduation of bilingual students in pre-school teacher education. This project is funded by the Ministry of Education and Research.

#### *Competence development in linguistic and cultural diversity for day-care centre employees*

This competence development shall contribute to raising awareness and increasing competence on bilingual development and multicultural perspectives among day-care centre employees. Since 2006, the Ministry of Education and Research has funded this programme, where NAFO (the National Centre for Multicultural Education and Training) facilitates for development measures and continuing education for day-care centre employees in close cooperation with the county governors and universities/university colleges. The aim is to have multicultural day-care centres with inclusive practices in accordance with the guidelines in the Day-Care Institution Act and the general plans for day-care centre duties and content.

## New measures

### 17 Programme for an inclusive learning and early-development environment and for increased efforts against bullying

The Ministry of Education and Research has given the Directorate of Education and Training the task of designing a programme for an inclusive learning and early-development environment that will increase the efforts against bullying. The programme shall serve as an overriding planning document for the efforts in the learning and early-development environment in primary and secondary education and training. Importance must be attached to school's systematic and targeted work in this field to make the school an inclusive arena for all. As part of the programme, schools will also be assessed as to how they can put stronger focus on social skills within their ordinary activities. The programme will also facilitate for knowledge-based schemes and methods in the work with an inclusive learning and early-development environment. The timeframe for the programme is five years, with evaluation after three years (2012).

*Implementation: 2009–2014*

*Responsible: Ministry of Education and Research*

### 18 New Manifesto against bullying in kindergartens, schools and recreational environments

The first Manifesto against Bullying was signed in September 2002. In August 2006, the Government, headed by Prime Minister Jens Stoltenberg, the National Parents' Committee for Primary and Lower Secondary Education, KS and the Union of Education in Norway undertook to continue active efforts on this important issue.

The Manifesto against Bullying has become a strong national symbol, and there is great will to undertake binding work on the part of the central authorities. A new manifesto was signed in February 2009, and key national parties undertake to make active efforts against bullying in arenas where children and young people are.

*Implementation: 2009–2011*

*Responsible: Ministry of Education and Research*

### Conflict resolution and peer mediation in schools

Since 2006, the Directorate of Education and Training has funded the efforts by the Hedmark University College (HiHm) to raise competence on and help more schools to work with conflict resolution and peer mediation. The Directorate of Education and Training has asked HiHm to draw up a plan to introduce conflict resolution and peer mediation in schools and develop a course to be tested in some schools, which will then be presented to other interested university colleges.

Experiences so far show that the teacher education institutions are facing a challenge when it comes to preparing students for understanding and handling the conflicts that arise in day-care centres and schools in an appropriate and skilled manner. Sør-Trøndelag University College is giving all its students in teacher training courses in mediation, and HiHm is developing a plan for studies in conflict understanding, conflict resolution and peer mediation. The aim is to give teachers the opportunity to take courses/continuing/supplementary education that will help them understand and handle conflicts in day-to-day school situations.

Peer mediation can be a tool for helping schools to focus on the school environment.

### 19 Sample study for the Pupil Survey

The Pupil Survey is an internet-based questionnaire enabling pupils to state their opinions on matters that are important for learning and well-being in school. The Pupil Survey can be carried out in all the school years, starting in Year 5 through to the third year of upper secondary school (Vg3). Each year, school owners must give pupils in Year 7 and Year 10 in primary and lower secondary school and the first year of upper secondary school (VG1) the opportunity to answer the questionnaire. The results of the Pupil Survey in 2008 show a slight trend that a higher number of pupils claim they are subjected to bullying.

Starting in the autumn of 2008, the Pupil Survey has included the following questions under the section learning environment/bullying (for years in lower and upper secondary school): Have you been subjected to unfair treatment/



discrimination in school? The response options are linked to gender, functional ability, nationality, religion or life stance, as well as sexual orientation. The questionnaire also asks whether pupils experience bullying and how often it takes place.

On the school level, where the proportion of pupils with other ethnic backgrounds than Norwegian is known, the figures from 2009 and onwards may give more specific indications of how minority pupils feel about the school's learning environment. A sample study will be conducted in 2009 to give a better picture of the facts behind the figures for pupils who experience bullying and discrimination.

*Implementation: 2009*

*Responsible: Ministry of Education and Research*

## **20 Guidebook for cultural diversity as a resource**

The Ministry of Education and Research has given the Directorate of Education and Training the assignment of developing a guidebook for how school can use cultural diversity as a resource, cf. Report to the Storting no. 23 (2007–2008) *Språk bygger broer* (Languages build bridges). Such a tool may have a preventive effect on racism, discrimination and xenophobia.

*Implementation: 2009*

*Responsible: Ministry of Education and Research*

## **21 Recruitment to Sami education**

Low recruitment and poor completion rates characterise teacher training in Sami. An additional incentive is necessary to increase the interest in applying for Sami teacher education (including pre-school teacher education) or Sami as a language subject in Norwegian teacher education. Recruitment measures should be planned and implemented by the institutions offering these types of teacher education and which have the greatest familiarity with the environments where students can naturally be recruited. The Ministry is allocating funding for recruitment measures which institutions can apply for.

*Implementation: 2009*

*Responsible: Ministry of Education and Research*

## **22 Campaign to increase the recruitment of teachers with immigrant backgrounds to ordinary teacher education**

In 2009, the Ministry of Education and Research will carry out a recruitment campaign targeting potential applicants to teacher education institutions, to go into effect with admissions in the spring of 2009. The campaign will also focus on potential applicants to teaching positions in primary and lower secondary school from the start of school in the autumn of 2009. The campaign will, for example, address and appeal to applicants with immigrant backgrounds. The target groups for specific measures will be launched in the autumn of 2009, see also Report to the Storting no. 11 (2008–2009) *Læreren, rollen og utdanningen* (The teacher, the role and the education).

*Implementation: 2009–2011*

*Responsible: Ministry of Education and Research*

## **23 Wergelandssenteret (the Wergeland Centre)**

In cooperation with the Council of Europe, Norway has established the Wergeland Centre – a European resource centre for training in intercultural understanding, human rights and democratic citizenship for all states that are members of the Council of Europe. The centre was formally established on 16 September 2008. The target group for the centre includes teacher educators, teachers, researchers, practitioners and decision makers.

The Wergeland Centre is organised as a foundation pursuant to Norwegian legislation. Located in Oslo, it will initially be housed at Oslo University College. The centre will later move to the Centre for Holocaust Studies and Life Stance Minorities (the HL centre) in Villa Grande at Bygdøy in Oslo.

*Implementation: 2009 (initial year of operations)*

*Responsible: Ministry of Education and Research*

## 8 Working life

### Goal:

#### Promote equality and prevent ethnic discrimination in working life

People with minority backgrounds are under-represented in working life. As unemployment among immigrants is three times higher than for persons with a Norwegian background, it is reasonable to assume that some of this imbalance is due to discrimination. This situation has been static for several years, even with a booming economy. Discrimination does not only occur when recruiting, but may also impede career development and the chance to utilise one's skills, cf. Attachment 4 for more details on studies that examine discrimination in working life.

Globalisation and internationalisation are key aspects of today's working life, where the competence requirements in public and private sectors are constantly changing. Recruitment must therefore be as broad as possible to ensure that those who are best qualified are hired. It is important to utilise the competence and qualifications of each individual regardless of gender, age, functional ability, ethnicity, religion etc.

Experience has shown that inclusive workplaces are better at acquiring the best qualified employees in a labour market with stiff competition. Employees with equal opportunities to help reach the goals of the enterprise are motivated and contribute to its profitability and development.

The central authorities are important employers and have a special responsibility to lead the way. It is an important aim of human resources policy that the state-employed workforce should reflect the composition of the population in Norway. Another important

element in state employer policy is to improve the integration of groups that have difficulties gaining access to the state labour market. Therefore, one goal is to increase the proportion of state employees with an immigrant background. As a special measure, the Government has ordered all state agencies to interview at least one qualified person with an immigrant background for each job vacancy. Training managers in diversity management is also an area of importance in the state's employer policy.

#### Cooperation with the employer/employee organisations

In the autumn of 2008, the Government initiated cooperation with the eight main employer/employee organisations on goals and measures to promote equality and prevent ethnic discrimination in working life. A working group, composed of representatives from the organisations, has drawn up proposals for cooperation during the period covered by the plan, 2009–2012, which the Arbeidslivs- og pensjonspolitiskråd (Working life and pension policy council) endorsed in February 2009.<sup>12</sup>

<sup>12</sup> Refer also to a report from a working group composed of organisation representatives convened by the Ministry of Labour and Social Inclusion: *Forslag til strategier og tiltak for økt rekruttering av personer med ikke-vestlig innvandrerbakgrunn til arbeidslivet* (Proposal for strategies to increase recruitment of persons with non-Western backgrounds to working life) (March 2007). This report has been followed up by measures in the *Handlingsplan for integrering og inkludering av innvandrerbefolkningen 2008 and 2009* (Action plan for integration and social inclusion of the immigrant population 2008 and 2009). These measures must be considered together with the measures the Government and the employer/employee organisations are to supervise through the *Action plan to promote equality and prevent ethnic discrimination*, as these measures supplement each other.

## Cooperation between the Government and Arbeidsgiverforeningen Spekter, HSH, KS, NHO, Akademikerne, LO, Unio and YS (the main employer/employee organisations) – cooperating on promoting equality and preventing ethnic discrimination in working life

Working together on active efforts focused on their own target groups, the Government and the employer/employee organisations will contribute to promoting equality, diversity and a good working environment. We think it is important that the efforts to promote equality and prevent discrimination are integrated in the ongoing activities in all enterprises if we are to succeed.

### Joint goals

The Government and employer/employee organisations have agreed on the following joint goals for their efforts during the period covered by the plan – 2009-2012:

- Contribute to an inclusive working life and equal career opportunities regardless of ethnic background
- Contribute to increased knowledge on discrimination in working life and in public service provision
- Contribute to increased proportion of employees with minority backgrounds
- Contribute to an increase in the proportion of employee representatives with minority backgrounds

The Government and employer/employee organisations agree that goal attainment can be illustrated in two ways:

1. Indicators to measure development, including data material that gives better knowledge on the nature, scope and roots of discrimination
2. Activities and measures that can be the foundation for change and which others may learn from

To assess goal attainment on the national level, it will be important to acquire more information about:

- The proportion of employed immigrants and persons born in Norway of immigrant parents distributed over the private, state and municipal sectors, according to, for example, gender, industry, vocation, region
- The proportion of immigrants and persons born in Norway of immigrant parents who are employee representatives

Currently there is no individual data material on Sami and national minorities. Nor are there any statistics on the proportion of immigrants and persons born in Norway

of immigrant parents who are employee representatives. The Government and employer/employee organisations point out that more detailed surveys should be conducted on how enterprises can get access to statistics that will show the proportion of immigrants in their employment.

### Joint measures

The Government and employer/employee organisations have undertaken to launch the following measures jointly:

- Produce a guidebook on the duty to make active efforts and reports in relation to gender, disability, ethnicity and religion etc
- Draw up a strategy for information on and training in the duty of enterprises to make active efforts and report
- Launch pilot projects for actors covered by the duty to make active efforts and report
- Implement attitude and experience studies on diversity and discrimination among employers and employee representatives in a representative sample of enterprises
- Compile statistics on the proportion of immigrants and persons born in Norway of immigrant parents in the state, municipal and private sectors
- Develop methods to determine the number of immigrants and persons born in Norway of immigrant parents acting as employee representatives
- Ensure that consumer studies and employee studies in the public sector address the needs of people with minority backgrounds and also include issues relating to unfair differential treatment
- Increase managerial and employee representative competence on diversity and discrimination through cooperation of the employer/employee organisations on Mangfoldsportalen (the diversity portal) - see [www.mangfoldsportalen.no](http://www.mangfoldsportalen.no)

Much of the work to combat discrimination in working life must be done locally. When it comes to activities that should be implemented for each enterprise, the Government and employer/employee organisations primarily

have initiator and counselling functions. The Government and employer/employee organisations will separately and jointly help workplaces to assess the following measures to prevent discrimination and promote equality:

- Conduct working environment studies focusing on discrimination and differential treatment
- Carry out employee performance reviews on the theme of discrimination and unfair differential treatment
- Conduct user studies of municipal and state service provision (on the enterprise level) where the needs of persons with minority backgrounds are considered, or alternatively where discrimination and unfair differential treatment are included as themes
- Promote inclusive recruiting practices (in job announcements, selection and hiring)
- Include perceived discrimination in the ordinary whistle-blowing system
- Implement activities that will retain employees with minority backgrounds

- Identify the competences of employees.
- Implement measures to promote employee development
- Launch manager, mentor, and trainee and candidate networks for people with minority backgrounds.

The Government and employer/employee organisations will also help to make public the enterprises that succeed in utilising the population diversity, and will also provide information on how one can work to promote diversity and prevent discrimination.

#### Follow-up and implementation

During the period covered by the plan, the Government and employer/employee organisations will cooperate closely to monitor the implementation of the measures. Two major milestones are planned, one halfway through the period and the other at its conclusion. Discussions on the content and design of these milestones will take place during the period covered by the plan.



### Status concerning the proportion of immigrants employed in the public and private sectors

In the fourth quarter of 2007, at 10 per cent, the private sector had the highest proportion of immigrants, which is slightly above the average of 9.2 per cent for all employees. The public sector lags slightly behind with 7.4 per cent immigrants in the state sector and 7.3 per cent in the municipal and county sectors.

The sector differences in the proportion of immigrants must be seen as a reflection of the very different education requirements found in the various sectors. Almost 70 per cent of the jobs in the state sector are classified as academic professions

or university college professions, compared to 25 per cent in the private and 44.5 per cent in the municipal/county sectors.

An important reason for the lower proportion of immigrants in the state sector is that the immigrant group

as a whole has education levels and specialisations that are less well adapted to state sector jobs than the rest of the population. The labour immigration from new EU countries that we have seen in recent years in the private sector has made this gap even wider.

If, on the other hand, we consider the immigrants who are employees and have lived in Norway four years or more, they constitute 6.2 per cent of the total number of employees. Thus, with its 6.0 per cent immigrants, the state sector must be said to be representative compared to this population. However, if we consider the two country categories, there is a degree of under-representation when it comes to the group of countries in Eastern Europe outside the EU, Asia, Africa and South and Latin America, which among the total number of employees has a proportion of 3.9 per cent, with 2.9 per cent in the state sector.

(Source: Statistics Norway)

Below we discuss the measures launched in 2008 and new measures during the period covered by the plan. These include measures initiated by the central authorities alone and joint measures that are part of the cooperation between the Government and the employer/employee organisations.

## Measures initiated

### *Pilot projects with moderate quota system*

In 2008, the Ministry of Government Administration and Reform assigned DIFI (Directorate for Public Management and eGovernment) the task of conducting a two-year pilot programme involving moderate quota system in 12 state enterprises. The pilot programme is anchored in the senior management of the enterprises, and DIFI gave diversity training courses to the managerial groups. On completing the managerial training, the contact persons in the enterprises were invited to join a network to support and continue with this work. The network aims to exchange experiences, identify good practice, raise competence and provide assistance to resolve challenges the members might encounter. The Institute for Social Research is evaluating the pilot programme. Experience so far shows that the project may yield good results, but that it will take time. Both the central employer/employee organisations and each enterprise will have to maintain their focus on and interest in the pilot programme.

### *Training and competence development for managers and employee representatives*

DIFI and IMDi (the Directorate of Integration and Diversity) are cooperating to develop an e-learning programme focusing on managers and employee representatives who wish to raise their competence and help their enterprise reflect the multicultural population. The e-learning programme will be posted on [www.mangfoldsportalen.no](http://www.mangfoldsportalen.no), a resource site for employers who wish to recruit more persons with immigrant backgrounds (see details in the box).

The first section of the e-learning programme is available on the net: Mangfoldsportalen (Diversity Portal). The e-learning programme intends to reach enterprises in both the private and public sectors.

## Mangfoldsportalen (the Diversity Portal)

The website [www.mangfoldsportalen.no](http://www.mangfoldsportalen.no) offers good examples, articles, presentations, films and web courses on recruitment, the inclusive working environment and management in multicultural workplaces. The material can be downloaded for use in organisations. The aim is to help more employers to benefit from the multicultural competence found in Norway.

The portal is a joint cooperation product between the main employer/employee organisations in Norway and the Ministry of Labour and Social Inclusion, the Ministry of Government Administration and Reform and the Ministry of Culture and Church Affairs. IMDi has the editorial responsibility.

## New measures

### 24 Guidebook on the duty to make active efforts and report

A working group composed of representatives from the employer/employee organisations has been appointed to produce a guidebook on the duty to make active efforts and report in relation to gender, disability, ethnicity, religion and so on. The guidebook will be completed in the spring of 2009. The working group will also make a strategy for presentation and implementation of the duty to make active efforts and report (seminars, joint instruction material etc.). In addition to the eight main employer/employee organisations, the Equality and Anti-Discrimination Ombud is also a member of the working group.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality in cooperation with the employer/employee organisations*

### **25 Pilot project for actors who are bound by the duty to make active efforts and report**

During the period covered by the plan, pilot projects will be implemented for actors who come under the duty to make active efforts and report. The purpose of the projects will be to test the guidebook and stimulate enterprises that come under the duty to make greater efforts to promote equality and prevent discrimination due to gender, disability, ethnicity, religion and so on.

*Implementation: 2010–2012*

*Responsible: Ministry of Children and Equality in cooperation with the employer/employee organisations*

### **26 Attitude and experience study of employers and employee representatives**

During the period covered by the plan, attitude and experience studies will be conducted of employers and employee representatives in a representative sample of enterprises to gain an overview of attitudes to diversity and discrimination in working life. To measure development over time, two studies are planned during the period. Various methods to determine the number of employee representatives who are immigrants or persons born in Norway of immigrant parents will also be assessed.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality in cooperation with the employer/employee organisations*

### **27 Ascertaining the number of immigrants employed in the state, municipal and private sectors**

Statistics Norway intends to undertake a survey of the number of immigrants employed in the state, municipal/county and private sector according to the categories gender, industry, vocation and region. The intention is that Statistics Norway will use this information to prepare continuously updated statistics enabling enterprises to ascertain the number of immigrants employed in their industry and relate this to the proportion of immigrants resident in their region (municipality/county/Norway). This will make it easier for companies to set up recruitment goals and to evaluate their situation.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality in cooperation with the Ministry of Labour and Social Inclusion and the Ministry of Government Administration and Reform*

### **28 Course in discrimination law**

In cooperation with the Equality and Anti-Discrimination Ombud, DIFI shall arrange a course in discrimination law. The course will be designed for state employees in human resources departments, and the training will deal with new requirements and legislation in this field. The course will be arranged in the spring of 2009.

*Implementation: 2009*

*Responsible: Ministry of Government Administration and Reform*

### **29 Programme for diversity management**

DIFI will develop a major programme for the field of diversity management. The programme will target state managers and employees working with human resources. The overriding goal is for the programme to help realise the Government's diversity goal in the state sector and make diversity an integral part of human resources policy and organisational development in state enterprises.

*Implementation: 2009*

*Responsible: Ministry of Government Administration and Reform*

### **30 State employee survey**

In 2007, the Ministry of Government Administration and Reform took the initiative to undertake a survey of 4500 employees. The survey focused on state employee assessments of various aspects of their work situation, such as job content, relations to management, competence development, working environment, pay and employment terms. Questions dealing with diversity and flexibility were part of this study. In connection with future employee studies, an assessment will be made of whether questions on perceived discrimination should be included.

*Implementation: 2009–2010*

*Responsible: Ministry of Government Administration and Reform*

### 31 Employee surveys in municipalities

Approximately 100 municipalities are carrying out employee surveys using the website [www.bedrekommune.no](http://www.bedrekommune.no) either alone or in cooperation with Effektiviseringsnettverket (the rationalisation network). These employee surveys give a good opportunity to obtain knowledge on job satisfaction and discrimination in the working environment among other things. As the survey is the same for everyone, each municipality can easily compare itself to other municipalities and to itself over time. In cooperation with the municipal sector, KS will develop new indicators to be used in the surveys of diversity and ethnic discrimination. KS will also encourage municipalities to use these indicators in employee and user surveys, cf. Measure 38 for more details on user surveys.

*Implementation: within 31 December 2010*

*Responsible: KS – The Norwegian Association of Local and Regional Authorities*

### 32 Increase the proportion of people with minority backgrounds on the boards of publicly owned enterprises

People with minority backgrounds are generally under-represented on Norwegian corporate boards. The Ministry of Children and Equality will initiate studies to look at the possibility of increasing the proportion of people with minority backgrounds on the boards of publicly owned enterprises. It is important to ensure that those who are best qualified will be recruited to Norwegian corporate boards, and that everyone has the same opportunity to be elected as a member of a board, regardless of gender, ethnicity and so on. An interministerial working group will be assigned the task of assessing the possibility of introducing non-legislative measures, such as campaigns and management programmes. These efforts will also be related to the duty to make active efforts and report in the Anti-Discrimination Act.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

### 33 Mentor programme for women with minority backgrounds

It is a goal that more women with minority backgrounds should be seen and appreciated in working life. The Ministry of Children and Equality will therefore initiate cooperation with HSH, the business and employer organisation, on the mentor programme *HSH Womentor*. Under this programme, female managers will open the doors of Norwegian companies to educated women with minority backgrounds. The purpose is to help these women make their way into working life by giving them a sparring partner and a role model who can give them advice when making important choices in their professional careers.

The Ministry of Children and Equality will compile more information on the impact of various mentor programmes, for example by arranging a meeting where experience about existing mentor programmes can be exchanged. In this connection, experiences will also be collected from the award-winning Danish mentor network KVINFO. Closer assessment will also be given to how mentor programmes for minority women can be extended to include women with other educational backgrounds. This measure must also be considered in the light of the Government's aim that more women should become entrepreneurs, cf. *Handlingsplan for meir entreprenørskap blant kvinner* (Action plan for more entrepreneurship among women).

*Responsible: Ministry of Children and Equality*

*Implementation: 2009–2012*

See also Measure 9 Situation testing

# 9 Public services

## Goal:

**Public services must be adapted to the diversity in the population**

## Sub-goals:

Efforts across sectors will be focused on:

- Increasing the accessibility and use of qualified interpreters in public service provision to improve legal protection
- Increasing the knowledge of perceived differential treatment/discrimination in public service provision
- Increasing the recruitment of employees with minority backgrounds
- Strengthening the diversity perspective in service provision

Everyone must have the same access to public services and institutions. Adapted public services are a requirement for preventing discrimination and ensuring that all people, regardless of background and aptitudes, have equal opportunities in society. All public enterprises, whether they are operated by the state, counties or municipalities, have independent responsibilities for adapting the provision of service to the population. This means that procedures, practices and organisation of service programmes must consider the fact that users are different and do not have the same needs. Adapted information about the services is important. Each authority must also follow up and evaluate the situation for various groups in their fields of responsibility, and the public authorities also have a duty to make active efforts pursuant to the Anti-Discrimination Acts, both as employers and service providers.

Good communication is vital to ensure equal services and to avoid discrimination. When there is a language barrier problem with the provision of public services,

interpretation is a necessary measure to enable the service providers and experts to inform, advise and listen to the involved parties. In such cases the legal protection of the people involved depends on the quality of the interpretation.

It is necessary to promote equality and prevent discrimination in all areas of society. The Government has chosen to focus its efforts in this plan within the following public sectors/agencies: the child welfare services, family welfare, health and social care, the courts and the customs and excise agency. However, there is no reason to assume that these are sectors where discrimination occurs more frequently than in others. The selected sectors both have and must have awareness of the efforts to promote equality and prevent discrimination, precisely because they have so much contact with persons with minority backgrounds. Efforts in these sectors may therefore function as good examples for other sectors/agencies that are not mentioned in this plan.

## Tool box for equal public services

The Directorate of Integration and Diversity (IMDi) has developed a tool box with methods and knowledge which is designed to assist the public agencies in adapting their services to the multicultural population. The internet-based tool box is intended as assistance for first- and second-line services in the municipal and state enterprises. IMDi intends to extend its work with the tool box to also apply to regulatory agencies in addition to service provision, and to adapt the tools according to the intended area of application. IMDi will continue to make the tool box available to relevant cooperation partners, cf. [www.imdi.no](http://www.imdi.no).



## Service strategy for the immigration administration 2008–2009

Responsibility for immigration administration is divided between the Ministry of Labour and Social Inclusion, the Ministry of Justice and the Police and the Ministry of Foreign Affairs with their subordinate sectors (The Directorate of Immigration, The Immigration Board, the police districts, the police immigration unit and the Foreign Service missions). A common service strategy has been drawn up for the immigration administration for 2008 to 2011, focusing on legal protection, equal treatment, openness and accessibility. One of the goals for the service strategy is that the service declarations of the various agencies must have specific measurable criteria for the service in question.

### The service strategy of the Directorate of Immigration

In connection with processing of immigration cases, the Directorate of Immigration (UDI) annually receives several hundred thousand inquiries from users and the general public, for/to whom guidance and general information is provided. In 2008, the UDI launched a new service declaration stating that users must be met with friendliness and respect. Importance is also attached to making all relevant information from the UDI accessible to the user. Another vital service goal is that updated information must be given about case processing times for various types of cases, and that the specific case processing time must be stated for a number of public inquiries.

In addition to this, in 2008, the UDI has initiated a number of specific measures aiming to improve the service level:

- An in-house service team was established with responsibility for training in service and communication within the UDI.
- A user council was established with participants who are stakeholders in various types of immigration cases.
- The UDI coordinated a comprehensive user study for the entire immigration administration.
- The UDI participates in the state project for moderate positive action when it comes to people with immigrant backgrounds, which was started in 2008.

## 9.1 Interpreting in public service provision

To enhance the availability of qualified interpreters, the Government has established a permanent education programme for interpreters. The purpose is to increase the number of interpreters to be used by the courts, the health service and other public services so that citizens with another language than Norwegian are also ensured the rights they are entitled to.

Permanent interpreter education started in the autumn of 2007 at Oslo University College (HiO). HiO cooperates with other university colleges and IMDi on the interpreter education to provide a national education programme. This includes the study programme *Tolkning i offentlig sektor* (Interpreting in the public sector) (30 credits) and the supplementary module for court and corporate board sessions (15 credits).

HiO is planning additional supplementary modules, while the basic module is being made available in more new languages. The Ministry of Education and Research is funding the study programme. This is a permanent education programme, and HiO receives the funding for it within its ordinary budget.

As of 1 October 2008, 885 interpreters are registered in the National Register of Interpreters, which was established in September 2005. However, there are few or no procedures that ensure that the public authorities use these interpreters.

IMDi is the national authority for interpreting in the public sector. The national authority is working to establish measures that will improve the quality of interpretation in the public sector. IMDi is the licensing authority for state authorisation of interpreters, cf. [www.imdi.no](http://www.imdi.no) or [www.tolkeportalen.no](http://www.tolkeportalen.no) for more information on interpreters.

The obligation of public servants to communicate with the parties in a case is embedded in the Public Administration Act. Other special acts, such as the Patients' Rights Act and the Courts of Justice Act, regulate this obligation for other employees. International conventions Norway has signed also lay down the fundamental right that individuals have to be heard and to receive information and guidance, for example the European Convention on Human Rights and the Nordic Language Convention.

The Government will continue these efforts to make sure that equal rights and legal protection are not impeded by language barriers.

## New measures

### 34 Surveys on the use of interpreters in service provision

Through regular studies of the use of interpreters, good indicators will be obtained to show the status when using interpreters in the public sector, increase the awareness of officials using interpreters and provide an interdisciplinary point of departure for launching measures in individual agencies.

During the action plan period, studies will be conducted within the social services, health and education. These studies will also include the gender perspective.

Implementation: 2009–2012

*Responsible: Ministry of Labour and Social Inclusion in cooperation with the Ministry of Health and Care Services*

### 35 Better use of qualified interpreters in the public sector

An interagency working group coordinated by IMDi will in 2009 propose concrete measures for better administrative practices in the interpretation field. Other participants in the working group are the Norwegian Directorate for Children, Youth and Family Affairs, the Directorate of Health, the National Courts Administration, the National Police Directorate, the Norwegian Correctional Services, the Directorate for Education and Training, NAV (the Norwegian Labour and Welfare Administration), the Directorate for Public Management and eGovernment (DIFI), and the Directorate of Immigration. To propose how public authorities can meet common challenges with quality assurance of interpretation as quickly as possible, the working group must draw up a proposal for common guidelines for planning/budgeting, booking and using qualified interpreters.

Based on the assessments and recommendations of the working group, an assessment will be made as to whether common guidelines should be introduced for the use of qualified interpreters in the public sector. An assessment will also be made of whether sector-specific guidelines should be introduced for parts of the public sector that have major welfare importance for the users.

*Implementation: 2009–2012*

*Responsible: Ministry of Labour and Social Inclusion in cooperation with the Ministry of Children and Equality, the Ministry of Health and Care Services and the Ministry of Justice and the Police*

## 9.2 User surveys in the state and municipal sectors

### 36 Guide for user surveys

The Government has determined that all state agencies shall conduct user surveys. These will make important knowledge on service quality and user satisfaction better known and ensure that the common solutions for public services are developed in accordance with the expectations and needs of the inhabitants. On assignment from IMDi, and in cooperation with the Ministry of Government Administration and Reform, a guidebook will be developed in 2009 for user surveys in public administration which will better capture the experiences of the minority population. Substantial efforts will be put into this project to undertake research on the impact of different methods for conducting user surveys of this group. The Fafo research institution and Statistics Norway have been given the assignment, and the guidebook will be available by the end of September 2009.

*Implementation: 2009*

*Responsible: Ministry of Labour and Social Inclusion and the Ministry of Government Administration and Reform*

### 37 New national inhabitant survey

A new national inhabitant survey is one of several measures the Ministry of Government Administration and Reform will implement in cooperation with DIFI as part of the Government's renewal strategy. This will also ensure that immigrant needs are met and our knowledge on the situation of immigrants will be improved. The Ministry of Government Administration and Reform is therefore cooperating with IMDi on this measure. The survey will be undertaken in the first half of 2009, and the first findings will be announced in the spring/summer of 2009.

The survey will deal with a number of service areas, such as early development, education, health and care, inclusion in the community, safety, security, benefits, finances, transportation and communication. Part 1 of the survey will measure the perceptions of the entire population when it comes to what they feel about their municipality and living

in Norway. Part 2 will focus on inhabitants' experiences of a service, either as users, next of kin, students and so on. Country background will be established as a background variable either through a question in the questionnaire or through registration in the Population Register.

*Implementation: 2009*

*Responsible: Ministry of Government Administration and Reform*

### 38 User surveys in the municipalities

The website [www.bedrekommune.no](http://www.bedrekommune.no), cf. Measure 31 in Chapter 8, is a survey tool that enables local authorities to ascertain the quality of different service areas and measure user satisfaction. In cooperation with the municipal sector, KS will develop new indicators for diversity and discrimination to be used in the surveys, and will urge the local authorities to adopt these indicators in connection with their user surveys.

*Implementation: by 31 December 2010*

*Responsible: KS – The Norwegian Association of Local and Regional Authorities*

## 9.3 Child welfare

### Goals:

- **Increase the proportion of employees with minority backgrounds in the child welfare services**
- **Strengthen the minority perspective in child welfare education**
- **Increase the use of and skills in using interpreters in the child welfare services**

The child welfare services must reach all children and young people and their families. Appropriate assistance must be provided that is adapted to individual needs. The assistance must be based on updated knowledge and have its main focus on what is in the child's best interests. Children and young people with minority backgrounds are a priority area for the Ministry of Children and Equality. The ministry will increase the multicultural competence of the child welfare services, as this may give children and young people with minority backgrounds more adapted services.

Improved knowledge will also help the child welfare services avoid making mistakes that result in direct and indirect discrimination. Skills in using interpreters are also part of the competence development.

The proportion of employees in the child welfare services with minority backgrounds does not reflect the proportion of children and young people and their families with minority backgrounds who come in contact with the child welfare services. Increasing the proportion of employees with minority backgrounds is a step in the efforts to expand the multicultural competence of the child welfare services. Employee diversity will ensure better understanding of cases that include children and young people with minority backgrounds, and their families, and may protect them from experiencing discrimination.

### The status for recruitment of persons with immigrant backgrounds to child welfare education and the child welfare services:

At the end of 2007, 4.8 per cent of all students pursuing a child welfare education had immigrant backgrounds. A total of 78 per cent of these had non-Western backgrounds. Of those with non-Western backgrounds, 21 per cent were men and 79 per cent were women.

At the end of 2007, 4.7 per cent of all employees in the child welfare services had immigrant backgrounds, whereof 2.6 per cent had non-Western immigrant backgrounds. The gender division here was 42.3 per cent men and 57.7 per cent women.

(Source: Statistics Norway)

### Measures initiated

#### *Training programmes and competence raising in the child welfare services*

The Ministry of Children and Equality has increased its efforts to strengthen the minority perspective in municipal and state child welfare services and to ensure that this competence is applied in the day-to-day work. Four university colleges have developed the continuing education programme *Barnevern i et*

*minoritetsperspektiv* (Child welfare in a minority perspective) on assignment from the Ministry of Children and Equality. Communication via an interpreter is one of several topics addressed in this study programme. Skills in the use of interpreters and understanding the interpreter's role in communication are some of the learning objectives. The target group comprises employees in the municipal child welfare services, child welfare institutions and the state child welfare services on the regional level. The Ministry of Children and Equality is funding 120 students from the autumn of 2008. This programme will be evaluated with a focus upon whether this programme shall continue. A decision will also be made on whether this programme should be offered at more university colleges.

#### *Review of the basic child welfare services education*

The Ministry of Children and Equality is working to increase the proportion of employees with minority backgrounds in the child welfare services. No specific figure has been set as it is important that the proportion of employees should reflect the local population and individual places of work. The Ministry of Children and Equality will collect statistics from Statistics Norway to show the proportion of employees in the child welfare services on the national level that are immigrants and persons born in Norway of immigrant parents to determine the development over time during the period covered by the plan.

The Ministry of Children and Equality has appointed an expert committee (the Befring committee) to review the basic child welfare education. The mandate also includes recruitment of persons with minority backgrounds to the child welfare services and recruitment of men. The report, which the committee will submit in April 2009<sup>13</sup>, is expected to be advisory for the central authorities and educational institutions. The ministry has a good dialogue with the educational institutions and will continue discussions on competence development.

#### *The mentor scheme Nattergalen (the Nightingale)*

In the autumn of 2008, the Ministry of Children and Equality launched the mentor scheme Nattergalen. The target group is children from eight to 12 with minority backgrounds and students at eight selected university

colleges. The aim is to strengthen the minority perspective of the child welfare services by giving students better knowledge about children and families with minority backgrounds. Another aim is that Nattergalen will help more children and young people with minority backgrounds to complete upper secondary education and continue in higher education, perhaps even child welfare education. The scheme will be evaluated.

This scheme has received funding for a three-year pilot programme, provided the Storting continues its annual appropriations. The last project year for Nattergalen will be the 2010–2011 school year.

See also Measure 35 *Better use of qualified interpreters in the public sector*

## 9.4 Family welfare services

### Goals:

- Inform people with minority backgrounds about the family welfare services
- Ensure that family welfare services have good expertise on topics connected to families with minority backgrounds
- Increase the use of and skills in using interpreters in the family welfare services
- Increase the recruitment of employees with minority backgrounds

The family welfare services are a special service offering counselling and treatment in connection with marital or cohabitant conflicts. This is a free low-threshold service on the first-line level, where the staff is composed of interdisciplinary experts. Most family welfare services also provide outreach preventive assistance in family-related issues. These may include group activities, counselling, information activities, marriage counselling and so on.

Couples and families with minority backgrounds shall receive the same counselling, treatment and mediation

<sup>13</sup> In english version only: Submitted April 2009 (Nov 2009:8).

services as couples and families from the majority population.

The proportion of child custody cases before the courts has increased in recent years. One goal is that parents should enter into agreements at an earlier stage. Therefore, one challenge is to ensure that more parents attend mediation provided by the family welfare services and that they use the voluntary mediation services to find solutions to the problems in question.

All regions have family welfare offices that actively cooperate with the refugee services and with immigrant councils, adult education institutions and reception centres. The office Indre Finnmark Familievernkontor in Karasjok has assumed special responsibility for serving as a resource centre for the Sami population, and has contributed competence in this field to other offices.

In 2007, *Regnbueprosjektet* (the Rainbow project) at Sentrum familiekontor in Oslo completed a three-year project which was then evaluated by NOVA. The project has trained 47 persons with minority backgrounds as group leaders for preventive work with families. Of these, 17 have taught family courses for around 560 parents, and the evaluation has shown very good feedback.

## Measures initiated

### *Facilitation of services for user groups with a minority background in the family welfare services*

The family welfare services are adapting to accommodate user groups with minority backgrounds. Working groups have included members with a minority background, and there has been regular contact with the immigrant councils. An extra leaflet has been published for use at the introductory courses dealing with relationships between couples, gender roles and raising children. Some family welfare service offices have had special focus on measures to prevent forced marriage and have developed new approaches in this field. Other offices have worked with groups of Somali women where the focus has been on female genital mutilation.

The programme *Godt samliv* (Living well together) offers free courses for couples with their first child focusing on how the programme can be adapted to parents with minority backgrounds. Experiences show that the general course plan can also be used by these parent groups. The course material will be expanded with a supplemental leaflet to be used in courses for parents with minority backgrounds.

## New measures

### 39 Information about what the family welfare services do

Efforts will be made to inform the general public more about the family welfare services. It is important that the family welfare offices are profiled as the natural place to go to obtain assistance with marital conflicts, also for couples and families with minority backgrounds. The family welfare services will implement special and targeted measures to make minority communities more aware of their services by issuing brochures in several relevant languages.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

### 40 Cooperation with immigrant councils and reception centres

One or more projects should be considered where selected family welfare offices can give priority to contact with immigrant councils or reception centres and so on, and contribute to the municipal introductory programmes for newly arrived immigrants and other measures arranged for persons with minority backgrounds. Experiences from the “Rainbow project” and other local measures will be used in the further work. We are considering starting up a project on method development in some family welfare offices, where it will be possible to cooperate with the public health clinics on the target group ethnic minorities who have recently had children.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

### 41 Competence-raising measures for the family welfare services

The Ministry of Children and Equality and the Norwegian Directorate for Children, Youth and Family Affairs will continue to work on measures that will make it more attractive for parents to use mediation provided by the family welfare

services. The Ministry wants to increase the multicultural competence of the family welfare services, as this may help families with minority backgrounds to obtain better adapted services. In this context, it is important to give mediators training. Skills in the use of interpreters should be part of this competence-raising. Increasing the proportion of employees with minority backgrounds is another stage in the work to increase the multicultural competence of the family welfare services. One goal is that the family welfare services' staff should reflect the local population and individual workplace.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

#### 42 Evaluation of the mediation scheme at the family welfare services

Another goal is to solve more cases without going to the courts, including with the help of the family welfare services. Mediation pursuant to the Children's Act and the Marriage Act aims to have parents reach a written agreement on parental custody, the child's residence and access (visitation rights) after a couple breaks up. In 2007, amendments to acts came into force that will make the mediation scheme more flexible and with more focus on those cases where the parents have the greatest need for assistance to reach agreements about their children (conflict cases). In the spring of 2009, the Ministry of Children and Equality will undertake an evaluation of the mediation scheme to ascertain which perspectives it is particularly important to deal with in relation to ethnicity.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

See also Measure 35 *Better use of qualified interpreters in the public sector*

## 9.5 Health and care

### Goals:

- **Raise competence in ethics among health employees**
- **Increase the use of interpreters in the health services**

The overriding goal in health and care policy is that everyone shall have equal access to good and equal health and social care services, cf. Report to the Storting no. 20 (2006–2007) *Nasjonal strategi for å utjevne*

*sosiale helseforskjeller og nasjonal helseplan* (National strategy for levelling social health differences and national health plan). The Patients' Rights Act is a measure to ensure the population equal access to health assistance of good quality by giving patients rights in relation to the health service: the primary health services, specialist services and dental health services. The Patients' Rights Act shall:

- Ensure the entire population equal access to health assistance of good quality
- Strengthen the relationship of trust between the patient and the health service
- Ensure respect for each individual patient's life, integrity and value

The challenge in the health and social care sector is to provide good universal solutions to reduce social inequalities in health. Information and services must be accessible and services must be coordinated. Language problems can be perceived as an impediment to good and equal health and social care services. For many minorities, the use of an interpreter will be crucial for counselling and information to be successful. It is necessary to have a sufficient number of professional interpreters under the obligation of confidentiality and with adequate familiarity with medical terms in the health service.

### Measures initiated

#### *Cooperation on raising competence in ethics in primary health care and care service*

In cooperation with The Norwegian Association of Local and Regional Authorities (KS) and the trade union organisations, in 2008 the Government has initiated the project *Samarbeid om etisk kompetanseheving* (Cooperation on raising competence in ethics) for employees in the primary health care services. The aim is to strengthen competence in ethics of the employees through a training programme that will give all employees the opportunity to attend basic training in ethics, and by establishing meeting places for systematic reflection on ethics in the day-to-day work. The goal is that 100 municipalities will have participated in the programme for raising competence in ethics and have established meeting places in the course of the project period (2008–2009). The parties in the Storting agreed that the ethics project should be developed over time

in all municipalities and that competence measures in ethics will be strengthened from 2009.

#### *Reporting obligation relating to the use of interpreters and Sami language and cultural competence*

In its assignment document to the Regional Health authorities, the Ministry of Health and Care Services has set requirements that these enterprises must establish interpretation services for patients who need this assistance. The Regional Health authorities must also initiate measures to strengthen employees' language and cultural competence in connection with the Sami population. In 2009, the Regional Health authorities enterprises must report on these requirements in their annual report to the Ministry of Health and Care Services.

### New measures

#### 43 Development of the emergency medical service

The Directorate of Health was ordered a proposal for an action plan from the National Centre for Emergency Primary Health Care in Bergen to develop and strengthen emergency medical services in several fields, including raising competence in ethics in the service. Tasks and measures connected to raising competence in ethics to avoid discrimination in the action plan include:

- Goals that stipulate a desired quality beyond what follows from the public authority's requirements (legislation and regulations)
- Staff and competence requirements where language understanding and ethical competence are discussed and worked on
- Training of new employees in ethical issues

*Implementation: 2009*

*Responsible: Ministry of Health and Care Services*

#### 44 Guidance programme for newly qualified doctors in their compulsory practise period

Through the guidance programme for newly qualified doctors in their compulsory practise period, the County Governors' counsellors will put more emphasis into ethical issues to prevent discriminatory attitudes and behaviour.

*Implementation: 2009–2012*

*Responsible: Ministry of Health and Care Services*

#### 45 Provision of information on the dental health service

The Government intends to improve efforts to disseminate information about the dental health service. The following measures will be implemented:

- Material will be prepared for use in public and school health clinics relating to the dental health of children and young people from the minority population
- The Directorate of Health has granted subsidies to Norsk Tannvern (Norwegian Dental Care) to produce a DVD film with dental health information focusing on children and parents from countries outside the EU/EEA, the USA, Canada, Australia and New Zealand. The film will also apply to the Sami population and will be translated into Sami
- The Directorate of Health will translate information material into various languages, including Sami

*Implementation: 2009*

*Responsible: Ministry of Health and Care Services*

See also other measures:

*34 Surveys on the use of interpreters in service provision*

*35 Better use of qualified interpreters in the public sector*

## 9.6 The legal sector

### Goals:

- **Strengthen dialogue and interaction with relevant groups in the minority communities**
- **Increase recruitment of employees with minority backgrounds**
- **Strengthen diversity training for public servants and managers in the legal sector**

The police, the prosecuting authority, the courts and the correctional services are responsible for protecting citizens from crime and for ensuring that all citizens have legal protection. It is very important that these bodies have the competence and resources to enforce the laws and regulations protecting against racism and discrimination, so that they can enjoy the trust of the entire population. This is a prerequisite for criminal offences to be reported and witnesses to come forward. In the efforts to establish general trust

in the police, the Government has appointed a committee to evaluate control mechanisms for the police (the Finstad committee). The committee will evaluate the Special Agency for Police Affairs and the police complaint and appeals process. Public services must be adapted to the various needs of the population. It is therefore important that the diversity in the population is reflected in the police and correctional services.

## Measures initiated

### *Continuation of dialogue meetings with immigrant organisations*

The Minister of Justice will continue to hold dialogue meetings with the immigrant organisations. The purpose of these meetings is to have open dialogue with organisations that work with and understand issues connected to the situation for these groups in Norway, with particular focus on topics that are pertinent to the legal sector.

## The Norwegian Correctional Services

### New measures

#### **46 Action plan to retain and recruit persons with minority backgrounds in the correctional services**

An action plan will be prepared to retain and recruit persons with minority backgrounds in the correctional services. The action plan should include:

- A survey of the need for diversity competence
- Performance requirements for increased diversity
- Measures to raise awareness in the agency of the need for diversity
- Incorporation of the diversity perspective in the strategy plans and guidelines
- Evaluation of the admission requirements for the Prison Academy in view of the agency's need for diversity competence
- Establishment of resource groups/arenas where employees with minority backgrounds can meet

*Implementation: 2009–2010*

*Responsible: Ministry of Justice and the Police*

#### **47 Promoting equal treatment of inmates/convicted persons**

The Ministry of Justice and the Police will promote equal treatment of inmates/convicted persons. This will be achieved by:

- Carrying out a user study among inmates/convicted persons to study and report on racism, discrimination and special needs
- Drawing up a joint circular for the Ministry of Justice and the Police and the Ministry of Culture and Church Affairs on the access inmates have to religious and life-stance services in prison
- Preparing relevant information material for inmates/convicted persons in several languages
- Strengthening the opportunities for inmates to have contact with family and other networks, by telephone, the internet and web telephone etc.
- Drawing up guidelines for the use of interpreter services in the correctional services

*Implementation: 2009–2014*

*Responsible: Ministry of Justice and the Police*

#### **48 Counselling office for victims of crime with special competence in racism and discrimination**

Special competence in racism and discrimination will be added to the already existing counselling office for victims of crime. This office will be able to accept inquiries from victims of crime from all over Norway, and will also be able to support other counselling offices.

*Implementation: 2010*

*Responsible: Ministry of Justice and the Police*

## The mediation board

### New measures

#### **49 Instruction to actively seek mediation candidates with minority backgrounds**

The mediator group of the mediation board should reflect the composition of the local population with respect to age, gender and ethnicity in the geographical area of the mediation board. When recruiting mediators, the mediation boards will be instructed to actively encourage mediation candidates with minority backgrounds to apply.

*Implementation: 2009–2012*

*Responsible: Ministry of Justice and the Police*



## 50 Competence-raising in the mediator corps

The mediation board must be tolerant and multicultural, and discrimination, prejudice and racism must be counteracted. The mediation board secretariat must request that the mediation boards ensure that this is reflected in the mediation boards, including mediator practices. At mediator meetings, mediators should be challenged in relation to their own attitudes and how they react to racist attitudes when they encounter them during mediation. How parties in a case perceive mediators must be studied through user surveys.

*Implementation: 2009–2012*

*Responsible: Ministry of Justice and the Police*

## 51 General meetings in cases involving racism or discrimination

General meetings will be held in cases involving racism or discrimination. Eight mediation boards in Norway now have competence in arranging such general meetings, and in connection with the proposed increase in funding, this method will be used more in 2009. The goal is that all mediation boards will be able to hold general meetings by 2011. The mediation boards will start the registration of cases dealing with racism and/or discrimination.

*Implementation: 2010–2012*

*Responsible: Ministry of Justice and the Police*

## The courts

### Measures initiated

#### *Continuation of the competence-raising of judges in ethics and multicultural issues*

Ethics courses are regularly held for judges, sometimes together with lawyers and the prosecuting attorneys. Among the topics raised are behaviour in court, including treatment of victims, the parties in the case and witnesses. Other topics are descriptions of persons and events in the judgement, and what the boundaries are for defamatory speech.

There are also annual courses in multicultural issues for judges (*Multicultural challenges for judges*). This course deals with the challenges judges are facing when persons with minority backgrounds appear in Norwegian courts. Among the topics raised are gangs, honour codes and cultural understanding. Other

topics of discussion are Sharia law when it encounters Norwegian law, the use of interpreters in court, including the role of the interpreter and requirements for interpreters, and how to provide interpreters with the best possible working conditions. These measures will be continued.

#### *Continuation of recruitment courses for managers and administrative heads*

Several courts encourage applicants with minority backgrounds to apply for positions, and the National Courts Administration (Domstoladministrasjonen - DA) emphasises scope and diversity when announcing positions. The DA also arranges courses in recruitment for managers and administrative heads, where information is given on rules and attitudes when recruiting employees with minority backgrounds. Courses are also arranged for court employment boards on the same topics.

## The police

### Measures initiated

#### *Continuation of central dialogue forum and local dialogue forums*

The most important dialogue forum where the Police Directorate meets with representatives of the major immigrant organisations in Oslo will be continued. Local dialogue forums have also been established in most police districts. During the period covered by this action plan, the goal will be to assist police districts that have not succeeded in establishing a local dialogue forum.

#### *Trygghet og tillit (Safety and Trust)*

In the autumn of 2008, the Police Directorate launched the two-year project *Safety and trust*. Four police districts and a special police agency have been selected to work with improvement areas in the encounter between the police and immigrants. The purpose of the project is to build trust between immigrants and the police. The work will be evaluated and the results will be included in the overall project report, which will then be used in further training and police work in the multi-ethnic society. The project will also test a training programme now being made in cooperation with the Police Directorate and the Norwegian Police University

College (Politihøgskolen – PHS) called *Rekruttere og beholde* (Recruit and retain). This is an awareness-raising programme for police employees focusing on understanding the underlying mechanism explaining “why I think and act the way I do when I meet people who deviate from what I see as the norm.” The training programme will also have an introduction section on what discrimination means. The project will be completed by 31 May 2010.

#### *The Police Directorate’s plan for diversity activities (2008–2013)*

The Police Directorate has prepared a special plan for diversity activities in the agency which deals with the following measures:

- Diversity management
- Producing updated information and training material
- Ethnic minorities as a topic for management and theme forums
- Ethnic minorities are referred to in the Government service’s activity planning as part of the diversity activities
- Increasing recruitment of persons with minority backgrounds to the Norwegian Police University College
- Retaining employees with minority backgrounds in the police
- Setting local recruitment targets
- Using the special competence that persons with minority backgrounds can contribute

The measures in the plan must be implemented by 31 December 2013.

#### **Status for recruitment to The Norwegian Police University College (Politihøgskolen – PHS):**

As of 2008, there were 134 applicants with minority backgrounds to PHS, whereof 29 were offered admission, which comes to 6.7 per cent of the total number of applicants. The goal is to have a minimum of five per cent students with minority backgrounds at PHS. The Police Directorate has yet to undertake a survey of the number of employees in the police and rural police with minority backgrounds.

## **New measures**

### **52 Integrated diversity perspective in all education and training at the Norwegian Police University College**

The Norwegian Police University College will review its curriculum and subject syllabi to ensure that the diversity perspective is integrated into the education and training. Diversity in this context means gender equality, ethnic minorities, age, sexual orientation and disability. Knowledge on and efforts to combat discrimination must be integrated in the education and training.

*Implementation: 2010*

*Responsible: Ministry of Justice and the Police*

### **53 Guidelines for combating discrimination**

Chiefs of police and heads of special bodies shall draw up guidelines relating to the managerial responsibility for counteracting discriminatory behaviour. These guidelines must be apparent in local human resources policy and must be revised continuously in accordance with revision of local human resources plans.

*Implementation: 2009–2012*

*Responsible: Ministry of Justice and the Police*

### **54 Survey to ascertain why students/employees join and quit the police**

Surveys will be conducted to determine why students and employees join the police and why they quit. The aim is to determine whether the causes for joining and quitting are the same for persons with Norwegian backgrounds and persons with minority backgrounds, and to find measures that may motivate recruitment and stop employees from leaving. This can be done locally in employee performance-review interviews and in interviews when employees leave. The Police Directorate and the Norwegian Police University College have so far not undertaken such a survey with country background as a background factor.

*Implementation: 2009–2012*

*Responsible: Ministry of Justice and the Police*

See also Measure 35 *Better use of qualified interpreters in the public sector*

## 9.7 Customs and Excise

### Goals:

- **Greater diversity in the Customs administration, including larger proportion of employees with minority backgrounds**
- **Better information on inspection procedures and access to appeal**

The Customs administration has been working for quite some time on diversity competence. Diversity and anti-discrimination have an important place in the ethical guidelines and the ethics portal.

The diversity perspective is already part of the ongoing reporting work and, the human resources policy is based on diversity as a goal in itself. Great importance is attached to ethics and multicultural understanding in the education and training offered to the customs officers.

### Measures initiated

#### *Preparation of diversity strategy*

In 2007, the Custom administration launched work on a diversity strategy to follow up and develop the efforts to increase diversity. The diversity strategy includes gender and gender equality, employees with disabilities, age composition and phase of life, and a multicultural workplace. The strategy describes goals within each of these categories up to 2012 and refers to various measures. The diversity strategy follows up political guidelines as to how the public sector should lead the way to ensure a diverse labour force. The strategy has been in force since 1 January 2009.

### New measures

#### **55 Increase the proportion of employees with minority backgrounds in the customs and Excise agency**

As a stage in the follow-up of the diversity strategy, the Norwegian Customs administration wishes to increase recruitment from some social groups. The Customs administration is a no-discrimination zone. With greater diversity, the agency may broaden its competence and improve goal attainment. Recently, we have succeeded in getting more people with minority backgrounds to apply for vacancies in the agency.

The agency wishes to attract a greater number of suitable applicants with minority backgrounds by increasing competence in diversity management and increasing competence on recruiting persons with minority backgrounds.

*Implementation: 2009 –2012*

*Responsible: Ministry of Finance*

#### **56 Information material for travellers who have passed through customs**

Undergoing a customs control can be experienced as uncomfortable, even if it is carried out with tact and understanding. Travellers who may be unhappy with how these inspections are carried out must be heard and their inquiries answered as specifically as possible.

Various measures for adapting procedures have been considered, so that people who are unhappy about having undergone a control may express their feelings about a difficult situation. Measures that are under consideration or already introduced include:

- A leaflet to be handed out to travellers who have undergone a customs control, explaining why and how a customs control is carried out
- Making it easier for a traveller who has undergone a control to contact a superior customs officer after the control situation.

*Implementation: 2009*

*Responsible: Ministry of Finance*

### **57 Seminar on cultural challenges in control situations**

In addition to the intra-agency training, seminars and theme days are regularly held to ensure that employees with control duties have updated skills and competence in the control situation.

Cultural challenges in control situations and work with diversity issues at comparable agencies are among the topics that have been raised. Similar themes will be considered for this type of seminar in 2009 and the coming years.

*Implementation: 2009–2012*

*Responsible: Ministry of Finance*

# 10 Elections

## Goal:

**The proportion of persons with immigrant backgrounds casting votes in elections shall correspond to the total voter turnout.**

The Government's aim is that as many registered voters as possible cast their vote in political elections. This applies to all who are entitled to vote. For a representative democracy to work as intended, it is important that voter turnout is not too low. The Ministry of Local Government and Regional Development (KRD) administers the Election Act and has the overriding responsibility for arranging elections, and thus also for providing general information in connection with elections to the Storting (Parliament), and county and municipal elections. The Ministry's main goal for its information activities is to ensure that voters receive appropriate and adequate information so they can vote. This means that all voters must receive accessible and comprehensible information about where, how and when they cast their vote. The Sami Parliament is responsible for information about its elections.

Norwegian nationals with immigrant backgrounds are a prioritised target group for the KRD's information activities in relation to the Parliamentary elections in 2009. Measures focusing on the municipal and county elections in 2011 will be considered during the period covered by the plan.

## Status of participation of immigrants in elections:

For the Parliamentary elections in 2005, the total elector turnout was 77.4 per cent. A total of 53 per cent of the immigrants with Norwegian citizenship voted. The total voter turnout for the municipal elections in 2007 was 61.2 per cent. The corresponding numbers for the county election was 57.5 per cent. The average election participation in 2007 among Norwegian nationals with immigrant backgrounds was 40 per cent and among foreign nationals with immigrant backgrounds was 36 per cent. There are, however, large differences in participation among persons with different national backgrounds and Norwegian and foreign citizenship.

## New measures

### 58 Measures to promote increased participation in elections among persons with immigrant backgrounds

In 2009, the Ministry of Local Government and Regional Development will implement various measures to inform about the Parliamentary elections, and these measures are designed to reach all voters, including persons with immigrant backgrounds. Some measures will also be adapted to the target groups. Measures include:

- Advertising spots on TV, radio, and at the cinema
- A household brochure which will be translated into several languages and distributed through various organisations
- Short "instruction film" that can be downloaded from the internet. It will primarily target first-time voters, with information on the role elections play in the Norwegian democratic system, who has the right to vote and how to vote. This film will also have voice-over in several languages
- Information will be put on Teletext and at [www.valg.no](http://www.valg.no)
- Grant of subsidies to organisations and others who want to help in informing registered voters about the elections and/or increase voter participation. Priority will be given to schemes targeting young people, immigrants and voters with special needs for information

The Directorate of Integration and Diversity (IMDi) will assist the Ministry of Local Government and Regional Development with the job of informing voters with immigrant backgrounds about the election and carrying out measures to increase voter turnout. The aim is to increase voter participation among the groups with immigrant backgrounds that have particularly low or declining voter turnout.

Measures planned by the Directorate of Integration and Diversity include:

- Adapting factual information on the Parliamentary election and making it easily accessible to the target groups
- Improving the knowledge of NGOs on the Parliamentary election, and initiating activities that can increase voter turnout
- Arranging meetings with the political parties to give them common background information and discuss measures that might result in increased voter participation

*Implementation: 2009*

*Responsible: Ministry of Local Government and Regional Development and the Ministry of Labour and Social Inclusion*



# 11 Culture and media

## Goals:

- **Ensure that cultural diversity becomes a pervasive and natural characteristic of Norwegian cultural policy**
- **Promote an open and inclusive cultural life**
- **Promote research that enables good policy design in this field**

The stated goal of Norwegian cultural policy is to promote an open, diverse and inclusive cultural life. The Ministry of Culture and Church Affairs has therefore implemented a number of measures to promote cultural diversity as a positive dimension of the Norwegian society and as a pervasive feature of cultural policy. The goal is a cultural life that offers varied experiences and perspectives through broad and complex participation on all stages by practitioners, decision makers and the public.

In connection with the celebration of The Norwegian Year of Cultural Diversity 2008, NOK 36 million was added to the culture budget to strengthen cultural diversity. This funding was increased in the 2009 budget, and the intention is to continue these allocations in the years ahead. Thus the cultural budget now has and will continue to have a clear diversity profile.

The Ministry of Culture and Church Affairs also manages several subsidy schemes that are designed to promote inclusion for persons with minority backgrounds in voluntary organisations and sports clubs. For example, one goal is to increase the proportion of children and young people with minority backgrounds, particularly girls, taking part in the regular activities arranged by the sports clubs. Such inclusion measures

are important in the work to combat prejudice and discrimination among children and young people.

The Government sees the Council for Religious and Life-Stance Communities as an important body in the dialogue between such communities. The primary task for the Council for Religious and Life Stance Communities is to promote mutual respect and understanding between religious and life-stance communities, encourage equal treatment of these communities in Norway and discuss social and ethical issues based on different religious and life-stance traditions. The Ministry of Culture and Church Affairs grants annual operations subsidies to the council, in 2009 this amounted to NOK 1.7 million.

## Measures initiated

### *R&D project on the Diversity Year*

In the spring of 2008, the Ministry of Culture and Church Affairs initiated a follow-up research project aiming to illuminate the planning, implementation and short-term effects of the Norwegian year of celebrating cultural diversity. The aim is to illuminate the following issues:

- Which strategies and organisational approaches were chosen by respectively the central authorities, county authorities and local authorities and actors in the culture field to celebrate the Diversity Year, and how did these work?
- What does the programme and activity profile in 2008 say about the perceptions and attitudes of the actors to cultural diversity?
- Which effects can the Diversity Year be said to have had at the end of 2009? Which strategies, what new knowledge and which types of measure may be said to characterise the relations of cultural life to cultural diversity?

The Ministry has assigned NIBR (the Norwegian Institute for Urban and Regional Research) the task of running the project. The report will be submitted in the spring of 2010.

#### *Focus on composition of boards*

One of the long-term goals for the Diversity Year was that institutions and organisations receiving public funding for cultural activities should reflect the cultural diversity that exists in Norway today. The diversity should be reflected in staff, audiences, management and the board of directors. As a stage in this work, the Ministry of Culture and Church Affairs has attached great importance to ensuring that the Ministry's appointments to the board reflect the composition of the Norwegian population.

Through the project *Styrende mangfold* (Diversity on corporate boards), which has received funding from Diversity Year and Arts Council Norway, efforts are being made to increase the diversity of councils and boards of directors of cultural institutions and organisations in general, not only for those receiving public funding. The idea behind *Styrende mangfold* is to draw up and implement a programme that will:

- Survey the situation and the needs of the controlling bodies of cultural organisations in relation to the desired multicultural profile
- Recruit and select people with minority backgrounds, appropriate training and/or professional experience to the programme
- Train participants in board functions and give insight into the cultural field through theory and practice
- Connect people and boards on the basis of knowledge about the candidate for the board position and knowledge about the institution that needs a new board member
- If necessary, have an advisory role for the new member of the board and the board

- Enable the continuation of in-depth studies and network building
- Organise regular meetings for participants, boards and managerial teams in public and private cultural life

The goal is:

- To increase diversity in those places where strategies and decisions are made
- Increase the understanding of the importance of cultural diversity on boards of directors and committees, bearing in mind democratic principles and the benefit of the cultural institutions

The project is anchored organisationally and administratively in *Du store verden!* (Wonderful world!)<sup>14</sup>

#### *How the immigrant population uses culture and media – questionnaire*

Each year Statistics Norway carries out a survey of how the entire Norwegian population uses the media. Every fourth year a survey of the use of culture is also conducted. In 2008, a combined culture and media user study was conducted. In this connection, the Ministry of Culture and Church Affairs has taken the initiative to conduct an additional study among a sample of people with immigrant backgrounds, where the purpose is to study and report on the culture and media use of the Norwegian immigrant population. The main report from the survey is planned for publication in 2009. Based on the findings of the report, the Ministry will decide whether special measures are required in some areas.

<sup>14</sup> A cooperative cultural diversity network for organisations, institutions and groups working on presenting and cooperating on international culture.



## New measures

### 59 Reporting requirements for cultural diversity

In its contributions letter to cultural institutions, the Ministry of Culture and Church Affairs has introduced a requirement to report on cultural diversity starting in the 2009 budget year. This means that institutions receiving public funding must draw up long-term strategies to ensure cultural diversity in their ordinary activities. Attention is in particular drawn to the fact that the diversity activities should be anchored to the human resources profile, programme profile and public relations profile.

*Implementation: 2009–2012*

*Responsible: Ministry of Culture and Church Affairs*

### 60 The Bicentennial of the Norwegian Constitution – 2014

Cultural diversity shall be a perspective of the bicentennial celebrations to help anchor the idea that the Norwegian identity is changing, and to make cultural diversity visible as an important and natural element of Norwegian society.

*Implementation: 2009–2014*

*Responsible: Ministry of Culture and Church Affairs*

### 61 Research on the media use of persons with immigrant backgrounds

The Ministry of Culture and Church Affairs is funding media research through RAM (the Council for Applied Media Research). In 2009, the funding amounts to NOK 2.9 million. Research on the media use of persons with immigrant backgrounds is one of the two priority areas for the Council's efforts in 2009.

*Implementation: 2009*

*Responsible: Ministry of Culture and Church Affairs*

### 62 Action plan for diversity in NRK

NRK (the Norwegian Broadcasting Corporation) has in 2008 undertaken an in-house survey and analysis of whether the broadcasting corporation reflects multicultural and modern Norway adequately in its programming. NRK wishes among other things to ascertain the degree to which it reaches the minority population with its programming on radio, TV and the internet, and whether NRK's programming is seen as relevant and attractive for the minority population. Even if NRK satisfies its articles of association in this field, it would like to reach more of the growing multicultural population than it currently does. On the basis of this survey, NRK will present an action plan for new and specific goals for its diversity strategy. Coverage of multicultural Norway will be a key part of NRK's strategies for 2010.

*Implementation: 2009 and 2010*

*Responsible: Ministry of Culture and Church Affairs*



## 12 International cooperation and obligations

Through signing international conventions on human rights and through participation in the UN, the Council of Europe, the Nordic Council of Ministers and other international bodies, Norway has undertaken to promote equality and prevent all types of discrimination, cf. Attachment 2 for more on the international framework and obligations.

Norway is working actively in international organisations to get the greatest possible number of states to join and comply with the international laws against racism and discrimination. Of particular significance in this context was the conference for revision of the World Conference against Racism (held in Durban in 2001), which took place in Geneva from 20 to 24 April 2009.

The UN's Committee on the Elimination of Racial Discrimination (CERD) monitors how well Norway complies with the obligations pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination. Norway will submit its 19th and 20th reports to CERD in September 2009.

The European Commission against Racism and Intolerance (ECRI) has in February 2009 published its fourth country report on Norway's efforts to prevent racism and intolerance. The report offers detailed recommendations on matters requiring change, but also reports on matters the commission finds satisfactory.

Norway also participates in the EU's multi-year framework programme PROGRESS (2007–2013) which comprises five areas: Employment, social inclusion and protection, working conditions, non-discrimination and gender equality. PROGRESS supports the EU's non-discrimination policy and the development of rules in the form of studies, research and analyses as well as information and competence initiatives.

There is wide cooperation in the Nordic Council of Ministers in areas concerning persons with disabilities and in the fields of cohabitation and gender equality. The Nordic cooperation is vital for mutual learning and development in this field.

The Government will strengthen the efforts to make equality and non-discrimination a pervasive feature of the Norwegian efforts in the UN and in Nordic, European and other international cooperation. Seeing the different grounds of discrimination as being interconnected is a challenge.

## New measures

### 63 Follow-up of CERD's recommendations on Norway's 19th and 20th reports

In the period covered by the plan, the Government will assess CERD's recommendations on Norway's 19th and 20th reports, and follow up with the necessary measures. The Ministry of Children and Equality will coordinate the efforts to follow up CERD's recommendations for Norway.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality in cooperation with the ministries involved.*

### 64 Follow-up of the ECRI's fourth country report on Norway

In the period covered by the plan, the Government will assess the ECRI's recommended measures, and follow up with the necessary measures. The Ministry of Children and Equality will coordinate the efforts to comply with the ECRI report.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality in cooperation with the ministries involved.*

### 65 Increase the participation of NGOs in PROGRESS

The Ministry of Children and Equality will facilitate for participation by NGOs in EU's framework programme PROGRESS through targeted information and advisory services for relevant organisations working to promote equality and prevent discrimination.

See <http://www.regjeringen.no/nb/dep/aid/sok.html?id=86892&quicksearch=PROGRESS>

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*

### 66 Strengthen efforts in the Nordic cooperation to combat ethnic discrimination and promote equality

Through its work with the Ministers Council for Gender Equality, the Ministry of Children and Equality wishes to actively support the efforts to extend the Nordic cooperation to include different grounds of discrimination, including discrimination based on ethnicity.

*Implementation: 2009–2012*

*Responsible: Ministry of Children and Equality*



# Attachment 1 Legal protection against discrimination – a discussion of the important legislation

Norway has no general constitutional provision prohibiting discrimination. The protection against discrimination in civil law is distributed over a number of acts, and these provide different levels of protection against different grounds of discrimination. Anti-discrimination legislation is enforced by special enforcement agencies, the Equality and Anti-Discrimination Ombud and the Norwegian Equality Tribunal. Some extremely serious forms of discrimination are regulated in the General Civil Penal Code and enforced by the prosecuting authorities. The essence of discrimination legislation is that it protects the individual against unfair differential treatment.

## **The Gender Equality Act**

The Gender Equality Act protects against discrimination based on gender. The purpose of the Gender Equality Act is to promote gender equality and aims in particular at improving the position of women, cf. section 1. Women and men shall be given equal opportunities in education, employment and cultural and professional advancement. Both women and men come under the legal protection against discrimination based on gender, even if, in accordance with its stated purpose, the Gender Equality Act in particular aims to improve the position of women.

The act basically applies in all social areas, except for the internal affairs of religious communities. Section 3 of the Gender Equality Act states that direct or indirect differential treatment of women and men, instructions to discriminate and being an accessory to discrimination are not permitted. The general prohibition on

discrimination is further detailed in special provisions. These special provisions refer to employment, education and associations, which are important arenas in the field of gender equality. There is also a special provision on protection against harassment. Indirect differential treatment based on an objective purpose that is independent of gender is exempted from the prohibition.

The Gender Equality Act lays down a positive obligation to promote gender equality for public enterprises, employers and the employer/employee organisations (the duty to make active efforts and report). Pursuant to section 1a these are under the obligation to make active, targeted and systematic efforts to promote gender equality in all sectors of society. All annual accounts and reports must give an account of the actual state of affairs when it comes to gender equality in the enterprise. Measures that have been implemented and measures planned for implementation to promote gender equality must also be accounted for.

Pursuant to section 3 a of the Gender Equality Act, differential treatment that promotes gender equality in conformity with the purpose of the act is not a contravention of section 3. The Gender Equality Act also lays down representation of both sexes when appointing public boards and committees, cf. section 21 which stipulates that when a public body appoints or elects committees, governing boards, councils, boards, etc. each sex shall be represented. This provision involves an obligation to undertake radical positive action.

### **The Anti-Discrimination Act**

The Anti-Discrimination Act provides protection against discrimination based on ethnicity, religion etc. The purpose of the Act is to promote equality, ensure equal opportunities and rights and prevent discrimination based on ethnicity, national origin, descent, skin colour, language, religion or belief, cf. section 1.

The act applies in all areas of society, but with some exemptions. These are family life and personal relationships. Nor does the act apply to actions and activities carried out under the auspices of religious and life-stance communities. The Anti-Discrimination Act prohibits both direct and indirect discrimination.

Differential treatment that is necessary in order to achieve a legitimate aim, and which does not involve a disproportionate intervention in relation to the person or persons so treated is not regarded as discrimination pursuant to the act.

The Anti-Discrimination Act also has provisions prohibiting harassment, instructions to discriminate or harass, to carry out reprisals or act as an accessory to discrimination or harassment. The act also has provisions about positive action. Rules about shared burden of proof apply. The UN International Convention on the Elimination of All Forms of Racial Discrimination has been incorporated in the Anti-Discrimination Act.

From 1 January 2009, a new *duty to make an active effort and report* has been introduced in the Anti-Discrimination Act, cf. section 3 a. The duty to make an active effort makes it mandatory for the public authorities, public and private employers and the employer/employee organisations to work actively, targeted and systematically to promote the purpose of the act. The activity obligation comprises pay and working conditions, promotion, development opportunities and protection against harassment. Private companies regularly employing less than 50 employees are exempted from this duty. The reporting obligation means that all measures carried out and planned must be reported in the annual accounts or annual budget.

### **The Anti-Discrimination and Accessibility Act**

The Anti-Discrimination and Accessibility Act provides protection against discrimination on the basis of disability. The purpose of the act is to promote equality

and equal rights, ensure equal opportunities for and rights to social participation for all persons regardless of disabilities, and to prevent discrimination on the basis of disability. The act shall also help to dismantle disabling barriers created by society and to prevent new ones from being created. Basically the act applies to all areas of society with the exception of family life and other relationships of a personal nature.

The Anti-Discrimination and Accessibility Act lays down a prohibition against discrimination and harassment. It is also prohibited to be an accessory to discrimination and harassment and to instruct anyone to carry out discrimination and harassment. Violation of the general accommodation provisions of the act is also discrimination.

The act lays down that direct and indirect discrimination due to disability is prohibited. An exemption from the prohibition against discrimination can be made for justified differential treatment. The act also opens for positive action.

The Anti-Discrimination and Accessibility Act has introduced a duty to make an active effort and report corresponding to the duty in the Anti-Discrimination Act. Furthermore, the Anti-Discrimination and Accessibility Act enjoins public and private enterprises focusing on the general public to ensure general accommodation (universal design), cf. section 9. The requirement for individual accommodation is laid down in section 12. Thus it is the obligation of employers, schools and education institutions and of municipal services offered to some individuals pursuant to the Act relating to Social Services.

### **Section 13 of the Working Environment Act**

Section 13-1 of the Working Environment Act prohibits direct and indirect discrimination in an employer-employee relationship on the basis of sexual orientation, age, political views, membership in trade union, and prohibits discrimination of part-time or temporary employees.

First, the prohibition on discrimination applies in the relationship between employers and employees, and applies to all aspects of the working conditions, from hiring to termination. This comprises advertising of posts, relocation, promotion, training and other forms

of competence development, pay and working conditions and termination of the employment, cf. section 13-2 first paragraph.

The prohibition against discrimination also covers an employer's selection and treatment of self-employed persons and contract workers, and enrolment and participation in trade union, employers' organisation or professional organisation, cf. section 13-2 second paragraph.

Section 13-1 of the Working Environment Act prohibits direct and indirect discrimination and harassment and instructing someone to discriminate. Justified unequal treatment is exempted from the discrimination prohibition. Positive action which contributes to promoting equal treatment is not regarded as discrimination.

### **The housing acts**

The housing acts comprise the Tenancy Act, the Housing Cooperative Act, the Property Unit Ownership Act and the Act relating to Housing Cooperatives.

Pursuant to the housing acts, discrimination based on gender, ethnicity, national origin, descent, skin colour, language, religion or life stance, homosexual orientation or disability are prohibited.

The Housing Cooperative Act, the Act relating to Housing Cooperatives and the Property Unit Ownership Act prohibit conditions being set for becoming a unit owner that may function as discriminatory for any of the above-mentioned grounds. Pursuant to the Tenancy Act, such conditions cannot be considered just cause for refusing to accept a person in a household, for subleasing or for transferring a lease to another person, and cannot be assigned importance when a lease is terminated. The prohibition on discrimination pursuant to the Tenancy Act comprises rentals for both business and private purposes. The prohibition against discrimination does not apply to letting a room in one's own home. The prohibition against discrimination pursuant to the housing acts does not include selling a dwelling (the relationship between the buyer and the vendor). However, the Anti-Discrimination Act also covers the selling of dwellings.

### **The Anti-Discrimination Ombud Act**

According to the Anti-Discrimination Ombud Act, the Equality and Anti-Discrimination Ombud shall enforce the following acts:

- The Gender Equality Act
- The Anti-Discrimination Act
- The Anti-Discrimination and Accessibility Act
- Chapter 13 of the Working Environment Act on equality<sup>15</sup>
- The prohibition against discrimination in the Tenancy Act, the Housing Cooperative Act, the Property Unit Ownership Act and the Act relating to Housing Cooperatives

In addition to enforcing the acts, including processing complaints and appeals and giving legal guidance, the Ombud has a role to play as an initiator and expert body. The Equality and Anti-Discrimination Ombud cannot make decisions in individual cases, but can issue written statements in individual cases. In those cases where the parties do not voluntarily comply with the opinion of the Ombud, the Ombud can bring the case before the Equality and Anti-Discrimination Tribunal, which can make binding decisions. If the Ombud cannot achieve a voluntary agreement, and it may cause inconvenience or have a harmful effect to wait for an administrative decision, the Ombud can make an emergency decision.

In most cases that raise issues concerning discrimination and which are relevant for the Ombud's activities, the Equality and Anti-Discrimination Ombud can act as an assistant in addition to the discriminated party's lawyer, cf. the new Civil Disputes Act which entered into force on 1 January 2008. The Ombud can also submit written statements to the court to illuminate points of general interest in a case.

The reactions of the discrimination acts are generally through civil law and then through redress and compensation for financial loss. The same reactions will arise in the case of retribution against plaintiffs or witnesses. The Anti-Discrimination and Accessibility Tribunal may order a party to stop and rectify actions, and may order enforcement penalties to be paid if the order is not complied with. Decisions made by the Tribunal may be brought to court for examination of the case.

In cases involving gross violation of the prohibition against discrimination committed by several persons

<sup>15</sup> With the exception of section 13-1 third paragraph and section 13-8

jointly, fines or a term in prison of up to three years may be imposed. This provision is enforced by the prosecuting authority.

### **The General Civil Penal Code**

The General Civil Penal Code has several provisions concerning hateful and discriminatory expressions, including section 135 a, and section 349 a. These provisions correspond to sections 185 and 186 in the new penal code of 2005 which has been adopted but not yet entered into force.

The General Civil Penal Code of 1902 section 135a confers penalties for those who in public perform a discriminatory act or make a hateful expression. 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 statement. Symbols are also deemed to be expressions. The requirement for being found guilty is intent or gross negligence. The sentencing framework is fines or a term in prison of up to three years.

A discriminatory or hateful expression means threatening or insulting any person, or inciting hatred, or persecution of or contempt for any person due to their:

- a) skin colour or national or ethnic origin,
- b) religion or life stance, or
- c) homosexuality, lifestyle or orientation.

Section 185 second paragraph (d) of the new General Civil Penal Code of 2005 also includes discriminatory or hateful expressions uttered against anyone because of their disability.

The General Civil Penal Code of 1902, section 349 a covers certain discriminatory acts. This section authorises penalties for any person who in any commercial or similar activity refuses any person goods or services on the same conditions as apply to others, because of his religion or life stance, skin colour or national or ethnic origin. The same penalty shall also apply to refusal due to a person's homosexual inclination, lifestyle or orientation. The requirement for being found guilty is intent or gross negligence. The sentencing framework is fines or a term in prison of up to six months.

Section 186 first paragraph (d) of the new General Civil Penal Code of 2005 also includes discriminatory or hateful expressions uttered against anyone because of their disability.

The General Civil Penal Code of 1902 also has provisions on more severe penalties in cases of assault, bodily harm and vandalism committed with a racial motive, see sections 232 and 292. Section 15 of the Anti-Discrimination Act has a provision for penalties for discrimination committed jointly by several persons.

The new General Civil Penal Code has a new section, new General Civil Penal Code section 77 (i), which has been adopted (but has not entered into force), stating that discriminatory acts that are due to any person's faith, skin colour, national or ethnic origin etc. shall be considered as aggregating circumstances when assessing the punishment.

### **The Education Act**

The Education Act lays down that school must work actively to promote a good physical and psychosocial environment, cf. Chapter 9a of the Education Act entitled "The pupils' school environment":

#### *Section 9 a-1 General requirements*

All pupils attending primary and secondary schools are entitled to a good physical and psychosocial environment conducive to health, well-being and learning.

#### *Section 9a-3. The psychosocial environment*

The school shall make active and systematic efforts to promote a good psychosocial environment, where individual pupils can experience security and social belonging. If any school employee learns or suspects that a pupil is being subjected to insulting language or acts such as bullying, discrimination, violence or racism, he or she shall investigate the matter as soon as possible and notify the school management and, if necessary and possible, intervene directly.

### **The Alcohol Act**

Pursuant to section 1-8 of the Alcohol Act, to combat discrimination, a licence to sell alcoholic beverages may also be withdrawn if discrimination repeatedly takes place at the premises on the basis of such reasons as mentioned in section 349a of the General

Civil Penal Code, including ethnicity and religion. This provision entered into force on 1 July 2005. The local authorities enforce this provision in the Alcohol Act.

### **The Restaurant and Catering Act**

This act has provisions that address discrimination in enterprises serving meals and beverages.

Pursuant to section 3, any person who wishes to run a business serving meals and beverages must have a licence granted by the local authority. The licensee, general manager and persons with essential influence on the enterprise must have a police certificate of good conduct in relation to the criminal code, tax and excise legislation, business accounts legislation and legislation prohibiting discrimination because of ethnicity, religion etc. They must not have committed violation of any other legislation in a manner that will be incompatible with operating such a business. Good conduct is a condition that is required when applying for a licence and during the period of operation.

### **The Marketing Control Act**

The Marketing Control Act shall in principle protect consumers against unreasonable and misleading acts. This act is enforced by the Consumer Ombud. However, the act also has a provision concerning gender discriminatory advertising, included in the act when the Anti-Discrimination Act was adopted. The idea behind including a provision against gender discriminatory advertising in the Marketing Control Act was that advertising should promote gender equality. A new Marketing Act will enter into force on 1 June this year. The provision dealing with gender discriminatory advertising will be retained.

### **The Immigration Act**

Changes to the new Immigration Act in May 2008 (planned to enter into force on 1 January 2010) may be relevant to the efforts against discrimination, respectively section 21 of the Immigration Act, General Immigration Control, and section 103, Search of an immigrant's body, housing or similar.

Pursuant to section 21 of the act, general control must be kept of immigrants. This is required to resolve the identity and status of foreign nationals. The police are responsible for performing such inspection and control.

The new provision establishes that inspection and control of foreign nationals can only be carried out if "the time, location and situation" call for such actions. This is new in relation to the act currently in force, and means that the new act lays down that control of foreign nationals must be based on objective reasons. It is, for example, not permitted to stop any person because she or he "looks foreign" or speaks another language than Norwegian.

Enacting this principle of non-discrimination may strengthen legal protection for foreign nationals resident in the realm. In the groundwork for the act, it is also made clear that the purpose is to enact the criteria for police control and inspection activities to ensure that such inspections are not random or discriminatory.

Section 103 of the act strengthens the requirement for written warrants when the police wish to search a foreign national's body, residence or similar. The act states that the "decision must as far as possible be written and state what the case concerns, the purpose of the inspection and what it comprises." It is also emphasised that the foreign national must be informed of the basis for the inspection. This rule is also given on grounds of legal protection and to ensure proper documentation of the decision.





# Attachment 2 International frameworks and obligations

Through signing international conventions on human rights and participating in the UN, the Council of Europe, the Nordic Council of Ministers and other international bodies, Norway has undertaken to promote equality and prevent discrimination on different grounds. Non-discrimination is a principle and legal norm that is embedded in a number of international conventions ratified by the Norwegian authorities.

## The UN system

UN's general assembly unanimously adopted the Universal Declaration of Human Rights in 1948. The equality principle and the non-discrimination principle are essential elements in the Universal Declaration of Human Rights but are not legally binding.

### UN conventions

*The UN's International Covenant on Civil and Political Rights (ICCPR)* which was adopted in 1966 has a number of provisions relating to non-discrimination. The fundamental prohibition against discrimination is in Article 26, which prohibits any discrimination on any ground such as race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status. Important rights pursuant to the convention are the right to life, prohibition against torture and other demeaning or inhumane treatment, and the right to equality before the law, which among other things ensures the right to free assistance by an interpreter, and the right to protection of private life.

*The UN's International Covenant on Economic, Social and Cultural Rights (ICESCR)* which was adopted in 1966 aims to prevent differential treatment due to race, colour, gender, language, religion, political or other

opinion, national or social origin, property, birth or other status. Other important rights pursuant to the covenant include the right to work, fair and good working conditions, the right to join organisations, the right to education and participation in cultural life.

The UN has later adopted several declarations and special conventions elaborating on the protection of human rights. The most important special conventions are:

- *The UN's International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, ratified by Norway in 1970
- *The UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, ratified by Norway in 1981
- *The UN's Convention on the Rights of the Child (CRC)*, ratified by Norway in 1991
- *The UN's Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*, ratified by Norway in 1986
- *The UN's Convention on the Right of Persons with Disabilities (CRPD)*, not yet ratified by Norway.

The UN conventions are incorporated into Norwegian legislation in various ways. The UN CRC, ICCPR and ICESCR are incorporated into Norwegian law through the Human Rights Act, thus having precedence over Norwegian law if there is a conflict between rights pursuant to the conventions and Norwegian law.

The International Convention on the Elimination of All Forms of Racial Discrimination is incorporated into the Anti-Discrimination Act, cf. section 2, while the Convention on the Elimination of All Forms of Discrimination against Women is incorporated into the Gender Equality Act, cf. section 1b. The prohibition against torture in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is incorporated into the General Civil Penal Code.

*The UN's International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*

Under this convention, Norway undertakes to prohibit and eliminate any form of racial discrimination, and guarantee equality before the law without differential treatment due to race, colour, national or ethnic origin, by any person, group or organisation. This especially applies in connection with the right to equal treatment before the courts and other law enforcement agencies, the right to personal safety, political rights and other civic rights, economic, social and cultural rights and the right to access to any venue and service intended for the general public, cf. article 5.

*Monitoring bodies*

The implementation of these seven UN conventions is monitored by a committee of experts for each. The UN's Racial Discrimination Committee (CERD) monitors the implementation of ICERD. Any state that has ratified the convention must report on a regular basis to the UN's racial discrimination committee to inform it on how the convention obligations are being complied with. Norway will submit its 19th and 20th reports to CERD in the autumn of 2009.

It is possible to a degree for individuals to appeal to the Human Rights Committee and the Racial Discrimination Committee, as Norway has accepted the principle of processing complaints/disputes individually in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.

The Equality and Anti-Discrimination Ombud must ensure that Norwegian legislation and administrative practices are in accordance with Norway's obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the International

Convention on the Elimination of All Forms of Racial Discrimination.

*ILO*

The International Labour Organisation (ILO) was founded in 1919. In 1945, it was incorporated into the UN as a special organisation. It consists of three parties, trade unions, employer organisations and the authorities of member countries. The ILO's purpose is to promote social justice and rights in working life.

The ILO has extensive experience with protecting minorities in conventions and recommendations, and has drawn up standards to combat discrimination in employment relations, among other things.

*ILO Convention no. 111, the Discrimination (Employment and Occupation) Convention*

ILO Convention no. 111 on Discrimination in the Field of Employment and Occupation from 1958 was ratified by Norway in 1959. The convention places requirements on state legislation and policies to prevent discrimination in the field of employment and occupation. The convention applies to discrimination on the basis of race, colour, gender, religion, political opinion, national extraction or social origin.

*ILO Convention no. 169, the Rights of Indigenous and Tribal Peoples in Independent States*

ILO Convention no. 169 Concerning Indigenous and Tribal Peoples in Independent States from 1989 was ratified by Norway as the first state in 1990. For Norway this convention has crucial relevance in relation to the Sami people. The convention includes important provisions for indigenous people's culture and rights concerning recruitment and conditions of employment, for example things that concern them and rights to land. Non-discrimination is a fundamental tenet for the convention, and this is also referred to or mentioned in some of the provisions in the convention.

*The UN's Human Rights Council*

The Human Rights Council is the UN's most important political council for human rights. The council was established by the UN General Assembly on 15 March 2006, replacing the previous Human Rights Commission. The Human Rights Council works to promote universal respect and protection of all human rights and freedoms for all persons and groups.

### *The Durban Conference*

A world conference against racism, racial discrimination, xenophobia and intolerance was arranged in Durban in 2001 (generally called Durban I). The conference reached agreement on an action plan with recommendations to states for measures that should be implemented to prevent and combat racism and discrimination. The follow-up conference, the Durban Review Conference (often called Durban II) is planned to take place in Geneva in April 2009. The revision conference is part of the UN's general assembly, and preparations for the conference are now taking place within the framework of the UN's Human Rights Council.

The final text from Durban II will be included in the work to follow up this action plan.

### **The Council of Europe**

Pursuant to the revised articles of association of the Council of Europe from 1993, the cooperation is based on parliamentary democracy, the rule of law and human rights. The norms of the Council of Europe human rights are primarily based on the European Convention on Human Rights, adopted in 1950. The Council of Europe has adopted further conventions and resolutions elaborating on this convention.

### *The European Convention on Human Rights*

The European Convention on Human Rights from 1950 is incorporated with precedence over Norwegian law through the Human Rights Act. The convention includes many of the same rights as the UN's International Covenant on Civil and Political Rights. Article 14 is the non-discrimination provision of the convention, prohibiting discrimination on the basis of gender, race, colour, language, religion, political or other opinion, national extraction or social origin, ties to a national minority, property, birth or other status.

### *Additional Protocol 12 to the European Convention on Human Rights*

Additional Protocol 12 to the European Convention on Human Rights, which reinforces the protection against discrimination, entered into force in 2005. Norway signed the protocol in 2003, but has not yet ratified it. The Anti-Discrimination Act Committee, which will propose comprehensive legislation against discrimination, will report on whether Norway should ratify Protocol 12.

### *The Council of Europe's Framework Convention for the Protection of National Minorities*

The Council of Europe's Framework Convention for the Protection of National Minorities came into force in 1998 and was ratified by Norway in 1999. Article 4 of the convention obliges the states that have ratified the convention to guarantee the right to equality under the law and to equal protection by the law for persons who belong to national minorities. Any discrimination based on belonging to a national minority shall be prohibited. The states must also implement appropriate measures to promote full and effective equality between persons belonging to national minorities and the majority population in all areas.

### *Monitoring bodies*

The European Court of Human Rights is the most important body monitoring human rights. The court deals with individual complaints against member states' violations of the European Convention on Human Rights. The court receives complaints both from citizens from the country in question and other states that are members of the Council of Europe.

### *ECRI*

The Council of Europe has established the European Commission against Racism and Intolerance, ECRI. This is an independent body monitoring human rights, specialising on racism and intolerance. The commission especially monitors the general work of member states to prevent racism and intolerance. The ECRI published its fourth country report in Norway in February 2009.

In the fourth country report, the ECRI calls for an interim report at the halfway mark in 2011 dealing with some of the recommendations given. Notification has been given that three matters in particular will be examined:

1. Whether 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. 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.

2. That the Norwegian authorities should increase the availability and use of professional interpretation in the health sector and legal system.
3. That the Norwegian authorities should take steps to address racial profiling, notably in stop and search operations carried out by police, customs and immigration officials. In particular, ECRI recommends that the Norwegian authorities carry out research on racial profiling and monitor police activities to identify practices.

Norway's next comprehensive report will be submitted in 2013. At that time, all the recommendations in the fourth country report will undergo a thorough review.

#### *Wergelandssenteret* (the Wergeland Centre)

In cooperation with the Council of Europe, Norway has established the Wergeland Centre as a European resource centre for training in intercultural understanding, human rights and democratic citizenship for all member states of the European Council, cf. Measure 23 in the plan.

#### **The EU/EEA**

The Treaty of the European Union states that promoting gender equality is part of the duties of the union. The EU treaty is not part of the EEA Agreement. It nevertheless follows from Articles 69 and 70 of the EEA Agreement that Norway must implement the principle of equal pay and equal treatment for employed women and men. This corresponds to Article 141 of the EU Treaty. Several gender equality directives have been adopted (on gender discrimination) as part of the EEA Agreement.<sup>16</sup> Norway has implemented all directives that deal with gender. The EU has also adopted directive 2000/43/EU on implementing the principle of equal treatment regard-

less of race or ethnic origin (the race discrimination directive) and directive 2000/78/EU on the general framework provisions on equal treatment in employment relationships that include a prohibition against discrimination on the basis of sexual orientation, religion, faith, disability and age (the framework directive). These directives are authorised by Article 13 of the EU Treaty, thus falling outside the EEA cooperation. Norway has nevertheless chosen to implement the directives in the national legislation.

The EU is working on a proposal for a directive on equal treatment, also called the non-discrimination directive. The purpose of the directive is to prohibit discrimination on the basis of religion, faith, age, disability and sexual orientation in various areas of society, such as social protection, social advantages, education, goods and services. The existing legislation applies to working life, and between genders. The directive is thus the final stage of the EU's non-discrimination legislation. The European Commission has indicated that the proposed directive is relevant to the EEA.

#### *Relevant programme cooperation within the EU/EEA*

Norway takes part in the EU's multi-year framework programme PROGRESS (2007–2013). PROGRESS is an abbreviation for *Programme for Employment and Social Security* and includes five areas: Employment, social inclusion and integration, working conditions, non-discrimination and gender equality. PROGRESS supports the EU's non-discrimination policy and development of rules in the form of studies, research and analyses, as well as information and competence initiatives.

Non-commercial NGOs in Norway have been invited to participate in PROGRESS by applying for projects and project funding via public announcements published on the website of the European Commission (DG Employment: See Call for proposals: <http://ec.europa.eu/social/main.jsp?catId=327&langId=en>).

The EU is funding 80 per cent of the project costs, the remaining 20 per cent must be covered by own funding.

#### *The EU's High Level Group of Advisory Experts on Non-Discrimination*

In the autumn of 2008, the European Commission

<sup>16</sup> The EU's directive 76/207/EEA on implementing the principle of equal treatment of men and women when it comes to access to employment, vocational training and promotion as well as working conditions (the gender equality directive from 1976, amended in 2002). The equal pay directive 75/117/EEA and the onus of proof directive 97/80/EU concerning employment were both rescinded in 2006 and included in directive 2006/54/EU on the implementation of the principle of equal opportunities and equal treatment for men and women. The 2006 directive includes a number of the directives on gender discrimination. The new directive 2006/54/EU was incorporated into the EEA Agreement on 14 March 2008, with the time limit for implementation of 15 August 2009.

appointed an expert group consisting of representatives of national authorities to evaluate and propose effective national and European measures for non-discrimination. Norway participates in this high level group for non-discrimination as an observer.

## **Nordic cooperation**

### *The Nordic Council of Ministers*

The Nordic Council of Ministers is the cooperative body of the Nordic governments, established in 1971. The Prime Ministers have the overriding responsibility for the Nordic Council of Ministers, but in practice the responsibility is delegated to the Nordic cooperation ministers and the Nordic cooperation committee which consists of public servants from the Nordic countries and autonomous areas.

The Nordic Council of Ministers consists of several ministerial councils. One of these is the ministerial council for equality, which also has a special public servant committee (EK-JÄM).

Several of the Nordic countries are reorganising the equality and discrimination fields. So far gender has been the common working field for the Nordic equality ministers, but a process has been started to discuss whether this cooperation should be expanded to include more grounds of discrimination in accordance with national processes. This also includes the question of a more formal Nordic cooperation on combating ethnic discrimination.

Previously, the Nordic Council of Ministers has established bodies focusing on disability and age without tying together these causes of discrimination and adequately linking them to an equality and discrimination perspective.

### *The Nordic Gender Institute (NIKK)*

The Nordic Gender Institute (NIKK) is the knowledge and information centre for gender and equality research of the Nordic equality ministries. NIKK is located at the University of Oslo and funded by the Nordic Council of Ministers with three-year contracts. The current contract expires in 2010, and the Nordic Council of Ministers will in this connection assess more in detail the organisation of the centre, its structure, duties and mandate. As part of this process, questions will also be raised as to whether the formal Nordic cooperation should be expanded to apply to other grounds of discrimination, such as promoting equality and preventing discrimination on the basis of ethnicity.



## Attachment 3 Some affiliated action plans and measures

### **The strategy plan Likeverdig opplæring i praksis! (Equal education in practice)**

The strategy plan *Likeverdig opplæring i praksis!* (Equal education in practice. Strategy for better learning and greater participation by linguistic minorities in day-care centres, school and education 2007-2009) includes various measures that are related to the Action plan to promote equality and prevent ethnic discrimination. The strategy plan will among other things contribute to an inclusive learning environment with no racism, discrimination, bullying or violence. The goals for the strategy plan are to:

- Improve language skills among pre-school children of linguistic minorities
- Improve the school performance of linguistic minority pupils in primary and secondary education and training
- Increase the proportion of linguistic minority pupils and apprentices who commence and complete upper secondary education and training
- Increase the proportion of linguistic minority students in higher education and improve the opportunities of completing the studies
- Improve Norwegian language proficiency of linguistic minority adults to increase opportunities for education and active participation in work and society

The Ministry of Education and Research is coordinating the efforts with the strategy plan.

### **Handlingsplan for integrering og inkludering av innvanderbefolkningen (The action plan for integration and social inclusion of the immigrant population)**

The Government is working for Norway to be an inclusive society, where everyone has equal opportunities to contribute and participate in working life and social life. The Government will make it possible for newly arrived immigrants to find employment quickly to earn an income, and will prevent the development of a society divided into classes where persons with immigrant backgrounds have poorer living conditions and a lower level of social participation than the general population.

The Government has strengthened the efforts for integration and social inclusion of the immigrant population through a separate action plan. The action plan includes measures from the areas of responsibility of several ministries, and the focal areas are employment, early education, education and language, equality and participation.

*The Action plan for integration and social inclusion of the immigrant population* was launched in 2007. The measures in the plan were continued and strengthened in 2008 and 2009.

The Government is also carrying forward the reports on Measures for inclusion which are mentioned in the *Action plan for integration and social inclusion of the immigrant population*. Seventeen specific measures have been developed in various policy areas, covering several areas that are important in an individual's life. The purpose is to measure the development of inclusion of the immigrant population over time.

Through its efforts for integration and social inclusion of the immigrant population, the Government wishes, among other things, to get more immigrants into employment. Measures include employment programmes focusing on immigrants, qualification programmes such as *Ny Sjanse* (Second Chance), and cooperation with the employer/employee organisations to increase the recruitment of non-Western immigrants, cf. *Mangfoldsløftet* (Joint Diversity Effort). The Ministry of Labour and Social Inclusion coordinates the follow-up of the measures in the action plan.

### **Handlingsplanen for samiske språk 2009-2014 (Action plan for Sami languages 2009–2014)**

A living Sami language is fundamental for the future of the Sami community. In spite of positive efforts for Sami language by the Sami Parliament and the Sami society, in addition to the state framework for instruction in Sami and the use of Sami in public administration and service provision, the decline in the number of Sami users continues.

The Government aims to facilitate for a secure future for the Sami languages – *nordsamisk*, *lulesamisk* and *sørsamisk*. Measures are also planned to revitalise the *østsamisk* and *pitesamisk* languages. Bearing this in mind, the Government is working in conjunction with the Sami Parliament on an action plan which will form the underpinning for broad long-term efforts for the Sami languages. The aim is to have the action plan ready in the spring of 2009. The action plan will have three main goals:

- Strengthen instruction in and the use of *nordsamisk*, *lulesamisk* and *sørsamisk* on all levels
- Increase the use of Sami languages in all areas
- Make Sami languages visible in public places

Measures to strengthen Sami instruction on all levels and recruitment to Sami teacher education and other education that includes Sami language in the subjects taken will be a key part of the action plan. Measures to train qualified Sami interpreters will also be included in the action plan. There is currently a shortage of Sami interpreters in *nordsamisk*, *lulesamisk* and *sørsamisk*. The Ministry of Labour and Social Inclusion is coordinating the work with the action plan.

### **Handlingsplan for å bedre levekårs situasjonen for norske rom (Action plan to improve the living conditions for Norwegian Roma people)**

Norwegian Roma people are a marginalised group. Descriptions by experts, the Equality and Anti-Discrimination Ombud, the Ombudsman for Children and Roma people themselves confirm that the Roma group experiences challenges in several areas connected to living conditions. Living conditions are difficult for this group due to inadequate schooling, difficulties in gaining access to the housing and labour markets, discrimination and general scepticism among the Roma themselves in relation to the Norwegian authorities. The Government finds it improbable that the problems the Roma group has with their living conditions can be improved by individual measures. It is the opinion of the Government that changes must come through a comprehensive approach with targeted and comprehensive measures. The Government is therefore drawing up an action plan in cooperation with the City of Oslo and the Roma group to improve the situation for them. The Ministry of Labour and Social Inclusion is coordinating the work with the action plan.

### **Follow-up of Report to the Storting no. 35 (2007–2008) *Mål og mening* (Language and meaning)**

Report to the Storting no. 35 *Mål og mening. Ein heilskapeleg norsk språkpolitikk* (Language and meaning. A comprehensive Norwegian language policy), is the Government's outline of a comprehensive language policy. The language report states that the Ministry of Culture and Church Affairs has the overriding responsibility for language policy, not only for the Norwegian language, but also for the Sami language, the languages of national minorities and other minority language groups in Norway. Linguistic diversity is an important language policy perspective.

To follow up the language report, the Government will launch a number of priority measures. One goal of the language policy is to strengthen the linguistic basis for the Sami indigenous population in Norway, and to facilitate for and strengthen the languages of national minorities so that they can preserve and develop their own linguistic identity. The language policy must also consider all groups of Norwegians with recent immigrant backgrounds, and bilingual or multilingual persons with other native languages than Norwegian. The Ministry of Culture and Church Affairs is coordinating the implementation of the report.

## Examples of continuing measures to promote equal opportunities for Sami and national minorities

### Competence centre for the rights of indigenous peoples

To increase the knowledge on and understanding of the rights of indigenous peoples and Sami rights, a competence centre for the rights of indigenous peoples has been established in Kautokeino.

The centre uses its website actively in its presentations – [www.galdu.org](http://www.galdu.org), and also publishes a periodical: *Gáldu Cála*– Periodical for the rights of indigenous peoples.

### Sami guides

Since 2004, the project *Samiske veivisere* (Sami guides) has been funded by the Ministry of Labour and Social Inclusion. The Sami University College is responsible for the project, which each year selects three Sami young persons to travel to upper secondary schools on a one-year grant to inform about Sami culture and what it means to be young and Sami in today's Sami community. The Government has made this project a permanent programme from 2008.

### *Romani - fra barn til voksen* (Romani - from child to adult)

This project is the responsibility of Queen Maud University College (DMMH) in Trondheim, and aims to express and highlight the Romani people's culture as a minority culture in interaction with the majority culture, and to enable Romani children and their parents to have positive experiences with day-care centres and school. The project was initiated in 2002 by DMMH and Sør-Trøndelag University College. It is funded by several ministries. Feedback indicates the project is successful in that the children feel more welcome in school and teachers have gained more understanding of the Romani people. The project will be continued through 2009. From 2010 it is aimed that this will be a permanent programme in agreement with DMMH and in association with *Taternes landsforening* (the National Association of Travellers).

### Adult education project for the Roma people in Oslo

On 1 October 2007, a programme for the minority population group Roma people (Gypsies) was started at Gamle Løren school in Oslo. This is an education centre where young adults are taught reading, writing and mathematics and digital skills. Participants can place their children in a day-care centre next door. The programme is developed in close cooperation and continuous dialogue with representatives of the organisations for the Roma organisations and people, and a high degree of participant input is called for. The project is funded by grants from the Ministry of Labour and Social Inclusion.





# Attachment 4 The nature and scope of discrimination

Below is a summary of recent knowledge on the nature and scope of ethnic discrimination.

## **Inquiries to the Equality and Anti-Discrimination Ombud (Norwegian acronym: LDO)**

In 2007, the Equality and Anti-Discrimination Ombud received 150 complaints about discrimination, whereof 128 cases only concerned one ground of discrimination. The remaining 22 cases had two or more grounds of discrimination. Gender (73 cases) and ethnicity (42 cases) are the two grounds of discrimination the Ombud most frequently receives complaints about. The Equality and Anti-Discrimination Ombud received four complaints based on religion in 2007.

Persons who have experienced discrimination may ask the Equality and Anti-Discrimination Ombud for advice on their rights. In 2007, the Ombud received 1282 inquiries for advice, whereof 1010 were dealt with by the legal department and 252 by the social department. Of the legal advice cases, 544 were about gender, 169 ethnicity and 25 religion.<sup>17</sup>

In 2007, most cases involving complaints and advice concerned working life and public administration. When it comes to the outcome of complaints, in 2007, the Equality and Anti-Discrimination Ombud concluded that the law had been violated in slightly more than half of the gender-based cases. Moreover, a violation of the law was found in four of ten ethnicity-based cases (LDO, SALDO, 2008).

<sup>17</sup> Cf. the annual report from the Equality and Anti-Discrimination Ombud for 2007 for more details on other causes of discrimination.

There is reason to believe that the cases the Equality and Anti-Discrimination Ombud receives are not representative of the scope of discrimination in Norway. The Ombud receives, for example, very few cases involving discrimination in restaurants, pubs and nightclubs, even though very many young persons with minority backgrounds experience such discrimination (Statistics Norway, report 2008/5).<sup>18</sup>

## **Hate crimes**

In January 2009, the Directorate of Police and Oslo Police District published a report reviewing complaints filed with the police in 2007 that had a motive based on race, ethnic background, religion or sexual orientation. A total of 257 complaints were filed in Norway with motives connected to hate crimes. Of these, 209 were registered based on race or ethnic background motives, 19 religion motives and 29 were based on sexual orientation. The report warns that there may be large unknown numbers and that the police registration has clear limitations so that it is difficult to give a complete picture of hate-motivated crime in Norway. The full report can be obtained from: <http://www.politi.no/pls/idesk/docs/f1127600376/hatkriminalitetinorge2007.pdf>

## **Studies of perceived discrimination among immigrants**

The study by Statistics Norway *Levekår blant innvandrere i Norge 2005/2006* (Living conditions among immigrants in Norway 2005/2006) shows that almost half of the sample of immigrants in the study have experienced discrimination in one or more fields (Statistics Norway Report 2008/5).

<sup>18</sup> Svein Blom and Kristin Henriksen (eds.) *Levekår blant innvandrere i Norge 2005–2006* (Living conditions among immigrants in Norway 2005–2006), Statistics Norway Report 2008/5

The sample consists of persons who have lived at least two years in Norway with backgrounds from Bosnia-Herzegovina, Serbia-Montenegro, Turkey, Iraq, Iran, Pakistan, Sri Lanka, Vietnam, Somalia and Chile. The respondents have been asked about discrimination in several fields, such as employment, housing, education, health, admission to nightlife establishments, and being refused goods and services. The supplementary sample was also asked questions about the police. The analysis shows large variations between immigrants with different country backgrounds. Immigrants from Somalia and Iran experience discrimination most often and in most areas. Men experience more negative differential treatment than women, probably because they participate in more social areas. A finding that gives special reason to worry is that there are minor level differences in perceived discrimination between the whole sample of immigrants and the additional sample which consists of descendants and young immigrants who have lived all their lives in Norway since before school age.

*Some main findings from the study:*

- 18 per cent of immigrants from the ten non-Western immigrant groups felt that their immigrant background had prevented them from getting a job they had applied for and were qualified for
- 27 per cent of the unemployed stated that discriminatory attitudes were one of the reasons why they remained unemployed
- 11 per cent of those who had been in contact with the labour exchange stated that they were not treated as well or received poorer service because of their immigrant background
- 11 per cent stated that they had been harassed at their workplace due to their foreign background
- 20 per cent stated that they had been refused to rent or buy a dwelling due to their foreign background
- 13 per cent felt they had not been treated as well by an educational institution once during the last five years because of their foreign background
- 7 per cent felt that they had not been treated as well by the health service because of their foreign background
- 12 per cent of the supplementary sample (young immigrants and descendants ) have experienced discrimination in restaurants and cafés
- 15 per cent of the supplementary sample have experienced harassment or poor treatment by the police patrolling the streets, identity checks or similar

In 2007, the Directorate of Integration and Diversity conducted a telephone survey among a sample of non-Western immigrants to obtain better knowledge on how they experience living in Norway, how they interact with the Norwegian society and their relationship to the majority population.<sup>19</sup> The aim of the study has also been to obtain more knowledge on immigrants' experiences of racism and discrimination. The main findings from the study on racism and discrimination are as follows:

- Around half of the respondents state that they have experienced discrimination when taking public transport, in contact with the police, in restaurants and so on, in public places, at work/educational institutions and when buying or renting a dwelling, once or more, in the course of 2006
- Most discrimination takes place in public places. Almost one fifth of the sample has experienced discrimination when applying for a new job or position in 2006
- Persons with African origins fare the worst, particularly when applying for a job and in the housing market. Persons of Eastern Europe origin comprise the group least subjected to discrimination
- Approximately one in four regardless of ethnic origin fully or partly agrees that Norway is a racist society.

**Perceived discrimination among the Sami people in Norway**

A study of perceived discrimination of the Sami people in Norway, conducted by Norut NIBR Finnmark in 2006, found that every fourth respondent has experienced discrimination because they are Sami. Experiences of discrimination were primarily connected to working life, nightlife and in encounters with the public authorities. A small proportion had experienced discrimination in the family, in the neighbourhood, in voluntary work and in school or education.<sup>20</sup>

A study of health and living conditions in Norwegian and Sami municipalities (SAMINOR), conducted by the Centre for Sami Health Research at the University

<sup>19</sup> IMDi report 9-2008, *Integrert, men diskriminert* (Integrated but discriminated) – a study of immigrants from Africa, Asia, Eastern Europe, South America and Latin America.

<sup>20</sup> Norut NIBR 2006:3 *Selvopplevd diskriminering blant samer i Norge* (Experienced discrimination among the Sami people in Norway).

of Tromsø in 2003–2004, shows that 36 per cent of the Sami respondents had experienced discrimination, and 37 per cent had been bullied because of their Sami origin. Young Sami had been most subjected to bullying.<sup>21</sup>

### **Experienced discrimination among national minorities**

We are not aware of any studies explicitly dealing with experienced discrimination among national minorities in Norway today. In a resolution on Norway's follow-up of the framework convention on protection of national minorities, the Council of Europe has stated that persons of Roma and Romani origin continue to encounter difficulties and discrimination in the labour market and in access to housing and education. The problems encountered by Roma and Romani/traveller children in the school sector give cause for concern and must be prioritised by the authorities. Norway is encouraged to introduce more resolute measures to eliminate difficulties and discrimination that the Roma and Romani/traveller population experience in various fields, such as employment and housing, and in particular education.

The advisory committee of the Council of Europe also refers to the dissatisfaction expressed by the Romani people about where they can park their caravans during the periods of the year when they are travelling, and about being rejected from such locations. The Equality and Anti-Discrimination Ombud has also received complaints from Roma and Romani people about discrimination at campsites.

There is also reason to assume that the lack of knowledge and competence about the Roma and Romani populations among the public authorities also erects structural barriers for these groups, cf. the report written by the Ombud for Ethnic Discrimination in Sweden, *Diskriminering av Romer i Sverige* (Discrimination of the Roma People in Sweden).

### **Survey of attitudes to immigrants and immigration**

Each year Statistics Norway carries out a study of the attitudes in the population to immigrants and immigration. The purpose of the study is to determine the mood in the population on various aspects of the

21 SAMINOR Health and living conditions survey in areas with Sami and Norwegian settlement, 2003–2004.

immigration and refugee policies in Norway and on immigrants as a group. As of the third quarter 2008 the study shows the following:

- Three of four agree fully or to a high degree that “Immigrants in general make useful efforts in Norwegian working life.” This is an increase of three percentage points from last year
- Seven of ten agree fully or in part that “Immigrants in general enrich the cultural life in Norway”, an increase of four percentage points from last year
- The proportion of those who are against having an immigrant as their neighbour is dropping slightly, now down to only six per cent

The study points out that a possible cause of the changes, all pointing in the same direction, i.e. towards greater tolerance and goodwill, is the increased number of European labour immigrants in the population (Statistics Norway 2008/57).<sup>22</sup>

### **Discrimination on the basis of religion**

In some cases it will be difficult to determine whether minorities have been discriminated against on the basis of, for example, ethnicity, colour or religion. There is also little research on discrimination due to religion. In 2007, the Equality and Anti-Discrimination Ombud received several inquiries on the basis of religion and life-stance issues, for example matters such as the use of religious head wear, working with alcohol and pork for warehouse workers, harassment, the right to pray during school hours, adapting during Ramadan in school, harassment expressed over the internet, demands for membership in the Norwegian Church in job announcements and more.

The integration barometer in 2005 also showed that the relationship of Norwegians to Muslims is dominated by uncertainty and scepticism (IMDi Report 2/2006).<sup>23</sup> ECRI's fourth country report on Norway points out that people involved in social research are fully in agreement that Islamophobia is on the rise in Norway after the ECRI's third report. Political and general public debates are characterised by frequent

22 Svein Blom, *Holdninger til innvandrere og innvandring* (Attitudes to immigrants and immigration), Statistics Norway 2008.

23 IMDi's report 2/2006 *Integreringsbarometeret 2005 Om befolkningens holdninger til integrerings- og mangfoldsspørsmål* (The Integration barometer 2005. On the population's attitudes to integration and diversity issues).

associations between Muslims, on the one hand, and terrorism and violence on the other, as well as generalisations and stereotypes in relation to special cultural characteristics of persons with Muslim backgrounds. The report also points to various manifestations of anti-Semitism in Norway. Attention is also drawn to the fact that it is common to find racist material on the internet targeting Jews, Muslims and Sami.

### Discrimination in various social areas

There are relatively few explicit studies of ethnic discrimination as a phenomenon. On the other hand, there are many studies that look into related topics, such as studies of living conditions and integration in various social fields. On assignment from the Norwegian Directorate of Health, NOVA (Norwegian Social Research) prepared an overview of the research literature that exists on discrimination in various arenas in Norway based on ethnicity, religion, faith, disability, sexual orientation and age. This is dealt with in the report *Nasjonal bevisstgjøring for å bekjempe diskriminering – En kunnskapsoppsummering med anbefalinger om strategier og tiltak 03/2006* (National awareness for combating discrimination – A summary of knowledge with recommendations on strategies and measures 03/2006), which was published by the Norwegian Directorate of Health. This overview shows that most studies of discrimination deal with discrimination of persons with immigrant backgrounds in working life. Some studies also deal with discrimination of persons with immigrant backgrounds in the housing market.

### Discrimination in working life

Persons with immigrant backgrounds are today under-represented in the labour market for various causes. Time of residence in Norway, immigrant background, education, language skills, structural conditions in the labour market, the effect of welfare schemes and discrimination are all factors that affect participation in working life.

Discrimination in working life is also highlighted as an important reason to explain why immigrants do not find employment (Rogstad, 2006).<sup>24</sup> A recent study of the importance of ethnic background for employment and income concludes that immigrants, their descendants and the majority population do not have

<sup>24</sup> Jon Rogstad, 2006 *Usaklige hindringer for ikke-vestlige minoriteter på arbeidsmarkedet i Norge* (Non-objective barriers for non-Western minorities in the labour market in Norway), ISF report 2006: 010.

equal opportunities in the Norwegian labour market. The study compares persons with the same education, same grades and work experience (Brekke, 2008).<sup>25</sup> These findings are also supported by other studies, cf. Støren, 2005.<sup>26</sup>

A register-based study of competence and work tasks for employees with immigrant backgrounds shows that employees with short and long education are overqualified, particularly non-Western immigrants.<sup>27</sup>

Even if a number of studies show that immigrants fare less well in the labour market in crucial areas, such as hiring, getting to use one's education and training, mobility and being given notice, there is still little knowledge of the causes for the differences between persons with Norwegian backgrounds and persons with immigrant backgrounds. Previous studies have shown that employers practise systematic differential treatment and reject persons with visible minority backgrounds in a hiring process through assessment of actual and imagined differences. Often this differential treatment is a result of small preferences for employers that have large consequences for minorities (Rogstad, 2000).<sup>28</sup>

### Discrimination in the housing market

A number of previous studies have documented that house hunters with minority backgrounds have difficulties acquiring a place to live.

Statistics Norway's living condition survey of immigrants, 2005/2006, shows that the housing standard for the immigrant population has improved over the last ten years. The proportion of non-Western immigrants living in a detached house and owning their own dwelling has increased, and the number of people living in cramped quarters has been reduced. Fewer live in blocks of flats, and the proportion living

<sup>25</sup> Idunn Brekke, 2008 *Like muligheter? Betydningen av etnisk bakgrunn for selsetting og inntekt* (Equal opportunities? The importance of ethnic background for employment and income).

<sup>26</sup> Liv Anne Støren, 2005 *Arbeidsledighet blant innvandrere med høyere utdanning* (Unemployment among immigrants with higher education), in *Søkelys på arbeidsmarkedet* 1/2005.

<sup>27</sup> Ole Villund, *Riktig yrke etter utdanning?* (The right vocation after education?), SSB report 2008/37, SSB, 2008/37.

<sup>28</sup> Jon Rogstad, *Mellom faktiske og forestilte forskjeller. Synlige minoriteter på arbeidsmarkedet* (Between actual and imagined differences. Visible minorities in the labour market), 2000.

in rented housing has declined. The same survey shows, however, that 20 per cent state that they have experienced being refused to rent or to buy a dwelling because of their immigrant background. Three of four of these are completely sure about this, while the remainder suspect that discrimination is the reason they could not rent or buy a dwelling. The rent market is the area where most state that they experience discrimination, and this applies especially to immigrants from Somalia, Iraq and Iran.

The NIBR (the Norwegian Institute for Urban and Regional Research) has conducted a study to obtain more knowledge about the nature and scope of discrimination in the rent/leasing sector (NIBR report 2009:2).<sup>29</sup> Four ethnic minority groups (persons with Somali, Iraqi, Bosnian and Chilean backgrounds) were interviewed about their experiences of renting a dwelling. These are all large immigrant groups in Norway and were also included in Statistics Norway's two studies of living conditions among immigrants (from respectively 1996 and 2006). In the NIBR's study, house hunters with Somali and Iraqi backgrounds state that they have experienced discrimination, while tenants with Chilean and Bosnian backgrounds state that they have experienced little discrimination. These findings agree with the findings from the two living-condition studies.

According to the NIBR, there are several reasons why tenants with different ethnic backgrounds experience different circumstances in the rental market. Tenants with Bosnian and Chilean backgrounds mainly consist of small households whose size fits better with the common type of housing on the market. Tenants with Somali and Iraqi backgrounds often have large households, and are among those with the greatest difficulties integrating into the labour market, and they have been stigmatised in the media. They experience rejection at first contact because of assumed group characteristics before they are able to present themselves as individuals and households.

### Discrimination in schools

There is no comprehensive overview of discrimination in school. The pupil surveys and some sample studies

29 Susanne Søholt and Kim Astrup, *Etniske minoriteter og forskjellsbehandling i leiemarkedet* (Ethnic minorities and differential treatment in the rental market), NIBR report 2009:2

show that there are challenges in the area of discrimination and bullying in school.<sup>30</sup> The pupil survey in 2007 showed that between 80 and 90 per cent of pupils in lower secondary school state that they have not been subjected to unfair treatment or discrimination in school on the basis of religion, life stance, national background or disability (Oxford Research). Further analyses show that boys slightly more frequently than girls state that they have been subjected to unfair treatment or discrimination in school due to their nationality. Pupils in lower secondary school slightly more frequently state that they are discriminated by other pupils in school than the pupils in upper secondary school.

The *Ung i Norge* (Young in Norway) study in 2006 showed that a not insignificant proportion of young people with immigrant backgrounds had had various experiences that were negative or racist. The proportion responding "often" or "very often" to the question "I feel that I am not accepted by Norwegians" is respectively 17.6 per cent among boys and 11.6 per cent among girls with immigrant backgrounds. These gender differences must probably be considered on the basis of traditional gender roles and behaviour patterns.<sup>31</sup>

The report *Pionerer i Norge. Ung, svart og norsk* (Pioneer in Norway. Young, black and Norwegian) (OMOD, 2006) points to how some teachers focus too much on the backgrounds of minority youths and do not allow them to appear as the individuals they are.<sup>32</sup>

### Discrimination by public authorities

There is little research that specifically deals with ethnic discrimination performed by the public authorities. Primarily the police are the ones to initiate studies dealing with ethnic discrimination in service provision. These have been studies of police attitudes to immigrants and of immigrant experiences in the encounter with the police, cf. Berg, 2007 and Sollund

30 The pupil survey is an internet-based study where pupils in primary and secondary education are asked to assess their learning environments. The study is compulsory for Year 7 and Year 10 in primary and lower secondary school and Year 1 in upper secondary school. For the other years the survey is voluntary.

31 Øia and Vestel, *Ung i Norge undersøkelsen* (The young in Norway study), report 21/07, NOVA 2006

32 OMOD report: *Pionerer i Norge Ung, svart og norsk* (Pioneer in Norway. Young, black and Norwegian), OMOD, 2006.

2007.<sup>33</sup> None of these studies, however, has much to say about the scope of discrimination practised by the police. They primarily illuminate the width and variations of immigrant experiences and point out some challenges in police attitudes to immigrants. Immigrants appear to be particularly subjected to negative experiences in the encounter with the police in connection with stop-and-check situations. In her field study, Sollund concludes that even if the informants feel that they are stopped because of their appearance, her work indicates that there are complex reasons for why they are stopped. Both the studies above also indicate that immigrants can be quick to label the police racists.

Several studies have focused on how the public sector deals with the challenges faced by the first line when providing service to users with minority backgrounds. The following challenges for the first-line service in the encounter with minorities have been pointed out, cf. IMDi report 7/2006<sup>34</sup>:

- Lack of competence on multicultural understanding and need for greater awareness of own attitudes, prejudices and discrimination among employees
- Poor correspondence between the need for training and the training offered
- Language challenges and inadequate use of interpreters
- Unrealistic expectations and too little knowledge about opportunities and rights for minorities
- Absence of adapted information and information material
- Limited resources and problems carrying resources forward
- Weak anchoring of the work in the line and in management, many project activities

Due to serious incidents and claims of discrimination practised by persons in authority against individuals with immigrant backgrounds, in the autumn of 2007,

33 Ragnhild Sollund 2007 *Tatt for en annen – En feltstudie av relasjonen mellom etniske minoriteter og politiet* (Taken for another – A field study of the relation between ethnic minorities and the police). Berit Berg et al. 2007 *Tillit på prøve. – Undersøkelse om etikk, mangfold og etnisk diskriminering i Sør-Trøndelag politidistrikt* (Trust on parole – Study of ethics, diversity and ethnic discrimination in Sør-Trøndelag police district).

34 IMDi report 2006/07: *Offentlige tjenester for alle? Gjennomgang av minoritetsperspektivet i 10 statlige etater* (Public services for all? Review of the minority perspective in ten state agencies).

the Government initiated a survey of the situation with respect to discrimination and what is being done to combat discrimination in the state sector. This survey, which was summarised by the Equality and Anti-Discrimination Ombud, uncovered a general lack of a systematic approach to the efforts to combat discrimination and a general lack of knowledge on discrimination in state enterprises.<sup>35</sup>

### The use of interpreters in public service provision

IMDi's studies (the Directorate of Integration and Diversity) on the use of interpreters in the public sector have revealed that legal protection for people with minority languages is undermined in the encounter with the public authorities due to poor skills of interpreters and an inadequate use of interpreters. The IMDi report 6-2007 shows that patients' regular GPs find that inadequate Norwegian language skills mostly impede the doctor's chances of finding symptoms.<sup>36</sup> Many doctors also believe that erroneous diagnoses may be made and inadequate treatment may be given, and the patient's right according to law to collaborate is undermined due to his or her inadequate Norwegian language skills. IMDi report 5-2008 shows that one of four in the child welfare services believe that interpreters are used too rarely. More than 70 per cent find that inadequate use of interpreters undermines legal protection and makes it difficult to do a proper job.<sup>37</sup>

35 The Equality and Anti-Discrimination Ombud, 2007 *Kartlegging av diskriminering i statlig sektor – første trinn?* (Survey of discrimination in the state sector – the first stage?), LDO 2007.

36 IMDi report 6-2007 *Fastleger og tolketjenester* (General practitioners and interpretation services).

37 IMDi report 5-2008 *Bruk av tolk i barnevernet* (The use of interpreters in the child welfare services).

# Attachment 5 Overview of new measures

Measures	Responsible
1 <i>Training ministry staff in international conventions and treaties, anti-discrimination legislation and the Directive for Official Studies and Reports</i>	BLD
2 <i>A common guidebook for the Directive for Official Studies and Reports on various grounds</i>	BLD
3 <i>Comprehensive discrimination legislation</i>	BLD
4 <i>Strategy for information and implementation of the new duty to make active efforts and report</i>	BLD
5 <i>Information on the Penal Code and the penal system</i>	JD
6 <i>The role of the local authorities as the inspection authority for discrimination issues in licensed venues</i>	HOD
7 <i>Cooperation with the Municipal Agency for Business Development Services in Oslo on discrimination in restaurants etc.</i>	BLD
8 <i>A forum for equality data</i>	BLD
9 <i>Situation testing</i>	BLD
10 <i>A knowledge summary of research on discrimination against children and young people</i>	BLD
11 <i>Report on gender equality for girls and women in immigrant environments</i>	BLD
12 <i>Survey on how Sami policy is dealt with on the local and regional levels</i>	AID
13 <i>Survey on the number of Kvens (persons of Finnish descent) in Norway and their geographical distribution.</i>	AID
14 <i>Research and development measures on ethnic discrimination</i>	BLD
15 <i>Follow-up of survey of discrimination in the housing rental market</i>	KRD
16 <i>A survey of living conditions and settlement for the Roma people</i>	KRD
17 <i>Programme for an inclusive learning and early-development environment and for increased efforts against bullying</i>	KD
18 <i>New Manifesto against bullying in kindergartens, schools and recreational environments</i>	KD
19 <i>Sample study for the Pupil Survey</i>	KD
20 <i>Guidebook for cultural diversity as a resource</i>	KD
21 <i>Recruitment to Sami education</i>	KD
22 <i>Campaign to increase the recruitment of teachers with immigrant backgrounds to ordinary teacher education</i>	KD
23 <i>Wergelandssenteret (the Wergeland Centre)</i>	KD
24 <i>Guidebook on the duty to make active efforts and report</i>	BLD in cooperation with the employer/ employee orgs.
25 <i>Pilot project for actors who are bound by the duty to make active efforts and report</i>	BLD in cooperation with the employer/ employee orgs.

26	<i>Attitude and experience study of employers and employee representatives</i>	BLD in cooperation with the employer/ employee orgs.
27	<i>Ascertaining the number of immigrants employed in the state, municipal and private sectors</i>	BLD, FAD and AID
28	<i>Course in discrimination law</i>	FAD
29	<i>Programme for diversity management</i>	FAD
30	<i>State employee survey</i>	FAD
31	<i>Employee surveys in municipalities</i>	KS
32	<i>Increase the proportion of persons with minority backgrounds on the boards of publicly owned enterprises</i>	BLD
33	<i>Mentor programme for women with minority backgrounds</i>	BLD
34	<i>Surveys on the use of interpreters in service provision</i>	AID and HOD
35	<i>Better use of qualified interpreters in the public sector</i>	AID, BLD, HOD and JD
36	<i>Guide for user surveys</i>	FAD and AID
37	<i>New national inhabitant survey</i>	FAD
38	<i>User surveys in municipalities</i>	KS
39	<i>Information about what the family welfare services do</i>	BLD
40	<i>Cooperation with immigrant councils and reception centres</i>	BLD
41	<i>Competence-raising measures for the family welfare services</i>	BLD
42	<i>Evaluation of the mediation scheme at the family welfare services</i>	BLD
43	<i>Development of the emergency medical service</i>	HOD
44	<i>Guidance programme for newly qualified doctors in their compulsory practice period</i>	HOD
45	<i>Provision of information on the dental health service</i>	HOD
46	<i>Action plan to retain and recruit persons with minority backgrounds in the correctional services</i>	JD
47	<i>Promoting equal treatment of inmates/convicted persons</i>	JD
48	<i>Counselling office for victims of crime with special competence in racism and discrimination</i>	JD
49	<i>Instruction to actively seek mediation candidates with minority backgrounds</i>	JD
50	<i>Competence-raising in the mediator corps</i>	JD
51	<i>General meetings in cases involving racism or discrimination</i>	JD
52	<i>Integrated diversity perspective in all education and training at the Norwegian Police University College</i>	JD
53	<i>Guidelines for combating discrimination</i>	JD
54	<i>Survey to ascertain why students/employees join and quit the police</i>	JD
55	<i>Increase the proportion of employees with minority backgrounds in the Customs and Excise agency</i>	FIN
56	<i>Information material for travellers who have passed through customs</i>	FIN
57	<i>Seminar on cultural challenges in control situations</i>	FIN
58	<i>Measures to promote increased participation in elections among persons with immigrant backgrounds</i>	KRD and AID
59	<i>Reporting requirements for cultural diversity</i>	KKD
60	<i>The Bicentennial of the Norwegian Constitution 2014</i>	KKD
61	<i>Research on the media use of persons with immigrant backgrounds</i>	KKD
62	<i>Action plan for diversity in NRK</i>	KKD
63	<i>Follow-up of CERD's recommendations on Norway's 19th and 20th reports</i>	BLD
64	<i>Follow-up of the ECRI's fourth country report on Norway</i>	BLD
65	<i>Increase the participation of NGOs in PROGRESS</i>	BLD
66	<i>Strengthen efforts in the Nordic cooperation to combat ethnic discrimination and promote equality</i>	BLD