Norges nasjonale institusjon
for menneskerettigheter

UN Committee on the Elimination of
Racial Discrimination
cerd@ohchr.org

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Supplementary information from the Norwegian National Human Rights Institution to the UN Committee on the Elimination of Racial Discrimination / CERD in relation to the hearing of the 23 / 24th periodic report of Norway on 5-6 December 2018

Reference is made to the invitation from the Committee on the Elimination of Racial Discrimination (CERD or the Committee) to provide country-specific information prior to the consideration of Norway's 23-24th periodic report at the Committee's 97th session.

The Norwegian National Human Rights Institution (NHRI) was established 1 July 2015 as an independent institution under new legislation adopted by Parliament. The National Institution has a specific mandate to protect and promote international human rights in Norway, as well as to monitor how the authorities respect their international human rights obligations. Submitting supplementary reports to international human rights treaty monitoring bodies is an essential tool for a national human rights institution to fulfil its mandate.

In March 2017, we were granted A-status by GANHRI, thus recognizing that NHRI is fully compliant with the UN Paris Principles.

In relation to the International Convention on the Elimination of Racial Discrimination (ICERD), it may be noted that NHRI has a statutory Advisory Council which meets quarterly to provide input and advise to our human rights work. The Council has fourteen members, including representatives of the Jewish community, the Sami indigenous population and the Equality and Anti-Discrimination Ombudsman, which is specifically mandated to monitor implementation of ICERD.

This report has been prepared in consultation with the Norwegian Parliamentary Ombudsman and the Ombudsman for Children. The Ombudsman for Children has also provided written inputs on issues of particular relevance for children. The Equality and Anti-Discrimination Ombudsman is submitting a separate report to the Committee.

We hereby take the opportunity to draw your attention to the issues in the attached report, which we propose that the Committee address in its deliberations with, and its recommendations to, Norway. The issues raised are based on the Committee's Concluding observations to Norway from 2015.[1] Our submission does not, however, reflect all relevant human rights challenges in Norway within the scope of the ICERD.

Yours sincerely
On behalf of the Norwegian National Human Rights Institution

Adele Matheson Mestad	Kristin Høgdahl
Director a.i.	Senior Adviser

This document is electronically approved and has no signature.

[1] CERD/C/NOR/CO/21-22.

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Framework / policy

1. Follow-up of recommendations by international human rights monitoring bodies

Norway's reporting to UN human rights monitoring bodies in the period 2017 – 2019 has generated a number of observations and recommendations to Norway. There is a need to develop a system for the assessment and follow-up of these observations and recommendations.

Suggested recommendation:

- The State Party should put in place a mechanism to map and assess all observations and recommendations from international human rights monitoring mechanisms with a view to ensure that ministries and other relevant governmental agencies respond on an informed and coordinated basis.

2. Hate speech and hate crimes

Reference is made to CERD's Concluding Observations (CO) paras. 16 and 18, and State Report paras. 92, 96, 98, 117, 120-124.

NIM welcomes that the State party in November 2016 launched a strategy against hate speech (2016–2020) with 23 specific measures.[2] Some measures in the strategy have already been implemented. However, to NHRI's knowledge, other measures have only been partially implemented or are not yet implemented. The latter include capacity building and knowledge development within the police to investigate these crimes (measure 10), as well as the development of comprehensive and standardized national statistics on the reporting, investigation and convictions of hate crimes (measure 12).[3]

The annual statistics for 2017 from the Police Directorate on the number of reported hate crimes show that the number of reported hate crimes has increased significantly over the last five years (although only a moderate increase from 2016 to 2017).[4] The reason for the increase is assumed to primarily be due to an increased attention to the matter within the police and the public in general. The directorate still believes there to be underreporting to a large extent, and states that the matter therefore still needs to be prioritized. NHRI agrees with this.

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[2] *Regjeringens strategi mot hatefulle ytringer 2016–2020*, 21 November 2016.

[3] Cf. also the State party's status report on the strategy from October 2018: https://www.regjeringen.no/contentassets/809bef040b6047658103b5deac4dd887/status-strategi-mot-hatefulle-ytringer.pdf

[4] *Hatkriminalitet, Anmeldelser 2017*, Politidirektoratet, 24 May 2018.

NHRI has not been able to clarify whether the matter of hate crime and hate speech is prioritized in all police districts, or whether the police districts are sufficiently funded to ensure adequate follow-up as provided by the national strategy. The successful work of the designated hate crime investigation group in the Oslo police district (which to NHRI's knowledge, is the only example of such a group in Norway), is a good example of how to build a professional environment with good legal and practical expertise in the complexities of hate speech and hate crime investigation.

The State Report says that «starting in 2017 the statistics will be expanded to include prosecuted cases and cases that result in a legally binding judgement» (paras. 98 and 122). However, to NHRI's knowledge, this has not yet been done. The annual statistics from The Police Directorate for 2017 still only include the number of reported crimes, and not the outcome of these reports.

It is not clear if, and which, measures have been taken to ensure more systematic collection and registration of national hate speech and hate crime statistics.

The statistics should include both the number of reports and the outcome of these reports. The latter should e.g. include the number of investigations, dismissals (and dismissal on what grounds), charges, number of cases brought to the court and the outcome of those cases (convictions, sanctions, etc.). Hate speech and hate crime statistics should be recorded in accordance with clear and standardized guidelines. The State party should ensure that the different police districts have the necessary expertise in registering the relevant data. Measures to ensure this should not be restricted to developing rules and guidelines but include the necessary steps to bridge the implementation gap between such guidelines and actual registering of data.

Suggested recommendations:

- The State Party should ensure that police districts give high priority to investigation of hate speech and hate crimes, as provided for by the Government's strategy.
- The State Party should ensure comprehensive, reliable and standardized statistical data on hate speech and hate crimes, which not only include the number of reports (as today), but also the outcome of these reports (investigations, prosecutions, convictions, etc.).
- The State Party should strengthen coordination and further clarify responsibility among different justice sector institutions, e.g. the police, the Police Directorate, the prosecutor's office and the courts, to ensure the follow-up of the two abovementioned recommendations.

3. Discrimination of individuals with immigrant background in housing and employment

Reference is made to CO, para 22.

In 2015, The Directorate for Children, Youth and Family Affairs (responsible for work on equality and non-discrimination of ethnic minorities) initiated research on discrimination against Sami, national minorities and immigrants in Norway. [5] The report shows discrimination in many areas of society.

This study confirms an earlier survey on housing conducted in 2011 showing the existence of discriminatory practices in the rental market which give unequal access to housing for individuals with immigrant background. This information is also supported by individual complaints that have been filed with the Equality and Anti-Discrimination Ombudsman up until 2018. The report from 2016, "Living Standards Among Immigrant Populations" from Statistics Norway also reveals some of the challenges with access to adequate housing for this group, including standard of dwelling and available space.[6]

Since 2014, the Government has implemented a general *Housing for Welfare Strategy* to address the problems of adequate and affordable housing for disadvantaged groups, which include, to a certain extent, individuals with immigrant background.[7] Measures that have been developed include direct financial support, municipal guarantee schemes and housing subsides as well as information, counselling and capacity development.

Discrimination in the labour market is a well-documented issue as highlighted in the State report. A study from 2012 indicates that the likelihood of being invited to a job interview is 25% lower for individuals with a foreign name.[8] According to Statistics Norway, the general unemployment rate is 4.2%, whereas unemployment among persons with immigrant background is up to 11.2%.[9]

A recent study found that members of this group were disadvantaged, both with regard to salary levels and types of employment.[10] Persons with immigrant background receive on average 86% of the average salary of the general population. These differences also vary between different immigrant groups. Persons from Western-Europe normally have access to higher paid jobs and receive higher salaries, whereas persons from the African region have the lowest paid jobs. There are of course many factors that determine these

[5] Diskriminering av samer, nasjonale minoriteter og innvandrere i Norge En kunnskapsgjennomgang. Arnfinn H. Midtbøen og Hilde Lidén, Institutt for samfunnsforskning Rapport 2015:01. https://brage.bibsys.no/xmlui/bitstream/handle/11250/2440432/ISF-rapport_2015_1_v3_endret.pdf?sequence=3&isAllowed=y

[6] SSB, https://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/levekar-blant-innvandrere-i-norge2016.

[7] Bolig for velferd, Nasjonal strategi for boligsosialt arbeid (2014-2020), https://www.regjeringen.no/globalassets/upload/kmd/boby/nasjonal_strategi_boligsosialt_arbeid.pdf

[8] See ICCPR State Report para. 46.

[9] SSB, https://www.ssb.no/innvandring-og-innvandrere/faktaside/innvandring.

[10] SSB, https://www.ssb.no/arbeid-og-lonn/artikler-og-publikasjoner/lavere-lonn-blant-innvandrere.

inequalities, including educational background and skills,[11] but such obstacles should be further studied and addressed to mitigate negative consequences.

Suggested recommendations:

- The State Party should evaluate the effectiveness of its housing strategy with a view to eliminating discriminatory practices in the rental market and seek to ensure access to adequate and affordable housing for individuals with immigrant background.
- The State Party should implement measures to ensure effective integration of persons with immigrant background in the labour market, including equal access to the labour market and equal pay for work of equal value.

Groups

4. National minorities

4.1. The "invisible" national minorities

NHRI held a consultation meeting with representatives of national minority groups in November 2017, to discuss various human rights challenges they are facing. A common perception among these groups is that the national minorities are "invisible" in society at large. In 2018, NHRI conducted a survey on the public knowledge about the human rights situation in Norway.[12] The survey showed that the general public in Norway had little knowledge of national minorities. Only 50% of the respondents were aware of human rights challenges among national minorities. By comparison, 86% were aware of such challenges among other vulnerable groups. The national minorities include Jews, Kvens/Norwegian Finns, Forest Finns, Romani people/Tater and Roma. The level of awareness is particularly low for the Forest Finns where only 30% of the respondents had any knowledge of their situation.

Suggested recommendation:

- The State Party should strengthen its efforts to enhancing knowledge of national minorities and the challenges they face.

4.2. Statistics on living conditions for national minorities

Reference is made to CO para 8 and State report paras 79 – 83.

[11] *Fra mottak til arbeidsliv – en effektiv integreringspolitikk*, Meld.St. 30 (2015-2016).

[12] KANTAR TNS, Befolkningens holdninger til menneskerettighetene, Spørreundersøkelse gjennomført på oppdrag fra Norges nasjonale institusjon for menneskerettigheter, Rapport: 29.05.2018.

Statistics on the living conditions for persons belonging to national minorities in Norway is a useful tool to measure how equality is promoted. The scepticism towards ethnically based registration and data compilation from some of the minorities in question is however understandable and must be respected. Finding ways out of this dilemma, the need vs. scepticism, should be further considered by the State in dialogue with the minorities concerned. We welcome the Government's plan for the Directorate of Children, Youth and Family Affairs to publish statistics on ethnic composition and living conditions of different groups with ethnic discrimination in mind. The statistics on Sami living conditions might serve as an example of good practice also for other groups.[13]

Suggested recommendation:

- The State Party should, in dialogue with the national minorities concerned, increase knowledge on the living conditions of the various national minorities, e.g. by drawing on good practices in terms of data gathering methods used in relation to Sami living conditions.

4.3. Tater/Romani collective redress

Reference is made to CO para 26 (f) and State report para. 165.

On 1 June 2015, the Governmental Commission on Tater/Romani (hereafter the Commission) issued its final report "Assimilation and struggle: Norwegian policy towards Tater/Romani people from 1850 until today". The main finding of the report is that Norwegian authorities have been implementing a hard-handed assimilation policy with regard to Tater/Romani people, still traceable as late as the 1980s.

The Government established a reference group of representatives for the Tater/Romani minority in April 2018 with a view to follow up on the various recommendations of the Commission. To secure transparency and wider participation, an official website has been established to provide information on progress.[14] Among the issues under consideration are the establishment of a cultural centre, strengthening education on Tater/Romani culture and history, as well a system for future administration of financial means for "collective redress" (kollektiv oppreising).[15]

[13] For more information on the methods used for Sámi statistics and analysis see: Sami Statistics Speak, Numbers and Commentary, Sámi allaskuvla/Sámi University College, Report 1/2018, chapter 2, p. 11 – 18. Samiske tall forteller 11, Kommentert samisk statistikk 2018, Sámi allaskuvla/Sámi University College, Report 2/2018, chapter 1. Hoffman og Moe (red). For information on the surveys on living conditions for Jews and muslims see: Holdninger til jøder og muslimer i Norge 2017, Senter for studier av Holocaust og livssynsminoriteter, desember 2017. https://www.hlsenteret.no/aktuelt/publikasjoner/digitale-hefter/hl-rapport_13des-web.pdf

[14] Cf. https://nettsteder.regjeringen.no/romanitater/

[15] Cf. https://nettsteder.regjeringen.no/romanitater/kollektiv-oppreisning/

Suggested recommendation:

- The State Party should continue its efforts to secure comprehensive follow up of the Tater/Romani Commission's report including collective redress.

4.4. Comprehensive plan for strengthening Kven language

In January 2018, the Government presented a comprehensive "Targeted plan 2017-2021" to further strengthen the use of Kven language.[16] The plan includes focused measures in kindergarten, school and higher education, and support towards the establishment of a Kven language center in the County of Finnmark. The plan is accompanied by increased financial support. The Kven organizations (Norske Kveners forbund and Kvenlandsforbundet) have criticized the plan for not being ambitious enough, and that they had not been appropriately consulted and given proper opportunity to provide input on measures and priorities within the plan.[17] NHRI is concerned that the Kven organizations perceive the consultation process to have been inadequate.

Suggested recommendations:

- The State Party should continue its efforts to strengthen the Kven language in dialogue with the affected group, including dialogue on the implementation and evaluation of the current Targeted plan to strengthen Kven language.

4.5. Roma children and the right to education

Reference is made to CO para 26 and State report paras. 138–143.

According to the Ombudsman for Children, there is still a high rate of Roma children who are absent from school education. School absence will often result in dropping out of school. Among reported cases of absence from primary education, half of the children were Norwegian Roma.[18] This is a very high number given the estimated size of the Norwegian Roma population.

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[16] Målrettet plan 2017-2021 – videre innsats for kvensk språk, Kommunal- og moderniseringsdepartementet, https://www.regjeringen.no/contentassets/b1bf2ee2a7824c06ac22443e011f0fd6/plan_kvensk_spraaak.pdf

[17] Cf. http://kvener.no/kv/2018/01/en-lite-ambisios-malrettet-plan-kvensk-sprak-2/ and https://www.ruijan-kaiku.no/med-de-virkemidler-som-er-foreslatt-er-det-ikke-mulig-a-gjennomfore-planen/

[18] Statistics from police authorities in national newspaper Aftenposten 10.10.2018, https://www.aftenposten.no/norge/i/On7L1b/--Det-finnes-ingen-unnskyldning-for-at-det-vokser-opp-barn-i-Norge-som-ikke-far-skolegang?spid_rel=2

The Government has planned to publicise a White Paper in 2020, on how to strengthen the situation of national minorities in Norway.[19] It is important that the right to education for Roma children is addressed in the White Paper and that concrete measures are identified.

Suggested recommendation:

- The State Party is encouraged to include the educational situation of Roma children in the forthcoming White Paper on national minorities and to implement measures to prevent early school drop-outs among Roma children.

5. Sami rights

5.1. Violence and abuse where the victim is of Sami ethnicity

Reference is made to the State report para. 34.

Research indicates that Sami ethnicity is a risk factor for being exposed to violence.[20] We note that the issue of combating all forms of violence and abuse is a high priority for the Government. Several measures have been taken, for instance the implementation of an escalation plan to combat violence and abuse for the period 2017-2021.[21] Nevertheless, research indicate weaknesses in the measures taken by the authorities to ensure effective prevention, protection and redress to this vulnerable group.[22] This research suggests that abused individuals from Sami communities experience special challenges and barriers in their interaction with the police and social and health services, partly due to a lack of cultural and linguistic understanding.[23] The exposure of numerous cases of violence and sexual abuse in the small Sami community of Tysfjord is illustrative. There is a clear need to strengthen efforts to combat violence and sexual abuse in Sami communities.[24]

[19] Press release from Government 20.08.2018, https://www.regjeringen.no/no/aktuelt/ny-stortingsmelding-om-nasjonale-minoriteter-i-2020/id2611584/

[20] Astrid M. A. Eriksen, "*Breaking the silence – inter-personal violence and health among Sami and non-Sami. A population-based study in Mid- and Northern Norway*", p. 47 and 49, University of Tromsø, June 2017.

[21] Norway report to CERD/C/NOR/23-24, para. 34, 195.

[22] See «*Om du tør å spørre, tør folk å svare*», NKVTS, rapport nr. 2 2017 and «*Overgrepene i Tysfjord – erfaringer og funn fra politiets etterforskning*», Nordland politidistrikt, 2017.

[23] «*Om du tør å spørre, tør folk å svare*», NKVTS, rapport nr. 2 2017 and «*Overgrepene i Tysfjord – erfaringer og funn fra politiets etterforskning*», Nordland politidistrikt, 2017.

[24] See recommendations from CCPR/C/NOR/CO/7, para. 15, CAT/C/NOR/CO/8 para. 24 (c), CRC/C/NOR/CO/5-6 para. 18 (a) and CEDAW/C/NOR/CO/9. Para. 25 (e).

NHRI recently published a report stating that the Norwegian state authorities must strengthen their efforts to ensure effective prevention, protection and redress of violence and abuse where the victim is of Sami ethnicity.[25]

Suggested recommendation:

- The State Party should launch an action plan with a view to eliminate all forms of violence against persons of Sami ethnicity. The action plan should be made in consultation with relevant Sami institutions, civil society and the Sami Parliament.

5.2. The rights of the East Sámi

Reference is made to CO para 28, State report para. 170, and 175– 176.

The Norwegian authorities acknowledge that East/Skolt Sami culture is in a very vulnerable position and they have taken measures to support East/ Skolt Sami culture. The East/ Skolt Sami language is categorized as ”severely endangered” by UNESCO.[26] The authorities have provided support to transboundary projects with Finland on the East /Skolt Sami language and culture since 2008, through financial means, although very limited, to the Ã’vv Skolt Sámi Museum. The establishment of the Ã’vv Skolt Sami museum is an important contribution for the documentation and safeguarding of Skolt Sami traditions and knowledge.

CERD has stressed the need to strengthen efforts for protecting and developing the East/ Skolt Sami language and culture.[27] There is no language resource center established to promote East/ Skolt Sami language. The National Action Plan for Sami Languages was adopted in 2009, and includes measures for supporting cross-boundry East/Skolt Sami language and culture projects.[28] This plan is currently under evaluation by the relevant Governments .[29]

The Finnmark Act includes provisions that affirm customary local rights to traditional fishing in Neiden river in the East/ Skolt Sami area, this includes Skolt Sami persons.[30]

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[25] NHRI report 2018 «*Vold og overgrep i samiske samfunn*», available only in Norwegian: https://www.nhri.no/2018/temarapport-2018-vold-og-overgrep-i-samiske-samfunn/ . The report refers to inter alia to the obligations under the Istanbul Convention, ratified by Norway 1 November 2017.

[26] *Atlas of the World's Languages in Danger,* 3rd edition, Christopher Moseley (ed.).

[27] CERD/C/NOR/CO/18, para.17 and CERD/C/NOR/CO/19-20, para 18.

[28] Action Plan for Sami Languages, (2009), measure 25 ” *Revitalising Eastern Sámi language and culture”* https://www.regjeringen.no/globalassets/upload/fad/vedlegg/sami/hp_2009_samisk_sprak_engelsk.pdf

[29] Status report on the National Action Plan for Sámi Languages: https://www.regjeringen.no/globalassets/upload/fad/vedlegg/sami/handlingsplan_samiskesprak_2013_no.pdf (Norwegian only), see also the State party report, CERD/C/NOR/23-24, para. 169.

[30] Finnmark Act, § 28.

However, the authorities have concluded that the East/Skolt Sámi have lost their rights to their traditional reindeerherding. As their traditional reindeerherding areas are now occupied by North Sami families, the government have concluded that they will not provide any redress for the East/ Skolt Sami in this matter. The effects this loss of rights have for the East/Skolt Sami and to to their distinct culture, should be further examined. The Norwegian Parliament's establishment of a Truth and Reconciliation Commission for Sami and Kven peoples provides an opportunity for a particular assessment of the situation of the East/ Skolt Sami.[31] The East/Skolt Sami in Norway are not represented in the Sámi Parliament through their own elected representatives. [32]

Suggested recommendations:

- The State Party should in consultation with the Sami Parliament and the East/Skolt Sami intensify its support to the revitalisation of East /Skolt Sami language and revise the National Action Plan for Sami languages so that this plan includes special measures for promoting East/Skolt Sami language education, including development of teaching materials, media and literature.
- The State Party should support East/ Skolt Sámi participation in decision-making processes in matters that affect this community directly.

5.3. Sami fishing rights

Reference is made to CO para 30 (f), State report para. 190.

In 2016, NHRI conducted a study on Sami rights to fisheries in coastal sea areas based on customary use, ICCPR article 27 and ILO convention no. 169 on the rights of indigenous peoples. The study concluded that; (i) the Sami rights to fisheries as a part of their culture and based on their customary fisheries should be secured by law, (ii) the right to participate in the management of the natural resources should be better secured, (iii) processes are needed to secure that the Sami rights to fisheries are not violated by e.g. industrial- or other new use of coastal sea areas .[33] These results are in line with the Governmental Commission Report NOU 2008:5 on fishing rights in the sea surrounding

[31] https://www.stortinget.no/no/Hva-skjer-pa-Stortinget/Nyhetsarkiv/Hva-skjer-nyheter/2017-2018/sannhets--og-forsoningskommisjonen/ (downloaded 26.10.2018 at www.stortinget.no, Norwegian only).

[32] Expert Mechanism on the Rights of Indigenous Peoples, Expert Mechanism Advise no. 2 (2011) http://www.undocs.org/a/hrc/18/42

[33] NHRI report 2016 «*Sjøsamenes rett til sjøfiske*» p. 27, 29, 31, available only in Norwegian: https://www.nhri.no/2017/temarapport-2016-sjosamenes-rett-til-sjofiske/

Finnmark, and the recommendations of CERD in 2015 and the Human Rights Committee in 2018.[34]

The Government holds the view that the Sami rights to fisheries in coastal sea areas are sufficiently implemented after amendments in the legal framework in 2012, and consider the matter closed.[35] The Sami Parliament's understanding, on the other hand, is that the discussions on the follow up of the Governmental Commission Report should continue, especially regarding historical rights to fisheries and participation in decision making.[36]

Suggested recommendations:

- The State Party should consider recognizing in statutory law the Sami rights to fisheries as a part of their culture and based on their customary fishing. The State Party should also strengthen the rights of the Sami to participate in the management of maritime natural resources, and secure that the Sami rights to fisheries are not violated by e.g. industrial- or other new use of coastal sea areas.

5.4. Follow up on the proposals of the Sami Rights Committee – land and reindeer herding

Reference is made to CO para 30 (b, d), State report para. 178 – 179.

In 2007, the Sami Rights Committee presented its report (NOU 2007:13) with proposals for legislation regarding the recognition and governance of Sami land rights outside of Finnmark, amendments to the Reindeer Herding Act, and amendments to the Mineral Act and a law on consultations. Legislative proposals were made to implement Norway's obligations under the ICCPR and ILO Convention 169 on the rights of indigenous and tribal peoples.

The Government has presented a proposal for amendments of the Sámi Act, implementing a new chapter dealing with the state's duty to consult, including at the regional and municipal levels.[37] NHRI is positive to this development. The government has appointed an expert group with the mandate to consider revision of the Mineral Act in order to make the act more efficient for the extractive industry. NHRI has no information whether the human rights of the Sámi are considered in this revision.

[34] CCPR/C/NOR/CO/7 p. 37 (d).

[35] Norway report to CERD/C/NOR/23-24, para. 190.

[36] Prop. 70 L (2011–2012) section 12.8, p. 116, cf. the NHRI report p. 21 f.

[37] Prop. 116 L (2017–2018).

Little if any progress has been made on legislative proposals regarding land rights outside of Finnmark and the Reindeer Herding Act. In the decision on the Femund-site case in May 2018, the Norwegian Supreme Court called for a legislative review of regulations in the Reindeer Herding Act on strict joint liability for damages caused by reindeers, since it this liability goes further than the farmers' liability when herding grazing animals.[38]

Suggested recommendations:

- The State Party should prioritize the follow-up of the report from the Sami Rights Committee NOU 2007:13.

6. Children with Sami and minority background

A report from 2015 indicates that children and young people from Sami and minority backgrounds experience discrimination in various areas of society.[39] The report also refers to lack of experience on the part of teachers and other school personnel in terms of understanding and handling the special challenges faced by these groups. In 2015, a government appointed committee identified the need for increased knowledge about ethnic discrimination in schools, and proposed measures to raise competence of personnel in schools and enable them to act against discrimination.[40]

Suggested recommendation:

- The State Party is encouraged to strengthen its efforts to prevent and combat ethnic discrimination of Sami and other minority children and young people in schools, and to enhance knowledge and understanding of this challenge.

7. Asylum seekers

Reference is made to CO para 36 and State report paras 209-210. The latter describes the framework for the care of unaccompanied asylum-seeking minors.

In 2017, NHRI published a thematic report on care for unaccompanied asylum-seeking minors aged 15 – 18 in reception centres. The report argues that Article 22 paragraph 2 of the Convention on the Rights of the Child obliges Norwegian authorities to give unaccompanied asylum-seeking minors aged 15-17 a standard of care and protection which is equivalent to what is offered to other children in Norway under the responsibility of the Child Welfare Services.

[38] HR-2018-872-A, para. 61-67, 70, 91.

[39] Diskriminering av samer, nasjonale minoriteter og innvandrere i Norge. En kunnskapsgjennomgang, Institutt for samfunnsforskning, Rapport 2015:01.

[40] Official Norwegian report NOU 2015:2 To belong, Means for a safe psychosocial school environment (in Norwegian).

The report shows that there are significant differences in the accommodation and care given to unaccompanied asylum-seeking minors under the age of 15 and minors aged 15 to 18. The younger children are under the responsibility of the Child Welfare Services, while the older children live in designated reception centres. Unaccompanied asylum-seeking minors aged 15-18 receive less care than what is offered to unaccompanied asylum-seeking minors under 15 and other children in Norway under the responsibility of the Child Welfare Service. The report concludes that unaccompanied minors aged 15 - 18, are subject to differential treatment contrary to their rights under the Convention on the Rights of the Child.

A recent report from FAFO indicates that only 30 % of unaccompanied minors living in reception centres with 4 or more symptoms of psychological health problems receive psychiatric services from a psychologist.[41]

Furthermore, over the last years, unaccompanied asylum-seeking minors aged 16-18 increasingly receive temporary resident permits, which are only valid until they reach the age of 18.

These uncertainties increase the children's vulnerability. The Ombudsman for Children has been concerned by reported psychological health issues, incidents of self-harm and suicide attempts.

Research further suggests that during the period 2008 to June 2015, a total of 625 unaccompanied asylum-seeking minors disappeared from reception centres and care centres.[42] The figures for 2016 and 2017 are also high, 150 disappeared in 2016, and from 1 January to 31 October 2017, a total of 223 unaccompanied asylum-seeking minors disappeared.[43]

In early 2017, the Norwegian Institute for Urban and Regional Research, published the report *"Prevention and follow up of unaccompanied minor (UAM) asylum-seekers that disappear from UAM reception centres and care centres in Norway".*[44] According to the report, in 59 % of the cases where unaccompanied minors have disappeared in the period between January 2011 to June 2015, it is unknown to Norwegian authorities where they have gone and what has happened to them. One of the conclusions of the report is that the children should be offered a strengthened care system for minors. The report has several recommendations on how the Norwegian government could strengthen its work on unaccompanied asylum-seeking minors that disappear from or are at risk of disappearing from reception centres in Norway.

[41] Care practices in reception centers for unaccompanied asylum seeker minors (Norwegian), Sønsterudbråten et.al, Fafo-rapport 2018:05.

[42] Norwegian Institute for Urban and Regional Research, Report 2016:17 page 19.

[43] Press, Save the Children Youth Organization, "Vi kan ikke reise tilbake" ("We can't go back"), page 8.

[44] English summary is available pp. 18-28 in NIBR-rapport 2016:17.

Suggested recommendation:

- The State Party should continue its efforts to strengthen protection of unaccompanied minor asylum-seekers, including prevention of, and effective follow-up on disappearance-cases.
- The State Party should give unaccompanied asylum-seeking minors aged 15-17 a standard of care and protection equivalent to that offered to other children under the responsibility of the Child Welfare Services, including unaccompanied asylum-seeking minors under the age of 15.