End of mission statement by the United Nations Working Group of Experts on People of African Descent following its country visit to Norway (11-20 December 2023), containing its preliminary findings and recommendations.

Geneva, 12 March 2023

I. Introduction

- 1. The United Nations Working Group of Experts on People of African Descent ("the Working Group") thanks the Government of Norway for its invitation to visit the country and for its cooperation. The Working Group also thanks the Ministry of Culture and Equality and the Ministry of Foreign Affairs for organizing the visit. The Working Group further thanks the many Government officials who generously shared presentations, plans, and other materials during this visit.
- 2. The views expressed in this statement are of a preliminary nature. The final report on the visit will be presented to the United Nations Human Rights Council at its 57th session, scheduled to take place from 09 September to 09 October 2024.
- 3. During the visit, the Working Group assessed the human rights situation of people of African descent in Norway and gathered information on their lived experience. The Working Group studied laws, policies and plans to prevent systemic racial discrimination and to protect victims of racism, as well as State's responses to multiple forms of discrimination.
- 4. As part of its fact-finding mission, the Working Group visited Oslo, Kristiansand, Bergen, and Trondheim. It met with senior officials of the Norway government including the State Secretary Ministry of Culture and Equality, the Ministry of Foreign Affairs, Special Envoy and the State Secretary for the Ministry of Health and Social Care. It also met with representatives of the Ministry of Justice and Public Security, the National Police Directorate, the Chief of Trondheim Police, 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 ("IMDi"), and the Directorate for Health.
- 5. The Working Group met with the Deputy Mayor of Kristiansand, the Deputy Mayor of Bergen, and the Deputy Mayor of Trondheim. It also met with senior officials of the Municipality in Kristiansand, Bergen and Trondheim and members of the Municipality diversity councils.
- 6. The Working Group met with the Equality and Anti-Discrimination Ombudsman, representatives of the Ombudsperson for Children, the Norwegian National Human Rights Institution, the Anti-Discrimination Tribunal, and the Chair of the Standing Committee on Family and Cultural Affairs at the Storting (Norwegian Parliament). It visited the Gamlebyen School in Oslo, the Oslo Police District police arrest department, the Kongsgård School Center immigration facility in Kristiansand, the Center for Migrants and Refugees Health Bergen, the Ny-Khronborg (beating heart) school project Bergen and the Trondheim high security prison.
- 7. 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 virtual 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 Norway organizing committee who organized civil society meetings for the

Working Group during its visit. The Working Group welcomes all efforts to promote and protect the human rights of people of African descent in Norway.

II. Good Practices

- 8. The Working Group welcomes the Government's New Action Plan Against Racism and Discrimination (2024-2027) in which the Government envisages -by targeting the labor market, youth and local communities- reducing inequality and increasing social mobility through redistribution efforts, increasing labor market participation including by integrating as many immigrants as possible into the labor market, and through participation in education. This vision to combat racism and discrimination is a continuation of implementation of the Government's current Action Plan Against Racism and Discrimination on the Grounds of Ethnicity and Religion (2020-2023).
- 9. In this regard, some key measures by the Government include making employers aware of attitudes that can lead to discrimination in working life; increasing trade union membership among immigrants; providing advice and guidance to pupils who are exposed to racism and discrimination; introducing receipts after police controls; providing grants to work against racism and discrimination done at the local level; and convening an Annual Integration Conference on March 21 (the United Nations International Day against Racism). The Annual Integration Conference has been running for 10 years. It is a conference for people from immigrant organizations. Plans exist 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 Program for newcomers, which applies only to refugees and not asylum seekers or immigrants. Settlement is a joint responsibility of national, regional, and local government managed by the Norwegian Directorate of Integration and Diversity (IMDi). IMDi, under the Ministry of Labor, aims to strengthen its ongoing initiative of Diversity Advisers in Schools, and has plans for 1) Special Advisers at Embassies, 2) National Expert Team, 3) New Action Plan in 2025 (6th Action Plan in this field). The Directorate is also planning an Action Plan to combat radicalization and extremism.
- 11. To reduce and combat negative social control and honor related violence, IMDi, under the Ministry of Labour and Social Inclusion, aims to strengthen it as an ongoing initiative of Diversity Advisers in Schools. In 2024, the Government has decided to increase the number of Diversity Advisers, from 59 to 65. In addition, the Government plans for recruiting: a) four Special Integration Advisers at Norwegian Embassies in Kenya, Jordan, Turkey and Pakistan; b) a National Expert Team on negative social control and honor related violence. Furthermore, the Government plans to adopt; c) New Action Plan on Negative Social Control to be launched in 2025 (6th Action Plan in this field). Moreover, the IMDi plans to launch an Action Plan to combat radicalization and extremism.¹
- 12. IMDi has grants to support different types of projects promoting integration. Among such projects is the Youth Panel for Integration, whose purpose is to give youth with different backgrounds a voice and increased knowledge about decision-making processes, and a platform for participation in Norway's political system.
- 13. The Working Group learned that the Directorate for Children, Youth and Family Affairs, under the Ministry of Culture and Equality², bases its work on an intersectional understanding of equality and non-discrimination. Tools in promoting equality and non-discrimination by the Directorate 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. The Directorate

¹ Ministry of Labour and Social Inclusion.

² Some topics covered by the Directorate for children and family affairs are linked to the Ministry of Culture and Equality due to previous organisation of the Ministries. This also applies to the Ministry of Labour and Integration regarding honour-based violence, and negative social control.

plans to carry out a study on skin color and other characteristics as grounds for racism and has invited civil society to provide input.³

- 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 on the reasons for the search, as well as provides documentary evidence for future reference.
- 15. The Ministry of Labour and Social Inclusion provides grants to immigrant organizations and other NGOs, both to local and nation-wide organizations. The aim of such grants is to strengthen the participation of immigrants and their children in local activities, and to facilitate access to social networks (bonding and bridging). The grants also include work against racism and discrimination. These grants are also available for NGOs that provide information and guidance to new immigrants, especially to labor immigrants and other immigrants not covered by the Introduction Act. 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 increase the participation and integration of ethnic minorities in sports. The Antirasistisk Senter (Center Against Racism) is one of fourteen national resource centers. It receives approximately a funding of 6 million NOK.
- 16. Section 185 of the Penal Code is supporting judicial activism that is advancing jurisprudence on hate crime especially in favour of child protection.
- 17. There is a directive to mainstream interpretative support to immigrants in all public services.
- 18. Initiatives have been taken by the National Police to recruit more people of African Descent to the Norwegian Police University College.⁴

III. Governance, Legal and Justice Issues

- 19. The Constitution of the Kingdom of Norway guarantees equality of all persons under the law and prohibits unfair or disproportionate differential treatment of anyone. The Equality and Anti-Discrimination Act came into force in 2006. It prohibits discrimination (direct or indirect differential treatment) based on ethnicity, national origin, descent and skin color among other grounds, and promotes equality. The Act is also intended at dismantling disabling barriers and preventing the creation of new ones. It confirms the status of application of the International Convention on the Elimination of all Forms of Discrimination (ICERD) as Norwegian law. The Act is enforced by the Equality and Anti-Discrimination Tribunal. 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 of racial justice and obscures the core concerns of people of African descent.
- 20. The Equality and Anti-Discrimination Tribunal refers to international and European Union human rights instruments and standards. This follows the Constitutional obligation of state authorities to respect and ensure human rights as expressed in treaties that are binding on Norway. Norway has ratified major human rights instruments except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). The framework and structures of the Convention would be instrumental to Norway's progression in this regard in addition to re-joining the Global Compact on

³ Directorate for Children, Youth and Family Affairs, under the Ministry of Culture and Equality.

⁴ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://phs.brage.unit.no/phs-xmlui/bitstream/handle/11250/2722662/diversity in education.pdf?sequence=1&isAllowed=y.

⁵ Article 98, Constitution of the Kingdom of Norway.

⁶ Section 1, Anti-Discrimination Act, 2005.

⁷ Section 2, Anti-Discrimination Act, 2005.

⁸ Section 35, Anti-Discrimination Act, 2005.

⁹ Article 92, Constitution of the Kingdom of Norway. See Norway's ratification status at tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=129&Lang=EN

Migration. Norway supported the promulgation of the Durban Declaration and Programme of Action (DDPA) and the Programme of Activities of the International Decade of People of African descent but there is nearly no awareness of the Decade among the population in Norway.

- 21. Norway's National Human Rights Institution (NHRI) has existed since 2015. This Astatus GANHRI-accredited body has a broad mandate to promote and protect human rights in Norway and to monitor whether the authorities respect their international human rights obligations. The NHRI has engaged with several topics of structural and institutional discrimination, but it is operating below its potential on these subjects because it lacks the mandate to address individual complaints. Norway has an elaborate Action Plan against Racism and Discrimination on the Grounds of Ethnicity and Religion but lacks the requisite financial and institutional infrastructure to operationalise 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. Historical factors operating in society are proven to influence the use of accepted and emerging social categories. Norway entered the transatlantic trade in slaved Africans in the second half of the seventeenth century as part of the Danish Empire and some Norwegian personalities are known for this historical participation. The Danish presence in West Africa was greatest in the 1780s when they had six fort-like establishments including Christiansborg (Osu Castle) in present day Accra'. 12
- 23. Denmark-Norway also occupied the Caribbean Islands St. Thomas and St. John (St. Jan) in 1672 and 1718. Danish rule in the Caribbeans is deemed as more oppressive in character. Denmark-Norway was significantly involved in the transatlantic slave trade; Danish ships are estimated to have transported 110,000 enslaved people across the Atlantic from the 1660s to 1803. However, the national self-image of Norway disregards the history of Norwegian Maritime involvement in the Transatlantic slave trade during Denmark Norway's colonial expansion'. Denmark-Norway's colonial possessions and interests reached their peak in the late eighteenth century. Transatlantic slave trade through Copenhagen was particularly central to the increasing wealth among the mercantile class in Copenhagen from 1772 1807. Denmark-Norway's colonial system was dismantled by the sale of African forts in 1850, and the sale of the Caribbean Islands in 1917.
- 24. There is historical representation of controversial persons in statues in Norway such as Swedish scientist Carl von Linne that developed his perspectives on racial categories of Homo Sapiens. Misrepresentation of Africa and African history in Norwegian schools reinforces white supremacy. The unmonitored discretion of schools to determine content of the history of enslavement of Africans has led to derogatory content such as that representing black children as slaves.
- 25. In principle, all persons are entitled to seek justice and the Penal Code Act criminalizes certain conduct and speech on the basis of skin colour. ¹⁸ However, justice in Norway is majorly administered stringently 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 people of African descent endure when they are conflicted with the law or poor outcomes from their pursuits of justice. This reality manifests in a) the disproportionate representation of people

See Khalid Salimi, 'The Roots of Racism: When Racism came to Norway, 1987, cited by Michelle A. Tisdel, 'Black Oslo, p. 123, in Mapping Black Europe.

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

Niels Brimnes, 'The Colonialism of Denmark-Norway and its Legacies'. Accessed from https://nordics.info/show/artikel/the-colonialism-of-denmark-norway-and-its-legacies.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

See Michelle A. Tisdel, 'Black Oslo', p.123 in Natasha A. Kelly, Olive Vassell(eds), *Mapping Black Europe: Mouments, Markers, Memories 2023*.

¹⁷ Ibid.

¹⁸ Sections 185, 186 and 264, Penal Code Act.

of African descent in incarceration; b) reprisals: for example, schools calling the police upon children of African descent that respond to provocative unaddressed racist actions and not the perpetrators, c) an inadequate mainstream systemic approach to anti-black racism, and racialised weaponization of the Child Welfare Service (Barnevern); d) the reported rate of crimes of hate speech is 40% in the recent past. The Norwegian Bureau of investigation revealed that it is difficult to reach the level of sanctions. Only one case was advanced by the bureau in court and the person was acquitted.

- 26. There are systemic barriers to accessing justice, propelling the course of justice and obtaining tangible and fair outcomes as a person of African descent, and for 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 Equality and Anti-Discrimination Tribunal per se 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 disregard for the perpetrator of racism. A woman of African descent coined a phrase 'racism may occur but there is no racist in Norway';
- c) The lack of support for legal representation or legal aid for matters before a judicial body that primarily accepts proceedings to be done in writing;
- d) A knowledge gap about the nuances of anti-black racism and its manifestations. In DIN-2021-175 case, the Tribunal undermined the inherent humiliating nature of racial profiling;
- e) The threshold of the mechanism is high; it dismisses most of its cases without a hearing.¹⁹ Certain successful litigants have not been able to obtain remedies because of additional procedural requirements from the tribunal;²⁰
- f) The victim protection regime in Norway has not protected litigants of racially charged cases from reprisals from society and their abusers including the police. Affected individual(s) and families are known to experience trauma, protracted litigation of their cases, threats of further victimization after lodging complaints that leads them to make substantial changes to their lives such as fleeing their places of abode, and abandon careers in public life to escape persecution;
- g) The resources available to the Tribunal are not commensurate with its national mandate hence limiting its propensity to adjudicate matters expeditiously.
- 27. People of African descent are among the persons that are more susceptible to crime in Norway. Police statistics indicate that persons from Africa constitute the biggest number of victims of hate crimes including physical and cyber bullying. Lived experience of people of African descent in Norway indicates disproportionately face brutality and differential and unfair treatment from the police, with impunity, especially criminalisation of their identity, racial profiling, over policing their neighbourhoods and social gatherings, qualifying soft border policing approaches for travellers of African descent, misguided and culturally incompetent assessments of their way of life by law enforcement, breaches of confidentiality by mental health facilities to enable police interventions. The police confirmed that certain groups do not trust or feel safe with the police and feel stigmatised. The Working Group reiterates the substantiated position that excessive and unnecessary interference and engagement by the police a human rights violation and reinforces perceptions of racial profiling and distrust in the criminal justice system.
- 28. Despite that its mandate allows to have free and unfettered access to places of detention and to have the opportunity to hold unsupervised meetings with persons deprived of their liberty, the Working Group regrets denial of access to persons deprived of their

¹⁹ ECRI Report on Norway (sixth monitoring cycle). Adopted on 04 December 2020.

²⁰ See for example, DIN-2019-420.

liberty in detention centers it visited and also the total refusal of access to Trandum Police Immigration Detention Center, where several people of African descent are held awaiting deportation. Trandum Police Detention Center is known as the long walkway through to nowhere for persons whose visas are revoked following convictions and serving sentences without a rehabilitation or reformatory dimension, deportation of persons to unfamiliar destinations, separation of minors from their parents.

- 29. The Working Group learnt with great concern, about racial discrimination against detainees of African descent in detention facilities, by prison guards and other detainees. There is prevalent provocative use of racial slurs, with impunity, and differential use of solitary confinement that leads to denial of essential rights such as 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 was discontinued²¹, and others 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. Norway's correction services do not have a strategy to address racism, in practical terms, in its facilities. The Working Group is concerned about the alleged discriminatory use of preventive detention.
- 30. The lack of availability of data disaggregated by race in the public domain is obscuring key concerns of people of African descent such as racial profiling, incarceration, police brutality, school exclusions, and prevalence of hatecrimes against people of African descent, among other concerns. Availability of routine data for policy considerations does not cater for the needs of community-based organisations and individuals that would need data to support their advocacy. Of note, advocacy supports policy direction. Officials from the following state departments have affirmed the gap created by the unavailability of racially disaggregated data in their work as follows:
- a) The Directorate of Health 'Racially disaggregated data is a very valuable knowledge resource base in addressing inequalities in health...';
- b) The Ombudsperson for children 'Following the recommendation of the UN Committee on the Rights of the Child, data disaggregated by ethnicity is 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 of Investigation: '[Specific] statistics are needed on hate crime in order to strengthen our interventions'.

IV. Civil and Political Issues

- 31. Representation 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 conspicuously attributed to a confluence of circumstances. Historical prejudice and exclusion have curtailed prospects for integration and upward mobility, serving as one of the reasons. Furthermore, the absence of representation and inclusive policies across institutions and organizations is another contributing factor. Moreover, the importance of the proficient knowledge of Norwegian language and the presence of systematic prejudices in the recruitment and hiring procedures, along with a pervasive societal inclination towards uniformity, contribute to the inadequate representation of African individuals in multiple industries. To tackle these 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 more well-represented and visible in some sports, particularly football, and contemporary mainstream music such as hiphop, it is important to recognize that this observation oversimplifies their societal presence.

ldelingsbrev-2023-2209232-002.pdf (regjeringen.no).

Africans 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 prejudices and representation gaps. It is imperative to acknowledge and value the varied skills and achievements of these people in every aspect of participation in governance and public life - The underrepresentation of Africans and People of African Descent in politics, administration and public life is a pressing topic that requires attention.

- 33. Currently there is one African member of the Norwegian Parliament, Ms Marian Abdi Hussein of Somali origin, representing the Socialist Left Party (Sosialistisk Venstreparti).
- 34. According to the Norwegian Association of Local and Regional Authorities (KS), there were 12 municipal or city councillors of African descent in Norway as of 2019, ²² four from Oslo and two each from Bergen and Trondheim. This figure represents less than 0.1% of the total number of 9,111 councillors elected in the 2019 local elections. ²³
- 35. According to statistics received, the electoral turnout of Africans and People of African descent having Norwegian Nationality was 55%, whereby in 2021 it dropped by 9% to 46%.
- 36. The Municipalities do hire Africans and People of African Descent especially in the Introduction Programs, where they are usually assigned to assist refugees and migrants from all countries, including as translators, social workers, and teachers to deliver the mandatory 75-hours "social studies" module, delivered in the mother tongue of the participants. (Until 2022 the module consisted of 50 hours.) This program is implemented as part of the Norwegian Integration Act. (§ 33)²⁴.
- 37. Promoting inclusion and diversity in decision making processes is crucial to ensure the comprehensive representation, and consideration of all individuals' viewpoints and requirements. One way to accomplish this is by implementing strategies such as the enhancement of representation, the empowerment of individuals and the provision of political and civic education to motivate Africans and People of African Descent to actively participate in governance and public affairs.
- 38. African and Afro-descendant individuals face substantial obstacles in freely exercising their rights to freedom of speech and assembly. They often face institutional discrimination, racial prejudice, and limited opportunity to express their views and participate in collective decision-making. This is evident through the suppression of dissenting viewpoints that diverge from the official integration strategy of the Norwegian government, laws that restrict individuals' rights to adhere to specific cultural practices such as expressing their opinions loudly making those who gather vulnerable to police targeting for engaging in violent behavior, and the intentional segregation of individuals from their communities of shared heritage
- 39. Associations and other non-governmental organizations (NGOs) representing Africans and People of African Descent receive considerably less grants for their projects compared to Norwegian NGOs that focus on integration support. 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 Norwegian population.
- 40. Grassroots 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 Centers in different cities of Norway, receive minimal funding.

²² https://www.ks.no/.

https://www.ssb.no/en/statbank/table/01182/tableViewLayout1/.

²⁴ https://samfunnskunnskap.no/en/index.html.

- 41. Individuals of African descent with a Muslim heritage, particularly the Somali minority, frequently experience islamophobia and racial discrimination. This is primarily evident in relation to their identifiable Muslim names, resulting in a 25% decline in employment opportunities, for instance. Based on a poll conducted by the Norwegian Social Research (NOVA), which is a research institute under the auspices of the Norwegian Ministry of Education and Research²⁵, those with names associated with Islam have a lower likelihood of being selected as renters compared to those with Norwegian names.
- 42. 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 or an ignorance of sensitivity regarding imagery or words that are racist, xenophobic or divisive.
- 43. The depiction of the African continent continues to be characterized by a pessimistic and oversimplified representation, predominantly focusing on armed conflicts and impoverished children suffering from severe malnutrition. These stereotypes consistently reinforce the general perception that Africans are impoverished, uneducated, and inferior to others. This significantly adds to the prevailing public perception and directly perpetuates contemporary manifestations of racism and prejudice in society toward Africans and individuals of African descent.
- 44. 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 TV or radio outlets. This also holds true for actors and actresses. There has been a modest improvement in the representation within the fashion and advertising business as of late.
- 45. Norway is actively tackling hate speech in Norway and was engaged in the Council of Europe's 2014 campaign entitled "Stop hate speech". The Norwegian Criminal Code specifically covers the issues of hate speech and hate crime. Paragraph 185 of Section 77 of the Penal Code of 2005 specifically deals with hate speech. Hate speech is punishable by either a monetary penalty or a custodial prison sentence of 3 years. It is important to note that hate speech triggers an obligation to adopt positive measures in the sphere of criminal law protection.
- 46. Hate speech is pervasive at educational institutions, social media platforms, sports arenas (particularly in football), and enclosed communities, such as correctional facilities. Of the 923 hate crime cases reported in 2022, 42% were categorized as hate speech. Within this category, 55% of the incidents were specifically associated with "skin colour, hair type, or ethnic origin". In addition, survey data obtained from the Government indicates that 8% 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 this experience if they were born or spent a significant part of their upbringing in Norway.

V. Economic, Social and Cultural Issues

47. The education afforded to all Norwegians is also open to children of African descent in principle. 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 retaliate against the perpetrator are the ones who are punished and even have the police called to speak with them. When parents complain, unless they have the education and finances to stand by their

[&]quot;A Field Experiment of Discrimination in the Norwegian Housing Market: Gender, Class, and Ethnicity", written by Lisa Andersson, Niklas Jakobsson and Andreas Kotsadam, and published in the journal Land Economics in 2012. The authors are affiliated with the Norwegian Social Research (NOVA).

claims, the family is further subjected to discriminatory labeling as trouble-makers 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.

- 48. The Working Group noted that the content of the school curricula does 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 these groups of populations living in Norway.
- 49. While the health, nutrition and food situation in Norway is generally one of the best in the world, it is difficult to ascertain the situation of health services for people of African descent since these data are not available. Based on anecdotal information, women of African descent experience particular challenges because of their race and men of African descent are unlikely to use the health services. People of African descent are likely to wait for long periods to be attended to, and in one egregious example, the Working Group was advised that a hysterectomy was performed on a woman who went to the emergency care, although her husband was in the waiting room, most likely because of the language gap. The Working Group was advised that while for planned appointments interpretation services are provided, they are less likely to be available in emergencies.
- 50. Refugees to Norway, once regularised, are assigned housing across the municipalities. These apartments are smaller, with fewer amenities as they are intended to be temporary housing for a few years maximum, and cater to a mix of working-class families, troubled individuals and those who have had trouble 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, one municipality to another.
- 51. 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 such their non-Norwegian name, their language competence, and the presumption that their credentials are below the norms. The Working Group has learned that the African name is usually the first barrier to being considered for a job, though it is unknown how many candidates are excluded from consideration simply and solely on the basis of an African name. Since the time and intensity required to be functionally literate in Norwegian is beyond what is affordable and available to recently arrived Africans and people of African descent, they inevitably apply for employment with an obvious handicap if not disqualifier. 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 the norms and therefore rendering it necessary for them to retrain and/or accept jobs for which they are overqualified.
- 52. 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, but merely different, the onus to change and adapt is on the minority population and the importance of this need for adaptation is not necessarily easily understood, particularly if the differences are subtle and not explicitly articulated.
- 53. Partially because of the challenges faced in securing suitable employment, the economic viability of Africans and people of African descent is lower even among immigrant groups. The seeming hierarchy among immigrant groups is implicit, and except for a scattering of biracial Norwegians and recent graduates who have functional Norwegian literacy and are able to enter the job-market at the professional levels. Generally, Africans and people of African descent are still at the lowest quintile of the socio-economic status. While expectations remain low for example, when officials have spoken of employment opportunities for immigrants, they have referred to bus-drivers, truck drivers and seamstresses, and the training centers the Working Group visited, focused on sewing and needlework and woodwork the opportunities afforded people of African descent appear to be structurally and systemically limited to those explicitly dealing with DEI and or at the lowest level of the service industries. This structural impediment is a self-reinforcing mechanism and defeats the general thrust of integration.

- 54. 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 available in 2024.
- Solutions in sports, or at the 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 venturing into skiing and other winter sports. When introduced in early childhood, and when encouraged by parents who themselves have been able to make this adaptation, the adoption of sports as a part of their way of life is beginning to take root. One respondent informedhow peculiar it was to his social network for him to 'go up into the mountains', but stressed how crucial this past-time has been for him to build a 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.
- 56. All three sub-systems of culture ideological, technological and sociological present specific and particular challenges to the people of African descent who have migrated to Norway over the last fifty 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 for functional Norwegian literacy, and not all immigrants can afford to pursue additional language training.

VI. Impact on People Groups

A. Children/Youth/Women/Men/Elderly

- 57. People of African descent in Norway are mainly three groups, constituting 16% of immigrants and 4% of Norwegians born to immigrant parents. In terms of numbers, the largest number are refugees who have arrived in waves over the last fifty years, largely 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 here. The third group are the children of African immigrants born in Norway.
- 58. 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 fifty years some of these individuals are Norwegian. This subtle but significant omission, the right of citizenship notwithstanding, suggests that while Norway has welcomed refugees and students and asylum-seekers and Black people seeking a new way of life, it is yet to see any of them as Norwegians of African descent.
- 59. The Working Group is particularly concerned about the separation of children from their parents and siblings by the Child Welfare Service (Barnevern) in Norway. Despite the fact the Children Act and the Child Welfare Act officially regulate the work of the Child Welfare Services in Norway, as well as the measures available to assist children in need of protection, in reality the Child Welfare Services operate in a significantly different manner. Parents of African descent reported that they are living in fear of the Child Welfare Service (Barnevern) and said that anything they do or say however innocuous, may be considered to break the social norms or culture of Norwegian society and will 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 Child Welfare Service (Barnevern) for complaining about racist treatment of their children in school.

²⁶ https://www.bufdir.no/en/child-welfare-services/.

https://uis.brage.unit.no/uis-xmlui/handle/11250/2978682.

https://tidsskriftetbarn.no/index.php/barn/article/view/5479/8924.

https://www.uib.no/en/rg/bli/89069/ethnic-minorities-and-fear-child-welfare-services.

- 60. Child separation seems fairly widespread within the African immigrant community and the word Child Welfare Service (Barnevern) is used with fear if not resentment within the community. Children have 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, of violence and ultimately are 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, of what they say and how loudly they say it. There is a clear cultural disconnect on the matter of child rearing. The issue is not merely cultural norms that are outside of Norwegian legal codes and/or which contract Norwegian laws 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 child separation or even criminal charges. Some persons of African descent describe this as the criminalisation of their cultural and religious beliefs. Others view child separation as a lucrative business for foster parents,³⁰ many of whom live lives that are socially, morally or religiously inimical to the social, moral or religious mores of the families.
- 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 X. 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 Norway-born children and adolescents, particularly biracial children who could 'pass' as White were more likely to be positive and definitive of their identities. Inevitably, these children and adolescents are asked where they are from and when they indicate they are from Norway, the questions persist and deteriorate.
- 62. 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 and there is on the surface more assistance provided for women. Increasing attention is being paid to the risks of 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 challenges before the law. However, their health status, employment status and social status are also precarious.
- 63. Africans and people of African descent tend to live in multi-generational households. While it is too early to assess the situation of elderly people of African descent, as the first wave of immigrants reach retirement age, this situation will become more important and it is not too early for careful consideration of their status.

B. Refugees, asylum seekers, migrants

64. Norway hosts thousands of refugees, a sylum seekers and migrants of African descent. The Working Group has learnt of incentivized Introduction Programmes that are offered to migrants including individually adopted programmes such as language training, civic education, labour market entry possibilities, parenting in Norway, and digital training, among others. Whereas people of African descent confirm the positive impact of these programmes, they note that the language competencies obtained through the introduction programme are much lower than the threshold required to enter the competitive Norwegian job market. The register of their Norwegian language often misrepresents their qualifications and skills obtained through prior learning, and a barrier to serving in the sectors 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 with the least pay. They are often trapped at the 'entrance gate' or margins of the labour market (or the secondary labour market); their careers have low prospects of ascending partly because of discrimination. This is aggravated by Norway's increasingly automated labour market with 80% of vacancies not advertised and recruitment occurring among networks that refugees,

https://www.ndtv.com/world-news/norway-custody-row-foster-homes-child-welfare-or-lucrative-business-569426.

asylum seekers and migrants of African descent have no leverage to garner in an exclusive society.

- 65. Refugees and asylum seekers of African descent expressed the following encumbrances with Norway's 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 stringent;
- b) The non-refundable application fee of 8,000 Norwegian Krone for each family member intending to be united with their family member (s) in Norway is prohibitive;
- c) The language training in the Introduction Programme is mostly patronizing. It often reinforces racial hierarchies and is perceived as a lifestyle prescription other than an avenue of imparting linguistic skills for success in Norwegian society. The Working Group learnt that there is very limited employment that does not require good proficiency in Norwegian;
- d) Unaddressed trauma among refugees and asylum seekers negatively impacts their work and life opportunities. It is established that refugees from countries in conflict have a high propensity 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 socio-economic status, familiar environments, and proximity to family;
- e) Increasing numbers of employers require proficiency in Norwegian for employment. This requirement is foreseen in the legislation as there is a lack of a system of accreditation of foreign qualifications;
- f) As support and benefits to immigrants are municipality-based, this prevents them to easily move from one municipality to another. This approach contravenes the Constitutional guarantee of freedom of movement and choice of place of residence, to any person residing legally in Norway;³¹
- g) Protracted delays in obtaining refugee status determinations with some persons having to wait for 6 years. The long wait is associated with limited access to healthcare. Persons that come to Norway to reunite with their families endure the protracted process of obtaining documentation and consequently encounter limitations to services and have no access to the labour market. The state has an obligation to create conditions under which every person (with emphasis) capable of work is able to earn a living through their work or expertise;³²
- h) Refugees women of African descent encountermore barriers to opportunities in accessing the labour market because of delay in qualifying, childbearing, lower education levels, limited work experience, and often arriving later to support their spouses;
- i) The cultural competency of the Introduction programme is debatable prompting the necessity of interventions such as PM+ by SEMI in Bergen, and the Refugee Unit of Trondheim, which offer more culturally competent and informed models. Refugees experience difficulties in accessing specialized healthcare and often fall unto the basic services of SEMI and the Refugee Unit.
- 66. Norway's migration regime contains the following claw back realities that disproportionately affect migrants of African descent:
- a) Although immigration cases are prioritized in allocation of legal aid, such legal aid is limited to three hours and does not match the complexity of migration matters that often warrant legal expertise;
- 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 banning of people from territory following these determinations have separated families including minors from their parents;

Article 106, Constitution of the Kingdom of Norway.

³² Article 110, Constitution of the Kingdom of Norway.

- c) Though legally it exists, but in practice, there is no guarantee of appeal against a decision of the migration authority to reject an application for leave to stay in Norway. The Working Group was informed about a person of African descent who waited for a final determination on his residence permit for 28 years but was eventually deported;
- d) It is impracticable to obtain visas for visiting relatives from certain African countries because they are red listed;
- e) The regressive narrative that refugees and asylum seekers are in Norway for protection other than work,³³ undermines government's leadership of articulation of residence status possibilities.

C. LGBTQI+

- 67. The LGBTQI+ population within the African Diaspora is particularly susceptible to harm within Norwegian society. Members frequently experience social isolation due to a lack of complete acceptance within the African community. This is generally due to discrimination, religious beliefs, and other factors that condemnand restrict gender identities and sexual orientation that deviate from heterosexuality.
- 68. The Norwegian LGBTQI+ community lacks sufficient openness and receptiveness to properly embrace this group, resulting in their frequent exclusion and marginalization in terms of human rights, prosperity, and representation within the community.
- 69. Furthermore, the hate crime incident that occurred during the last Pride event brought attention to the fact that Black LGBTQI+ individuals can also be subjected to anti-black animosity, racism, and hate speech, particularly those with Muslim names.
- 70. These factors frequently contribute to mental health difficulties, including depression, anxiety, insomnia, post-traumatic stress disorder (PTSD), feelings of isolation, and societal marginalization.
- 71. It is crucial to note that the asylum-seeker members of this group are highly susceptible to the system. The majority of individuals escape their nations of birth because of imminent threats to their lives. However, if there is any conflicting information in their statement 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 coming from countries where 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

72. People of African descent are severally and jointly referred to as immigrant(s), a clearly stereotypical label, which in a context that segregates national minorities practically alienates the prospects of belonging by people of African descent to Norway. There is a pronounced hierarchy and divide between Norwegians and immigrants in Norwegian society, its construct, philosophy, and discourse. This affects perspectives on the participation of people of African descent in public affairs, and their negotiating power in private life. The visibility of racism is inhibited by systemic precariousness, the eventual vulnerability of people of African descent, and their limited leverage in the society's strata to initiate and sustain mainstream dialogue on their concerns. A man of African descent expressed resignation to fate in the following terms: 'we have known twenty years ago that we have to struggle everyday'. Attempts at integration by Norway are advanced from the premise of diversity that, in its application, prioritises

³³ Wording of a local government official.

other groups and relegates people of African descent. The Working Group recalls the Nordic-Baltic statement expressing the full commitment of member states to:

- i) Combating racism, racial discrimination, xenophobia and related intolerance;
- ii) Increasing full, equal, and meaningful participation of persons from diverse backgrounds, especially those who have traditionally been marginalized, in all spheres of society.³⁴ The states acknowledged the need for strong government leadership on the matter.³⁵

B. Recommendations

- 73. In light of the above, the Working Group recommends that the Government of Norway:
- 74. Consider collecting, compiling, analysing data disaggregated by race, skin color, ethnic and national background.
- 75. Follow-up the informed national conscience on matters affecting people of African descent with strong government-led results-oriented interventions on the law, policy and practice.
- 76. Support compliance with migration regimes by affected persons by sensitising them promptly about changes to migration regulations.
- 77. Monitor the implementation of the mandatory engagement of interpretation services, among all public sector provisions.
- 78. Demystify procedures for compliance with migration regulations and guarantee full and adequate legal aid for matters involving minors and/or revocation of status.
- 79. Demystify complaint procedures and increase their accessibility to persons affected by racial discrimination.
- 80. Take the following measures to facilitate the Anti-Discrimination Tribunal's agenda of becoming a 'low threshold alternative':
 - i) Institute legislative reform 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 posture of the Tribunal that would affect the capacity of the Tribunal to support litigants;
 - iv) Enable mediation by the Tribunal;
 - v) Intensify its public sensitization campaign.
- 81. Include hearing of individual complaints in an informal manner in the mandate of the National Human Rights Institution.
- 82. Identify and address barriers to recruitment and improve attitudes and workplace policies that enhance retention of people of African descent.
- 83. Invest, as planned, in the police bodycams project, borrowing from the experiences of other jurisdictions' best practices in using them.

Item 9 - General debate on racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action. NB8 Iceland (30.03.2023). Accessed from https://www.norway.no/en/missions/wto-un/nig/statements/hr/hrc/hrc-52ndsession/hrc522/

³⁵ Ibid.

- 84. Make diversity advisors for the police representative of the population and offer them more opportunities to proffer persuasive opinions on police processes and determinations.
- 85. Ensure that all cases of racial discrimination including racial profiling, racially-based violence and deaths in custody are investigated promptly, independently and thoroughly and the perpetrators are held accountable.
- 86. Increase the resources of the Norwegian Bureau of Investigation to execute its mandate and to sensitize the public about its mandate and modalities.
- 87. Enforce the equal application of the United Nations Standard Minimum Rules for the Treatment of Prisoners.³⁶
- 88. Increase support for the visibility of Africans and people of African descent in roles other than as DEI administration including in journalism, entertainment and expert analyses on diverse issues in traditional and social media with whom people of African descent can relate.
- 89. Encourage media institutions to take action to eliminate racial stereotypes in the media and investigate complaints of racism and discrimination against minorities.
- 90. Institute positive measures for the equitable representation across all domains of employment and society in Norway.
- 91. Broaden access to the Annual Integration Conference by way of resource facilitation and introduce regional conferences.
- 92. Provide incentives to the private sector that increase the employment of individuals of African descent.
- 93. 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 programs and other incentives.
- 94. Enhance the participation of people of African descent in the formulation of policies and decision-making procedures that impact these communities.
- 95. Support the creation of African Centers in cities with substantial African-descent communities that enhance the celebration and integration of their traditions, cultural heritage, and community life.
- 96. Expand the volume of grants provided to NGOs directly representing People of African Descent.
- 97. Increase collaboration between authorities responsible for the Introduction Programme, the Child Welfare Service and members of the community to address and prevent harmful traditional practices.
- 98. Implement stringent measures to address instances of discrimination against individuals of African Descent on the basis of their actual or presumed religious affiliation.
- 99. Address racial stereotypes and support a just and positive portrayal of Africa and Africans in the media, including African history and civilisation.
- 100. Provide training for teachers, social service providers, the police and Child Welfare Service (Barnevern) professionals on the negative impact of racist hate speech and racist bullying including on social media.
- 101. Integrate content on the nature, impact and prevention of racist hate speech and racist bullying in school curricula.

See Rule 45. 1, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). Accessed from https://www.unodc.org/documents/justice-and-prison-reform/Nelson Mandela Rules-E-ebook.pdf.

- 102. Provide appropriate support to victims of racist hate speech to restore their sense of security in the affected spaces.
- 103. Offer further assistance and safeguarding to individuals who identify as Africans or of African descent within the LGBTQI+ community.
- 104. Enhance consideration of asylum applications based on persecution based on gender identity and sexual orientation.
- 105. Consider modifying housing policies and practices to facilitate the relocation of African and African descendent families to secure higher paid employment.
- 106. Commission an independent inquiry into the social, economic and legal determinants of child separation of African and African-descendent families in Norway, as a matter of urgency, that would require, inter alia:
 - i) Reviewing the child protection system, review all decisions of removal of children from their parents and separation from siblings to eradicate racial bias and protection of children's human rights.
 - ii) Investigating the allegations of unnecessary forced removal of children from families of African descent and placement in institutions and foster homes and ensure legal protection for the parents to have their children returned and siblings reunited.
 - iii) Taking action to reform the Child Welfare Service (Barnevern), including obligatory sensitizing and multicultural studies, and ensure that child removal is the last resort and only in the most serious of cases in accordance with Norway's obligations 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.
- 107. Desist from physically examining African children without just cause and outside of the presence of a parent and or legally acknowledged representative.
- 108. Provide cultural sensitivity training for all teachers, curriculum and content developers and other public officials.
- 109. Commission a curriculum module on the history of Africans, African civilisations and cultures, and Africans' contribution to global development, to be used as reference and elective in K12 education.
- 110. Commission African Studies courses for college and university education.
- 111. Establish wellness clinics for Africans and people of African descent in communities where Africans and African descendants 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.
- 112. Extend language instruction to 630 hours or functional literacy for all immigrant Africans and people of African descent.
- 113. Provide extended information and instruction with practical examples on the legal basis for child separation to parents in immigrant communities, perhaps in short videos with subtitles depicting the various elements of child-rearing that demonstrate in practical terms the criminal behaviours in Norway.
- 114. Provide standards and training for schoolteachers and administrators to document, report and address all complaints, racist and discriminatory speech and behaviour at school and school-related activities including sports.
- 115. The Working Group would like to reiterate its satisfaction at the Government's willingness to engage in dialogue, cooperation, and action to combat 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.