

Answer from Norway to the questionnaire from OHCHR, related to resolution A/HRC/21/30 on the elaboration of complementary standards to the International Convention on the elimination of All Forms of Racial Discrimination.

We refer to your letter dated 3 January 2013 with attached questionnaire by OHCHR in consultation with the Chairperson-Rapporteur. Included, is the response to the draft questionnaire.

**Question 2.i:**

Kindly provide information on the phenomena of xenophobia in your national context, including any general trends.

**Response to question 2.i:**

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

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

Studies show that people with minority backgrounds in Norway are victims of discrimination. The Norwegian Action plan to promote equality and prevent ethnic discrimination focuses on combating discrimination that, in particular, immigrants, the Sami people and national minorities are subject to.

**Questions 2.ii and 2.iii combined:**

2ii) How is xenophobia addressed in your country (include any legal and judicial frameworks and practices substantive and procedural measures)?

2iii) Which national mechanism(s) with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance does your country have in place? Kindly indicate the(ir) mandate(s) and powers, including any proposals for improvement on the basis of national experience.

**Response to questions 2.ii and 2.iii:**

The protection against discrimination in civil law is distributed over a number of acts, and these provide different levels of protection against different grounds of discrimination. Anti-

discrimination legislation is enforced by special enforcement agencies, the Equality and Anti-Discrimination Ombud and the Norwegian Equality Tribunal. Some extremely serious forms of discrimination are regulated in the General Civil Penal Code and enforced by the prosecuting authorities.

Legal protection against discrimination is necessary, but not sufficient to ensure equality in major social areas. Employers, the public authorities and the employer/employee organizations have a legal obligation to make an active effort and to report on their efforts to promote equality and prevent the discrimination of people on the basis of gender, disability, ethnicity and religion. The Government's Action Plan to promote equality and prevent ethnic discrimination has 66 different measures in several important sectors of society. Norway's first action plan for the prevention of radicalization and violent extremism was presented in 2010.

Norway has implemented several measures to secure that the diversity in the population is reflected in among others the legal system. The goals are to strengthen dialogue and interaction with groups in the minority communities, increase recruitment of employees with minority background and strengthen diversity training for public servants and managers in the legal sector. The Directorate of Integration and Diversity has developed a toolbox with methods and knowledge which is designed to assist the public agencies in adopting their services to the multicultural population.

#### **Question 2.iv:**

Kindly provide information or any comments your country might have on the issue of procedural gaps to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), including any legal and judicial frameworks and practices, substantive and procedural measures.

#### **Response to question 2.iv:**

There is a need to address the grave problems of racism, racial and religious discrimination, racial profiling, hate crimes and xenophobia. Legal protection is not always enough to ensure equality and combined efforts are required. Norway considers that there is a solid legal basis to fight racism and xenophobia, but we are open to take the debate further. The approach should be factual, consensual, and based on real needs and clear manifestations, and demonstrate that progress has been hindered or slowed down by gaps in the legal regime.

So far - based on empirical data and fact based reports - no evidence has been put forward to substantiate the need to develop new standards. What is really at issue is the improvement of implementation of existing instruments. Ratification and implementation of ICERD and other relevant international treaties is the way to address all types of racial discrimination. Considering that gaps exist only in the implementation of existing international obligations, we believe that States should engage in a critical self-assessment of the existence and effectiveness of national measures and mechanisms. The sharing of best practices of comprehensive anti-discrimination legislation should also be encouraged.

We are ready to discuss further whether the establishment of certain new procedures to the Convention concerning investigations, inquiries, procedures to evaluate situations or country visits, could enhance the effectiveness of the Committee's activities as a monitoring body. We highlight however the need to make optimal use of existing procedures, in terms of compliance with reporting procedures and follow-up to the concluding observations/recommendations of the Committee on the Elimination of Racial Discrimination. We must also ensure that the Committee on the Elimination of Racial Discrimination avoid duplication of activities carried out by the Human Rights Council or OHCHR.

**Question 2.v:**

Would your country have any comments on the issue of the impact of reservations on the implementation to the ICERD? Is there a need for reservations and why?

**Response to question 2.v:**

Norway has not made any reservations to the ICERD. Norway has entered formal objections in 1989 to the reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii), and in 1998 to the general reservation made by Saudi Arabia upon accession. Norway adheres to the principles of Section 2 in the Vienna Convention on the Law of Treaties regarding reservations.

**Question 2.vi:**

Would your country have any comments concerning Article 14 of the ICERD (declaration by State Party recognizing the competency of the Committee to receive/consider individual complaints)?

**Response to question 2.vi:**

Reference is made to the declaration that Norway submitted in 1976:

"The Norwegian Government recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within the jurisdiction of Norway claiming to be victims of a violation by Norway of any of the rights set forth in the International Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination according to article 14 of the said Convention, with the reservation that the Committee shall not consider any communication from an individual or group of individuals unless the Committee has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement."

**Question 2.vii:**

Which CERD recommendations has your country implemented with regard to national mechanisms and xenophobia, including any legal and judicial frameworks and practices, substantive and procedural measures? What has been your national experience (including challenges) in this regard?

**Response to question 2.vii:**

Norway has signed and ratified the International Convention on the Elimination of All forms of Racial Discrimination (CERD). Domestic laws comply with the provision of Article 1. CERD has been incorporated in the Norwegian Anti-Discrimination Act. Norway has no reservations to the convention. See also answers to questions 2.ii and 2.iii.

Norway takes into consideration both the general CERD recommendations and the CERD country specific recommendations.

**Question 2.ix:**

With regard to the topics of this questionnaire:

- A) Kindly indicate any possible recommendations your country would wish to provide, and,
- B) Are there any additional comments or information your country wishes to provide in relation to xenophobia, national mechanisms or procedural gaps?

**Response to question 2.ix:**

Norway's first specific action plan for the prevention of radicalization and violent extremism was presented in 2010. The plan has four priority areas: knowledge and information, strengthening the authorities' co-operation, strengthened dialogue and greater involvement and support to vulnerable and at-risk persons. Measures that can be mentioned are exit and de-radicalization programmes. Norway among other countries has had good experience with efforts aimed at getting members of right-wing extremist groups to exit from these groups. This has taken place through exit projects for defectors, network groups for parents with children in extremist groups and preventive talks by the police with young members of extremist groups. Please consult the action plan to prevent radicalization and violent extremism:

[http://www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Radikalisering\\_engelsk.pdf](http://www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Radikalisering_engelsk.pdf)