



Asamblea General

Distr. general
24 de julio de 2024
Español
Original: inglés

Consejo de Derechos Humanos

57º período de sesiones

9 de septiembre a 9 de octubre de 2024

Tema 9 de la agenda

Racismo, discriminación racial, xenofobia y formas conexas de intolerancia: seguimiento y aplicación de la Declaración y el Programa de Acción de Durban

Visita a Noruega

Informe del Grupo de Trabajo de Expertos sobre los Afrodescendientes*

Resumen

El Grupo de Trabajo de Expertos sobre los Afrodescendientes visitó Noruega del 11 al 20 de diciembre de 2023. En el presente informe, el Grupo de Trabajo describe el actual marco jurídico, institucional y normativo y las medidas adoptadas para prevenir el racismo, la discriminación racial, la xenofobia y las formas conexas de intolerancia a que hacen frente las personas afrodescendientes en Noruega, destacando los acontecimientos positivos y las lagunas en la aplicación. El Grupo de Trabajo también destaca las buenas prácticas y los principales retos que ha detectado y formula recomendaciones específicas.

* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó.



Anexo

Informe del Grupo de Trabajo de Expertos sobre los Afrodescendientes sobre su visita a Noruega

I. Introduction

1. At the invitation of the Government, the Working Group of Experts on People of African Descent carried out a country visit to Norway from 11 to 20 December 2023. The delegation comprised Barbara G. Reynolds (Chair), Catherine S. Namakula and Miriam Ekiudoko.

2. During the visit, the Working Group assessed the human rights situation of people of African descent in Norway and gathered information on their lived experiences. The Working Group studied laws, policies and plans to prevent systemic racial discrimination and to protect victims of racism, as well as the State's responses to multiple forms of discrimination.

3. The Working Group visited Oslo, Kristiansand, Bergen and Trondheim. It met with senior officials of the Government, including the State Secretary, Ministry of Culture and Equality; the Special Envoy, Ministry of Foreign Affairs; and the State Secretary, Ministry of Health and Social Care. It also met with representatives of the Ministry of Justice and Public Security, the National Police Directorate, the Directorate for Immigration, the Office of the Director of Public Prosecutions, the Norwegian Correctional Service, the Ministry of Labour and Social Inclusion, the Ministry of Education and Research, the Ministry of Children and Families, the Ministry of Local Government and Regional Development, Statistics Norway, the Directorate for Children, Youth and Family Affairs, the Directorate of Integration and Diversity and the Directorate of Health, and the Chief of the Trondheim Police.

4. The Working Group met with the Deputy Mayors of Kristiansand, Bergen and Trondheim. It also met with senior officials of Kristiansand, Bergen and Trondheim Municipalities.

5. The Working Group met with the Equality and Anti-Discrimination Ombudsman, representatives of the Ombudsperson for Children, the Norwegian National Human Rights Institution and the Anti-Discrimination Tribunal, and the Chair of the Standing Committee on Family and Cultural Affairs at the Storting (parliament). It visited Gamlebyen School in Oslo, the Police Arrest Department of Oslo Police District, the Kongsgård School Centre in Kristiansand, the Centre for Migrants and Refugees Health in Bergen, the Ny-Khronborg school in Bergen and Trondheim high-security prison.

6. The Working Group received written submissions from various stakeholders. It held in-person meetings with civil society representatives in Oslo, Kristiansand, Bergen and Trondheim, and online meetings with other representatives of civil society who it could not meet in person. The Working Group thanks all the Africans and people of African descent, human rights defenders, lawyers and academics in Norway, including victims and their families, communities and individuals, who shared their experiences. The Working Group also thanks the Norwegian organizing committee for arranging meetings with civil society representatives during the visit.

7. The Working Group thanks the Government of Norway for its invitation to visit the country and for its cooperation; the Ministry of Culture and Equality and the Ministry of Foreign Affairs for organizing the visit; and the many government officials who generously shared presentations, plans and other materials during the visit. It welcomes all efforts to promote and protect the human rights of Africans and people of African descent in Norway.

II. Good practices

8. The Working Group welcomes the Government's Action Plan on Racism and Discrimination (2024–2027), in which it envisages – by targeting the labour market, youth and local communities – reducing inequalities and increasing social mobility through redistribution efforts, increasing labour market participation, including by integrating as many immigrants as possible into the labour market, and enhancing participation in education. That vision to combat racism and discrimination is a continuation of the Government's Action Plan against Racism and Discrimination on the Grounds of Ethnicity and Religion (2020–2023).

9. In that regard, key measures by the Government include making employers aware of attitudes that can lead to discrimination at work; increasing trade union membership among immigrants; providing advice and guidance to pupils who are exposed to racism and discrimination; introducing receipts after police stop-and-search procedures; providing grants to organizations working to address racism and discrimination at the local level; and convening the annual conference against racism organized by the Directorate for Children, Youth and Family Affairs, with the aim of generating a national and local commitment to fighting racism and bringing together relevant stakeholders working to fight against racism and discrimination on the grounds of ethnicity and religion. The Government also convenes a conference on integration on 21 March each year for representatives of immigrant organizations; it has been held annually for the past 10 years. The Government plans to establish a similar conference for enforcement bodies.

10. In order to ensure that refugees enjoy the same rights as the general population, the Government aims at speedy settlement of refugees through its Introduction Programme for newcomers, which applies only to refugees and not asylum-seekers or immigrants. Settlement is the joint responsibility of national, regional and local governments and is managed by the Directorate of Integration and Diversity, which falls under the auspices of the Ministry of Labour and Social Inclusion. The Directorate is also working on an action plan to combat radicalization and extremism.

11. To reduce and combat negative social control and honour-related violence, the Government has strengthened its ongoing initiative of deploying diversity advisers in schools. The Government has decided to increase the number of diversity advisers in 2024 from, 59 to 65. In addition, the Government plans on recruiting four special integration advisers at its embassies in Kenya, Jordan, Pakistan and Türkiye, as well as a national expert team on negative social control and honour-related violence. Furthermore, the Government plans to adopt its sixth Action Plan on Negative Social Control, which would be launched in 2025. Moreover, the Directorate of Integration and Diversity aims to launch an action plan to combat radicalization and extremism.

12. The Directorate of Integration and Diversity provides grants to support different types of projects to promote integration. Among such projects is the Youth Panel for Integration, the purpose of which is to give youth with different backgrounds a voice and increased knowledge about decision-making processes and a platform for participation in the political system.

13. The Working Group learned that the Directorate for Children, Youth and Family Affairs, under the auspices of the Ministry of Culture and Equality,¹ bases its work on an intersectional understanding of equality and non-discrimination. The Directorate's tools to promote equality and non-discrimination include economic incentives, cooperation and coordination, support and implementation, knowledge and analysis. In 2001, the Directorate established a new national grant scheme for combating racism, discrimination and hate speech in society with the aim of promoting initiatives locally, regionally and internationally.

¹ Some topics covered by the Directorate for Children, Youth and Family Affairs are linked to the Ministry of Culture and Equality due to the previous organization of the ministries. That also applies to the Ministry of Labour and Integration regarding honour-based violence and negative social control.

The Directorate plans to carry out a study on skin colour and other characteristics as grounds for racism and has invited civil society to provide inputs.

14. The introduction of the issuance of receipts for stop-and-search procedures by the police is a welcome practice that provides persons subjected to these procedures with a clear statement of the reasons for the search and documentary evidence for future reference.

15. The Ministry of Labour and Social Inclusion provides grants to local and national immigrant organizations and other non-governmental organizations. The aim of such grants is to strengthen the participation of immigrants and their children in local activities and to facilitate access to bonding and bridging social networks. The grants also provide support for work against racism and discrimination. Furthermore, the grants are also available for non-governmental organizations that provide information and guidance to new immigrants, especially to economic migrants and other immigrants not covered by the Introduction Programme. There are grants for national resource centres focusing on integration issues, as well as for Norwegian sports clubs and leagues that have activities dedicated to increasing the participation and integration of ethnic minorities in sports. The Centre against Racism (Antirasistisk Senter), which receives approximately 6 million Norwegian kroner in funding, is 1 of 14 national resource centres.

16. Section 185 of the Penal Code supports judicial attention on advancing jurisprudence on hate crime, especially that in favour of child protection.

17. There is a directive to mainstream interpretation support for immigrants into all public services.

18. Initiatives have been taken by the Norwegian Police Service to recruit more people of African descent to attend the Norwegian Police University College.²

III. Governance, legal and justice issues

19. The Constitution of Norway guarantees equality of all persons under the law and prohibits unfair or disproportionate differential treatment of anyone.³ The Equality and Anti-Discrimination Act came into force in 2018. It prohibits discrimination (direct or indirect differential treatment) based on ethnicity, national origin, descent and skin colour, among other grounds, and promotes equality. It is also intended to dismantle disabling barriers and prevent the creation of new ones.⁴ It confirms the application in domestic law of the International Convention on the Elimination of All Forms of Racial Discrimination.⁵ The Act is enforced by the Anti-Discrimination Tribunal.⁶ The Working Group reiterates the observation that the exclusion of race from the prohibited grounds of discrimination in the Equality and Anti-Discrimination Act is a lacuna that contributes to the underdevelopment of the discourse on racial justice and obscures the core concerns of people of African descent.

20. The Anti-Discrimination Tribunal refers to international and European Union human rights instruments and standards, which follows from the constitutional obligation of State authorities to respect and ensure human rights as expressed in treaties that are binding on Norway.⁷ Norway has ratified the main human rights instruments, with the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The framework and structures of that Convention would be instrumental in the progression of Norway in that regard. Norway supported the promulgation of the Durban Declaration and Programme of Action and the programme of activities for the

² See Brita Bjørkelo and others, “Diversity in education and organization: from political aims to practice in the Norwegian Police Service”, *Police Quarterly* (2020), available at https://phs.brage.unit.no/phs-xmlui/bitstream/handle/11250/2722662/diversity_in_education.pdf.

³ Constitution, art. 98.

⁴ Equality and Anti-Discrimination Act, sect. 1.

⁵ *Ibid.*, sect. 5.

⁶ *Ibid.*, sect. 35.

⁷ Constitution, art. 92. See the status of ratification of the core human rights treaties by Norway at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=129&Lang=EN.

implementation of the International Decade for People of African Descent, but there is nearly no awareness of the Decade among the population in Norway.

21. The Norwegian National Human Rights Institution has existed since 2015. Awarded A status by the Global Alliance of National Human Rights Institutions, it has a broad mandate to promote and protect human rights in Norway and to monitor whether the authorities respect their international human rights obligations. It has engaged on several topics of structural and institutional discrimination, but it is operating below its potential on these subjects because it lacks a mandate to address individual complaints. Norway has, for example, an elaborate action plan against racism and discrimination on the grounds of ethnicity and religion, but lacks the requisite financial and institutional infrastructure to operationalize it.

22. Racism, definitional power and representation can be understood in relation to broader histories of European colonialism, extreme ideologies, such as fascism and Nazism, and global inequality.⁸ Historical factors operating in society have been proved to influence the use of accepted and emerging social categories.⁹ Norway entered the transatlantic trade in enslaved Africans in the second half of the seventeenth century as part of the Danish Empire and some historical Norwegian personalities are known for their participation in that context. The Danish presence in West Africa was greatest in the 1780s, when it comprised six fort-like establishments, including Christiansborg (Osu Castle), in present-day Accra.¹⁰

23. Denmark-Norway (the term used for the union between the sixteenth and nineteenth centuries) also occupied the Caribbean islands of Saint Thomas and Saint John in 1672 and 1718. Danish rule in the Caribbean is deemed as more indirectly oppressive in character. Denmark-Norway was significantly involved in the transatlantic trade in enslaved Africans: Danish ships are estimated to have transported 110,000 enslaved persons across the Atlantic from the 1660s to 1803.¹¹ However, the national self-image of Norway disregards the history of Norwegian maritime involvement in the transatlantic trade in enslaved Africans during the colonial expansion of Denmark-Norway. The colonial possessions and interests of Denmark-Norway reached their peak in the late eighteenth century. The transatlantic trade in enslaved Africans through Copenhagen was particularly central to the increasing wealth among the mercantile class in Copenhagen between 1772 and 1807. The colonial system of Denmark-Norway was dismantled by the sale of African forts in 1850 and the sale of the Caribbean islands in 1917.¹²

24. Statues in Norway depict controversial persons, such as the Swedish scientist Carl von Linné, who developed theories on the racial categories of *Homo sapiens*. Misrepresentation of Africa and African history in Norwegian schools reinforces white supremacy. For example, the discretion of schools to determine the history syllabus on the topic of the enslavement of Africans has led to derogatory content being taught, such as that representing Black children as slaves.

25. In principle, all persons are entitled to seek justice and the Penal Code criminalizes certain conduct and speech on the basis of skin colour.¹³ However, justice in Norway is, in general, strictly enforced against but not for people of African descent in equal measure. A man of African descent lamented that “every small thing that happens, they have to destroy our lives” to express the disproportionately grave consequences that people of African descent endure when they are in conflict with the law and the poor outcomes that they experience from their pursuit of justice. That reality manifests itself in: (a) the disproportionate incarceration of people of African descent; (b) reprisals, for example, schools calling the police to speak to the children of African descent who respond to

⁸ Michelle A. Tisdell, “Black Oslo”, in *Mapping Black Europe: Monuments, Markers, Memories*, Natasha A. Kelly and Olive Vassell, eds. (Bielefeld, Transcript, 2023), p. 123.

⁹ Setha M. Low, *On the Plaza: The Politics of Public and Culture* (Austin, University of Texas Press, 2000), p. 128.

¹⁰ Niels Brimnes, “The colonialism of Denmark-Norway and its legacies”, *Nordics Info*, 7 January 2021, available at <https://nordics.info/show/artikel/the-colonialism-of-denmark-norway-and-its-legacies>.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Penal Code, sects. 185, 186 and 264.

provocative unaddressed racist actions and not the perpetrators of those actions; (c) an inadequate systemic approach to anti-Black racism and racialized weaponization of the Child Welfare Service; and (d) the reported significant incidence of the crime of hate speech during recent times. The Norwegian Bureau for the Investigation of Police Affairs has revealed that, in situations involving hate speech, the threshold that would trigger criminal sanctions is high. Only one case has been pursued by the Bureau in court and that resulted in the accused being acquitted.

26. There are systemic barriers to accessing justice, pursuing judicial procedures and obtaining tangible and fair outcomes as a person of African descent, and for victims of racially based crimes. The Working Group has heard several persons of African descent lamenting that “a Black person would never win a case in Norway”. The mandate of the Anti-Discrimination Tribunal is constrained by:

(a) The lack of a comprehensive remedial and enforcement mandate. It is notable that section 38 of the Equality and Anti-Discrimination Act restricts the award of compensation and damages to employment matters. The Working Group recalls the international principle that every violation must have a remedy;

(b) The systemic focus on the victim of racial discrimination and the disregard for the perpetrator of racism. A woman of African descent put it aptly, “racism may occur but there are no racists in Norway”;

(c) The lack of support for legal representation or legal aid for matters before a judicial body that primarily requires proceedings to be conducted in writing;

(d) A knowledge gap about the nuances of anti-Black racism and its manifestations. In case DIN-2021-175, the Tribunal undermined the inherent humiliating nature of racial profiling;

(e) The threshold of the Tribunal for pursuing cases is high; it dismisses most of its cases without a hearing.¹⁴ Certain successful litigants have not been able to obtain remedies because of additional procedural requirements imposed by the Tribunal;¹⁵

(f) The victim protection regime in Norway has not protected litigants in racially charged cases from reprisals from society and their abusers, including the police. The individuals and families affected are known to have experienced trauma, protracted litigation and threats of further victimization that lead them to make substantial changes to their lives, such as fleeing their place of abode and abandoning careers in public life to escape persecution;

(g) The resources available to the Tribunal are not commensurate with its national mandate, limiting its ability to adjudicate matters expeditiously.

27. People of African descent are among those who are more susceptible to be victims of crime in Norway. Police statistics indicate that persons from Africa constitute the largest number of victims of hate crimes, including physical and cyberbullying. The lived experiences of people of African descent in Norway indicate that they disproportionately face brutality and differential and unfair treatment, with impunity, from the police, especially criminalization of their identity, racial profiling, overpolicing of their neighbourhoods and social gatherings, misguided and culturally incompetent assessments of their ways of life by law enforcement officials and breaches of confidentiality by mental health facilities to enable police interventions. The police confirmed that certain groups do not trust or feel safe in the presence of officers and feel stigmatized. The Working Group reiterates the substantiated position that excessive and unnecessary interference and engagement by the police raise human rights concerns and reinforce perceptions of racial profiling and distrust in the criminal justice system.

28. Notwithstanding its mandate that allows free and unfettered access to places of detention and the opportunity to hold unsupervised meetings with persons deprived of their

¹⁴ European Commission against Racism and Intolerance, “ECRI report on Norway (sixth monitoring cycle)” (Strasbourg, Council of Europe Press, 2021), p. 7.

¹⁵ See, for example, case DIN-2019-420.

liberty, the Working Group regrets that it was denied access to persons deprived of their liberty in the detention centres that it visited and that it was refused access to Trandum Police Immigration Detention Centre, in which several people of African descent are held awaiting deportation. Trandum Police Detention Centre is known for holding in limbo persons whose visas have been revoked following convictions and who serve sentences without a rehabilitative dimension, deporting persons to unfamiliar destinations and separating minors from their parents.

29. The Working Group learned with great concern about racial discrimination against people of African descent in detention facilities, by prison guards and other detainees. There is a prevalent provocative use, with impunity, of racial slurs and differential use of solitary confinement that leads to denial of essential rights, such as those allowing doctors' appointments, grocery shopping, family visits and time out of prison. There are varying views about the Government's policy direction on solitary confinement, with certain officials convinced that it has been discontinued,¹⁶ while others are totally unaware of the concerns and changes. Racial profiling and disproportionately excessive checks of visitors of African descent, including women and children, are a deterrent. Norwegian correctional services do not have a practical strategy to address racism in its facilities. The Working Group is concerned about the alleged discriminatory use of preventive detention.

30. The lack of data disaggregated by race or ethnic origin in the public domain obscures the key concerns of people of African descent, such as racial profiling, incarceration, police brutality, school exclusions and the prevalence of hate crimes against people of African descent. The lack of data on which to base policy considerations does not cater for the needs of community-based organizations and individuals who need such data to support their advocacy efforts. The Working Group recalls that advocacy supports the direction of policy. Officials from the State departments listed below confirmed the gap created by the unavailability of racially disaggregated data in their work in the following terms:

(a) The Directorate of Health: "Racially disaggregated data are a very valuable knowledge resource base in addressing inequalities in health";

(b) The Ombudsperson for Children: "Following the recommendation of the Committee on the Rights of the Child, data disaggregated by ethnicity are significant to our work. We are now working at a general level and not focusing on the specifics of groups of children";

(c) The Norwegian Bureau for the Investigation of Police Affairs: "[Specific] statistics are needed on hate crime in order to strengthen our interventions".

IV. Civil and political issues

31. The presence of Africans and people of African descent in most sectors of Norwegian society is notably lacking. The underrepresentation of Africans and people of African descent in various sectors of Norwegian society is attributed to a combination of circumstances. Historical prejudice and exclusion have, it is claimed, curtailed prospects for integration and upward mobility. Furthermore, the absence of representation and inclusive policies across institutions and organizations is another contributory factor. Moreover, the importance of proficiency in Norwegian and the presence of systematic prejudice in recruitment procedures, together with a pervasive societal inclination towards uniformity, contribute to the inadequate representation of African individuals in multiple industries. To tackle those problems, a comprehensive strategy is needed, encompassing properly implemented anti-discrimination regulations, enhanced diversity training in all sectors and proactive initiatives aimed at fostering a more inclusive and egalitarian society for everyone.

32. Although Africans and people of African descent are better represented and visible in some sports, particularly football, and contemporary mainstream music, such as hip-hop, it is important to recognize that this observation oversimplifies their societal presence. Africans

¹⁶ Ministry of Justice and Public Security, "Tildelingsbrev 2023 Kriminalomsorgen" (Oslo, 2022) (in Norwegian).

and people of African descent make significant contributions across diverse realms, such as science, literature, politics and business. However, their accomplishments and contributions beyond these renowned cultural spheres are sometimes undervalued and overlooked due to systematic prejudice and gaps in representation. It is imperative to acknowledge and value the varied skills and achievements of such people in every aspect of participation in governance and public life.

33. The underrepresentation of Africans and people of African descent in politics, administration and public life is a pressing topic that requires attention. Currently, there is one African member of parliament, Marian Hussein, who is of Somali origin, representing the Socialist Left Party. According to the Norwegian Association of Local and Regional Authorities, there were 8 municipal or city councillors of African descent in Norway as of 2019, 4 from Oslo and 2 each from Bergen and Trondheim. That figure represents less than 0.1 per cent of the 9,111 councillors elected in the 2019 local elections.¹⁷ According to the statistics for 2019, the turnout of Africans and people of African descent having Norwegian nationality was 55 per cent; in 2021, that figure dropped to 46 per cent.

34. Municipalities do hire Africans and people of African descent, especially for introduction programmes, where they are usually assigned to assist refugees from all countries, including as interpreters, social workers and teachers, to deliver the mandatory 75-hour social studies module, delivered in the mother tongue of the participants. Until 2022, the module consisted of 50 hours. The programmes are implemented as part of the Integration Act (sect. 33).¹⁸

35. Promoting inclusion and diversity in decision-making processes is crucial to ensure comprehensive representation and consideration of the viewpoints and requirements of all individuals. One way to accomplish that is to implement strategies, such as those on enhancing representation, empowering individuals and providing political and civic education, to motivate Africans and people of African descent to actively participate in governance and public affairs.

36. Africans and people of African descent face substantial obstacles in freely exercising their rights to freedom of speech and assembly. They often face institutional discrimination, racial prejudice and limited opportunities to express their views and participate in collective decision-making. That is evident through the suppression of dissenting viewpoints that diverge from the Government's official integration strategy, laws that restrict individuals' rights to adhere to specific cultural practices, such as expressing their opinions loudly (making those who gather run the risk of being targeted by the police for engaging in violent behaviour), and the intentional segregation of individuals from their communities of shared heritage.

37. Associations and other non-governmental organizations representing Africans and people of African descent receive considerably less financial assistance for their projects compared with Norwegian non-governmental organizations that focus on integration support. Members of some of those organizations informed the Working Group that volunteer organizations consisting of Norwegian citizens with African parentage are recommended to include "at least one authentic Norwegian" to enhance their prospects of securing financing. Furthermore, African non-governmental organizations primarily receive financing for local community initiatives that offer benefits to the entire community, including the wider Norwegian population. Grass-roots initiatives and projects led by African organizations aimed at providing services to Africans and people of African descent, organizing events to promote their traditions, heritage and culture and establishing African centres in different cities of Norway receive minimal funding.

38. Individuals of African descent with a Muslim heritage, particularly those belonging to the Somali minority, frequently experience Islamophobia and racial discrimination. That is primarily evident in relation to their identifiable Muslim names, resulting in a 25 per cent reduction in employment opportunities, for instance. Based on a poll conducted by

¹⁷ See www.ssb.no/en/statbank/table/01182.

¹⁸ See <https://samfunnskunnskap.no/en/index.html>.

Norwegian Social Research, which is a research institute,¹⁹ those with names associated with Islam have reduced chances of obtaining rental accommodation compared with those with Norwegian names.

39. The representation of Africans and people of African descent, together with their accomplishments, is virtually non-existent in the Norwegian media. There is also a concern linked to the perpetuation of racial stereotypes and stereotyping due to the derogatory depictions of people of African descent in the media. There is a disregard for or an ignorance of sensitivity regarding imagery or words that are racist, xenophobic or divisive.

40. Media depictions of the African continent continue to be characterized by a pessimistic and oversimplified representation, predominantly focusing on armed conflicts and impoverished children suffering from severe malnutrition. Those stereotypes consistently reinforce the general perception that Africans are impoverished, uneducated and inferior to others. That significantly adds to the prevailing public perception and directly perpetuates contemporary manifestations of racism and prejudice in society towards Africans and people of African descent.

41. People of African descent are absent from the media, including television and social media. While there are numerous competent African journalists, none of them are currently employed by Norwegian television or radio outlets. That also holds true for actors and actresses. There has been a modest improvement of late in the representation of people of African descent within the fashion and advertising business.

42. Norway is actively tackling hate speech and was engaged in the 2014 campaign of the Council of Europe entitled “Stop hate speech”. The Criminal Code specifically covers the issues of hate speech and hate crime: section 185 makes hate speech punishable by either a fine or imprisonment for up to three years. Significantly, in addition to criminalization, international human rights law obligates States to employ a range of positive measures in order to effectively combat hate speech and incitement to discrimination, hostility and violence both online and offline, which includes education and promoting counter-messages (positive speech) aimed at addressing the root causes of such issues.

43. Hate speech is pervasive in educational institutions, on social media platforms and within sports arenas (in particular, at football stadiums) and correctional facilities. Of the 923 hate crime cases reported in 2022, 42 per cent were categorized as hate speech, of which 55 per cent were specifically associated with “skin colour, hair type or ethnic origin”. In addition, survey data obtained from the Government indicate that 8 per cent of the overall immigrant population has encountered hate speech. The survey also indicated that Africans and people of African descent who encounter hate speech had a greater level of awareness and sensitivity towards the experience if they were born or had spent a significant part of their upbringing in Norway.

V. Economic, social and cultural issues

44. The education afforded to all Norwegians is also open, in principle, to children of African descent. The school that the Working Group visited can be described as a typical school according to the principal. The Working Group has heard from children and parents that the situation in other schools is not the same, and that children of African descent are subjected to racist slurs and bullying that are not addressed by teachers and other authorities. Moreover, children of African descent who are victims of racist bullying in schools and who retaliate against the perpetrators are the ones who are punished and the police are even called in to speak with them. When parents complain, unless they have the education and finances to stand by their claims, the family is often subjected to discriminatory labelling as troublemakers and their call for action to address racism in school, in order to protect their children from bullying, could lead to interventions by social workers and the Child Welfare Service.

¹⁹ Lisa Andersson, Niklas Jakobsson and Andreas Kotsadam, “A field experiment of discrimination in the Norwegian housing market: gender, class, and ethnicity”, *Land Economics*, vol. 88, No. 2.

45. The Working Group noted that the content of school curricula did not include any modules on Africans and people of African descent that would help current and future generations of Norwegians understand, appreciate and respect the differences among such groups living in Norway.

46. While health, nutrition and food security in Norway is, in general, one of the best in the world, it is difficult to ascertain the situation of health services for people of African descent since such data are not available. Based on anecdotal information, women of African descent experience particular challenges because of their race and gender, and men of African descent are unlikely to use health services. People of African descent often wait for long periods to be seen by a medical professional. The Working Group was advised that, while interpretation services are provided for planned appointments, they are less likely to be available in emergencies.

47. Refugees in Norway, once their situation is regularized, are assigned housing across the municipalities. The apartments are small with few amenities as they are intended to be used as temporary housing for a few years; they cater to a mix of working-class families, individuals confronting psychosocial or social issues and those who have been in conflict with the law and are consequently more subject to policing. To secure better job opportunities and living environments, refugees and other immigrants may need to move from one neighbourhood to another and even from one municipality to another.

48. Norway has ratified the Global Convention on the Recognition of Qualifications concerning Higher Education. However, people of African descent report that many of them are employed in roles for which they are overqualified or in semi-skilled positions that make no use of their qualifications. In seeking employment, they face three major challenges, namely, their non-Norwegian names, their competence in Norwegian and the presumption that their credentials are substandard. The Working Group learned that an African name is usually the first barrier to being considered for a job, although it is unknown how many candidates are excluded from consideration solely on that basis. Since the time and resources required to be functionally literate in Norwegian is beyond the means of recently arrived Africans and people of African descent, they inevitably apply for jobs at an obvious disadvantage to say the least. Credentials and qualifications presented by Africans and people of African descent are subjected to extensive verification and are presumed in most instances to be below national norms, rendering it necessary for them to retrain or accept jobs for which they are overqualified.

49. The Norwegian work ethic is well defined and is distinctively different from the work ethic of many other societies. While there is nothing inherently moral or valuable in that work ethic, merely different, the onus to change and adapt is on the minority population and the importance of this need to adapt is not necessarily easily understood, particularly if the differences are subtle and not explicitly articulated.

50. Partially because of the challenges faced in securing suitable employment, the incomes of Africans and people of African descent are lower than other immigrant groups. With the exception of a small number of biracial Norwegians and recent graduates who have functional Norwegian literacy and are able to enter the job market at the professional level, the hierarchy among immigrant groups is implicit. Generally, Africans and people of African descent are in the lowest quintile of socioeconomic status. Expectations remain low. For example, when officials spoke to the Working Group about employment opportunities for immigrants, they referred to bus drivers, truck drivers and seamstresses – indeed, the training centres that the Working Group visited focused on sewing, needlework and woodwork. The opportunities afforded to people of African descent appear to be structurally and systemically limited to those explicitly dealing with diversity, equity and inclusion or at the lowest levels among the service industries. That structural impediment is a self-reinforcing mechanism and defeats the general thrust of integration.

51. The Ministry of Finance has indicated that it has no information on racial discrimination in banking and insurance services and that an ongoing study looking at this issue will be made available in 2024.

52. Excelling in sports or, at a minimum, participating in sports is an essential part of Norwegian culture. Younger immigrants and people of African descent born in Norway are

slowly adapting and even taking up skiing and other winter sports. When introduced in early childhood and encouraged by parents who themselves have been able to adapt, participating in sports, as part of a way of life, is beginning to take root. One respondent informed the Working Group about how peculiar it was to his social network for him to “go up into the mountains”, while stressing how crucial this pastime has been for him to broaden his social network. However, adolescents and youth of African descent report being subjected to racial slurs and racist behaviour in sports and there are sufficient reported incidents in the media, as well as in the research literature, to conclude that this is not unusual.

53. All three subsystems of culture – ideological, technological and sociological – present specific and particular challenges to people of African descent who have migrated to Norway over the past 50 years. The acquisition of Norwegian by people of African descent, whose native languages, including the form of the alphabet and script, are from a completely different language family, is always going to be difficult. The Working Group was advised that some 630 hours of language study is the minimum for sustained competency for work purposes. The initial language instruction provided to immigrants on arrival is insufficient to attain functional Norwegian literacy and not all immigrants can afford to pursue additional language training.

VI. Impact on specific groups

A. Children, youth, women, men and older persons

54. People of African descent in Norway belong, in general, to one of three groups, constituting 16 per cent of immigrants and 4 per cent of Norwegians born to immigrant parents. In terms of numbers, the largest group of refugees, who have arrived in waves over the last 50 years, came from Somalia, Ethiopia and Eritrea. A much smaller number of people of African descent are students who came to Norway for higher education and have remained there. The third group are the children of African immigrants born in Norway.

55. It should be noted that, routinely, people of African descent are referred to as the “immigrant population”. Nowhere in official accounts, thus far, is there an implicit acknowledgement that, after about 50 years, some of these individuals are Norwegian. That subtle but significant omission, the right of citizenship notwithstanding, suggests that, while Norway has welcomed refugees, students, asylum-seekers and Black people seeking a new way of life, it is yet to see any of them as Norwegians of African descent.

56. The Working Group is particularly concerned about the separation of children from their parents and siblings by the Child Welfare Service. Despite the fact that the Children Act and the Child Welfare Act officially regulate the work of the Child Welfare Service in Norway, as well as the measures available to assist children in need of protection,²⁰ in reality the Service operates in a significantly different manner.²¹ Parents of African descent reported that they were living in fear of the Child Welfare Service; they claimed that anything they did or said, however innocuous, might be considered as breaking the social norms or culture of Norwegian society and could lead to severe punitive action and removal of their children due to racist assumptions about their parenting skills. Parents testified to having received calls from the Child Welfare Service for complaining about racist treatment of their children at school.

57. Child separation seems fairly widespread within the African immigrant community and the words “Child Welfare Service” instil fear if not resentment within it. Children have

²⁰ See www.bufdir.no/en/child-welfare-services.

²¹ Ayan Handulle, “Beyond fear of child welfare services: an ethnographic study among Norwegian-Somali parents”, PhD thesis, University of Stavanger, 2021; Tesfahun Alemayehu Terrefe, “Immigrant parents’ experiences of child welfare assessment processes in child maltreatment cases: implications for trust”, *Barn*, vol. 41, No. 2–3; and Marte Knag Fylkesnes and others, “Frykten for barnevernet – En undersøkelse av etniske minoritetsforeldres oppfatninger”, *Tidsskriftet Norges Barnevern*, vol. 92, No. 2 (in Norwegian, although the abstract is available in English at www.idunn.no/doi/10.18261/ISSN1891-1838-2015-02-02).

been separated from their parents for reasons that are not easily documented within the communities themselves. Women speak of being accused of ill-treating their children, of neglect or of violence and ultimately being considered unfit to take care of their children. They have spoken of criticism of the way food is prepared with the hands, of their cultural forms of disciplining their children and of what they say and how loudly they say it. There is a clear cultural disconnect on the matter of rearing children. The issue is not merely about cultural norms that contravene legal codes or laws, which are the basis for police intervention. When parents respond emotionally, the situation is further exacerbated: many are then considered mentally unstable and the situation quickly escalates into temporary or permanent separation of children or even criminal charges. Some people of African descent describe that as the criminalization of their cultural and religious beliefs. Others view separating children from their parents as a lucrative business for foster parents,²² many of whom live lives that are socially, morally and religiously inimical to the social, moral and religious mores of the families of origin.

58. Adolescents face particular challenges in Norway. Their identity formation is in many instances severely compromised. A young person with whom the Working Group engaged described his social identity as unknown. Born in Norway, speaking only Norwegian, never having visited his parents' homeland, he indicated that he could not identify as Norwegian because he was not accepted as such. Other children and adolescents born in Norway, particularly biracial children who could "pass" as white, were more likely to be positive and sure about their identities. Inevitably, those children and adolescents are asked where they are from and when they indicate that they are from Norway, the questions persist.

59. While women appear to be hardest hit in terms of the cultural adaptations necessary, they are most likely to openly express their emotions and correspondingly there is, on the surface, more assistance provided for women. Increasing attention is being paid to the risks affecting men and boys of African descent and the need for this is acute in the Norwegian context. It is clear that they are disproportionately represented in conflicts with the law. However, their health status, employment status and social status are also precarious.

60. Africans and people of African descent tend to live in multigenerational households. While it is too early to assess the situation of older persons of African descent, as the first wave of immigrants reach retirement age, their situation already deserves careful consideration.

B. Refugees, asylum-seekers and migrants

61. Norway hosts thousands of refugees, asylum-seekers and migrants, including people of African descent. The Working Group has learned of incentivized "introduction programmes" that are offered to migrants, including individually adopted programmes, such as language training, civic education and training on entering the labour market, parenting and using new technologies. Whereas people of African descent confirm the positive impact of such programmes, they note that the language proficiency obtained through the introduction programmes is much lower than the threshold required to enter the labour market. Their proficiency in Norwegian often belies their qualifications and skills obtained through prior learning and represents a barrier to serving in the sectors that they are qualified and skilled for in Norway. Refugees often struggle with more precarious circumstances, characterized by working at lower levels of seniority in companies that are prone to bankruptcy and insolvency. There is further segmentation in the workplace with refugees working in the most difficult roles that expose them to health risks and lower remuneration. They are often trapped at the entry level or at the margins of the labour market (or the secondary labour market); and they have poor prospects of being promoted partly because of discrimination. The situation is aggravated by the increasingly automated labour market in Norway, with 80 per cent of vacancies not advertised and recruitment occurring among networks to which refugees, asylum-seekers and migrants of African descent have no access.

²² Noopur Tiwari, "Norway custody row: foster homes – child welfare or lucrative business?", NDTV World, 23 February 2012.

62. Refugees and asylum-seekers of African descent indicated the following burdens in the refugee protection regime:

(a) The deadline of six months from the date of arrival in Norway within which applications for facilitated family reunifications must be made is too stringent;

(b) The non-refundable application fee of 8,000 Norwegian kroner for each family member who wishes to be united with their family in Norway is prohibitive;

(c) The language training in the introduction programmes is mostly patronizing. It often reinforces racial hierarchies and is perceived as a lifestyle prescription rather than an opportunity to impart linguistic skills for success in Norwegian society. The Working Group learned that there were very limited employment opportunities for those who did not have a high level of proficiency in Norwegian;

(d) Unaddressed trauma among refugees and asylum-seekers negatively affects their work and life opportunities. It has been shown that refugees from countries in conflict are more susceptible to post-traumatic stress disorder. Such trauma is intensified by the rejection of their skills and potential contribution to Norwegian society, in addition to loss of socioeconomic status, familiar environments and proximity to family;

(e) Increasing numbers of employers require proficiency in Norwegian for employment. That requirement is foreseen in the legislation and there is a lack of an accreditation system for foreign qualifications;

(f) As support and benefits to migrants are municipality based, they are prevented from moving easily from one municipality to another. Such an approach contravenes the constitutional guarantee of freedom of movement and choice of place of residence, to any person residing legally in Norway;²³

(g) Protracted delays in obtaining refugee status determinations, with some persons having to wait for six years. During the waiting period, there is limited access to health care. Persons who come to Norway to reunite with their families endure the protracted process of obtaining documentation and consequently encounter barriers in accessing services and entering the labour market. The State has an obligation to create conditions under which every person capable of work is able to earn a living through their work or expertise;²⁴

(h) Refugee women of African descent encounter specific barriers in accessing the labour market because of delays in qualifying, childbearing, lower education levels, limited work experience and delays in reuniting with their spouses;

(i) The cultural competency of the Introduction Programme is debatable, prompting the need for interventions such as Problem Management plus by the Centre for Migration Health in Bergen and the Refugee Unit of Trondheim, which offer more culturally competent and informed models. Refugees experience difficulties in accessing specialized health care and often fall back on the basic services provided by the Centre for Migration Health and the Refugee Unit.

63. The migration regime of Norway contains the following constraints, which disproportionately affect migrants of African descent:

(a) Although immigration cases are prioritized in the allocation of legal aid, such aid is limited to three hours and does not match the complexity of migration matters;

(b) There is a wide margin of error in the processes of revoking residence permits or leave to stay because the persons affected are not accorded an opportunity to make representations or be heard. Deportations and the banning of persons from the country following such determinations have separated families, including minors from their parents;

(c) Although it exists legally, in practice, there is no guarantee of the right of appeal against a decision of the migration authority to reject an application for leave to stay

²³ Constitution, art. 106.

²⁴ *Ibid.*, art. 110.

in Norway. The Working Group was informed about a person of African descent who, after waiting for a final determination on his residence permit for 28 years, was eventually deported;

(d) It is impracticable to obtain visas for visiting relatives from certain African countries whose citizens are subject to restrictive, extra scrutiny on the basis of their national origin;

(e) The public narrative that refugees and asylum-seekers go to Norway not to seek protection but rather to find employment²⁵ undermines the Government's leadership in finding appropriate solutions for their residence status.

C. LGBTIQ+ persons

64. The LGBTIQ+ population within the African diaspora is particularly susceptible to harm within Norwegian society. Members frequently experience social isolation due to a lack of acceptance within the African community. That is generally due to discrimination, religious beliefs and other factors that condemn and restrict gender identities and sexual orientation that deviate from heterosexuality. The Norwegian LGBTIQ+ community lacks sufficient openness and receptiveness to properly embrace the group, resulting in its members' frequent exclusion and marginalization in terms of human rights, prosperity and representation within the larger LGBTIQ+ community. Furthermore, the terror attack that occurred during the Oslo Pride festival in June 2022 focused attention on the fact that Black LGBTIQ+ individuals, particularly those with Muslim names, can also be subjected to anti-Black animosity, racism and hate speech. Those factors frequently contribute to mental health difficulties, including depression, anxiety, insomnia, post-traumatic stress disorder, feelings of isolation and societal marginalization.

65. It is crucial to note the particular vulnerability of LGBTIQ+ asylum-seekers. The majority of individuals escape their nations of origin because of imminent threats to their lives. However, if there is any conflicting information in their statements or if they are hesitant to disclose their name to the authorities and only divulge it later, it is regarded as a falsehood, resulting in the denial of refugee status. Moreover, individuals from countries in which their lives are at risk face significant challenges in providing evidence of their gender identity or sexual orientation, as they were compelled to conceal it, diminishing their prospects of obtaining refugee status.

VII. Conclusions and recommendations

A. Conclusions

66. **People of African descent are stereotypically referred to as immigrants, which, in a context that segregates national minorities, alienates in practice their prospects of belonging. There is a pronounced hierarchy and divide between Norwegians and immigrants in Norwegian society, and its construct, philosophy and discourse. That affects the participation of people of African descent in public affairs and their negotiating power in private life. The visibility of racism is obscured by systemic precariousness, the vulnerability of people of African descent and their limited leverage in initiating and sustaining mainstream dialogue about their concerns. A man of African descent expressed resignation to his fate in the following terms: "we knew 20 years ago that we had to struggle every day". Attempts at integration by the Government are advanced from the premise of diversity that, in its application, prioritizes other groups and relegates people of African descent. The Working Group recalls the statement made by Iceland at the fifty-second session of the Human Rights Council on behalf of the Nordic-Baltic countries expressing their full commitment:**

²⁵ The view of a local government official.

(a) To combat racism, racial discrimination, xenophobia and related intolerance;

(b) To increase full, equal and meaningful participation of persons from diverse backgrounds, especially those who have traditionally been marginalized, in all spheres of society, while acknowledging the need for strong government leadership on the matter.²⁶

B. Recommendations

67. In the light of the above, the Working Group recommends that the Government of Norway:

(a) Consider collecting, compiling and analysing data disaggregated by race, skin colour, and ethnic and national origin;

(b) Follow up on matters affecting people of African descent with results-oriented measures in law, policy and practice;

(c) Support compliance with migration regimes by affected persons by promptly raising their awareness about changes to migration regulations;

(d) Monitor the implementation of the mandatory engagement of interpretation services among all public sector provisions;

(e) Demystify procedures for compliance with migration regulations and guarantee full and adequate legal aid for matters involving minors or revocation of status;

(f) Demystify complaint procedures and increase their accessibility to persons affected by racial discrimination;

(g) Take the following measures to facilitate the agenda of the Anti-Discrimination Tribunal on becoming a “low-threshold alternative”:

(i) Institute legislative reforms to strengthen and broaden the redress mandate of the Tribunal to accord and enforce remedies beyond the employment sphere;

(ii) Increase resources to cater for the increasing workload of the Tribunal;

(iii) Provide legal aid for indigent litigants in view of the emerging neutrality approach of the Tribunal, which would affect its capacity to support such litigants;

(iv) Enable mediation by the Tribunal;

(v) Intensify its public awareness-raising campaign;

(h) Include the hearing of individual complaints in an informal manner in the mandate of the Norwegian National Human Rights Institution;

(i) Identify and address barriers to recruitment and improve attitudes and workplace policies that enhance retention of people of African descent;

(j) Invest, as planned, in the police bodycams project, drawing on the experiences and good practices of other jurisdictions in using them;

(k) Appoint diversity advisers for the police who are representative of the population and offer them more opportunities to proffer persuasive opinions on police processes and determinations;

(l) Ensure that all cases of racial discrimination, including racial profiling, and racially based violence and deaths in custody are investigated promptly, independently and thoroughly and that the perpetrators are held accountable;

²⁶ See www.norway.no/en/missions/wto-un/nig/statements/hr/hrc/hrc-52ndsession/hrc522.

- (m) **Increase the resources of the Norwegian Bureau for the Investigation of Police Affairs to execute its mandate and to raise awareness among the public about its mandate and modalities;**
- (n) **Enforce the non-discriminatory application of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) as a whole, including rule 45 thereof;**
- (o) **Increase support for the visibility of Africans and people of African descent in roles other than in the administration of diversity, equity and inclusion, including in journalism, entertainment and expert analysis on diverse issues in traditional and social media with whom people of African descent can relate;**
- (p) **Encourage media institutions to take action to eliminate racial stereotypes in the media and investigate complaints of racism and discrimination against minorities;**
- (q) **Institute positive measures for equitable representation across all domains of employment and society;**
- (r) **Broaden access to the annual conference on integration through resource facilitation and introduce regional conferences;**
- (s) **Provide incentives to the private sector to increase the employment of people of African descent;**
- (t) **Implement affirmative actions and policies, in national and municipal politics, to ensure adequate political representation of Africans and people of African descent through internships, mentoring programmes and other incentives;**
- (u) **Enhance the participation of people of African descent in the formulation of policies and decision-making procedures that affect such communities;**
- (v) **Support the creation of African centres in cities with substantial communities of people of African descent that enhance the celebration and integration of their traditions, cultural heritage and community life;**
- (w) **Expand the volume of grants provided to non-governmental organizations directly representing people of African descent;**
- (x) **Increase collaboration among the authorities responsible for the Introduction Programme, the Child Welfare Service and members of the community of people of African descent to address and prevent harmful traditional practices;**
- (y) **Implement stringent measures to address instances of discrimination against individuals of African descent on the basis of their actual or presumed religious affiliation;**
- (z) **Address racial stereotypes and support a just and positive portrayal of Africa and Africans in the media, including African history and civilization;**
- (aa) **Provide training for teachers, social service providers, the police and professionals working for the Child Welfare Service on the negative impact of racist hate speech and racist bullying, including on social media;**
- (bb) **Integrate content on the nature, impact and prevention of racist hate speech and racist bullying in school curricula;**
- (cc) **Provide appropriate support to victims of racist hate speech to restore their sense of security in the affected spaces;**
- (dd) **Offer further assistance and safeguarding to individuals who identify as Africans or of African descent within the LGBTIQ+ community;**
- (ee) **Enhance consideration of asylum applications regarding persecution on the grounds of race, gender identity or sexual orientation;**

(ff) Consider modifying housing policies and practices to facilitate the relocation of African and African-descendent families to secure higher paid employment;

(gg) Commission an independent inquiry into the social, economic and legal determinants of child separation among African and African-descendent families, as a matter of urgency, which would require, inter alia:

(i) Reviewing the child protection system and all decisions to remove children from their parents and separate them from their siblings, to eradicate racial bias and protection of children's human rights;

(ii) Investigating the allegations of unnecessary forced removal of children and their placement in institutions and foster homes and ensuring their parents' legal protection in having them returned and reuniting them with their siblings;

(iii) Taking action to reform the Child Welfare Service, including obligatory sensitization and multicultural studies, and ensuring that child removal is a measure of last resort only in the most serious cases, in accordance with the obligations of Norway under international law to protect the best interests of the child and the right to family;

(iv) Ensuring that children removed from parental care are placed with relatives or families in the community unless it imposes harm on the child;

(hh) Desist from physically examining African children without just cause and the presence of a parent or legal representative;

(ii) Provide cultural sensitivity training for all teachers, curriculum and content developers and other public officials;

(jj) Commission the development of a curriculum module on the history of Africans, their civilizations and cultures, and their contribution to global development, to be used as a factual basis for teaching and offered as an optional course of study in primary and secondary education;

(kk) Commission courses on African studies for college and university education;

(ll) Establish wellness clinics for Africans and people of African descent in communities in which they are concentrated that focus on health and nutrition, including mental health and hygiene, men's health, women's health and adolescent health in a safe space;

(mm) Extend language instruction to 630 hours or functional literacy for all immigrant Africans and people of African descent;

(nn) Provide more extensive information and instruction to parents in immigrant communities, on the legal basis for child separation, with practical examples, perhaps in short videos with subtitles;

(oo) Provide standards and training for schoolteachers and administrators on documenting, reporting and addressing complaints, and racist and discriminatory speech and behaviour at school and school-related activities, including sports.

68. The Working Group would like to reiterate its satisfaction with the Government's willingness to engage in dialogue, cooperation and action to combat the racial discrimination faced by people of African descent in Norway. The Working Group hopes that its report will support the Government in this process and expresses its willingness to assist in this important endeavour.