

**ICERD 2018**

**The Ombud's Report to the UN Committee  
on the Elimination of Racial Discrimination**

– a supplement to Norway's twenty-third/twenty-fourth periodic report



The Norwegian Equality and Anti-Discrimination Ombud

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## Documents used in this report:

The UN Convention on the Elimination of All Forms of Racial Discrimination – which is abbreviated as ICERD, and articles relevant to the topics in the report are abbreviated as ART (Articles): <https://ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

The Norwegian authorities' twenty-third/twenty-fourth report to the UN Committee on the Elimination of Racial Discrimination – which is abbreviated as NR (Norway's Report): <https://www.regjeringen.no/contentassets/1941881e546b48578367e342e11202db/norway-23.24-report-cerd.pdf>

In 2015, the government's twenty-first/twenty-second report was examined by the UN Committee on the Elimination of Racial Discrimination. The Committee had the following comments and recommendations for Norway – which have been abbreviated as CC (CERD's Comments) and CR (CERD's Recommendations): [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NOR/CERD\\_C\\_NOR\\_CO\\_21-22\\_21522\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NOR/CERD_C_NOR_CO_21-22_21522_E.pdf)

CERD has issued a series of recommendations concerning the various topics aimed at all countries that have ratified the Convention – these are abbreviated as GR (CERD's General Recommendations): [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11)

## Sources used in the report:

These are referenced in footnotes, and the reference list at the back of the report includes links to the sources where possible.

## Terms used in the report:

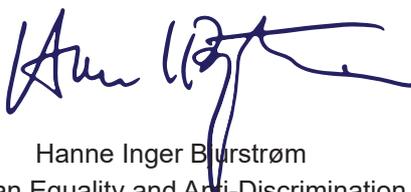
- ICERD refers to the UN Convention on the Elimination of All Forms of Racial Discrimination.
- CERD refers to the UN Committee on the Elimination of Racial Discrimination.
- An immigrant is defined as a person born abroad to two foreign-born parents.
- Descendants and Norwegian-born with immigrant parents are defined as people born in Norway to two immigrants.
- People with an immigrant background include immigrants and their descendants.
- People with a migrant background are all those perceived to be immigrants or descendants, who could consequently be exposed to ethnic discrimination.
- Indigenous people include the Sámi in Norway.
- National minorities cover five groups in Norway: the Roma, Romani people, Kvens, Jews and Forest Finns.

## FOREWORD

This report starts by presenting some general trends that demonstrate that the immigrant population in general has poorer living conditions than the rest of the population. Over half of all children living in low-income families are immigrants or descendants of immigrants. The report shows that there are substantial differences in terms of school performance and participation in the labour market between the majority population and the immigrant population, as well as between immigrants from different countries. This is despite the fact that Norway, compared with other European countries, has been successful in including many people with a migrant background, especially when it comes to school and education.

Increasing social inequality and marginalisation give cause for serious concern. An experience of inequality in opportunity can result in reduced feeling of belonging for those concerned. Moreover, marginalisation of groups leads to an “us and them” mindset, as well as mistrust of immigrants and their descendants, and can make work on integration and inclusion more difficult.

Such trends also contribute to increasing polarisation within the population and social unrest. The report also clearly shows how this polarisation can already be found in both public debate and in public attitudes. This is particularly clearly expressed in social media and online comments, where everything from insults to aggravated threats are spread. Hatefull and inflammatory speech towards Muslims dominates, but Jews, asylum seekers, the Sámi, the Roma and other groups are also targeted. In addition, organised racist and neo-Nazi organisations have become more visible. In 2015, the UN Committee on the Elimination of Racial Discrimination expressed concern over the fact that Norwegian authorities did not mention racism in Norway in their reporting to the UN. The committee called for the government to both discuss and actively combat racism. In the Ombud’s opinion, the authorities need a more precise policy in order to prevent prejudices and hatred spreading and racist attitudes taking root among the population. The situation requires resolute political actions and politicians who clearly distance themselves from all forms of hatred and racism, that are aware of their own rhetoric, and combat discrimination and promote inclusion in both word and deed.



Hanne Inger Blurstrøm  
The Norwegian Equality and Anti-Discrimination Ombud  
Oslo, October 2018



# 1. INTRODUCTION

## 1.1 A hardening of public discourse and persisting social inequalities

This report discusses four areas of society where Norway faces substantial challenges. The report shows that there is:

- a lack of systematic and effective prevention and combating of hate speech and hate crime. Mistrust and hatred of Muslims is a particular challenge.
- a lack of equal education for Roma children, and inadequate education for many immigrant children.
- a lack of equal recruitment of people with a migrant background in the labour market, and inadequate measures regarding qualification.
- inadequate protection and assistance for people with a migrant background, the Sámi and national minorities who are exposed to gender-based violence. The situation is particularly critical for victims of human trafficking.

The UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) obliges the Norwegian authorities to make consistent efforts to prevent and deal with racism and discrimination. It is also expected that the state develop and implement policies and measures to promote increased inclusion, participation and equality for groups that are exposed to discrimination and insufficient inclusion.<sup>1</sup>

### Art. 1.1.

*In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

### Art. 2.2.

*States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. [...]*

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1 Articles 1 (1) and 2 (2) of ICERD.

## 1.2 About the Ombud's monitoring role

The Norwegian Equality and Anti-Discrimination Ombud has a statutory responsibility to monitor whether Norwegian law, policy and administrative practice comply with ICERD. The Ombud advises national authorities and works to promote equality and non-discrimination. This report is an important part of its monitoring role. The government submitted its twenty-third/twenty-fourth report to CERD in 2017, and the present report is the Ombud's supplementary report. The Ombud also submits this report to the government, and will publicise it in the civil society.

## 1.3 About the report

The Ombud has prioritised four areas where efforts from the authorities are particularly important in order to comply with ICERD obligations: hate speech and hate crime, school and education, work and qualification, and gender-based violence. In all four areas, discrimination and exclusion, or lack of equality and inclusion, exist in Norway today. These are primarily areas in which the Ombud has worked for some time, and that the Ombud will prioritise in our work going forward. We have used a range of sources: research, reports, statistics, register data, political documents and experience-based knowledge from civil society. While carrying out the work, the Ombud has consulted various researchers and organisations.<sup>2</sup>

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2 As part of the Ombud's knowledge gathering in its work on this report, we have consulted the following organisations and researchers on individual topics covered in the report, although they are not responsible for any of the content: The Norwegian Centre Against Racism, Krisesentersekretariatet (the Norwegian Crisis Centre Secretariat), the Norwegian Organisation against Public Discrimination (OMOD), Oslo krisesenter (the Oslo Crisis Centre), Romtiltaket (the Church City Mission's Roma project), Romlostjenesten (the City of Oslo's Roma Mentor Service), the ROSA project, Rita Henie Olsen Bakken of Støttesenter for kriminalitetsutsatte (the Support Centre for Victims of Crime), Johannes Bergh of the Institute for Social Research, Grete Brochmann of the University of Oslo, Anne Skevik Grødem of the Institute for Social Research, Kari Hagatun of the University of Bergen, Ketil Lenert Hansen of the University of Tromsø, Ottar Hellevik of the University of Oslo, Tale Hellevik of Oslo Metropolitan University, Are Skeie Hermansen of the University of Oslo, Parvin Kiamanesh of the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS), Arnfinn H. Midtbøen of the Institute for Social Research, Merete Berg Nasset of the Norwegian University of Science and Technology, ██████████ of Kripos (the National Criminal Investigation Service), Susanne Søholt of Oslo Metropolitan University, Solveig K.B. Vatnar of Southern and Eastern Norway Regional Health Authority and Signe Vrålstad of Statistics Norway.

## 2. OVERARCHING TRENDS

To place the report's four topics into a wider context, the Ombud will first briefly describe selected trends in Norway. These are public attitudes, living conditions, ethnic profiling, insufficient language facilitation, and political representation and participation. The Ombud's mandate is to call attention to discrimination and marginalisation and the risks of these. Systematic and effective efforts from the authorities to combat discrimination and marginalisation in the four areas discussed in the rest of this report are vital to counteract negative trends at society level.

### 2.1 Public attitudes

#### 2.1.1 Positive trend, but signs of polarisation

An analysis of attitudes within the population from 1993 to 2016 shows a trend in the direction of more positive attitudes towards immigrants and immigration.<sup>3</sup> There is a tendency towards gradually more positive rather than negative perceptions regarding immigration, assisting refugees and views of immigrants' cultural and economic role. In the second half of 2015, there was a weak fluctuation in attitudes to immigrants and immigration in a negative direction. This coincided with the record-high arrival of asylum seekers in Europe and Norway. In a new survey of attitudes from 2017, however, the weak negative tendency declined, such that the long-term positive trend was again confirmed.<sup>4</sup> There has been a fall in negative attitudes of around 20 percentage points from 1993 to 2017. In 1993, between 40 and 50 per cent of those surveyed said they agreed with the statement that immigrants threatened Norwegian culture, that immigrants exploited Norwegian welfare schemes and that they disliked Muslim religious communities. In 2017, the share that said they agreed with these statements was between 20 and 30 per cent. Positive attitudes to immigrants and immigration are explained in this analysis by an increased level of education among the population, a rising share of immigrants in Norwegian local communities and higher support among the population of idealistic and modern values.

A survey of attitudes that was presented in 2018 shows that more people are positive than negative to immigration, but the responses also suggest a polarisation among the population. While three in ten believe that immigration is very or somewhat bad for Norway, four in ten responded that it is very or somewhat good, and the rest that it is neither good nor bad. Nevertheless, 60 per cent of the population believe that immigration creates more insecurity, and a similar percentage believe that immigration increases the risk of terrorist acts. There are varying views of refugees and asylum seekers. More than previously – almost two-thirds – responded that Norway should accept more “refugees who need protection”, while only about one in three would accept more “asylum seekers”. Almost half of the population believe that the integration of immigrants is going somewhat or very badly, and Norwegian language skills and

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3 Hellevik, O. and Hellevik T. (2017). Utviklingen i synet på innvandrere og innvandring i Norge (Trends in views of immigrants and immigration in Norway). *Tidsskrift for samfunnsforskning* (the Norwegian Journal of Social Research) 03/2017 (Volume 58). The analysis is based on the Norsk Monitor survey of attitudes by Ipsos and surveys of attitudes carried out by Statistics Norway.

4 Hellevik, O. (2018). “Vi er blitt mer positive til innvandrere” (“We are becoming more positive about immigrants”) – Feature article in *Aftenposten* of 9 April 2018, section 2, page 16.

employment are highlighted as the main factors for good integration. Meanwhile, a majority (60 per cent) believe that relations between immigrants and the rest of the population will improve.<sup>5</sup>

### 2.1.2. Widespread mistrust of Muslims

As in the rest of Europe, there is also widespread mistrust of Muslims in Norway. One survey revealed that almost half of the population mistrust Muslims, and over half would not want to have a Muslim son- or daughter-in-law.<sup>6</sup> Another survey shows that about one-third of the population have marked prejudices against Muslims, an equally large share dislike Muslims, and a similar share believe that Muslims want to take over Europe. Almost half believe that Muslims bear much of the blame themselves for increasing incitement of hatred against Muslims, and about 40 per cent believe that Muslims do not want to integrate and that they threaten Norwegian culture.<sup>7</sup> Researchers who have looked at the equality debate in the Nordic region point to “othering” of Muslims, where equality is used actively to establish “the others”, and Muslims are portrayed as “the unequal others”. Muslim women are portrayed as victims, while equality is made into a litmus test of Norwegianness in a debate where the use of Muslim religious headdress is particularly problematised.<sup>8</sup>

### 2.1.3 Anti-Semitism

A 2017 survey shows that there are stereotypical ideas about Jews in Norway, but that these are less widespread than was previously the case, and anti-Semitic attitudes in the population as a whole have decreased. Fewer felt a dislike towards Jews in 2017 than in 2011 (7 versus 10 per cent), and fewer dislike the idea of having Jews as neighbours or friends (6 versus 9 per cent).<sup>9</sup> Nevertheless, as many as 20 per cent of the population would not want to have a Jewish son- or daughter-in-law, according to another survey published in 2018.<sup>10</sup> Research has also been carried out into Muslims’ and Jews’ attitudes towards each other. Muslims’ attitudes to Jews are rather similar to those found among the population as a whole when it comes to questions of dislike and having Jews as neighbours or friends, but Muslims support stereotypical and conspiracist statements about Jewish power and influence in the world to a much higher degree than the population as a whole: 42 per cent of the Muslim sample believe that “Jews have too much power in international financial markets”, versus 13 per cent in the population as a whole. When it comes to Jews’ attitudes towards Muslims, mistrust among Jews is much less than among the rest of the population: 39 per cent of the population as a whole and 22 per cent of the Jewish sample believe that Muslims threaten Norwegian culture. People who have prejudices and a dislike of foreigners score highly in mistrust of both Muslims and Jews.<sup>11</sup>

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5 Brekke, J.P. and Mohn, F.A. (2018). *Holdninger til innvandring og integrering i Norge. Integreringsbarometeret 2018*. (Attitudes to immigration and integration in Norway: the Integration Barometer 2018.) Norwegian Institute for Social Research. Report 2018:18.

6 Brekke, J.P. and Mohn, F.A. (2018).

7 Hoffmann, C. and Moe, V. (eds.) (2017). *Holdninger til jøder og muslimer i Norge 2017* (Attitudes to Jews and Muslims in Norway 2017). Norwegian Center for Studies of the Holocaust and Religious Minorities.

8 *De ulikestilte andre* (The Unequal Others). Source: kjønnsforskning.no, 2017.

9 Hoffmann, C. and Moe, V. (eds.) (2017).

10 Brekke, J.P. and Mohn, F.A. (2018).

11 Hoffmann, C. and Moe, V. (eds.) (2017).

### 2.1.4 Attitudes to national minorities and the Sámi

There is insufficient documentation about the population's attitudes to the other four national minorities in Norway other than Jews: the Roma, Romani people, Kvens and Forest Finns. People who work with Norwegian Roma report that the Roma experience derogatory comments in public arenas. The extent of such comments and how they manifest themselves have not been systematised. Harassment of migrant Roma has also been reported, but likewise here the extent is unknown. There is also insufficient documentation about the population's attitudes to the Sámi, but research indicates that the Sámi experience discrimination in dealings with the public authorities, online and in shops and restaurants.<sup>12</sup> In addition, a Sámi organisation has a Twitter account that publicises Sámi people's experiences of hatred and incitement of hatred against Sámi people.<sup>13</sup>

## 2.2 Living conditions

Employment and education are important living conditions variables and are discussed in chapters 4 and 5. Here we discuss two other variables: socio-economic inequality and housing conditions.

### 2.2.1 Socio-economic inequality

The number of people in Norway with persistently low incomes has risen in recent years.<sup>14</sup> The immigrant population accounts for 17 per cent of the total population, but is overrepresented in the statistics for persistently low income. In 2006, immigrants and their descendants made up 25 per cent of all of those with persistently low incomes, whereas in 2015 they constituted over 40 per cent of that group. Almost one-third of immigrants and their descendants in Norway have a persistently low income. The equivalent share in the population as a whole is slightly under 10 per cent. About 4 per cent of the immigrant population received financial social benefits in 2016, whereas the figure for the population as a whole was less than 2 per cent. In 2016, half of all recipients of financial social benefits were from an immigrant background. One child in ten in Norway lives in a home with a persistently low income, and over half of these are immigrants or their descendants. Descendants with their own income have a markedly higher income than immigrants, and are close to the median income level in Norway. Length of residence in Norway affects immigrants' income level, but there are differences based on country of background. Relatively many immigrants from Somalia, Iraq, Afghanistan and Syria continue to have a low income level even after living in Norway for a long time.<sup>15 16</sup>

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12 Hansen, K.L. (2016). Selvpoplevd diskriminering av samer i Norge. *Samiske tall forteller 9*. (Self-Reported Experience of Discrimination against Samis in Norway: Sami Statistics Speak 9.) Report 1/2016. Chap. 9. Sámi University of Applied Sciences report.

13 The Twitter account is called Samehets, and is run by the organisation Jurddabeassi.

14 Economic inequality in Norway has increased somewhat over the last 30 years. Report to the Storting 29 (2016–2017). *Perspektivmeldingen* (Long-term Perspectives on the Norwegian Economy) 2017, pp. 135–136.

15 *Fattigdom og levekår i Norge. Tilstand og utviklingstrekk – 2017*. (Poverty and living conditions in Norway: Status and trends – 2017.) NAV Report 4/2017.

16 *Flere barn i husholdninger med vedvarende lav inntekt* (More children in households with persistently low incomes). Statistics Norway 2018.

There is at times a debate in Norway about the cost of immigration, in particular relating to the future of the welfare state. There is broad consensus that employment is a key to integration, and that it is important for the sustainability of the welfare state that as many people as possible be employed. In the political debate, however, questions have been raised about refugees' and immigrants' motivation to work and become integrated, whereas there is little debate regarding what can be done to combat discrimination and exclusion in employment. This has led to measures designed to motivate participation in the labour market, but which may also have a negative effect. One example is the introduction in 2017 of a requirement of five years' residence in Norway in order to receive cash-for-care benefit.<sup>17</sup> This is a universal benefit for which additional terms are set only for immigrants. One consequence of this change could be increased poverty in low-income families who encounter obstacles in accessing employment.

The income levels of the national minorities are not shown separately in public statistics, as register data regarding ethnicity is not recorded in Norway, and such data for the Sámi population as a whole is similarly unavailable.

## 2.2.2 Housing conditions

In 2011, people with backgrounds from Asia, Africa and South and Central America made up 4 per cent of the population, but one-quarter of all those economically disadvantaged in the housing market.<sup>18</sup> In a 2009 survey, about 20 per cent of immigrants stated that they had experienced negative differential treatment when they tried to rent or buy housing.<sup>19</sup> However, there were considerable variations depending on country of background, a finding confirmed by another survey from 2009, in which Somalis and Iraqis in particular reported experiencing differential treatment in the rental market, paying higher rent than stated in the contract, and arbitrary eviction and changes in rent.<sup>20</sup> A report from 2014 describes discrimination experienced by Somalis in Oslo when renting or buying housing, some of whom reported having been told by landlords that they did not want immigrants as tenants, and especially not Somalis.<sup>21</sup>

It is common to own one's own home in Norway, something that is seen as a financial investment. Whereas almost 80 per cent of the population own their own home, only half of immigrants do so. With increased length of residence the percentage of immigrants who own their own home rises,

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17 Cash-for-care is a benefit paid to parents of children between the ages of one and two who do not attend kindergarten.

18 Official Norwegian Report 2011:15. *Rom for alle. En sosial boligpolitikk for framtiden*. (Room for all: A social housing policy for the future.) "Disadvantaged" means that they are unable to obtain and/or maintain satisfactory housing conditions without assistance.

19 Tronstad, K.R. (2009). *Opplevd diskriminering blant innvandrere med bakgrunn fra ti ulike land* (Discrimination experienced among immigrants with backgrounds from ten different countries). Report 2009/47. Statistics Norway.

20 Søholt, S. and Astrup, K. (2009). *Etniske minoriteter og forskjellsbehandling i leiemarkedet* (Ethnic minorities and differential treatment in the rental market). Norwegian Institute for Urban and Regional Research report 2009:2.

21 Nielsen, R.S., Holmqvist, E., Dhalmann, H. and Søholt, S. (2014). The Interaction of Local Context and Cultural Background: Somalis' Perceived Possibilities in Nordic Capitals' Housing Markets. *Housing Studies*. DOI: 10.1080/02673037.2014.973386.

but there are certain variations depending on country of background irrespective of length of residence. Fewer immigrants from Iraq and Somalia own their own home, even if they have lived in Norway for a long time. Renting can mean having to move often, which has consequences for children, who may have to change school several times. One-third of immigrants live in cramped conditions, compared with about 10 per cent in the population as a whole. The police report that a number of young people who live in cramped conditions spend a lot of time outdoors, even late at night. There is also variation by country of background when it comes to living in cramped conditions: almost 60 per cent of immigrants from Somalia live in cramped conditions. Immigrants from some countries also experience poorer housing standards than the population as a whole.<sup>22</sup> In Oslo, where one-third of the population are immigrants or their descendants, the residential areas are characterised by socio-economic segregation. The immigrant population primarily live in areas with poorer socio-economic conditions.

There is insufficient systematic research into the incidence of discrimination against national minorities and the Sámi in the housing market. In 2009, the authorities reported that the Roma experience discrimination in many areas of society, and also in the housing market.<sup>23</sup> The Roma continue to report discrimination, including in connection with housing.<sup>24</sup>

## 2.3 Experience of ethnic profiling by the police

People with a migrant background, particularly young people, report that they are repeatedly stopped by police checks for no objective reason. They also report checks being carried out in a manner that shows little respect. The extent of experienced ethnic profiling by the police is insufficiently documented. A 2017 report about young people's experience of racism shows that 8 per cent had regularly experienced being stopped at random police checks. Among those who stated that they were Muslims, the figure was almost 10 per cent, and among those with one or two foreign-born parents or who themselves were born abroad the share was 12 and 13 per cent respectively. The types of checks involved are unknown.<sup>25</sup> In addition to checks carried out to combat crime, checks of foreign nationals are also performed. The Ministry of Justice and Public Security has introduced annual targets for the deportation of foreign nationals without legal residence, and this has led to increased police checks in order to identify illegal immigrants. Individuals report to organisations in the civil society that this has led to legal immigrants being exposed to an unreasonably high number of checks. The Ombud is in dialogue with the police authorities regarding how they handle the reports regarding ethnic profiling, and we understand that they are keen to build trust among young people among the immigrant population.

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22 Vrålstad, S. and Wiggen, K.S. (eds.) 2016. *Levekår blant innvandrere i Norge 2016* (Living conditions among immigrants in Norway 2016). Report 2017/13. Statistics Norway.

23 *Handlingsplan for å bedre levekårene for rom i Oslo* (Action plan for improvement of the living conditions of Roma in Oslo) (2009).

24 Midtbøen, A. and Lidén, H. (2015). *Diskriminering av samer, nasjonale minoriteter og innvandrere i Norge. En kunnskapsgjennomgang*. (Discrimination against the Sámi, national minorities and immigrants in Norway: A knowledge review.) Report 2015:01. Norwegian Institute for Social Research.

25 "Vi vil ikke leke med deg fordi du er brun." *En undersøkelse av opplevd rasisme blant ungdom*. ("We don't want to play with you because you're brown": A survey of young people's experience of racism.) Report from the Norwegian Centre Against Racism (2017).

## 2.4 Insufficient language facilitation

Not using qualified interpreters continues to be a problem in connection with the provision of public services to Sámi people, national minorities and immigrants where there is a need for linguistic facilitation. This is confirmed by sources including a preliminary analysis that shows a use of unqualified interpreters within the health sector<sup>26</sup> and by reports revealing a failure to use interpreters in prisons and in the criminal proceedings chain.<sup>27</sup> In 2014, a committee appointed by the government established that the public authorities underuse interpreters and have insufficient qualification requirements and inadequate procedures for booking interpreters. The committee stated that legal safeguards and equality are being threatened and undermined, and recommended that the authorities introduce a statutory obligation for the public sector to use qualified interpreters from 1 January 2019.<sup>28</sup> The Ombud understands that the authorities are working to prepare a new law on interpreting, but it is unclear when any draft legislation will appear.

## 2.5 Political participation and representation

Participation in elections is lower among immigrants than among the population as a whole. In the 2017 General Election, 55 per cent of immigrants entitled to vote used their vote, compared with 78 per cent of all those entitled to vote. There are considerable differences in election participation depending on country of background. For example, 63 per cent of those from Sri Lanka entitled to vote actually voted, compared with 36 per cent of those from Kosovo.<sup>29</sup> Immigrants are underrepresented in politically elected bodies, with the exception of a few towns and cities where immigrants are overrepresented. Immigrants are underrepresented in the Storting, in the government and on local councils. Similarly, membership of political parties fails to reflect the percentage of immigrants among the population.<sup>30</sup> As regards the appointment of public committees, a 2018 report shows that only 2.6 per cent of those appointed were with a migrant background.<sup>31</sup>

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26 *Likeverdige tolketjenester. Foranalyse.* (Equality in interpreting services: Preliminary analysis.) Southern and Eastern Norway Regional Health Authority 2016.

27 *Innsatt og utsatt. Rapport om soningsforholdene til utsatte grupper i fengsel.* (Inmate and vulnerable: A report on prison conditions among vulnerable groups.) Norwegian Equality and Anti-Discrimination Ombud 2017. The report refers to reports from the Parliamentary Ombudsman and the Norwegian Directorate of Integration and Diversity.

28 Official Norwegian Report 2014:18 *Talking i offentlig sektor* (Interpreting in the public sector).

29 *Valgdeltakelse blant innvandrere økte svakt* (Election participation among immigrants increased slightly) (2017). Statistics Norway.

30 *Fellesskap og deltakelse* (Membership and participation). Norwegian Directorate of Integration and Diversity 2018.

31 *Minoriteter i regjeringsapparat og offentlige utvalg - Lang vei å gå* (Minorities in government bodies and public committees – Still some way to go). Perspective note (2018). Agenda.

## 2.6 The Ombud's assessment

The description above points to three parallel trends in terms of the population's attitudes to the immigrant population. The first trend is that an increasing number of the population are becoming more positive towards immigration and immigrants and that a majority of the population believe that relations between immigrants and the rest of the population will improve over time. The second trend concerns the large percentage of the population who mistrust Muslims, and the fact that mistrust is also found in parts of the population regarding Jews, the Sámi, the Roma and other minority groups. The third trend relates to a minority of the population who loudly express derogatory, inciteful and hateful attitudes towards immigrants, Muslims, Jews, the Sámi, the Roma and other minority groups. In the Ombud's opinion, all three trends must be taken seriously. The positive trend in attitudes must be emphasised while countering and preventing mistrust, and hatred and incitement to hatred must be combated. If the authorities fail to get to grips with these trends simultaneously, there is a risk of the negative trends increasing. Norway may then become a more polarised society, where various sections of the population view themselves and others as "us" and "them".

A polarised trend is also a risk when it comes to the increasing socio-economic differences that are apparent in the description of the difficulties regarding living standards faced by the immigrant population. This trend indicates a significant marginalisation of groups that are overrepresented when it comes to poverty and poor housing conditions, with an accumulation of low-income groups in certain residential areas in the capital. In the opinion of the Ombud, the authorities must strengthen their efforts to counteract this trend, both because it is detrimental to individuals among the migrant population, and also because long-term socio-economic inequality can lead to social unrest and divisions among the population.

An important precondition for inclusion and integration is democratic participation, and the Ombud believes that the authorities must implement measures to increase election participation and political representation among the immigrant population. Increased representation on public committees and involvement in policy development is also important, for both the immigrant population and other minority groups.

In order to observe overarching trends and implement effective measures, knowledge is vital. The Ombud wishes to highlight the need for statistics and research into attitudes, living conditions and discrimination, in particular concerning the situation for national minorities and the Sámi, where the lack of knowledge within these areas is particularly striking.

## 3. HATE SPEECH AND HATE CRIME

### 3.1 Hate speech

#### 3.1.1 The Convention, Norwegian legislation and policy

CERD expressed in 2011, and again in 2015, a particular concern regarding “*the increase in such [racist hate] speech and xenophobic discourse by politicians, in the media and in other public platforms*” in Norway. Furthermore, the Committee has on a number of occasions expressed concern regarding both inadequate enforcement and insufficient statistics in cases of hate speech. The Committee has also highlighted the need for a long-term strategy to combat hate speech.

Hate speech is a criminal act under Section 185 of the General civil penal code.<sup>32</sup> The provision is reserved for the most aggravated and serious expressions of hate. In addition, there is a civil-law prohibition against ethnic harassment included in Section 13 of the Equality and Anti-Discrimination Act.<sup>33</sup>

The government launched the *Political declaration against hate speech*<sup>34</sup> in 2015, urging public authorities, politicians and other key social actors to combat hate speech and intolerance. The government also launched the *Government’s strategy against hate speech (2016–2020)*,<sup>35</sup> which addresses both such illegal hate speech as is covered by the General civil penal code and legal hate speech that falls outside the law but that nevertheless is severely damaging to individuals, groups and society. In addition, the government has an *Action Plan against Antisemitism (2016–2020)*<sup>36</sup> and the *Government’s action plan against discrimination based on sexual orientation, gender identity and gender expression (2017–2020)*,<sup>37</sup> which include measures to combat hate speech directed specifically against people who belong to the affected groups.

#### 3.1.2 Scope and trends

The tone of public debate, both on and outside social media, has been a key topic in Norway in recent years. As in the rest of Europe, Norway has become marked by an increasingly polarised public debate, particularly when it comes to topics such as refugees, migrants and integration. In addition, racist and Nazi groups have become increasingly visible on social media.

A study<sup>38</sup> published in 2017 shows that extreme right-wing groups in Norway have experienced a considerable increase in membership and activity on social media in recent times. In its threat

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32 The General civil penal code. Link in reference list.

33 Act relating to Equality and a Prohibition against Discrimination, Section 13.

34 *Politisk erklæring mot hatefulle ytringer* (2015).

35 *Regjeringens strategi mot hatefulle ytringer 2016–2020*.

36 *Handlingsplan mot antisemittisme 2016–2020*.

37 *Trygghet, mangfold, åpenhet. Regjeringens handlingsplan mot diskriminering på grunn av seksuell orientering, kjønnsidentitet og kjønnsuttrykk 2017–2020*. (Safety, diversity, openness. The Norwegian Government’s action plan against discrimination based on sexual orientation, gender identity and gender expression 2017–2020.)

38 Haanshuus, B.P. and Jupskås, A.R. (2017). Høyreklikk! En analyse av ytre høyre på sosiale medier i Norge. (Right-click! An analysis of the far right on social media in Norway.) *Tidsskrift for samfunnsforskning* (the Norwegian Journal of Social Research), 02/2017 (Volume 58).

assessment for 2018<sup>39</sup> the Norwegian Police Security Service (PST) writes that the far-right groups in Norway are primarily unorganised, loosely composed networks, with the exception of the Nordic Resistance Movement<sup>40</sup> (DNM), which has clearly become more organised and more publicly visible. In 2017, the organisation held a march in Norway in which 50 to 60 neo-Nazis participated. The organisation is anti-Semitic and homophobic, and aims to fight for what it calls the “pure Nordic race”.<sup>41</sup>

The development of social media and digital platforms has contributed to more people using their freedom of speech to participate in the public debate. Facebook alone has over 3 million Norwegian users who use the platform daily. It is positive for democratic participation that so many have the opportunity to participate in public debate. Thoughts and ideas are spread in a completely new way and at a completely different speed than previously. However, hate, fear and conspiracy theories are similarly being disseminated to a large number of people in a very short time. The current public debate online and on social media appears to be becoming increasingly polarised, exclusive and frightening.

Until recently there has been little scientific knowledge about hate speech used in the Norwegian public debate on social media. Therefore, in 2017 the Ombud carried out two surveys to map the scope, character and damaging effects of both the legal and illegal hate speech to be found on two of the biggest Norwegian news media Facebook pages. The Ombud’s findings show that in a Facebook debate that was already moderated, on two of the biggest Norwegian news pages on Facebook, approximately one in 14 comments could be considered as hate speech. Our findings further show that those most exposed to hate and attacks in the comments fields on Facebook are politically active people, ethnic minorities and Muslims. There are few specific measures to combat hate speech and intolerance directed specifically against ethnic and religious minorities, and in particular Muslims or people who come from Muslim countries. In the Ombud’s user survey, which was carried out by YouGov on behalf of the Ombud, over half of the Norwegian Facebook users who were questioned answered that they refrain from expressing their opinions and participating in the public debate on Facebook because of the fierce and negative tone in the comments sections. The negative and hateful tone on social media leads to individuals withdrawing from the public debate. As a result, Norway risks losing important voices, and this could result in a systematic underrepresentation of certain groups in the public debate.

Hate speech can provoke discrimination. Repeated hate speech directed against selected minority groups can contribute to legitimising harassment and discrimination against individuals who belong to these groups, and ultimately lead to violent attacks. A regular stream of hate speech directed against selected groups can in time result in social exclusion, polarisation and the general acceptance of the devaluing of those groups. These are well-known triggers for discrimination. Hate speech is likely to create a culture of fear within the population towards vulnerable groups. The Norwegian authorities should therefore continue to work in a targeted and systematic manner to combat hate speech and intolerance, and more suitable measures should be drawn up to combat hatred and intolerance towards ethnic and religious minorities.

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39 *Trusselvurdering 2018*. Norwegian Police Security Service (PST).

40 Ref. The Nordic Resistance Movement’s website.

41 *Nå marsjerer de i gatene igjen* (Now They Are Marching in the Streets Again) (2017). NRK.

### 3.1.3 Politicians' role

In 2015, CERD noted Norway's standpoint regarding combating hate speech, but was:

*“concerned about the increase in such speech and xenophobic discourse by politicians, in the media and in other public platforms, including the Internet, which contribute to fuelling racist hatred, intolerance, stereotypes, prejudices and stigmatization of ethnic and national minorities and indigenous peoples, including Sami, non-western European migrants, Roma and asylum seekers. [...]”*

There is particular reason to be on the watch for polarising rhetoric from public figures in positions of power. Such rhetoric can substantiate polarising attitudes among the population, weaken a feeling of belonging to Norwegian society among the groups exposed and have a negative effect on their actual opportunities and motivation to participate in democracy. Weakened belonging can in turn contribute to extremism, which can also lead to polarisation.

Once the public debate is moved from traditional, editorially controlled media to social media, something happens to the tone and the language of the debate. Viewed in the context of steadily increasing political polarisation of controversial subjects such as refugees and integration, this is resulting in a crude, oversimplified and polarised debate. When politicians take to social media to get their message across, they often express themselves in a different manner from the way they would in traditional media. We saw an example of this when the then Norwegian Minister of Justice posted a picture of heavily armed masked fighters on her Facebook page, along with a comment that the Norwegian Labour Party “thinks the rights of terrorists are more important than the nation’s security”. Ultimately, the Minister was forced to resign due to an impending motion of no confidence to be put forward in the Storting. Although the Minister of Justice’s comments could not be said to be hate speech as such, it is absolutely clear that those comments contributed to further polarise the political debate. This case triggered a wide-ranging debate about politicians’ freedom of speech and responsibility of expression.

#### 3.1.3.1 The Ombud’s assessment

Efforts to combat hate speech requires politicians to be aware of how they express themselves and how their comments can influence the content and tone of the debate. It is of great symbolic value that politicians condemn racist and hateful attitudes or expressions when these rise to the surface, especially when such expressions come from their own supporters. The Ombud is concerned that the increasingly polarised climate of debate is having an excluding and alarming effect on minority groups, in particular young people.

#### 3.1.3.2 The Ombud’s recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. urge the political parties to draw up clear guidelines for their own politicians’ use of social media that oblige these politicians to take responsibility for their own and user-generated

content on social media through moderation. These guidelines should be made public, e.g. on the parties' websites, so that the practice can be checked.

### 3.1.4 Politicians as a group exposed to hatred

Politicians with a migrant background are exposed to incitement to hatred and harassment. During the 2017 General Election, a youth party leader with a migrant background was exposed to hatred and threats by followers of his political opponents, to such an extent that the Police Security Service (PST) advised him to keep a lower profile during the latter stages of the campaign. Another example is the incitement to hatred and threats that a young female politician with a visible migrant background was steadily exposed to due to her gender and ethnicity. As a result, she had to have continuous police protection for a period. A survey<sup>42</sup> carried out by the Norwegian Police University College in 2017 shows that over 80 per cent of Norwegian politicians have experienced at least one form of undesirable conduct or threats, or have received hate messages. The findings from the Ombud's survey show that most hate speech in Norwegian Facebook debates is directed against political persuasion and ethnicity. There are therefore good reasons to expect that politicians from migrant backgrounds would experience ongoing hate speech and threats due to their ethnic or religious background.

#### 3.1.4.1 The Ombud's assessment

The Ombud is concerned that the personal cost of political participation, in particular for minorities, may become so great that it becomes difficult to recruit politicians from migrant backgrounds into Norwegian politics. It is important that leading politicians from other parties show their support to politicians who are exposed to hate speech.

#### 3.1.4.2 The Ombud's recommendation

The Ombud recommends that the Committee request the Norwegian authorities to:

1. ensure that the police have the resources to prioritise and prosecute illegal hate speech and threats directed against politicians.

### 3.1.5 Police efforts to combat hate speech

In 2015, CERD recommended that Norway ensure effective investigation into hate speech and appropriate punishment of individuals found guilty. It also recommended that statistics on the number of reports of hate speech, the number of prosecutions and the cases' outcomes be collected and published.

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42 Bjørge, T. and Silkoset, E. (2017). *Trusler og trusselhendelser: En spørreundersøkelse blant stortingsrepresentanter og regjeringsmedlemmer*. (Threats and threatening incidents: A survey of members of Parliament and members of the government.) Norwegian Police University College. PHS Research; 5.

Few cases of hate speech have been brought before Norwegian courts. Nevertheless, there has been an increase in such cases in the courts in recent years. As the Ombud understands it, this is a result of the increased focus on hate speech in the public sphere, and in particular a heightened focus and commitment from the police and the prosecuting authority. It is, however, worth noting that the National Police Directorate still says that there are good reasons to believe that there are many unrecorded cases of hate speech.

To date, the authorities at the National Police Directorate have produced insufficient statistics on cases of hate speech and hate crime. Only statistics regarding the number of cases reported to the police have been made public. Therefore, we know little about how many cases of hate speech and hate crime have been investigated and prosecuted, or how many cases have reached a court decision. The authorities have announced that the National Police Directorate will begin to produce such statistics in 2017, but to the Ombud's knowledge these statistics have not been prepared. In 2017, the National Police Directorate only published statistics regarding the number of cases of hate speech and hate crime reported.<sup>43</sup>

### 3.1.5.1 The Ombud's assessment

Despite the fact that much indicates that the police have increased their focus on hate speech in recent years, the number of cases reported remains low. The National Police Directorate has also highlighted this in its own reports, saying that there are reasons to believe that there are many cases that are not being reported to or identified by the police. The Ombud shares this concern, and emphasises the need for a reinforced commitment to identify, report and prosecute incidents of hate speech. To the Ombud's knowledge, only the Oslo Police District has a specialised group with competence and responsibility for taking on and investigating cases of hate speech and hate crime. The Ombud is concerned as to whether the police, due to insufficient information, prioritisation and/or resources in Norway's other police districts, is sufficiently following up serious and aggravated racist expressions that contravene Norwegian law.

### 3.1.5.2 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. ensure that every police district has access to the competence and resources necessary to identify, investigate and prosecute cases of hate speech.
2. ensure that necessary statistics are prepared of cases of hate speech reported to the police, cases dismissed, and decisions to prosecute.

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43 *Hatkriminalitet. Anmeldelser 2016.* (Hate crime: Cases reported 2016.) National Police Directorate 2016.

## 3.2 Hate crime

### 3.2.1 The Convention and Norwegian legislation

In accordance with ICERD article 4 and items 7 and 31 of the Committee's general recommendation, CERD has expressed concern that the Norwegian police is not better equipped to handle cases of hate crime.

Hate crime is covered by the General civil penal code.<sup>44</sup> A number of ordinary penal provisions, such as physical assault, threats and criminal damage can be considered to be aggravated when they are based on the victim's skin colour or national or ethnic origin. In such cases, more severe penalties can be imposed. Section 77 of the General civil penal code also stipulates that such motives of a perpetrator may be applied as a factor making the offence more serious within the sentencing framework in all types of breaches of the law.

### 3.2.2 Scope and trends

The National Police Directorate's statistics for 2017 show a moderate increase in hate crime cases reported nationwide compared with 2016.<sup>45</sup> The Directorate emphasises that there are reasons to believe that there are many cases of hate crime that are either not reported to the police or that the police are unable to identify. In 2017, in the whole of Norway a total of 549 cases of hate crime were reported, compared with 466 in 2016, a rise of 17.8 per cent. Most cases concerned hatred motivated by skin colour, ethnicity or national origin (373 of the 549). A large proportion of the reports (208 of 549) were received by Oslo Police District, which is the only district that has a specialised hate crime team consisting of investigators and lawyers. In Oslo, the number of hate crime cases reported has tripled over the last three years.

The police's citizen survey from 2017<sup>46</sup> shows that three times as many people from migrant backgrounds are afraid of hate crime (12 per cent) compared with ethnic Norwegians (4 per cent), and that the probability of having experienced hate crime is higher among people from migrant backgrounds.

In the Oslo Police District's analysis<sup>47</sup> of trends in crime, particular attention is devoted to hate crime. The police district expects that the scope of hate crime will increase *"in a time when nationalistic, far-right, extremist Christian and anti-immigrant, homophobic and misogynistic attitudes are being expressed more strongly."*

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44 General civil penal code, Sections 185 and 186.

45 The number of reports of hate crime have increased by 17.8 per cent from 2016 to 2017.

46 *Politiets innbyggerundersøkelse 2017* (the Police's citizen survey 2017). Ipsos for the National Police Directorate (2017).

47 Sætre, M., Hofseth, C. and Kjenn, B.L. (2018). *Trender i kriminalitet 2018–2021*. Digitale og globale utfordringer. (Trends in crime 2018–2021: Digital and global challenges.) Oslo Police District.

### 3.2.2.1 The Ombud's assessment

The Ombud observes with unease the developments as described in the Oslo Police District's analysis of trends in crime, and is concerned about the effect such an increase in hate crime have on minority groups exposed to it.

The Ombud believes that the Action Plan against Antisemitism 2016–2021 includes necessary measures against hate crime directed towards Jews. However, the Ombud wishes to point out that there is a lack of focus on hate crime directed against other minority groups and religious minorities that are overrepresented in the statistics. There are reasons to take seriously the potential damaging effects that a normalisation of negative attitudes towards ethnic and religious minorities may have for the groups concerned and for society in general. The Ombud believes that there is need for a targeted and coordinated effort from responsible parties to deal with the hatred that is directed towards these groups.

### 3.2.2.2 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. ensure that knowledge is gathered and effective measures developed to prevent hate crime directed against ethnic minorities and religious groups, and particularly against Muslims.

### 3.2.3 Competence-raising measures within the police

In 2015, CERD recommended that Norway provide police officers and all law enforcement officers adequate training on how to address hate crime. The Committee also recommended developing a comprehensive national strategy to combat hate crime, to include training programmes to raise the awareness of the judiciary so that this type of breach of the law can be effectively combated.

The authorities refer in their latest report to CERD to the Community Police reform,<sup>48</sup> without specifying how competence regarding hate crime will be ensured in all police districts through the reform. The Ombud has been informed by the National Police Directorate that every police district will have one or more individuals with competence regarding hate crime. The Ombud is aware that the National Police Directorate has also prepared national guidelines for handling hate crime cases in all police districts in Norway. The authorities also refer to new judges being required to undergo a comprehensive introductory programme, one of the objectives of which is to learn about problems relating to the multicultural society.

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48 *Nærpolitireformen*. Link in reference list.

### 3.2.3.1 The Ombud's assessment

The Ombud is concerned that responsibility for hate crime will become fragmented within the police districts, and that this work may be given less priority due to lack of resources. The Ombud is additionally concerned that the training and competence-raising measures in the police, within the prosecuting authority and among the Norwegian judiciary will not deal with specific challenges relating to hate crime cases.

### 3.2.3.2 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. ensure that all police districts have access to the competence and resources necessary to identify, investigate and prosecute cases of hate crime.
2. make the competence of the Oslo Police District's specialised hate crime team available to all other police districts.
3. carry out training regarding hate crime in all police districts and within the prosecuting authority. This should also be included in the introductory programme regarding the multicultural society for the judiciary.

## 3.2.4 Prosecution

In 2015, CERD recommended that Norway investigate all instances of hate crime, prosecute those responsible and apply appropriate penalties. In their latest report to CERD, the authorities refer to the Director of Public Prosecutions' *Objectives and Priorities for the Handling of Criminal Proceedings*<sup>49</sup> regarding the prioritisation of hate crime cases within the police and the prosecuting authority. Despite the fact that hate crime has been a priority area for the police for many years, we note that the statistics in Norway of cases reported to the police remain very low. The police's citizen survey of 2017 shows that people who have been exposed to hate crime are also those with the least confidence in the police and who most strongly believe that they did not receive sufficient help from the police.<sup>50</sup>

### 3.2.4.1 The Ombud's assessment

The Ombud is concerned about the high levels of unreported hate crime and that hate crime outside the Oslo area is not being identified and sufficiently prioritised by the police. Furthermore, the Ombud notes with concern that those who are most exposed to hate crime have the least confidence in the police.

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49 *Riksadvokatens mål og prioriteringer 2018*. Norwegian Prosecuting Authority (2018).

50 *Politiets innbyggerundersøkelse 2017* (the Police's citizen survey 2017). Ipsos for the National Police Directorate (2017).

### **3.2.4.2 The Ombud's recommendation**

The Ombud recommends that the Committee request the Norwegian authorities to:

1. explain what specific measures have been implemented to identify hate crime cases and to investigate and prosecute such cases.

### **3.2.5 Statistics and reporting of hate crime**

In 2015, CERD asked Norway to provide the Committee with statistical data on complaints, investigations, convictions and sanctions for acts of hate crime.

As previously discussed in section 3.1.5, the authorities have still not published statistics on the handling of hate crime cases in all parts of the criminal justice chain, apart from the reporting figures.

#### **3.2.5.1 The Ombud's assessment**

In order for the authorities to prevent hate crime, it is vital to identify vulnerable groups, the types of crime committed, who the perpetrators are and what is to be defined as criminal offences.

#### **3.2.5.2 The Ombud's recommendation**

The Ombud recommends that the Committee request the Norwegian authorities to:

1. present statistics on hate crime cases in all parts of the criminal justice chain as soon as possible.

## 4. SCHOOL AND EDUCATION

### 4.1 The Convention and Norwegian legislation

ICERD obligates the state to ensure that everyone has an equal right to education and training. The Norwegian authorities' latest report to CERD on this article primarily mentions awareness raising in schools.

In Norway, all children have a right and obligation to attend primary and lower secondary school, and a right to attend upper secondary school. Schooling is primarily organised and financed through a public system, under which pupils attend their local school from Year 1 to Year 10 (ages 6–16). Admission to the various lines of study in upper secondary school (ages 16–18) is by means of grade-based competition, but everyone has the right to a place in school. This also applies to pupils who have immigrated and who for various reasons have not completed compulsory primary and lower secondary school.

### 4.2 Scope

This section looks at the differences in grades and dropout levels in upper secondary school between majority pupils and pupils who are immigrants or descendants of immigrants.<sup>51</sup> School results and completing education are critical to the opportunities various groups have later in life. Therefore, the school system acts as both a barrier to and an opportunity for integration and social mobility for various ethnic groups in Norway.

This section also presents figures of the numbers of immigrants and descendants in the university and college sector, and the results of the majority population, immigrants and descendants are compared.

Within the text, a distinction is made between immigrants and descendants because there are significant differences in school performance between immigrants and descendants, whereas there are smaller differences between descendants and majority pupils. Treating immigrants and descendants as a single group would make it difficult to grasp the topic and would give a distorted image of the trends involved.

### 4.3 Course of education for descendants, primary and lower secondary school and upper secondary school

Research on descendants so far shows that on average this group does quite well in school compared with majority pupils. Descendants achieve 39.5 school points, compared with 41.2 for all pupils.<sup>52</sup> School points equate to the pupil's average grade after Year 10.

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51 See page 2 of this report for definitions of the terms "immigrants" and "descendants".

52 Ref. figure 2: <https://www.ssb.no/utdanning/artikler-og-publikasjoner/hvordan-gar-det-med-innvandrere-og-deres-barn-i-skolen>

The research findings show an improvement in school performances among descendants, and that to a large extent the Norwegian school system is succeeding in integrating them.<sup>53</sup> Motivation among these pupils is just as high as among majority pupils, and if one compares pupils from similar socio-economic backgrounds or classes their school results are approximately the same.<sup>54</sup> However, there may be certain sources of error here, as in some cases being poor in immigrant families does not necessarily mean the same thing as being poor in majority families, because poverty within the majority population can often bring additional problems, such as substance abuse, social misery or illness. Controlling for class, defined by income, can therefore be rather problematic in this context.

At upper secondary school, there is no difference in dropout levels between descendants and majority pupils. There is, however, a certain gender difference. On average, fewer girls drop out than boys.<sup>55</sup> There are also tendencies to polarisation concerning dropout among the male descendant population. There is an overrepresentation of male descendants who drop out of upper secondary education, whereas among those who do complete upper secondary school the will to continue with their studies at college or university level is high.

Although the overall picture of descendants' school results is positive, there is variation within the descendant population, including with respect to country of background. Among descendants, pupils with a background from Bosnia-Herzegovina, India and Sri Lanka are most likely to complete upper secondary school. Both boys and girls with backgrounds from these countries generally complete upper secondary school. Children born in Norway to immigrant parents with a background from Somalia, Turkey and Morocco are less likely to complete upper secondary school. Among these, the percentage who complete is low among both boys and girls.<sup>56</sup>

When the descendant community is young, this gives rise to considerable uncertainty around the results for those descendant groups and how they fare later in life. One example of this is the Norwegian-Somali group. So far, descendants with a Somali background show a high level of dropout, but because this group is young we do not yet know enough about their further career path within education and employment. There are fewer in the Norwegian-Somali group who have reached their twenties. Therefore, it is important to look at school points for pupils by country of background, in order to identify differences within the descendant population early on. School points are an important indicator for dropout at upper secondary school level.

#### 4.4 Course of education for immigrant pupils, primary and lower secondary school and upper secondary school

When it comes to immigrant pupils, their primary and lower secondary school grades are worse than those for descendants and majority pupils. In 2016, about 3,100 pupils in Norway left lower

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53 *Hvordan går det med innvandrere og deres barn i skolen?* (How do immigrants and their children get on at school?) Statistics Norway 2017.

54 Hermansen, A.S. (2016). Barn av innvandrere i utdanning og arbeidsliv (Children of immigrants in education and employment). *Det norske samfunn* (Norwegian Society). Seventh edition, chapter 7.

55 *Hvordan går det med innvandrere og deres barn i skolen?* (How do immigrants and their children get on at school?) Statistics Norway 2017.

56 *Hvordan går det med innvandrere og deres barn i skolen?* (How do immigrants and their children get on at school?) Statistics Norway 2017.

secondary school without any school points. This equates to 5 per cent of that year's school leavers. Among immigrant pupils this figure was 12 per cent, whereas the figure for descendants and other pupils was 4 per cent. As many as 80 per cent of immigrant pupils who did not achieve school points in 2015 had lived in Norway for seven years or less, and had therefore arrived in the country after their age-group peers had started attending Norwegian school. Some 65 per cent had been in Norway for three years or less before they finished lower secondary school.<sup>57</sup>

At upper secondary school level, in general more boys than girls drop out without achieving university or college admissions certification or vocational qualifications, but immigrant boys drop out more than boys who are descendants or who belong to the rest of the population. Almost one in three immigrant boys (31 per cent) who started upper secondary education in autumn 2011 failed to achieve either university or college admissions certification or vocational qualifications and dropped out without completing their full course of education within five years. The equivalent figure for both descendant boys and boys in the rest of the population was 17 per cent. The figures show that more girls complete upper secondary school than boys, irrespective of whether they are descendants or immigrants.<sup>58</sup>

It can take a long time before newly arrived young immigrants start upper secondary education because the school authorities – i.e. the county authorities – are not obligated to take in pupils during the school year. It can take almost 18 months to start education after arrival in Norway.<sup>59</sup>

## 4.5 Higher education<sup>60</sup>

The number of students among the population between the ages of 19 and 24 is steadily increasing, but for descendants this share has grown more than for the other groups: 35 per cent of the country's 19- to 24-year-olds were in higher education in autumn 2016, whereas among descendants as many as 44 per cent were students. Female descendants in the 19–24 age group have the highest share in higher education in Norway, at 51 per cent, whereas the equivalent share for men in the same group is 38 per cent.

Both male and female descendants are more likely to be in higher education than is the average for the population, for both genders, within this age group. In 2016, the average for male descendants was 10 percentage points higher than for men in the entire population, and for women the difference was 8 percentage points. However, here too the averages for the descendant group as a whole hide a high level of polarisation between groups. Some groups of descendants are far more likely to be in higher education than is commonly the case: descendants of immigrants from China, Sri Lanka, India, Vietnam and Bosnia-Herzegovina are more likely to be in higher education than young people from the majority population. By

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57 Ekren and Bjugstad 2016, as referenced in *Hvordan går det med innvandrere og deres barn i skolen?* (How do immigrants and their children get on at school?) Statistics Norway 2017.

58 *Hvordan går det med innvandrere og deres barn i skolen?* (How do immigrants and their children get on at school?) Statistics Norway 2017.

59 Official Norwegian Report 2017:2 *Integrasjon og tillit. Langsiktige konsekvenser av høy innvandring.* (Integration and trust: Long-term consequences of high immigration.)

60 *Hvordan går det med innvandrere og deres barn i skolen?* (How do immigrants and their children get on at school?) Statistics Norway 2017.

contrast, Norwegian-born people with a background from Turkey or Morocco are among those who are the least likely to be in higher education. Among boys with a background from Turkey, the figure is only one in five.

When it comes to immigrants, they have the lowest share in higher education: 18 per cent were in higher education in autumn 2016. This is less than half the figure for descendants. Poor school results and higher dropout are reproduced in immigrants' participation in higher education.

## 4.6 The Ombud's assessment

This review shows that descendants so far score approximately as well as the population as a whole. However, it is a matter of great concern that some groups among descendants stand out as performing markedly worse than both descendants as a whole and majority pupils. The Ombud sees this as a serious problem, both for the individuals concerned and for society. There is also uncertainty regarding whether young groups of descendants will be equally successful. It is therefore vital to identify, evaluate and reinforce schemes that can help to generate good results for the groups of pupils that are descendants with poor results. This requires specific measures at each school, such as teacher density, cross-disciplinary teams, language teaching and facilitated education. In addition, it is important to maintain or expand family-policy schemes such as inexpensive or free kindergarten and the after-school care scheme. The Ombud welcomes the fact that Norway now has an extensive kindergarten offering. This will counter language problems and future problems that tend to coincide with poor school results. The Ombud also believes that the state should consider implementing new schemes within family and school policy that can rectify the imbalances within the descendant population. It is also important to evaluate schemes such as cash-for-care,<sup>61</sup> to find out more about the effect these have on children's language development and school performance.

There are also good results regarding descendants' participation in higher education, but it is important to be aware that not all groups do equally well. There is a great danger of overlooking the polarised situation between groups of descendants if we simply focus on the averages.

Concerning immigrants, it is a matter of concern that this group scores considerably lower than the population as a whole on school points and has a higher level of dropout from upper secondary school. Many immigrants experience considerable challenges that are then reproduced in higher education and employment. More effective and comprehensive effort from the authorities is needed to secure equal education for this group.<sup>62</sup>

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61 Cash-for-care is a benefit paid to parents of children between the ages of one and two who do not attend kindergarten.

62 Suggestions for measures can be found, inter alia, in Markussen, E. (2016). *De frafalne* (Dropouts). Reegård, K. and Rogstad, J. (eds.)

## 4.7 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. gather more knowledge about the causes of the poor results for the immigrant group, and implement measures to improve their grades and reduce dropout from upper secondary school, especially among immigrant boys.
2. direct the county authorities to take in newly arrived pupils throughout the school year.
3. ensure that pupils who immigrate late, and especially those who immigrate after school-starting age, receive additional follow-up to help them learn Norwegian more quickly.
4. gather more knowledge about the causes of the poor results for some descendant groups, and implement measures to improve their grades and reduce dropout from upper secondary school.
5. examine and consider the introduction of extended schooling, such as by offering an 11th school year.
6. reinforce measures in which resources are distributed according to the various schools' needs.

## 4.8 Pupils with a Roma background

In 2015, CERD expressed concern to Norway regarding “*the low level of education among Roma and Tatars, coupled with the lower school attendance of Roma children*”. The Committee recommended that the authorities “[*e*]nhance measures to improve the school attendance of Roma children”. This applied to the Norwegian Roma population, and it is to this same group that this report refers.

### 4.8.1 Primary and lower secondary schools

#### 4.8.1.1 Enrollment, results and facilitation

The Norwegian Roma population is estimated to number about 700 people, most of whom live in Oslo.<sup>63</sup> No official registrations are carried out in Norway on the basis of ethnicity. Hence, there are no official statistics showing the level of school enrolment among children from a Roma background. In 2012, the Council of Europe estimated that Oslo was home to approximately 120 Roma children between the ages of six and 15, i.e. of primary or lower secondary school age, and that only 71 of these were enrolled in school.<sup>64</sup> Surveys carried out between 2008 and

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63 *Handlingsplan for å bedre levekårene for rom i Oslo* (Action plan for improvement of the living conditions of Roma in Oslo) (2009).

64 *Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe* (2015).

2012 indicate that approximately one-third of the children in the group lived abroad for much of the year without going to school there.<sup>65</sup>

There are no statistics or other quantitative data about school results for Roma pupils. A 2017 report states that although many children from a Roma background have not completed primary and lower secondary school, some have. This is despite the fact that they have experienced difficulties at school and may have met negative attitudes to education in their own community. According to researchers, there is now a more positive attitude to education among the Roma population.<sup>66</sup>

Some children have gaps in their knowledge early in their school years because they do not have a sufficient command of Norwegian as a medium of education. The Roma are considered to be bilingual, with Romani as their mother tongue, but when they start school most Roma children only speak Romani and can be described as monolingual.<sup>67</sup> Surveys indicate that pupils are expected to follow instructions in Norwegian even if they only speak Romani.<sup>68</sup> There is no standardised written form of Romani in Norway, and no written Romani school material has been developed in Norway.<sup>69</sup>

#### 4.8.1.2 Absence

A research study reproduces a survey from 2012/2013 in Oslo that showed that Roma pupils were on average absent from school for 54 out of 190 days. Reference is also made to an earlier survey from 2009/2010 that showed similar results. The findings indicate that pupils with Romani as their first language were absent from school eight times more than average pupils in Oslo, equating to the pupil being absent on every third school day.<sup>70</sup>

There seems to be compounded causes for absence from school. Traditional travelling has been highlighted as a main reason. Teachers and representatives from Roma communities report that many families have reduced their travelling, but that this does not necessarily result in the children attending school more. Absence is described as a persistent problem, even though it can be seen that more children are attending school somewhat more regularly than was previously the case.<sup>71</sup> Qualitative research shows that children from a Roma background experience prejudice from other pupils and from teachers, and that this weakens their motivation to go to school, which in turn leads to absence.<sup>72</sup>

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65 Hagatun, K. (2018). *Country Study – The Educational Situation for Roma in Norway*. Springer Verlag, Germany. Publication expected 2018. Refers to the Council of Europe ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM 2013) regarding these figures.

66 Aarset, M.F. and Lidén, H. (2017). Historiens betydning for rom og romanifolk/tateres situasjon i dag (The significance of history for the Roma and Romani/Taters today). *Nasjonale minoriteter og urfolk i norsk politikk fra 1900 til 2016* (National minorities and indigenous people in Norwegian policy from 1900 to 2016). Chapter 10.

67 Hagatun 2018. *Country Study – The Educational Situation for Roma in Norway*.

68 Aarset and Lidén 2017. *Nasjonale minoriteter og urfolk i norsk politikk fra 1900 til 2016* (National minorities and indigenous people in Norwegian policy from 1900 to 2016).

69 Hagatun 2018. *Country Study – The Educational Situation for Roma in Norway*.

70 Hagatun 2018. *Country Study – The Educational Situation for Roma in Norway*.

71 Hagatun 2018. *Country Study – The Educational Situation for Roma in Norway*.

72 Aarset and Lidén 2017. *Nasjonale minoriteter og urfolk i norsk politikk fra 1900 til 2016* (National minorities and indigenous people in Norwegian policy from 1900 to 2016).

### 4.8.1.3 Dropout

No documentation is available when it comes to dropout among Roma pupils, either for primary and lower secondary school or for upper secondary education. Qualitative surveys show, however, that many Roma pupils, especially girls, drop out of school when they reach puberty. This is confirmed by people who work closely with Roma families, who report that the dropout rate remains high when the pupils are due to start lower secondary school.<sup>73</sup>

### 4.8.2 Upper secondary school

There are no statistics or other data about Roma pupils in upper secondary education. According to qualitative research, the Roma themselves state that until now there have only been two Roma pupils who have completed upper secondary school in Norway. In addition, it is reported that there are two Roma pupils in upper secondary school as of 2018.<sup>74</sup>

### 4.8.3 The authorities' efforts

Norway has had various approaches to its policy towards the Roma. For a period, the authorities arranged dedicated school classes for Roma pupils, called the *Sigøynerskolen* (Gypsy School), which along with all other special measures for the Roma was discontinued in 1990. Even though there had been a lot of absence and dropout previously, from 1990 onwards there was a dramatic fall in Roma children's school attendance.<sup>75</sup> Most adult Roma, including the younger generations, are currently considered functionally illiterate.<sup>76</sup>

In recent years, the City of Oslo has set up new special schemes for the Roma. One of these is called *Romlostjenesten* (the Roma Mentor Service), and this is now the only special measure directed towards Roma children's schooling. The scheme involves Norwegian-speaking teachers and Romani-speaking assistants/mediators. These assist the children in their schooling and act as intermediaries between the school and the parents. Both parents and pupils express great satisfaction with this arrangement. It was evaluated in 2015 with positive results, and has been continued. Employees who work with Roma and researchers who have studied the measures recommend that this service be reinforced with additional positions, and in particular that more Romani-speaking assistants/mediators be employed. This will require prioritising informal experience based skills rather than formal education, so that the Roma concerned can be considered qualified.<sup>77</sup> Employees who work with Roma recommend that Roma children be accorded an individual right to this service.

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73 Hagatun 2018. Country Study – *The Educational Situation for Roma in Norway*.

74 Hagatun 2018. Country Study – *The Educational Situation for Roma in Norway*.

75 Hagatun 2018. Country Study – *The Educational Situation for Roma in Norway*.

76 *Handlingsplan for å bedre levekårene for rom i Oslo* (Action plan for improvement of the living conditions of Roma in Oslo) (2009).

77 Reference is made to such education at Södertörn University in Sweden.

#### 4.8.4 The Ombud's assessment

Pursuant to national legislation and ICERD, the state has an obligation to provide equal education for the Roma.<sup>78</sup> ICERD allows the option of using special measures to achieve this objective. Existing knowledge shows that absence and dropout are considerable challenges in primary and lower secondary school, and that very few Roma go into upper secondary education. The state's policy change from special measures to mainstreaming appears to have had an unfortunate effect, whereas setting up new special measures seems to positively influence Roma children's schooling. The Ombud finds it alarming that such a high proportion of a small and formerly heavily oppressed group do not in practice receive equal education, with all the consequences that has for the children's further participation in society and living conditions.

#### 4.8.5 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. implement and extend existing schemes that give all Roma children sufficient Norwegian-language skills when starting school, such as open kindergarten with training in Norwegian.
2. arrange for the necessary language facilitation and training in Norwegian and Romani throughout school.
3. extend the Roma Mentor Service into a permanent scheme to which all Roma children have access, with a mandate to work both individually and at systemic level. Secure necessary resources and expertise, in particular Romani-speaking individuals.
4. map the causes of high absence and dropout from primary and lower secondary school, and introduce specific measures in dialogue with pupils and parents/guardians to ensure the well-being, educational benefit and motivation of pupils who need it.
5. set up qualification measures for school assistants/mediators.

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78 Norway has also ratified the Council of Europe's Framework Convention for the Protection of National Minorities.

## 5. WORK AND QUALIFICATION

### 5.1 The Convention and Norwegian legislation

In 2015, CERD expressed concern about high unemployment among ethnic minorities and people with a migrant background, and recommended that Norway prioritise concrete and preventive measures to combat discrimination and ensure equal treatment in recruitment processes in both the public and private sectors. The Committee recommended that the state ensure follow-up of the duties to act and report and consider introducing sanctions for breaches. The Committee further recommended that arrangements be made to enable immigrants to acquire Norwegian language skills without encountering unnecessary obstacles.

A new combined Equality and Anti-Discrimination Act entered into force on 1 January 2018. The prohibition of direct and indirect discrimination has been continued and applies to all areas of society including the labour market. Employers, employers organisations, trade unions and public authorities have a duty to promote equality and prevent discrimination (The Activity and Reporting Duty).

### 5.2 Employment level and unemployment<sup>79</sup>

In total, 78 per cent of the population (aged 20–66) excluding immigrants are employed. The corresponding figures for immigrants from Africa, Asia and South and Central America are respectively 49, 56 and 66 per cent. The employment rate increases with length of residence. However, there are also major differences between groups of immigrants who have lived in Norway for more than ten years. At about 50 per cent, immigrants from Africa have the lowest employment rate after more than ten years' residence in Norway.<sup>80</sup> In some immigrant groups labour force participation is low and use of financial assistance benefits high even after many years in Norway.<sup>81</sup>

There is less of a difference between Norwegian-born people with immigrant parents and the population without a migrant background. The employment rate for Norwegian-born people with an immigrant background with parents from Africa, Asia and South and Central America is 62, 69 and 69 per cent respectively.

Unemployment among immigrants is more than three times as high as in the population as a whole, a situation that has remained largely unchanged for the last twenty years. Immigrants from Africa, Asia and South and Central America have unemployment rates of 10, 6 and 6 per cent respectively, compared with only 2 per cent for the non-immigrant population.

There are many reasons for the differences in employment levels and unemployment among the immigrant population (immigrants and their descendants), and between the immigrant population and the population as a whole. There is no documentation on how great a share of these

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79 Figures from Statistics Norway, register data 2018: <https://www.ssb.no/innvregsys/>

80 Report to the Storting 30 (2015–2016): *Fra mottak til arbeidsliv – en effektiv integreringspolitikk* (From reception centre to the labour market – an effective integration policy).

81 Official Norwegian Report 2017:2: *Integrasjon og tillit: Langsiktige konsekvenser av høy innvandring* (Integration and trust: Long-term consequences of high immigration), pp. 85–86.

differences is attributable to discrimination and what is attributable to factors such as differences in language skills, formal qualifications, length of residence, etc. However, research shows that discrimination is part of the problem.

The Ombud is particularly interested in the opportunities for qualification, and whether recruitment practices in the labour market exclude people who are qualified for work.

## 5.3 Inadequate qualification for work

The number of jobs with low skills requirements has consistently fallen since the 1970s and is expected to continue to decline.<sup>82</sup> High language and skills requirements can be an obstacle for many immigrants.

Norway will pay a high price if it fails to qualify immigrants for the labour market. Low incomes over time, in combination with low participation in the labour market which is an important common arena, both constitute barriers to integration, and lead to marginalisation. Norway employs a combination of general and special measures in its qualification policy. Employment market measures offered to both immigrants and Norwegian citizens who have been excluded from the labour market are one example of a general scheme. The Introduction Act's scheme for training in Norwegian and social studies is an example of a special measure.

### 5.3.1 Qualification of newly arrived immigrants: The Introduction Programme

#### 5.3.1.1 Description of situation

The Introduction Programme is the state's main instrument for qualifying immigrants for the labour market through training in Norwegian and social studies. Since 2010, the target has been for 70 per cent of Introduction Programme participants to be in paid work or education the year after completing the programme. In 2014, 58 per cent of all participants who had completed the programme were in paid work or education one year later. The results vary between groups, and the lowest result was for Somalis, with 46 per cent.<sup>83</sup> Research shows that women are less likely than men to find themselves in work or education once they have completed the programme. This applies in particular to women with significant care responsibilities and limited qualifications/education.<sup>84</sup>

The municipalities determine the content of the Introduction Programme, and the quality of training in Norwegian and social studies for adults varies between the various municipalities. There is little research-based knowledge about the quality of this training. Several studies, including an Official

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82 *Education-specific labour force and demand in Norway in times of transition*, Statistics Norway report 2016/31.

83 Official Norwegian Report 2017:2 *Integrasjon og tillit: Langsiktige konsekvenser av høy innvandring* (Integration and trust: Long-term consequences of high immigration), pp. 74–75.

84 Djuve, A.B., Kavli, H. et al.: *Introduksjonsprogram og norskopplæring: Hva virker – for hvem?* (Introduction Programme and Norwegian-language training: What works for whom?) Fafo report 2017:31, chap. 8.

Norwegian Report from 2017,<sup>85</sup> have highlighted the need for a more adjusted Norwegian training and work-related language training, better coordination of language training and other training and strengthening of teacher competency.<sup>86</sup>

However, law changes in 2016 and 2018 have increased opportunities to take formal education as a part of the Introduction Programme, start qualification earlier and undertake more of the Norwegian and social studies training in the workplace. There are major differences between the municipalities when it comes to achieving the goals of transition to work or education once participants have completed the Introduction Programme. The municipalities appear to have significant problems establishing a full-time scheme, adapting the programme's content and securing sufficient access to effective and relevant measures.<sup>87</sup>

### 5.3.1.2 The Ombud's assessment

The Ombud is concerned that insufficient knowledge about the quality of Norwegian and social studies training could have an adverse effect on policy development. The Ombud is further concerned that inadequate coordination between the education and labour market authorities in certain municipalities is impeding goal achievement in the Introduction Programme. The Ombud has also noted that the design of the Introduction Programme and scheme does not adequately reflect individual and gender-typical variations and needs.

### 5.3.1.3 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. implement measures to facilitate the acquisition of labour market competence in the municipalities' introduction programmes and better coordination between sector authorities, in particular between the education and labour market authorities.
2. systematically test and evaluate different models for training in Norwegian and social studies, so that the choice of training models becomes more knowledge-based.
3. ensure that women on maternity leave in all municipalities actually receive a minimum offering and follow-up of training during leave.

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85 Official Norwegian Report 2017:2 *Integrasjon og tillit: Langsiktige konsekvenser av høy innvandring* (Integration and trust: Long-term consequences of high immigration).

86 Official Norwegian Report 2010:7 *Mangfold og mestring. Flerspråklige barn, unge og voksne i opplærings-systemet* (Diversity and mastery: Multilingual children, young people and adults in the education system).

87 Official Norwegian Report 2017:2 *Integrasjon og tillit: Langsiktige konsekvenser av høy innvandring* (Integration and trust: Long-term consequences of high immigration), p. 198.

### 5.3.2 Qualification of established immigrants

The labour market places little value on the education that refugees in particular have received before they arrive in Norway. At the same time, among refugees who have received some education in Norway, a high proportion are employed. Consequently, significant socio-economic and integration benefits can be leveraged by complementing foreign education with some education in Norway, rather than having to restart the whole education process. Despite the fact that the authorities have initiated the development of some complementary training for teachers and nurses, Norway actually offers very few complementary courses at all.<sup>88</sup>

A report from 2014 on activation measures for Somalis produced by the Norwegian Labour and Welfare Administration (NAV) describes a system that has failed to make adequate arrangements for a group of immigrants facing major challenges, including a high percentage who are illiterate:

*“The relationship between NAV employees and Somali service users can be regarded as a self-perpetuating vicious circle, where an activation regime that is poorly adapted to Somali immigrants’ particular needs, the Somali service users’ reactions to what they perceive as constant humiliations in meetings with the system, and NAV employees’ frustration about what they perceive as difficult service users, are self-perpetuating and undermine trust in the mutual relationship. There are grounds to believe that this also has negative consequences for Somali immigrants’ relations with public institutions in general and for their opportunities to actively participate in society.”<sup>89</sup>*

The Ombud believes that NAV should put more effort into identifying each individual’s needs so that an equitable service can be provided.

Wage subsidies as qualification measures in the private sector are generally perceived to be the measure that provides the best transition to work. In addition, with regard to research into the effect of the labour market and integration measures among immigrants, one study clearly demonstrated the effect of wage subsidies for immigrants from Eastern Europe, Asia and Africa.<sup>90</sup> Wage subsidies can allow the employer to test the competence and productivity of the employee at the same time as providing the individual with training and experience in the job market and Norwegian society.<sup>91</sup>

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88 Official Norwegian Report 2017:2, *Integrasjon og tillit: Langsiktige konsekvenser av høy innvandring* (Integration and trust, Long-term consequences of high immigration), pp. 78–79 and 81.

89 Friberg, Jon and Olav Elgvin: *Når aktivering blir ydmykelse: En studie av møtet mellom somaliske innvandrere og NAV* (When activation becomes humiliation: A study in the meeting between Somali immigrants and NAV), Fafo Report 2014:43, p. 8.

90 Study from Fafo referred to in Official Norwegian Report 2017:2, *Integrasjon og tillit: Langsiktige konsekvenser av høy innvandring* (Integration and trust: Long-term consequences of high immigration), p. 94.

91 Official Norwegian Report 2017:2, *Integrasjon og tillit: Langsiktige konsekvenser av høy innvandring* (Integration and trust: Long-term consequences of high immigration), p. 217.

### 5.3.2.1 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. develop an extended offer of complementary education that frees immigrants from having to restart their education and thereby shortens the path to the labour market.
2. enable NAV to specify groups' concrete needs so that measures are better adapted to the individual's background, abilities and needs with regard to qualification.
3. increase the use of time-limited wage subsidies as qualification measures to get more low-qualified immigrants into work.

## 5.4 Lack of equal treatment in recruitment processes

For immigrants and their descendants with qualifications, recruitment processes in the Norwegian employment market can present a barrier. Discrimination occurs in recruitment, such as by making illegal language requirements for positions. However, the problem also seems to be that recruitment processes are implemented in a way that makes difference a disadvantage ("othering") even if people have the same qualifications. This type of discrimination is difficult to prove.

Norwegian research from recent years shows that having a visible minority background can often become a disadvantage. This applies to both the public and private sector, as well as to well-qualified candidates.

The interview is a key element in recruitment processes in both private and public sectors, and interviews have a multitude of shortcomings, which are both well-known and prominent.<sup>92</sup> Matters such as personal chemistry and sense of humour play an extremely important role in job interviews in Norway. It often seems to be not so much a case of finding out whether the candidate can perform the job, but rather whether the candidate will fit in.<sup>93</sup> Candidates who differ from the majority population will therefore often encounter a barrier not necessarily related to their suitability to perform the job.

It has been proven that a Pakistani-sounding name on a job application will reduce the probability of the candidate being called for an interview.<sup>94</sup>

Even with good qualifications, coming from a visible minority background – i.e. being a candidate who has traits with which the employer is unfamiliar, and who differs from the majority – is a disadvantage in itself for appointments in government agencies.<sup>95</sup> Based on recruitment processes in government agencies, researchers have found that a majority candidate

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92 Skorstad, Espen (2015). *Rett person på rett plass* (The right person in the right place). Gyldendal.

93 Rogstad, J. and Sterri, E.B. (2014). *Kulturelt betinget naturlig beskjedenhet* (Culturally determined natural modesty), Fafo report 2014:33.

94 Midtbøen, A. and Rogstad, J. (2012). *Diskrimineringens omfang og årsaker* (Scope and causes of discrimination), ISF report 2012:1.

95 Bjørnseth, M., Rogstad, J. and Sterri, E.B. (2018). *Profesjonell rekruttering er likestilt rekruttering* (Professional recruitment is equal-opportunity recruitment), Fafo report 2018:1.

without relevant qualifications has a greater probability of being called for an interview (46 per cent probability) than someone from an ethnic minority background with relevant qualifications (42 per cent probability). The probability of being shortlisted as the number-one candidate is the same, 7 per cent, both as a candidate with majority background without relevant qualifications and as someone from an ethnic minority background with relevant qualifications.

People with an immigrant background with a Master's degree from Norway have a higher probability of being unemployed six months after graduation than students from a non-immigrant background with an equivalent Master's degree, even after controlling for their professional discipline, grades and Norwegian language skills. While 24 per cent of non-western immigrants and 13 per cent of non-western descendants are unemployed six months after completing their Master's degree, the corresponding figure for candidates without an immigrant background is just 6.5 per cent.<sup>96</sup>

Recent research also shows that a number of jobs are deemed to suit different nationalities. The researchers have coined the concept "ethnicity as skill" to describe the tendency of employers to attribute employees qualifications based on their ethnic group.<sup>97</sup>

## 5.4.1 The state's instruments and policies

### 5.4.1.1 Action plans and measures

In its most recent report to CERD, the state cites two Reports to the Storting in response to the Committee's recommendation no. 22. Report to the Storting 16 (2015/2016) *Fra utenforskap til ny sjanse* (From social exclusion to new opportunities) deals with qualification and competence-raising measures. Report to the Storting 30 (2015/2016) *Fra mottak til arbeidsliv – en effektiv integreringspolitikk* (From reception centre to the labour market – an effective integration policy) lists 69 measures for recently arrived immigrants with a refugee background. Only measure no. 40: "samarbeide med partene i arbeidslivet om forslag for å fremme innvandreres deltakelse i arbeidslivet" ("cooperating with employers organisations and trade unions on proposals to promote immigrants' participation in the employment market") could be deemed to affect employers and standard recruitment procedures.

### 5.4.1.2 Legal instruments

#### The Activity and Reporting Duty

In September 2018, the government presented a proposal for new activity and reporting duties.<sup>98</sup> Under the proposal, all public employers, and all private employers with more than 50 employees,<sup>99</sup>

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96 Candidate survey 2017. *Forbedret arbeidsmarkedssituasjon for nyutdannede?* (Improved market situation for newly qualified graduates?) (NIFU Working Paper 2018:5).

97 Friberg, J.H. and Midtbøen, A. (2017): *Ethnicity as skill: immigrant employment hierarchies in Norwegian low-wage labour markets*, *Journal of Ethnic and Migration Studies*.

98 *Høring - Forslag om styrking av aktivitets- og redegjøringsplikten på likestillingsområdet* (Consultation – Proposal to reinforce the duty to act and report in the area of equal opportunities) (2018).

99 More than 20 employees if the employer or trade unions in the enterprise request this.

would have to adhere to a specific working methodology for the activity duty. A duty to report has also been proposed for these employers. The report should demonstrate what has been done to fulfill the responsibilities under the activity duty. A duty to report has also been proposed for equal opportunities in accordance with the Accounting Act for enterprises required to file financial statements.

While the Equality and Anti-Discrimination Ombud shall guide employers and monitor the activity and reporting duty in accordance with the Equality and Anti-Discrimination Act, no additional arrangements have been made for further enforcement or sanctioning of the duty.

### **The Qualification Principle**

The Qualification Principle was previously a common-law principle, but since 2017 has been incorporated in the State Employee Act.<sup>100</sup> The principle requires public-sector employers to employ the best-qualified candidate for a position. An assessment of who is best qualified is made by comparing the respective candidates' formal qualifications, work experience and personal suitability. The Ombud assumes that private employers also essentially want to follow a qualification principle, since it is reasonable to expect that they too wish to employ the person most suited to perform the work tasks for the position.

A qualification principle that functions as intended will be an effective tool against discrimination. However, the research shows that there is a significant risk of an employer's "gut feeling" overriding objective data. Employers make a lot of subjective assessments, and there is little to suggest that assessments of personal suitability and chemistry are made based on objective information concerning the job to be performed. These subjective decisions are far from transparent, and there is a significant risk of recruitment processes not ensuring equal opportunities.<sup>101</sup>

## **5.4.2 The Ombud's assessment**

The Ombud believes there are insufficient specific measures to ensure equal opportunities in recruitment, and that more guidance is required in this area. Such guidance could help ensure that the Qualification Principle is followed in the public sector, and help give legitimacy to recruitment processes. An effective guide on appointment processes that would also benefit private employers should be prepared.

The Ombud is essentially positive to the proposal for a new activity and reporting duty, providing sufficient resources are earmarked for guidance and monitoring to ensure that these duties are known and complied with.

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100 The State Employee Act Section 3.

101 Rogstad, J. and Sterri, E.B. *Rettmessig forskjellsbehandling? Rettferdighet og amatørskap i ansettelsesprosesser* (Equal treatment? Fairness and amateurishness in appointment processes). Fafo report 2016:23 and Rogstad, J. and Sterri, E.B. *Kulturelt betinget naturlig beskjedenhet: En studie av jobbintervjuets muligheter og begrensninger* (Culturally determined natural modesty: A study of the limitations and opportunities of the job interview). Fafo report 2014:33.

### 5.4.3 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. ensure that public employers know how equal treatment in recruitment processes should be implemented in a way that makes it possible to document that the Qualification Principle has been followed.
2. consider preparing a dedicated guide for public-sector recruitment. This guide should be practical and specific and clearly explain the Qualification Principle.
3. secure resources for guidance and monitoring of the duties to act and report.

## 6. GENDER-BASED VIOLENCE

### 6.1 Convention pledges and topic demarcation

In its general recommendation no. 25, CERD points out that the Convention should also be viewed from a gender perspective. CERD has on several occasions submitted specific recommendations for Norway to combat intersectional discrimination against women and girls from a minority background that are exposed to violence. This report addresses topics related to gender-based violence that particularly affect the migrant population, the Sámi and national minorities, since these groups are over-represented or because the protection and assistance is not adapted to these groups' backgrounds and needs.<sup>102</sup> The topics are human trafficking for prostitution, partner killings and Crisis Centre services. The first deals with immigrants, and the other two with the migrant population, the Sámi and national minorities. The Committee's recommendations from 2015 are incorporated under each topic.

### 6.2 Human trafficking for prostitution

#### 6.2.1 The Convention, Norwegian legislation and policy

In 2015, CERD recommended that Norway ensure that the victims of human trafficking receive adequate assistance and protection regardless of their residence status, grant victims a residence permit where necessary, and increase its efforts to combat human trafficking, including by identifying, prosecuting and punishing those responsible. The Committee further recommended that the authorities put in place an adequate health service for people involved in prostitution, regardless of whether they have a residence permit. Human trafficking is a criminal offence under the General civil penal code.<sup>103</sup> The authorities' fourth action plan against human trafficking was published in 2016,<sup>104</sup> and over time several measures have been implemented to identify and combat this type of crime.

#### 6.2.2 Scope and legal prosecution

Between 2007 and 2016, the Norwegian Police Service registered almost 2,000 possible victims of human trafficking for prostitution or other sexual exploitation, the majority being women. In 2016, 188 people were being followed up as possible victims of human trafficking. The police point out that they do not necessarily intercept all those identified by other authorities and organisations as possible victims of human trafficking, and that there are grounds to believe that many such cases are not identified. Of the 188 possible cases being followed up in 2016, 173 involved women over 18, five girls under 18, seven men over 18, two boys under 18 and

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102 CEDAW 2017. *Ombudets rapport til FNs kvinnekomité – et supplement til Norges niende periodiske rapport.* (The Ombud's report to the Committee for UN Women – a supplement to Norway's ninth periodic report.) The report also discusses gender-based violence.

103 The General civil penal code. Particularly relevant are Sections 257 and 258 on Human trafficking and Aggravated human trafficking, Section 315 on Controlling and facilitating prostitution, Section 316 on the Purchase of sexual services from adults (the Sex Purchase Act) and Section 309 on the Purchase of sexual services from minors.

104 *The Government's action plan against human trafficking.*

one trans person over 18.<sup>105</sup> The ROSA project, a national service for adults who have been trafficked for prostitution, reports that it has helped around 500 people escape from human trafficking since 2005 and been in contact with more than 1,000 people from 62 different countries. In 2017, the ROSA project helped a total of 74 people, eight of whom were men and 66 women.

In 2016, a total of 46 cases reported to the police of human trafficking for prostitution or other sexual exploitation were registered in Norway. There is no overview of the total number of cases investigated, but most cases were registered in the Oslo Police District, where 21 cases of human trafficking were investigated in 2016 – three involving forced labour and 18 involving prostitution. The police initiated three cases themselves in 2016, and the rest were the result of tip-offs. Some years there have been no criminal convictions in such cases, while in 2016 five cases ended with the conviction of the traffickers. The police report that many victims of human trafficking do not dare, cannot, or do not wish to report their traffickers.<sup>106</sup> The ROSA project reports that the victims feel unsafe talking about and reporting their traffickers as in either case they risk being deported from Norway. Of the total of 74 people helped by the ROSA project in 2017, only 17 chose to report their traffickers.<sup>107</sup>

### 6.2.3 Residence status, re-trafficking and varying access to rights

In 2015, the Storting unanimously requested the government to investigate the possibility of granting a residency permit to persons who have been assessed as likely victims of human trafficking.<sup>108</sup> The intention was to safeguard the victims' needs for greater protection and legal rights, and to prevent the re-trafficking that could result from sending victims to the same country as their traffickers. In turn, it was hoped that such protection would help to reduce the fear of reporting – and thereby increase the likelihood of prosecution. In 2017, in response to the recommendation measure from 2015, the government stated that the Norwegian Immigration Act, existing practice and measures in the 2016 action plan against human trafficking were sufficient.<sup>109</sup>

Under the current system, only victims who testify in legal proceedings on human trafficking have the right to a residence permit. If the person is deemed to be in genuine danger if repatriated, asylum may be granted. Victims of human trafficking can additionally be granted a residence permit if special grounds for this exist.<sup>110</sup> ROSA reports that in practice only those who testify can be granted a residence permit, but that very few cases end up before the courts. There can be several reasons why cases are not brought before the courts, including the police's capacity to investigate cases, or that investigations are hampered by the fact that the traffickers are not located in Norway. This is discussed in the National Police Directorate's annual report on human trafficking.<sup>111</sup>

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105 *Report from the Coordination Unit for Victims of Human Trafficking 2016.*

106 *Report from the Coordination Unit for Victims of Human Trafficking 2016.*

107 *ROSA Annual Report 2017* and consultation with the ROSA project.

108 Storting decision no. 123 (2015).

109 The government's response (2017) to Storting decision no. 123 (2015).

110 Immigration Regulation Section 8-4.

111 *Report from the Coordination Unit for Victims of Human Trafficking 2016* (2017). Chapter 6.

Furthermore, gaining a residence permit has actually become even more difficult since in October 2016 the Storting abolished the “reasonability assessment”<sup>112</sup> formerly required when processing applications for a residence permit. The ROSA project reports that this has exacerbated the situation for victims of human trafficking and that their applications are consequently virtually always rejected.<sup>113</sup> In 2017, a victim of human trafficking was refused a residence permit because the Norwegian Directorate of Immigration (UDI) believed that she would be safe in her home country, despite the fact that she had testified against her traffickers.<sup>114</sup>

Support organisations in the field continue to report cases of re-trafficking. Many women who previously had been sent back to their “receiving state” (first country of arrival in Europe under the Dublin Regulation) found themselves being exploited once again.<sup>115</sup> There are no mechanisms to ensure that women who have been identified and who have received assistance as victims of human trafficking in Norway are looked after on transfer to their receiving state. This means they have to undergo yet another identification process, during which time they have no special protection or assistance as victims of trafficking. Such identification will in turn depend on the woman’s own ability to disclose information to the officials she meets. This makes victims of human trafficking extremely vulnerable to re-exploitation. Women are often transferred to the country where the traffickers are located, and where much of the previous exploitation has taken place.

Furthermore, support agencies have found that women without a residence permit who appear to be victims of human trafficking are deported before identification can be completed. This means they do not gain access to the assistance they may be entitled to in Norway.

Organisations that work with victims of human trafficking take the view that victims of human trafficking in Norway are essentially treated as instruments for the prosecution of traffickers, rather than primarily as rights holders in need of protection.<sup>116</sup>

Despite the fact that combating human trafficking has been a focus area for the Norwegian authorities, all aid organisations are of the opinion that Norway still lacks a holistic and effective service for women who want to escape prostitution. These measures are also important for victims of human trafficking. The view is that follow-up of possible victims of human trafficking, including the provision of health and social services and housing, is not functioning well enough. The Storting has recommended that the government reinforce the ROSA project, consider making this a permanent measure and provide financial predictability for the measure.<sup>117</sup> The government has not followed this up.

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112 In 2016, the Immigration Act was amended so that it is no longer necessary to assess whether it would be reasonable to refer a person to apply for protection in parts of their home country other than the area they fled from (the “reasonableness assessment”). The threshold for being granted a residence permit has thus been raised. Norwegian Immigration Act Section 28.

113 *ROSA Annual Report 2017*.

114 Oslo District Court’s decision TOSLO-2017-153411 (2018). Also *Risikerte alt for å ta bakmennene* (Risky everything to testify against the traffickers). NRK Hordaland (2018). See link to the case in the reference list.

115 *ROSA Annual Report 2017* and consultation with the ROSA project.

116 The Norwegian Crisis Centre Secretariat and the Extra Foundation for Health and Rehabilitation (2009). *Challenging the ad hoc Norwegian approach to eliminate trafficking in women*.

117 Storting decision no. 118 (2015).

Individuals identified as possible victims of human trafficking can be granted a “reflection period”. During this six-month period, rights such as health, financial and housing support may be accessed. Once this status has expired, so does access to these rights. Differing residence statuses result in varying access to, and quality of, the protection and assistance afforded the victims – as reflectant,<sup>118</sup> asylum seeker, voluntary returners or a person covered by the Dublin Regulation. It has been reported that many possible victims of human trafficking find themselves in a more difficult situation once the reflection period has expired, often due to fear of reprisals from their traffickers if they have given the police information. The support agencies also lose contact with a high percentage of the women once the reflection period has ended.<sup>119</sup>

#### 6.2.4 The Ombud’s assessment

The Ombud emphasises that victims of human trafficking are in a particularly vulnerable position being totally at the mercy of their traffickers. Their lives and health are at risk while they are under the control of this group, but also if they escape from them. Once they get trapped in a network of traffickers they can be also be at risk in other European countries, as well as in their home country.

The Ombud believes that the government, in line with the Storting’s recommendation decision, should investigate the possibility of granting victims of human trafficking residence permits, regardless of whether they have testified against their traffickers in court. This also involves reviewing the consequences of abolishing the reasonability requirement, and whether the current implementation of the Immigration Regulation is too strict.

The Ombud is critical of the fact that the specific rights as a reflectant cease once the reflection period has ended. Victims of human trafficking should be guaranteed access to health and social rights in Norway, without conditions such as testifying against traffickers in court.

#### 6.2.5 The Ombud’s recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. ensure that victims of human trafficking gain real access to residence permits and assistance regardless of whether they testify in legal proceedings.
2. ensure that applications for residence permits from possible victims of human trafficking covered by the Dublin Regulation are substantively processed and not rejected.
3. afford better protection and improved access to social, health and legal aid irrespective of residency status.
4. reinforce the ROSA project and make this a permanent, national follow-up service.

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118 Individuals granted a reflection period are given the status of “reflectant”.

119 ROSA Annual Report 2017 and consultation with the ROSA project.

## 6.3 Partner killings

### 6.3.1 The Convention, Norwegian legislation and policy

CERD has previously highlighted the need for Norway to step up its efforts to combat violence against women, and in particular women from a minority background. Violence in close relationships, including partner killing, is a criminal offence under the General civil penal code.<sup>120</sup> Norway's national action plan against violence in close relationships expired in 2017 and has not been replaced. Only around a third of Norwegian municipalities have a municipal action plan for handling violence in close relationships, despite the fact this is a legal requirement.<sup>121</sup> According to reports from civil society, the County Governors' supervision of local authorities and their work to combat violence in close relationships varies between the counties.

### 6.3.2 Serious and persistent problem

Despite the fact there are relatively few murders in Norway, the percentage of partner killings is high, accounting for a quarter of all murders. The number of murders in Norway is going down, though not partner killings. In total, 147 women and 18 men were killed by their partners between 1991 and 2010.<sup>122</sup> The Norwegian Police Service's annual murder statistics for 2016 revealed a total of 25 murder cases with 27 victims, seven of whom were murdered by their partner or ex-partner, and 31 perpetrators.

Immigrants, the poor and young women are at more risk of being killed by their partners. People with complex health-related and socio-economic problems are over-represented both as victims and perpetrators.<sup>123</sup>

It is not possible to link information about the victim's and the perpetrator's country of origin in the police's murder statistics to the information about the relationship between the victim and the perpetrator.<sup>124</sup> This makes it difficult to establish accurate numbers for partner killings related to immigrants.

A national Norwegian newspaper, *Verdens Gang (VG)*, has, since 2007, published its own statistics on partner killings from 2000 onwards. These show that from 2000 to 1 October 2018 there were a total of 164 partner killings, where a total of 85 perpetrators were born in Norway and 79 abroad.<sup>125</sup> In 2007, for the first time the percentage of perpetrators born abroad was higher than the percentage of immigrants in the population. While 14 per cent of Norway's population in 2018 are immigrants, 47 per cent of partner killings have been committed by immigrants.<sup>126</sup>

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120 The General civil penal code. Link in reference list.

121 Sandmoe, A. (2016). *Kommunale handlingsplaner mot vold i nære relasjoner - også for eldre utsatte?* (Municipal action plans against violence in close relationships – for older possible victims too?) Norwegian Center for Violence and Traumatic Stress Studies. Report 9/2016.

122 The Norwegian Police Service (2017). *National murder statistics 2017. Murders in Norway 2008–2017.*

123 Bø Vatnar, Friestad and Bjørkly (2017). Intimate partner homicide, immigration and citizenship: evidence from Norway 1990–2012. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 2017, Vol. 18, No. 2, p. 104.

124 Official Norwegian Report 2012:15 (2015) *Politikk for likestilling* (Policy for Equality).

125 <https://www.vg.no/spesial/2016/partnerdrapene/overview/stats>

126 Figures from VG. VG defines an immigrant as a "person born abroad from two foreign-born parents".

In 70 per cent of the partner killings, partner violence had been registered before the murder.<sup>127</sup> This means that the warning signs were there, and that there are reasons to believe that several of these murders could have been prevented. Ankle-bracelet alarms are not widely used, despite the fact that as long ago as 2013 the Director of Public Prosecutions recommended that the courts and the police make more use of these.

### 6.3.3 The Ombud's assessment

The Ombud finds it disturbing that the number of partner killings has not gone down despite greater efforts and broad engagement in the field. The Ombud has long advocated that the government set up an expert group to review all partner killings. One of the reasons is to identify failures in the support agencies and implement effective measures to prevent new partner killings. Such a review should also examine why perpetrators with a migrant background are over-represented. The Ombud is aware that the government is working to establish a committee, and in a meeting with the Justice Minister in the middle of 2018 urged that a proposal for such a committee be presented to the Storting as soon as possible. The Ombud also believes that the police's murder statistics should include the relationship between the attacker and victim and their country of background.

The Ombud is concerned that women exposed to violence still do not receive adequate protection, and that the authorities are not efficiently preventing partner killings.

### 6.3.4 The Ombud's recommendations:

The Ombud recommends that the Committee request the Norwegian authorities to:

1. present a proposal to the Storting as soon as possible to establish a committee to investigate partner killings.
2. implement measures to ensure that more use is made of ankle-bracelet violence prevention alarms.
3. ensure that the police's murder statistics also include the relationship between attackers and victims and their country of background.

## 6.4 Crisis Centre services and other support services

### 6.4.1 Description of situation

The Crisis Centre service is the only service with specific competence in providing protection, safety, advice and guidance for women, men and children exposed to violence in close relationships. Immigrants, young people with a migrant background, asylum seekers, refugees and some from the Sámi population and the national minorities approach crisis centres for help and protection against violence in close relationships, honour killings, forced marriages or human trafficking.

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127 Bø Vatnar, S.K. (2015): *Partnerdrap i Norge 1990-2012 En mixed methods studie av risikofaktorer for partnerdrap* (Partner killing in Norway 1990–2012: A mixed methods study of risk factors for partner killings).

Women from migrant backgrounds are over-represented at crisis centres. In 2016, a total of 1,844 adults stayed at Norwegian crisis centres, 63 per cent of whom came from migrant backgrounds. Experience shows that the latter stay longer.<sup>128</sup> This is often due to inadequate follow-up relating to re-establishment in housing and employment.<sup>129</sup> In addition, women from immigrant backgrounds who visit crisis centres have fewer contacts and less experience of Norwegian society. 79 men from migrant backgrounds were registered at the crisis centres in 2016, a figure that has changed little over the last two years.<sup>130</sup>

Many crisis centres are experiencing major uncertainty regarding economic frameworks and stability concerning their services.<sup>131</sup> This in turn has a negative impact on the service available for women from migrant backgrounds who are the largest user group.<sup>132</sup>

The municipalities' existing support services for people exposed to violence in close relationships vary considerably. Challenges include a lack of effective contact between the various support organisations, insufficient clarification of areas of responsibility and inadequate coordination.<sup>133</sup> Another challenge that has long been highlighted, including by the Norwegian Crisis Centre Secretariat, is the inadequate availability of language facilitation and interpretation services.<sup>134</sup> In addition, people exposed to violence who want to leave the crisis centres receive limited offers of housing and employment, which play a critical role in enabling such women to actually break free from violent relationships and establish independent lives.

## 6.4.2 The Ombud's assessment

Bearing in mind that the crisis centres are extensively used by people from minority backgrounds, the Ombud believes it is important to reinforce this service across the whole of Norway – both as a general service and as a service adapted to individual needs.

It is worrying that the Crisis Centre Act has not been implemented in all municipalities, in part due to a lack of municipal action plans and coordination of support services, and that there is a limited offering of housing and employment, and unstable and uncertain financial frameworks for the crisis centres. A national action plan against violence in close relationships is vital to ensure a holistic service and better coordination of services and measures in the field.

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128 *Annual Report 2017*. The Norwegian Crisis Centre Secretariat.

129 *Crisis centre services in the municipalities*. Statistics from the Norwegian Directorate for Children, Youth and Family Affairs.

130 *Crisis centre services in the municipalities*. Statistics from the Norwegian Directorate for Children, Youth and Family Affairs.

131 *Crisis centre services in the municipalities*. Statistics from the Norwegian Directorate for Children, Youth and Family Affairs.

132 Bakketeig Elisiv, Stang Elisabeth Gording, Madsen Christian, Smette Ingrid and Stefansen Kari (2014). *Krisesentertilbudet i kommunene. Evaluering av kommunenes implementering av krisesenterloven*. (Crisis centre services in the municipalities. Evaluation of the municipalities' implementation of the Crisis Centre Act.) NOVA Report 19/14.

133 *Ny i Norge* (New in Norway). Report from the Oslo Crisis Centre (2008).

134 *Annual Report 2017*. The Norwegian Crisis Centre Secretariat.

### 6.4.3 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. present a new national action plan against violence in close relationships, which both includes minorities in the regular services, as well as in the services adapted to the specific needs among minorities.
2. ensure that action plans against violence in close relationships are introduced in all municipalities.
3. ensure efficiently coordinated services, including housing and employment support. The entire support chain must work together, and the services should initially be based on the needs of individuals exposed to violence and founded on the crisis centres' expertise.
4. secure adequate and predictable resources for the crisis centres.
5. ensure that people exposed to violence who encounter language barriers receive the necessary linguistic facilitation, such as access to qualified interpretation services.
6. help reinforce immigrant, minority and indigenous women's own initiatives relating to, for example, self-help groups, support groups or networks so that those exposed to violence can receive help from several sources.

## 6.5 The Sámi and violence in close relationships

### 6.5.1 Description of situation

Sámi people are more exposed to violence than others.<sup>135</sup> In a survey from 2015, Sámi women reported a higher incidence of emotional, physical and sexual violence compared with the general population. Almost half of all Sámi women reported violence, compared with 35 per cent of women as a whole. In total, 22 per cent reported sexual violence, compared with 16 per cent of non-Sámi women. The reasons for these differences are unknown.<sup>136</sup>

A report from 2018 shows that of the eleven municipalities in the Sámi language administration area,<sup>137</sup> only three have action plans for violence in close relationships, all of which specifically refer to the indigenous population or the Sámi.<sup>138</sup>

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135 Eriksen, A. (2017). *Breaking the silence – Interpersonal violence and health among Sami and non-Sami. A population-based study in Mid- and Northern Norway*. University of Tromsø.

136 Eriksen A., Hansen K.L., Javo C. and Schei B. (2015). Emotional, physical and sexual violence among Sami and non-Sami populations in Norway: The SAMINOR 2 questionnaire study. *Scandinavian Journal of Public Health*. 43:6.

137 The Sámi language administration area encompasses 11 Norwegian municipalities where Sámi has equal status with the majority language.

138 *Vold og overgrep i samiske samfunn* (Violence and assaults in Sámi society). Norway's National Institution for Human Rights. Topic report 2018.

A report from 2017, which specifically addresses violence in close relationships in the Sámi population, shows that the police and support agencies lack the requisite competence in the Sámi language and culture. The report also shows that taboos and a culture of silence in Sámi society can have unfortunate consequences when it comes to violence and assaults. In addition, a number of challenges resulting from the historical suppression of the Sámi continue to undermine trust in the support agencies. The report also reveals that Sámi families often prefer to resolve problems within Sámi society. The support agencies lack the cultural knowledge to lower this threshold and to give the Sámi who experience violence in close relationships the necessary assistance and protection. Language facilitation and interpretation is also extensively lacking. There is currently no support service for the Sámi population adapted to the Sámi language, culture and culture of silence.<sup>139</sup>

In addition to the general measures that help protect everyone against violence in close relationships, the Norwegian authorities have initiated various measures intended to protect those exposed to violence in the Sámi population in particular, such as the Sámi Norwegian National Advisory Unit on Mental Health and Substance Use (SANKS).<sup>140</sup> Nonetheless, there are weaknesses in how the authorities safeguard the Sámi population's right to comprehensive measures that prevent, protect against and prosecute violence in close relationships, and further research work is required both on Sámi exposed to violence and how the authorities can best safeguard this group's rights.

## 6.5.2 The Ombud's assessment

The Ombud is concerned that even though the Sámi are more exposed to violence than others, neither the support agencies nor the police have particular competence in the Sámi language and culture. This makes it more difficult to protect people from a Sámi background against violence in close relationships and to provide the necessary assistance. The support agencies lack coordinated services, knowledge about how to identify and prevent violence, and linguistic and cultural insight into indigenous populations. The state is neglecting its responsibility in failing to obtain particular knowledge about these groups.

In order to implement effective measures and build the Sámi population's confidence in the support agencies, it is important that representatives of Sámi society can contribute to the process of establishing measures to effectively prevent violence in close relationships and provide help for victims, along with follow-up in the legal system.

The Ombud is keen to ensure that all action plans against violence in close relationships, both national and municipal, include measures to cater to the specific needs of the Sámi population.

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139 Øverli I.T., Bergman S. and Finstad A. (2017). *Om du tør å spørre, tør folk å svare. Hjelpeapparatets og politiets erfaringer med vold i nære relasjoner i samiske samfunn.* (If you dare to ask, people will dare to answer: The support agencies' and police's experiences of violence in close relationships in Sámi society.) Norwegian Center for Violence and Traumatic Stress Studies. Report no. 2/2017.

140 The Sámi Norwegian National Advisory Unit on Mental Health and Substance Use (SANKS) offers culturally adapted treatment for the Sámi population.

### 6.5.3 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. prepare a new overarching national action plan against violence in close relationships, including measures to meet the specific needs of the Sámi population.
2. ensure that action plans against violence in close relationships are introduced in all municipalities, and that these cater to the specific needs of the Sámi population.
3. ensure that the Sámi population receives an adequate and coordinated service, where the entire support chain works together and possesses cultural insight and understanding.
4. secure language facilitation and interpretation in all stages from prevention and support provided to victims, to prosecution.
5. involve Sámi organisations in developing and evaluating measures.
6. secure knowledge gathering and research that ensures that the services and measures are adapted to the needs of the Sámi population.

## 6.6. Immigration administration

### 6.6.1 Description of situation

Anyone who arrives in Norway to be with their family must live in Norway for three years before they can apply for a residence permit on an independent basis. There are a few exceptions to this rule. Groups covered by exceptions include people exposed to violence in close relationships. In these cases, the exemption permitted in Section 53b of the Immigration Act can be used to gain residence on an independent basis before the individual in question has been in the country for three years.<sup>141</sup> The person is obligated to end cohabitation with the person(s) who have exercised the violence. The exemption rule is primarily used by women.

In recent years, several organisations, including the Ombud, have criticised the immigration authorities for too stringent enforcement of the exemption provision with regard to violence in close relationships, and because application of the law is not functioning as intended by the Storting. Among other things, too stringent requirements are made for proof that violence has taken place and for what is deemed to constitute violence. A further weakness is that few people know that the exemption exists.

In the committee's recommendation number 34 to Norway in 2015, with reference to the committee's general recommendations no. 25 and no. 30, the committee requests the authorities to intensify their efforts to combat violence against women, and in particular women from a minority background. The committee further requests that the authorities review their own practices relating to the exemption provision, to prevent this from forcing women to remain in violent relationships. The Ombud is not aware that the authorities have followed up this recommendation, with one

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141 The Immigration Act. Link in reference list.

exception. In the government's action plan against negative social control, forced marriage and genital mutilation, the authorities extended the legal provision on abuse, which previously only covered cohabitants or spouses, to cover extended families.<sup>142</sup>

In September 2017, a requirement was introduced that anyone applying for permanent residence must have had their own income and not have received financial assistance benefit for the last 12 months (income requirement). This requirement does not apply to people exposed to violence in close relationships.

### 6.6.2 The Ombud's assessment

The Ombud remains critical of the fact that immigrants who are exposed to violence in close relationships risk having to remain in violent relationships due to too stringent application of the exemption right in the Immigration Act.

The Ombud welcomes the extension of the exemption provision relating to violence in close relationships to cover violence committed by family members other than cohabitants or spouses.

The Ombud is concerned that the recently introduced income requirement for those applying for residence on an independent basis will create an extra obstacle for people exposed to violence in close relationships. Even though people who are exposed to violence in close relationships are not covered by the requirement, the Ombud believes that there is a significant risk of people who have lived in Norway for three years or longer, and thus satisfying the residence requirement in the Immigration Act, remaining in violent relationships due to an inability to provide for themselves and/or their children. For example, anyone exposed to various forms of negative social control, such as being prevented from attending a Norwegian language course, receiving training or participating in the labour market, will be affected by this provision. The Ombud believes that the government should within a reasonable time frame map the consequences of the introduction of an income requirement for those covered by the requirement.

### 6.6.3 The Ombud's recommendations

The Ombud recommends that the Committee request the Norwegian authorities to:

1. implement a national evaluation of case handling of applications for a residence permit on an independent basis in accordance with Section 53 b of the Immigration Act over the last ten years.
2. based on the findings, prepare a strategy for implementation of any improvements.
3. evaluate the effects of the income requirement on the granting of independent residence status, taking particular account of people exposed to violence in close relationships and exposed to negative social control.

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142 *Retten til å bestemme over eget liv. Handlingsplan mot negativ sosial kontroll, tvangsekteskap og kjønnslemlestelse.* (The right to decide about one's own life. Action plan against negative social control, forced marriage and genital mutilation.) 2017–2020. Measure no. 5.

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