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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN NORWAY

6th monitoring cycle

- A. Report of the Committee of Experts on the Charter**
(adopted on 18 March 2015)

- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Norway**
(adopted on 15 September 2015)

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. Subsequently, the evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that, once adopted by the latter, will be addressed to the State Party. The full report also contains the comments which the authorities of the State Party may have made.

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A. Report of the Committee of Experts on the application of the Charter in Norway

adopted by the Committee of Experts on 18 March 2015
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Executive Summary

1. Norway was the first state to ratify the European Charter for Regional or Minority Languages in 1993. The Charter entered into force in Norway in 1998 and protects and promotes Sami, Kven/Finnish, Romanes and Romani.
2. North Sami is the largest of the Sami languages. It enjoys special protection under Part III of the Charter. Lule Sami and South Sami have fewer speakers and face more serious challenges, while Eastern Sami/Skolt Sami is not used in Norway at present.
3. Almost all undertakings under Part III of the Charter are fulfilled for North Sami. Difficulties in the use of certain Sami characters in public registers still persist, but they are currently being tackled. This is particularly important since more and more communications with the authorities, education institutions and others are carried out electronically.
4. Lule Sami and South Sami are still in a difficult position. The main challenges for both languages are in education. It is important to improve the provisions of teaching in/of the languages at all appropriate levels and to strengthen teacher training.
5. Kven was recognised as a language in its own right in 2005, after previously having been considered as a Finnish dialect. It has recently been standardised in writing and introduced in education. A grammar book has been produced. A digital dictionary and an interactive learning programme are being developed. However, there is no structured policy for the protection and promotion of Kven. A comprehensive action plan should be developed and implemented, in co-operation between the authorities and the speakers. In the short term, priority should be given to establishing an offer in Kven at pre-school level and to strengthening its presence in broadcasting.
6. Romanes and Romani are almost invisible in public life. These languages lack prestige and there is therefore a need for special measures to develop positive attitudes towards them. In education, there is a lack of teachers, updated teaching materials and school facilities. Romani is about to be codified.
7. According to information received, there is a traditional presence of Finnish alongside Kven. There is a need for measures for both languages to be promoted.

Chapter 1 - Background information

1.1 Ratification of the Charter by Norway

1. Norway signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 5 November 1992 and deposited its instrument of ratification on 10 November 1993. The Charter entered into force in Norway on 1 March 1998.

2. Under the terms of Article 15 (1) of the Charter, each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report. Norway’s sixth periodical report was due on 1 March 2014, and the Norwegian authorities presented it to the Secretary General of the Council of Europe on 1 July 2014. The report has been made public.

1.2 The work of the Committee of Experts

3. This sixth evaluation report is based on the information obtained by the Committee of Experts from the sixth periodical report of Norway as well as through interviews held with representatives of the minority language speakers in Norway and the Norwegian authorities during the on-the-spot visit, which took place from 3-5 February 2015. In accordance with Article 16 (2) of the Charter, the Committee of Experts has also received statements from bodies and associations legally established in Norway.

4. The present report focuses on the measures taken by the Norwegian authorities to respond to the recommendations of the Committee of Experts and the Committee of Ministers of the fifth monitoring cycle. This report also highlights new issues, which the Committee of Experts considers to be of particular importance in the context of this sixth monitoring cycle.

5. The present report contains detailed observations which the Norwegian authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established proposals for recommendations to be addressed to Norway by the Committee of Ministers, as provided in Article 16 (4). The present report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit. Any changes after that time will be taken into account in the next report of the Committee of Experts concerning Norway.

6. The present report was adopted by the Committee of Experts on 18 March 2015.

1.3 Presentation of the regional or minority language situation in Norway: update

1.3.1 Lule Sami and South Sami

7. In the fifth evaluation report, the Committee of Experts and the Committee of Ministers recommended Norway to “**clarify the status of the Lule and South Sami languages in relation to Parts II and III of the Charter**”.

8. The Norwegian authorities state in the sixth periodical report that a number of Part III undertakings currently applied to North Sami will also be implemented for Lule Sami and South Sami. In this context, the Committee of Experts notes that the instrument of ratification of Norway specifies that Part III will apply to “the Sami language” and that the Norwegian authorities have declared that the “Sami language (...) has been granted protection under Part II and Part III of the Charter [and] constitutes four major languages, Northern Sami, Southern Sami, Lule Sami and Eastern Sami (...)”¹.

1.3.2 Kven

9. The Committee of Experts has received a statement pursuant to Article 16 (2) from representatives of the Kven speakers who propose that Part III of the Charter be applied to Kven in order to ensure that it is promoted in the most effective way. During the on-the-spot visit, the Mayor of Tromsø stated that he had made the same proposal to the national authorities. The Committee of Experts has taken note of these proposals. In the view of the Committee of Experts, the first step should be the adoption and implementation

¹ MIN-LANG/PR (2002) 3, p. 5-6

of a strategy for the protection and promotion of Kven, in close co-operation with the representatives of the Kven speakers.

10. Furthermore, the Committee of Experts has been informed that the development of the standardised written form of Kven has been completed and will be introduced soon. As in previous monitoring cycles, two associations informed the Committee of Experts during the on-the-spot visit of their concerns in this respect. According to them, people who write Kven use almost exclusively Finnish. If the new standardised written form of Kven would be introduced as the only officially recognised and promoted written form, fewer people might write Kven.

11. The Committee of Experts considers that the introduction of the standardised written form of Kven should be done in a way which has a positive impact on the protection and promotion of Kven. It therefore encourages the Norwegian authorities to continue their dialogue with representatives of the speakers with a view to achieving the greatest possible support for the introduction of standardised Kven as well as building confidence in the continued protection and promotion of Finnish in Norway.² A parallel support to both Kven and Finnish may be needed in order to safeguard both languages.

1.4 Particular issues arising from the evaluation of the report

1.4.1 Finnish

12. There seems to be a traditional presence of Finnish in some municipalities in North Eastern Norway. Finnish has also been traditionally used by the Kven in Norway in written and formal domains, in particular as a medium of instruction in school, newspapers (since the late 19th century), literature, for official place names as well as first and family names, and in religious life. This tradition is reflected by current practice and legislation. For example, the Norwegian authorities collect and register place names in both Finnish and today also in Kven. They also support the monthly magazine "Ruijan Kaiku" published in Kven, Finnish and Norwegian as well as a radio programme broadcast in Finnish. Furthermore, pursuant to Norwegian law, primary and lower secondary school pupils in Troms and Finnmark counties have the right to receive instruction in Finnish if sufficient teaching resources are available and at least three pupils of Kven-Finnish origin/identity request it.

13. Until recently, the oral Kven varieties were considered as Finnish dialects. In 2005, Norway recognised them as a language in their own right (Kven). This decision corresponds to the views of Kven speakers who call their language Kven and are favourable to the introduction of the new standardised written form. Other speakers wish to continue using Finnish.

14. Norway stated at the time of ratification of the Charter and afterwards that the "Kven/Finnish language is considered a minority language in Norway"³. The decision of 2005 to recognise Kven as a language in its own right has not resulted in the exclusion of Finnish from the scope of application of the Charter. Therefore, the Committee of Experts encourages the Norwegian authorities to clarify how both Kven and Finnish can be promoted under the Charter.

1.4.2 Reliable data on language use

15. In the fifth evaluation report, the Committee of Experts encouraged the Norwegian authorities to continue their work to produce more reliable data on language use, especially regarding Kven, in co-operation with the speakers. The Norwegian authorities state in the sixth periodical report that it is methodologically difficult to produce data on language use. In addition, the population concerned continues to have a sceptical attitude regarding such data collection. This was confirmed by representatives of minority language speakers during the on-the-spot visit. Nevertheless, the Committee of Experts is aware of a number of scientific studies that have produced estimates about the size of language groups. The Committee invites the authorities to use these results in order to produce more reliable figures.

² For a similar case, see the 3rd report of the Committee of Experts on Switzerland, ECRML(2008)2, paragraph 62 and the 4th report of the Committee of Experts on Switzerland, ECRML(2010)8, paragraph 47

³ MIN-LANG/PR (2002) 3, p. 6

Chapter 2 - Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2012)8)

Recommendation No. 1:

“Ensure that social and health care institutions within the Sami Administrative District offer services in North Sami”

Noticeable progress has been made in offering social and health care services in North Sami in the relevant institutions of the Sami Administrative District. This progress is limited, however, by difficulties in recruiting North Sami speaking staff.

Recommendation No. 2:

“Adopt a comprehensive structured policy for Kven, combined with an action plan, in co-operation with the speakers”

There exists neither a comprehensive policy for the promotion of Kven, nor an action plan. It is unclear how many pupils learn Kven in primary and secondary education. Kven is neither used in pre-school education, nor in the broadcast media.

Recommendation No. 3:

“Clarify the status of the Lule and South Sami languages in relation to Parts II and III of the Charter”

The Norwegian authorities state in the sixth periodical report that they apply Part III of the Charter to North Sami. Furthermore, a number of the Part III undertakings currently applied to North Sami are also being implemented for Lule Sami and South Sami. In this context, the Committee of Experts notes that the instrument of ratification of Norway specifies that Part III will apply to “the Sami language” and that the Norwegian authorities have declared that the “Sami language (...) has been granted protection under Part II and Part III of the Charter [and] constitutes four major languages, Northern Sami, Southern Sami, Lule Sami and Eastern Sami (...)”⁴

Recommendation No. 4:

“Continue their efforts to provide teaching in/of Lule and South Sami, including the development of teaching materials and teacher training”

The Norwegian authorities have supported the publication of teaching materials in Lule Sami and South Sami. However, there is still no curriculum for teaching in/of Lule Sami and South Sami.

Recommendation No. 5:

“Strengthen the efforts to develop positive attitudes towards the Romani and Romanes languages”

An advisory and information service for minority languages has been established within the Language Council of Norway, which expanded its activity and responsibility and now includes Romanes and Romani. The main task of this service is to strengthen the efforts to create positive attitudes towards the national minority languages including Romanes and Romani.

⁴ MIN-LANG/PR (2002) 3, p. 5-6

Chapter 3 - The Committee of Experts' evaluation in respect of Parts II and III of the Charter

General remarks

16. The Committee of Experts will focus its evaluation on the provisions of Parts II and III of the Charter which were specifically outlined as problematic in the Committee of Experts' previous evaluation report. It will not comment on provisions in relation to which no major issues were raised in its first, second, third, fourth and fifth reports, and for which it did not receive any new information requiring a revised assessment. The Committee of Experts does, however, reserve the right to carry out a new comprehensive evaluation of the implementation of Parts II and III of the Charter at a later stage.

3.1. Evaluation in respect of Part II of the Charter

17. In the present evaluation report, the Committee of Experts will not comment on Article 7 (1) a and b.

Article 7 - Objectives and principles

Paragraph 1

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

c. *the need for resolute action to promote regional or minority languages in order to safeguard them;*

Kven

18. In the fifth evaluation report, the Committee of Experts encouraged the Norwegian authorities to continue their efforts on the standardisation of Kven. In addition, the Committee of Ministers recommended to **“adopt a comprehensive structured policy for Kven, combined with an action plan, in co-operation with the speakers”**.

19. As far as the standardisation is concerned, the Norwegian authorities have informed the Committee of Experts in the sixth periodical report and during the on-the-spot visit that the development of a written form of Kven has been completed. A Kven grammar book is now available and there are plans to produce a digital dictionary and an interactive learning programme for Kven.

20. However, in light of the observations made under Article 7 (1) d and 7 (1) f below, it should be noted that neither a comprehensive structured policy for the promotion of Kven, nor an action plan yet exist. During the on-the-spot visit and in a statement, representatives of the Kven speakers voiced strong concern about the limited financial means available for the promotion of their language. The available means do not suffice to finance language nests (immersion teaching) or kindergartens using Kven.

The Committee of Experts strongly urges the Norwegian authorities to adopt and implement a comprehensive structured policy for Kven, combined with an action plan, in co-operation with the speakers.

Eastern Sami/Skolt Sami

21. In the fifth monitoring cycle, the Committee of Experts was informed by the Norwegian authorities about the Action Plan for Sami Languages which foresees measures to revitalise Eastern Sami/ Skolt Sami. However, the Committee of Experts had no clear information about whether this language was still spoken in Norway and asked the Norwegian authorities to clarify this issue in the next periodical report.

22. The sixth periodical report quotes Eastern Sami/Skolt Sami organisations according to whom there are no users of this language in Norway today. However, Finland, Norway and the Russian Federation have implemented the project “Skolt Sami Culture across Borders” which aimed at revitalising the Eastern Sami/Skolt Sami language.

23. The Committee of Experts has in its monitoring practice dealt with minority languages undergoing a successful process of revitalisation, for example Manx Gaelic and Cornish in the United Kingdom. It therefore

welcomes the support given to the revitalisation of Eastern Sami/Skolt Sami and encourages the Norwegian authorities to pursue their support.

d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

Kven

24. In the fifth evaluation report, the Committee of Experts strongly urged the Norwegian authorities to take appropriate measures to improve the presence of Kven in broadcasting.

25. According to the sixth periodical report, Kven has been added as a language option on NRK's online weather forecast service (www.yr.no). In addition, the public broadcaster NRK airs a twelve-minute daily radio programme in Kven and Finnish. During the on-the-spot visit and in a statement submitted to the Committee of Experts, representatives of the Kven speakers expressed their dissatisfaction that this radio programme is so short.

26. The Committee of Experts considers that a radio programme of a twelve minutes' duration in Kven and Finnish is too short to strengthen the presence of Kven in the public and make a sustainable contribution to its promotion.

The Committee of Experts strongly urges the Norwegian authorities to take appropriate measures to improve the presence of Kven in broadcasting.

27. In the fifth evaluation report, the Committee of Experts also encouraged the Norwegian authorities to increase the support for the "Ruijan Kaiku" magazine in order for it to be published more frequently as well as to encourage and facilitate the training of Kven-speaking journalists.

28. According to the sixth periodical report, the monthly magazine "Ruijan Kaiku" continues to be published in Kven, standard Finnish and Norwegian. The Norwegian authorities have increased their funding for the magazine. In 2014, it received grants of NOK 1,102,000 (about € 128 000) from the Ministry of Culture and NOK 450,000 (about € 52 000) from the Ministry of Local Government and Modernisation. In addition, "Ruijan Kaiku" received NOK 200,000 (about € 23 000) from the same ministry in order to increase the number of staff. It now comprises two full-time positions. There are plans to publish "Ruijan Kaiku" weekly. The Committee of Experts welcomes this development and considers that the development of "Ruijan Kaiku" into a weekly would make a considerable contribution to the promotion of Kven and Finnish.

29. Moreover, the Committee of Experts encouraged the Norwegian authorities in the fifth evaluation report to further enhance their support for Kven culture, through general and/or specific funding mechanisms and to make sure, through the establishment of a structured dialogue with the speakers, that they are supporting the measures which the speakers consider important.

30. The sixth periodical report states that no earmarked funding exists for Kven, only project funding from the Ministry of Local Government and Modernisation and from the Arts Council of Norway.

31. In the fifth evaluation report, the Committee of Experts also asked the Norwegian authorities to report on the practical implementation of the Act on Place Names and encouraged them to take measures to facilitate the effective identifying and listing of Kven place names.

32. The sixth periodical report states that pursuant to the Act of 18 May 1990 No. 11 relating to Place Names, the Ministry of Culture appoints place name consultants for Norwegian and Kven place names and the Sami Parliament does likewise for Sami place names. The place name consultants provide guidance on the spelling of place names. There is a Kven place name service (*Paikannimipalvelus*). Any place names that exist in Sami and Kven are adopted simultaneously with the Norwegian names. Public bodies are responsible for using adopted Kven names in their services, for example on signs. A database has been created to document and publish Kven place names (www.kvenskstedsnavn.no). The place name service for Norwegian and Kven place names is administered by the Language Council of Norway. The Ministry of Culture has earmarked funds for collecting and registering old place names in Sami, Kven and standard Finnish.

33. The Committee of Experts considers that the legal framework for the use of Sami, Kven and Finnish place names is best practice in Europe. Bearing this in mind, and considering information received from

Kven speakers concerning deficits in implementation, the Committee of Experts encourages the Norwegian authorities to also ensure the use of the adopted minority language place names in practice.

Romanes and Romani

34. In the fifth evaluation report, the Committee of Experts encouraged the Norwegian authorities to take measures to improve the presence of Romani and Romanes in public life, in particular in the media.

35. According to the sixth periodical report, grant schemes exist for minority language publications from which Romanes and Romani can benefit. During the on-the-spot visit, the Committee of Experts was informed by representatives of the speakers that the presence of Romanes and Romani in the media has not improved.

36. The Committee of Experts considers that the Norwegian authorities should develop, in co-operation with representatives of the speakers, an action plan for the promotion of Romanes and Romani in public life.

The Committee of Experts urges the Norwegian authorities to develop a structured approach for the promotion of Romanes and Romani in public life.

Sami languages

37. In the fifth evaluation report, the Committee of Experts asked for precise information on the situation of the Sami-speaking prisoners and the measures taken to ensure their rights.

38. According to the sixth periodical report, the Directorate of Norwegian Correctional Services has drawn up an action plan which aims to ensure the language rights of Sami-speaking inmates and convicts and to recruit more employees to the Norwegian Correctional Services who have knowledge of Sami culture and Sami language skills. Rules, regulations and necessary information must be translated into Sami and made available electronically. Signs posted at the offices of the Norwegian Correctional Services in the Sami Administrative District must also be in Sami. The Committee of Experts welcomes this comprehensive approach.

Lule Sami and South Sami

39. In the fifth evaluation report, the Committee of Experts encouraged the Norwegian authorities to continue their efforts for the Lule Sami and South Sami languages to be more present in public life, including media and literature.

40. With regard to the broadcast media, the sixth periodical report states that the public broadcaster NRK Sápmi is required to contribute towards strengthening Sami languages, identity and culture and that it must have regular programmes for children and youth in Sami. However, the requirements do not differentiate between the Sami languages. In 2012, NRK introduced a new programme in Lule Sami and South Sami. NRK television broadcasts programmes for children in Sami languages five times a week in total. In addition, there are regular radio broadcasts in Lule Sami and South Sami consisting of 30-minute programmes every week and regular news pages on NRK's teletext service and website www.NRK.no.

41. Furthermore, grants are provided by the Ministry of Culture for Sami daily newspapers as well as newspaper pages in Lule Sami and South Sami in local Norwegian-language newspapers. For example, the "NordSalten" newspaper contains pages in Lule Sami and "Snåsnningen" contains pages in South Sami.

42. In the field of culture, support for literature, libraries, theatres, festivals, cultural centres and other cultural institutions in or related to Lule Sami and South Sami is provided as part of the overall funding for cultural purposes which the Ministry of Culture makes available to the Sami Parliament every year. Sami literature is also supported through the Arts Council Norway. The Research Council of Norway is funding a project which aims to produce software for machine translations from North Sami to other Sami languages.

43. As far as the field of administration is concerned, the sixth periodical report states that Bodø municipality has introduced place name signs in Norwegian and Lule Sami. Public buildings in Snåsa municipality bear signs in Norwegian and South Sami.

44. The Committee of Experts is pleased to note the support provided to Lule Sami and South Sami, and encourages the Norwegian authorities to continue these measures.

e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

45. In the fifth evaluation report, the Committee of Experts encouraged the Norwegian authorities to take new initiatives with a view to creating links or opportunities for exchanges of views among representatives of all regional and minority languages.

46. According to the sixth periodical report, a special Minority Language Day was organised in 2013, jointly with the Language Council of Norway, to promote co-operation and exchanges of experience between national minorities.

47. The Committee of Experts welcomes the Minority Language Day as a good initiative establishing cultural relations between speakers of different minority languages. The Committee of Experts encourages the authorities to pursue this initiative and to develop similar initiatives in order to establish links between groups using minority languages.

f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

Kven

48. In the fifth evaluation report, the Committee of Experts asked the Norwegian authorities to provide exact figures on the number of children attending Kven education at different levels as well as information on the development of teaching materials in Kven. The Committee of Experts also strongly urged the authorities to develop a special curriculum for Kven in co-operation with the speakers and to improve the situation of Kven at all appropriate stages of education.

49. As regards the legal situation, the sixth periodical report states that primary and lower secondary school pupils in Troms and Finnmark counties have the right to receive instruction in Finnish as a second language from grades one to ten if at least three pupils of Kven Finnish origin/identity request it. Instruction in Kven is provided if sufficient teaching resources are available and if pupils/guardians request tuition in Kven instead of Finnish.

50. In the 2013/2014 school year, 594 pupils learned Finnish as their second language in primary and lower secondary education. The official statistics do not indicate how many of the 594 pupils/students learned Finnish and how many Kven. However, the number of pupils/students has considerably decreased since the 2010/2011 school year when 754 pupils benefitted from this offer.

51. Teaching covers both Finnish and Kven language and culture. Three textbooks in Finnish as a second language have been developed in recent years: one for grades three and four, one for grades five to seven, and one for the lower secondary level. A Norwegian–Finnish dictionary has also been developed. A textbook in Kven and a grammar book in Finnish are being prepared, as are various booklets in Finnish and Kven. There are few qualified teachers and teaching aid developers for Kven.

52. In the fifth monitoring cycle, the Committee of Experts was informed of the imminent closure of the Kven-language school in Porsanger. The Committee of Experts urged the Norwegian authorities to make contact immediately with the Porsanger municipality with a view to ensuring that Kven education remained available in the following academic year.

53. From the information that the Committee of Experts has at its disposal, it appears that the school has been closed but that Kven is still taught in another school within the Porsanger municipality. However, in the sixth periodical report the Norwegian authorities decline the government's direct responsibility regarding the opening or closure of schools, arguing that such decisions belong to the competences of municipalities. In this regard, the Committee of Experts underlines that the national authorities are responsible for ensuring Norway's compliance with its obligations under international law. Such responsibility may not be delegated to local authorities. The Committee of Experts encourages the authorities to provide information about the continued teaching of Kven in the next periodical report.

54. Kven is not used in pre-school education. Representatives of the Kven speakers informed the Committee of Experts in a statement and during the on-the-spot visit that they intend to establish language nests (immersion education) and kindergarten groups in several Kven-speaking places. However, they lack funding from the authorities to implement these projects.

55. In light of the above information, the Committee of Experts considers that the Norwegian authorities should take steps in promoting the teaching of Kven at primary and secondary levels with a view to reversing the trend of declining numbers of pupils. Furthermore, Kven immersion education should be introduced at pre-school level.

The Committee of Experts strongly urges the Norwegian authorities to improve the situation of Kven in primary and secondary education and to create an offer of Kven language nests in pre-school education.

Romanes and Romani

56. In the fifth evaluation report, the Committee of Experts asked for additional information about a project of the Roma organisation *Taternes Landsforening* and Oslo University that aimed at developing a written standard of Romani on the basis of stories collected from travellers.

57. According to the sixth periodical report, the Ministry of Culture has supported this project financially. During the on-the-spot visit, the Committee of Experts was informed that the book containing the collected stories will be published soon.

58. In the fifth evaluation report, the Committee of Experts also asked for more precise information about the teaching of Romanes and Romani.

59. According to the sixth periodical report, the Norwegian authorities have financially supported a project developing ABC/teaching material in Romanes and Romani. These efforts have failed, as no experts were found to develop such material. The Norwegian Directorate for Education and Training will further explore possibilities for developing teaching material in Romani and Romanes. During the on-the-spot visit, the Committee of Experts was informed by representatives of the speakers that there was currently no possibility to learn Romanes or Romani in ordinary education. Furthermore, according to the speakers, there was only outdated teaching material – from the 1980s and 1990s – available in these languages, although the Roma minority had experts who could, if appropriate support from the authorities was available, develop teaching materials.

60. The sixth periodical report also states that, in 2014, the Norwegian authorities granted the amount of NOK 5 million (about € 583,000) to the “Stiftelsen romanifolket/taternes kulturfond” for the promotion of the Romani language and culture. The Committee of Experts asks the Norwegian authorities to provide information, in the next periodical report, on which projects and activities have benefited from these funds.

The Committee of Experts urges the Norwegian authorities to develop a structured approach for Romanes and Romani language education, in co-operation with the speakers, including efforts to overcome difficulties regarding the development of teaching material.

Eastern Sami/Skolt Sami

61. In the fifth evaluation report, the Committee of Experts asked the Norwegian authorities to provide more information on their co-operation with Finland and the Russian Federation concerning the promotion of the language and culture of the Eastern Sami/Skolt Sami.

62. The sixth periodical report states that Finland, Norway and the Russian Federation have implemented the project “Skolt Sami Culture across Borders” which aimed at revitalising the Eastern Sami/Skolt Sami language. Eastern Sami/Skolt Sami teaching materials have been made available in Norwegian and a language course has been organised. In addition, a digital Eastern Sami/Skolt Sami dictionary has been published. The Committee of Experts welcomes these very promising activities.

Lule and South Sami

63. In the fifth evaluation report, the Committee of Experts noted that there was still a need for resolute efforts to be made regarding the training of teachers and the development and production of teaching materials for Lule Sami. In addition, the Committee of Ministers recommended the Norwegian authorities to **“continue their efforts to provide the teaching in/of Lule and South Sami, including the development of teaching materials and teacher training.”**

64. The sixth periodical report indicates that the Sami Parliament has intensified its contacts with publishers with a view to developing and producing Sami teaching materials. During the on-the-spot visit, representatives of the Sami speakers pointed out that there are problems regarding the continuity of

education in all Sami languages and a lack of trained teachers. The Committee of Experts has been informed about the development of the Masters Teacher Education Programme at the Sami University College in Kautokeino. Distance learning is used if Sami-language education cannot be organised locally. Teaching materials exist for all Sami languages, but the production of updated textbooks takes too much time in the view of the speakers.

Sami languages outside the Sami Administrative District

65. During the on-the-spot visit, the Committee of Experts was informed by Sami representatives that outside the Sami Administrative District only inhabitants who are eligible to enrol in the election register for the Sami Parliament can request Sami-language education, i.e. those with Sami ancestors. However, the Committee of Experts underlines that the Charter, in particular Articles 7 (1) f, g and 8 (2), creates the legal obligation for the authorities to provide for minority language education irrespective of the ethnicity of the pupils/students. Consequently, the Committee of Experts encourages the Norwegian authorities to modify the relevant regulations so that Sami language education can be offered whenever an appropriate number of parents or students request it.

g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

66. In the fifth evaluation report, the Committee of Experts asked the Norwegian authorities to provide information about the results of initiatives taken to teach the Sami languages and Kven to non-speakers.

67. According to the sixth periodical report, in the Sami Administrative District, all pupils of primary and lower secondary school age, regardless of ethnic affiliation, have a right to receive instruction in the Sami languages. The municipalities in the district may decide that all pupils in the municipality should receive instruction in Sami. In addition, the municipalities are responsible for facilitating adult education, including in minority languages.

68. The Committee of Experts asks the Norwegian authorities to provide, in the next periodical report, information about how many people have followed language courses in the Sami languages and Kven during the reporting period outside the regular school system.

h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;

Kven

69. In the fifth evaluation report, the Committee of Experts encouraged the Norwegian authorities to take measures to promote a permanent offer of Kven courses at university.

70. The sixth periodical report states that the University of Tromsø has consulted representatives of the Kven speakers about this matter. However, as the number of interested students is, in the university's view, too low to offer Kven courses on a permanent basis, such courses will only be offered occasionally. The Committee of Experts, however, considers that courses combining Kven and Finnish could be of interest to a sufficient number of students and could thus create the basis for a permanent offer. According to information received, teaching and research positions at the University of Tromsø have been discontinued, which would make the teaching and research on Kven and Finnish increasingly difficult.

71. The Committee of Experts urges the Norwegian authorities to take pragmatic measures facilitating a permanent offer of Kven courses and to provide information about the possibilities to study and do research on Kven and Finnish at the University of Tromsø.

Romanes and Romani

72. In the fifth evaluation report, the Committee of Experts welcomed the new developments in research on Romanes and Romani and looked forward to receiving information on a PhD project position on the Romani Language announced by the Research Council of Norway.

73. The sixth periodical report states that the PhD project concerned started in autumn 2013 at the University of Oslo and will run for three years. The Committee of Experts asks the Norwegian authorities to provide an overview of the results of this project in their next periodical report.

South Sami

74. In the fifth evaluation report, the Committee of Experts looked forward to receiving information on the number of students who attended South Sami classes as part of their bachelor's degree at Hedmark University College.

75. According to the sixth periodical report, this programme is no longer offered by Hedmark University College. Instead, Nord-Trøndelag University College offers entry-level courses in South Sami, South Sami Level 1 and Level 2 and South Sami language and culture. These subjects are offered separately and are not part of a complete bachelor's degree, but may be incorporated into the teacher training programme, the kindergarten teacher training programme or continuing education courses for teachers. In 2013/2014, ten students were enrolled in South Sami Level 2, 14 in South Sami language and culture, 14 in South Sami entry-level instruction and eight in the South Sami music course.

76. Furthermore, since 2001, the Research Council has provided funding for several research and PhD projects on Sami languages in its two programmes for Sami research. The sixth periodical report also states that the Research Institute for Indigenous Studies 'Árran' (joint project between the University of Nordland and the Research Institute 'Árran') carries out research on the Lule Sami language and culture.

i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

77. In the fifth monitoring cycle, the Committee of Experts was informed of a co-operation agreement between Sweden and Norway on Sami tuition and asked the Norwegian authorities to provide additional information.

78. According to the sixth periodical report, the co-operation between Sweden and Norway on Sami tuition has been expanded to include Finland. A working group will be set up to conduct a survey of Sami teaching materials in the three countries and propose ways in which they can make use of each other's materials. The Committee of Experts welcomes this co-operation and asks the authorities to provide information on the progress made.

Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

79. In the fifth evaluation report, the Committee of Experts urged the Norwegian authorities to take measures so that schools do not discourage parents from enrolling their children in Kven or Sami language education.

80. In the sixth periodical report, the Norwegian authorities state that the relevant county governors have not received any indications that parents were being advised not to let their children receive instruction in Kven or Sami languages. However, the governors have been informed by teachers who give instruction in Sami languages and Kven of parental concerns that pupils receive too little instruction in Norwegian, and that instruction in Sami languages and Kven may also affect instruction in other subjects. In response to these concerns, the distribution of subjects and hours has been changed, providing for the possibility to reallocate hours from one subject to another (up to 5%). The Committee of Experts looks forward to receiving information about the effect of these measures on the teaching of/in Kven and Sami.

81. In addition, the county governors have provided guidance to municipal school authorities regarding the rules and regulations governing instruction in Sami languages. The guidance emphasises the pupils' rights and the responsibility of the authorities running the schools to ensure that schools give pupils information and facilitate instruction in minority languages. A special brochure has been produced on these educational rights. The county governors of Troms and Finnmark hold annual meetings with teachers who provide instruction in Kven to discuss issues related to pupils'/parents' choice of these subjects and the dropout rates.

82. The Committee of Experts welcomes the information measures taken and urges the Norwegian authorities to pursue them.

Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

Positive attitudes

83. In the fifth monitoring cycle, the Committee of Ministers recommended the authorities to “**strengthen their efforts to develop positive attitudes towards the Romani and Romanes languages**”.

84. According to the sixth periodical report, an advisory and information service for minority languages was established within the Language Council of Norway in order to strengthen the efforts to create positive attitudes towards the national minority languages, including Romanes and Romani. The Committee of Experts asks the Norwegian authorities to provide more specific information in the next periodical report.

Education

85. In the fifth evaluation report, the Committee of Experts also encouraged the Norwegian authorities to ensure that teachers have sufficient material and knowledge about the minority languages and the related cultures to include them in their teaching of pupils from the majority population. In addition, the authorities were encouraged to support projects of the national minorities which aimed to share information on their languages and cultures, such as the project of a new Sami house of culture in Oslo.

86. According to the sixth periodical report, the Norwegian Directorate for Education and Training is developing material about Norway’s national minorities to raise awareness among teachers. As far as the Sami house of culture in Oslo is concerned, the report states that it was set up with the financial support of the Norwegian authorities in 2013.

87. The Committee of Experts commends the authorities for the steps already taken when charging the Language Council of Norway to promote increased use of minority languages and to strengthen their status and looks forward to receiving more information concerning this provision in the next periodical report.

Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

88. In the fifth evaluation report, the Committee of Experts encouraged the Norwegian authorities to continue the dialogue with the representatives of the minority language speakers concerning matters related to their languages.

89. From the information contained in the sixth periodical report, the Committee of Experts has gained the overall impression that such dialogue is an inherent element of the work of the state institutions competent in the field of minority languages. Nevertheless, during the on-the-spot visit, representatives of the Kven speakers pointed out a lack of consultation regarding strategies and specific measures of the national and local authorities concerning the promotion of Kven. Representatives of the Sami speakers proposed the creation of an Ombudsman for Sami Language Rights to which, for example, parents could turn if there was no local offer of Sami-language education.

90. The Committee of Experts encourages the Norwegian authorities to continue the dialogue with the representatives of all minority languages concerning matters related to their languages and to provide more specific information about the existing consultation mechanism and bodies, in addition to the Sami Parliament, in the next periodical report.

Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

91. When examining the situation of Romanes and Romani, the Committee of Experts has kept in mind that the principles listed in paragraphs 1 to 4 apply *mutatis mutandis*.

3.2. Evaluation in respect of Part III of the Charter

92. In this section, the Committee of Experts will focus on problematic areas in the protection and promotion of the Sami language. It will therefore not assess the implementation of undertakings which were fulfilled in the last monitoring cycle, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

- Article 8 paragraph 1 a iii, b iv, c iv, d iv, e ii, f ii, g, h, i; paragraph 2
- Article 9 paragraph 1d; paragraph 2 a, paragraph 3
- Article 10 paragraph 1 b, c; paragraph 2 a, b, c, d, e, f, g; paragraph 3 b
- Article 11 paragraph 1 a iii, b i, c ii, e i, f ii, g; paragraph 2
- Article 12 paragraph 1 a, d, e, f, g, h; paragraph 2; paragraph 3
- Article 13 paragraph 2 e
- Article 14 b.

93. In respect of these provisions, the Committee of Experts refers to the conclusions reached in its fifth evaluation report, but reserves the right to evaluate the situation again at a later stage.

Article 9 - Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a *in criminal proceedings:*

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
- iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”*

b *in civil proceedings:*

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
 - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
 - iii to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;*

94. In the fifth evaluation report, the Committee of Experts considered these undertakings fulfilled. It nevertheless encouraged the Norwegian authorities to promote the use of North Sami in court.

95. According to the sixth periodical report, a seminar was organised by the Indre Finnmark District Court in 2013 to inform courts, court interpreters, lawyers, law students, police personnel, Sami language personnel from different bodies, the Directorate of Norwegian Correctional Services, the Norwegian Mediation Service and the Sami Parliament about the court's capability to use North Sami and to promote its use. Furthermore, the Norwegian Courts Administration funded a competence development initiative to increase knowledge of Sami culture and traditions, which was organised by the Sami University College.

96. The Committee of Experts considers these undertakings fulfilled.

Article 10 - Administrative authorities and public services

Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;

97. In the fifth evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless asked the Norwegian authorities to provide information about the results of a new survey on the use of North Sami by the public authorities in the next periodical report.

98. According to the sixth periodical report, the results of this survey show that Sami speakers are generally satisfied with the linguistic services offered in the Sami Administrative District. However, the periodical report also states that although requests to the Norwegian Tax Administration can be submitted in North Sami both in writing and orally, electronic tax returns must be submitted in Norwegian. The Committee of Experts notes that this is not in conformity with Article 10.1.a.iii.

99. The Committee of Experts considers this undertaking still fulfilled. Nevertheless, it encourages the Norwegian authorities to ensure that electronic tax returns can be submitted in Sami to the Norwegian Tax Administration.

Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a translation or interpretation as may be required;

100. In the fifth evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

101. According to the sixth periodical report, the Finnmark Hospital Trust, the Sami Parliament and the Norwegian Centre for Integrated Care and Telemedicine have co-operated on a project to provide interpretation services in the Finnmark Hospital Trust. The project has identified needs for Sami interpretation services and subsequently conducted a pilot scheme using a Sami interpreter via video conference. A pocket dictionary for nurses has been published. During the on-the-spot visit, representatives of the national authorities stated that they face occasional difficulties in finding interpreters for Sami.

102. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Norwegian authorities to pursue their efforts to recruit and train interpreters for Sami.

Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

103. In the fifth evaluation report, the Committee of Experts considered this undertaking not fulfilled and encouraged the Norwegian authorities to ensure that the national population registers and other public institutions accept Sami names in their original form. Furthermore, the Committee of Experts asked the authorities to submit information on the implementation of the new regulation on Sami characters.

104. According to the sixth periodical report, the regulation of 5 April 2013 No. 959 concerning ICT standards in the public sector (standardisation regulation) requires public agencies to incorporate Sami characters in their IT systems as of January 2012 for central government agencies, and January 2013 for municipal agencies. Any electronic exchange of information with other agencies must also support Sami characters. Nevertheless, the authorities estimate that the full implementation of this regulation will be gradual, due to the high costs it would incur otherwise. According to information received from representatives of the speakers during the on-the-spot visit, there are still problems with the use of Sami letters in civil registers.

105. Considering the new regulation, the Committee of Experts now considers this undertaking partly fulfilled. It asks the authorities to provide information about the progress made towards the full implementation of this regulation.

Article 13 - Economic and social life

Paragraph 2

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

...

c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;

106. In the fifth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Norwegian authorities to investigate the possibility of economic incentives that would ensure the presence of linguistically qualified health staff in small municipalities, where recruitment of Sami speaking staff remained difficult. In addition, the Committee of Ministers recommended to “**ensure that social and health care institutions within the Sami Administrative District, particularly in relation to elderly people, offer services in North Sami**”.

107. According to the sixth periodical report, several initiatives have been taken with regard to this undertaking. A three-year Sami project within the dementia programme concluded with the publication of a report in 2013. Awareness among personnel was raised on the particular cultural needs of the Sami. Subsequently, the Centre for Care Research in Northern Norway was assigned the production of a booklet containing knowledge of specialised nursing and care issues identified as needs for Sami users, and another one in Sami for its usage in teaching programmes for health and care personnel. Furthermore, the Sami National Centre for Mental Health (SANKS) translated several documents into North Sami. This centre also offered a training programme in Sami language and culture for the employees of the Finnmark Hospital Trust. A two-year language interpretation project at the Hammerfest Hospital was completed, and in 2014 the Regional Health Authority was assigned the task of funding the continuation of a Sami interpretation programme. Initiatives have been taken to encourage Sami to work in the health and care sectors in small municipalities, including bonuses for Sami language skills. During the on-the-spot visit, representatives of the Sami speakers stated that, although the right to have an interpreter when seeing a doctor exists, it is complicated and time-consuming to apply for this.

108. The Committee of Experts commends the authorities for the initiatives taken, and considers this undertaking fulfilled. Nevertheless, it asks the authorities to provide information about the practical outcome of these initiatives.

Chapter 4 – Findings of the Committee of Experts in the sixth monitoring cycle

A. The Committee of Experts commends the Norwegian authorities for the punctual submission of their sixth periodical report whose high quality has allowed the Committee of Experts to obtain precise information on the current legislation policy and practice related to the promotion of minority languages in Norway.

B. Norway applies Part III to North Sami and fulfils most undertakings. Certain problems persist with regard to the use of Sami in contacts with national authorities and the use of Sami names in their original form in public registers. In the health sector and social services in the Sami Administrative District, there is a general difficulty in providing sufficient interpretation when needed.

C. Regarding Lule Sami and South Sami, the Norwegian authorities have pursued their efforts to promote both languages. However, the languages are still in a precarious situation and additional efforts are needed especially in the field of education, in particular including the development of curricula, teaching materials and teacher training.

D. With regard to Kven, there is an urgent need to take resolute action to protect and promote it. A comprehensive structured policy for Kven, including an action plan, should be developed and implemented in co-operation with the speakers. Immediate steps should be taken to improve the teaching in/of Kven, especially at pre-school level, and to strengthen the presence of Kven in the broadcast media.

E. There seems to be a traditional presence of Finnish in some municipalities in North Eastern Norway, which needs to be clarified by the authorities. As a consequence, a parallel support to both Kven and Finnish may be needed in order to safeguard both languages.

F. Romanes and Romani remain largely absent from public life, in particular in education. These languages still lack visibility and prestige, and there is a continuous need to develop positive attitudes towards them. Furthermore, curricula and updated teaching materials should be developed in co-operation with the speakers.

The Norwegian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Norway. At the same time it emphasised the need for the Norwegian authorities to take in to account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1235th meeting on 15 September 2015, the Committee of Ministers adopted its Recommendation addressed to Norway, which is set out in Part B of this document.

Appendix I: Instrument of ratification



Norway:

Declarations contained in the instrument of ratification, deposited on 10 November 1993 - Or. Engl.

We undertake to carry out the provisions contained in Parts I, II, IV and V of the Charter and also in accordance with Article 2, paragraph 2, the provisions contained in the following articles, paragraphs and sub-paragraphs of Part III of the Charter:

In Article 8:

Paragraph 1, sub-paragraphs a (iii), b (iv), c (iv), d (iv), e (ii), f (ii), g, h, i
Paragraph 2

In Article 9:

Paragraph 1, sub-paragraphs a (i-iv), b (i-iii), d
Paragraph 2, sub-paragraph a
Paragraph 3

In Article 10:

Paragraph 1, sub-paragraphs a (iii), b, c
Paragraph 2, sub-paragraphs a, b, c, d, e, f, g
Paragraph 3, sub-paragraph b
Paragraph 4, sub-paragraph a
Paragraph 5

In Article 11:

Paragraph 1, sub-paragraphs, a (iii), b (i), c (ii), e (i), f (ii), g
Paragraph 2

In Article 12:

Paragraph 1, sub-paragraphs a, d, e, f, g, h
Paragraph 2
Paragraph 3

In Article 13:

Paragraph 2, sub-paragraphs c, e

In Article 14:

sub-paragraph b

The above-mentioned paragraphs and sub-paragraphs shall, in accordance with Article 3, paragraph 1, apply to the Sami language.

Period covered: 1/3/1998 -

The preceding statement concerns Article(s): 10, 11, 12, 13, 14, 2, 3, 8, 9

Appendix II: Comments from the Norwegian authorities

The Norwegian government appreciates the opportunity to comment the contents of the report of the Committee Experts.

On the executive summary, para 1:

Kven was recognised as a language in 2005: Since then Kven has been recognised as one of the regional or minority languages in Norway. Additionally, there are three Sami languages.

Therefore, we suggest that this is reflected in para. 1 (our recommended changes are indicated in italics):

The Charter entered into force in Norway in 1998 and protects and promotes Sami (*North Sami, Lule Sami and South Sami*), *Kven*, Romanes and Romani.

On the status of the Lule and South Sami languages in relation to Part III (para. 8)

In 2014, the Ministry of Local Government and Modernisation published a document containing a review of the language regulation in the Sami Act. The document also included a review of Norway's international obligations and was referred to in Norway's sixth report page 10 (3. Clarify the status of the Lule and South Sami languages in relation to Parts II and III of the Charter). In the Government's view, there still seems to be a slight misunderstanding as regards the status of South and Lule Sami in relation to Part III. On pages 30-32 of the review, the Ministry discusses the status of the Lule and South Sami languages:

"In connection with Norway's reports on the implementation of the Minority Language Charter, the question of which of the Sami languages that are protected by the Charter's Part III, has arisen. Part III undoubtedly applies to North Sami. The question is whether it also applies to South Sami and Lule Sami. This question has its roots in the fact that Norway – when ratifying a selection of Part III provisions in 1993 – used the term "the Sami language". Neither the ratification document, nor the minister's presentation, on which the government's decision was based on, defined the term.

Both the Expert committee and the Norwegian government have assumed that the Part III obligations solely apply to the Sami language administrative district.

Article 3.1 in the Charter, requires states to specify in the ratification document each of the languages that the featured commitments in the Charter's Part III shall apply to.

One possible interpretation of the wording of the ratification document ("the Sami language") is that it includes the Sami language in its whole – with all its variants – as protected under Part III.

Another possible interpretation of the ratification document is that only the North Sami language is included under Part III. The primary argument for such an interpretation is the fact that on the time of ratification, only municipalities in which North Sami was spoken, were included in the Sami language administrative district. This implies that only the North Sami language was given the protection of Part III. In the minister's presentation on which the decision to ratify the Charter was founded, it was concluded that existing legislation and practice were sufficient to meet the requirements of the Charter. It was also concluded that ratification had no administrative or financial consequences beyond the already existing obligations. The legal and factual context that the ratification was based on, therefore speaks in favour of the claim that only the North Sami language within the Sami language administrative district is included in Part III of the Charter.

In its evaluation of Norway's first report on the implementation of the Charter, the Committee of Experts seems to have assumed that part III was ratified for the Sami language as a whole. The Committee, however, examined South and Lule Sami under Part II, finding that Part III was only implemented for North Sami within the Sami language administrative district. In the Norway's second report on the implementation of the Charter, the Government explicitly declared that South and Lule Sami were given Part III protection. At the same time, it was understood that the Committee examined South and Lule Sami under part II because the number of language users was not sufficient to justify measures in accordance with Part III. In an appendix to Norway's third report on the implementation of the Charter, Norway declared that the North Sami language was the only Sami language that was in a position to be protected by Part III of the Charter.

Even after the Lule Sami municipality of Tysfjord and the South Sami municipality of Snåsa were included to the Sami language administrative district, the Norwegian government has in its dialogue with the Committee expressed that Part III protection is reserved the North Sami language. State practice therefore supports the claim that the expansion of the Sami language administrative district has not led to a corresponding expansion of Part III protection.

The Ministry assumes on these grounds that the obligations in accordance with Part III only apply to the North Sami language in the Sami language administrative district. However, the conclusion is uncertain, and the previous reports have contributed to creating doubt about the issue. The Ministry finds there is a need to clarify the status of Lule and South Sami.

In national legislation, North, South and Lule Sami enjoy the same protection under the Sami language administrative district. The regulation within the administrative district, corresponds mainly with Part III protection. Should the equality between the Sami languages in national legislation also be reflected in the Charter, this can be done by informing the Council of Europe that the South and Lule Sami languages in the Sami language administrative district are given Part III protection. In that case, the government would have to consider which of the Part III provisions that should apply to those languages – in the same manner as was done when ratifying Part III for North Sami. The status and situation of the languages differ, and therefore different provisions may have to be chosen for each of the languages."

On these grounds it is the Norwegian government's view that only North Sami language is protected by Part III, and that a change in the protection of South and Lule Sami languages would require an explicit notification from the Norwegian government to the Council of Europe.

On the status of Finnish under the Charter (Executive summary para. 1, para. 12-14)

In a letter to the Norwegian-Finnish Association (2013), the Ministry of Government Administration, Reform and Church Affairs concluded that Finnish is not considered a minority language under the Charter. The letter is referred to in Norway's sixth report page 13-14 (Presentation of the regional or minority language situation in Norway – an update.) The Norwegian government has not reconsidered its position.

On article 7.1 c) para. 20:

Para 20. states: *The available means do not suffice to finance language nests (immersion teaching) or kindergarten using Kven*".

We would like to highlight the following:

The Ministry of Education and Research gives grants for increasing the language skills of children from minority language backgrounds in kindergartens. Children from national minorities are included in this grant scheme.

On article 7.1 d) para. 30:

Para. 30 states: "The sixth periodical report states that no earmarked funding exists for Kven, only project funding from the Ministry of Local Government and Modernisation and from the Arts Council of Norway."

We would like to highlight the following:

Kven Institute receives annual funding from the Ministry of Culture. The grant was about 5 mill NOK in 2015. Kven Institute promotes the standardisation and use of Kven language, as well as Kven culture in general. In addition to this, Kven Institute received 500 000 NOK project funding for language nests in 2014 from the Ministry of Culture.

On Chapter 3.1. para. 56:

We suggest to change *travellers* into Romani people/Tater which is the designation the authorities use, based on self-identification (our recommended changes are indicated in italics):

... a written standard of Romani on the basis of stories collected from *Romani people/Tater*.

On the Norwegian Directorate for Education and Training (para. 86)

Paragraph 86 contains information on the work of the Directorate for Education and Training and the Sami house of culture. There is no apparent connection between the two mentioned institutions.

The report of the Expert Committee will be published on the Government's websites.

We would like to take this opportunity to thank the Expert Committee for its diligent work and to express our support for the Committee's ongoing efforts.

Regards

Astrid E. Helle

Ambassador

Permanent Representative of the Kingdom of Norway to the Council of Europe

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Norway

Recommendation CM/RecChL(2015)4 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Norway

*(Adopted by the Committee of Ministers on 15 September 2015
at the 1235th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Norway on 10 November 1993;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by Norway;

Bearing in mind that this evaluation is based on information submitted by Norway in its sixth periodical report, supplementary information given by the Norwegian authorities, information submitted by bodies or associations legally established in Norway and the information obtained by the Committee of Experts during its on-the-spot visit,

Having taken note of the comments made by the Norwegian authorities on the contents of the Committee of Experts' report;

Recommends that the Norwegian authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. implement a structured policy for Kven, giving priority to offering education and to strengthening the presence of Kven in the broadcast media;
2. increase efforts to provide teaching in/of Lule Sami and South Sami, including the development of curricula and teacher training;
3. continue to raise awareness of and develop positive attitudes towards Romanes and Romani, and strengthen their offer in education.