

## APPENDIX II

### COMMENTS BY THE NORWEGIAN AUTHORITIES CONCERNING THE REPORT OF THE COMMITTEE OF EXPERTS<sup>1</sup>

The report of the Committee of Experts regarding Norway's policy pursued in accordance with the Charter has been carefully considered by the relevant government Ministries. The Ministry of Cultural Affairs thanks the Committee of Experts for its thorough work with the present report. We also appreciate the work done by the Committee during their "on the spot mission" to Norway in September 2000. The Ministry notes with satisfaction the Committee's understanding that the protection of regional or minority languages in Norway has a long tradition, and its appreciation of the language policy towards the Sami.

In the following, we will comment on the Committee of Experts' four proposals for recommendations in accordance with article 16, paragraph 3 of the Charter. We have carefully noted the Committee's more detailed observations, and will take these into consideration in the future work in this field. Moreover, these observations will be commented on in Norway's next periodical report that is due in 2002. This report will also provide more information about the various topics underlined by the Committee of Experts.

#### **Proposal for recommendation No. 1:**

The access of the Sami ethnic group to the legal system is an issue that is dealt with in a white paper from the Ministry of Justice, St.meld. nr. 23 (2000-2001). Please find enclosed a copy of the relevant chapter of the white paper (see footnote).

The Ministry of Justice believes that Norway has a particular responsibility to protect the interests and culture of the Sami ethnic group, and that this should be reflected in the Sami people's access to the court system.

On the basis of a proposal from the Ministry of Justice, the Norwegian parliament (Stortinget) has agreed to the establishment of a court in central Finnmark county, which will serve the five municipalities of Karasjok, Kautokeino, Nesseby, Porsanger, and Tana. These municipalities constitute (together with Kåfjord in Troms county) the administrative area of the Sami language.

St.meld. nr. 23 (2000-2001) focuses on the lack of legal terminology and of qualified interpreters. The Ministry of Justice acknowledges the need for a development of the Sami legal language, for instance through co-operation between the Sami College (Samisk høyskole), the Nordic Sami Institute (Nordisk Samisk Institutt) and the legal profession. The

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<sup>1</sup> Together with its comments, the Norwegian authorities presented to the Secretariat the following supplementary documents:

1. Survey of the use of the Sami language, by the Sami Centre for Industry and Research (in the Norwegian and Sami languages)

2. *The Access of the Sami People to the Judicial System (in Norwegian)*

*These documents are available for consultation in the Secretariat.*

Ministry of Justice believes that the establishment of the court of Central Finnmark may contribute to dispatch this development. The court of Central Finnmark is also believed to contribute to the recruiting of judges with Sami origin.

### **Proposal for recommendation No. 2:**

The term “Kven” is used by Norwegian authorities to refer to the spoken language of the Kvens, i.e. Kven dialects traditionally used in North Norway. There is no agreement among the Kvens as to whether this language should be referred to as “Kven” or “Finnish”, and the Norwegian government has chosen the more neutral term “Kven/Finnish”.

Further, there is no agreement, neither among the Kvens nor among linguists, as to whether Kven is a separate language or a variety of Finnish. The number of Kvens who regard Kven as a separate language seems to be growing, but this development is quite recent, and the Kvens are clearly divided over the issue. Until 1997 the language spoken by Kvens was referred to as Finnish even by Ruijan Kveeniliitto – Norske kveners forbund (The Association of Kvens in Norway).

The position of the Norwegian government is that, in principle, the users of the language themselves are entitled to clarify whether their language is to be regarded as a separate language or a dialect. As the Kvens are still discussing these matters, it would not be proper if the Government were to take a clear stand at the time being. Still, the Government has chosen to support activities and practices that could reinforce and develop Kven as a separate language, but, on the other hand, it has been regarded as premature to introduce a separate written standard for Kven in the public schools.

Therefore, the Norwegian government regards it as premature for the Committee of Ministers to recommend the Norwegian authorities to clarify the status of the Kven language at the current stage.

### **Proposal for recommendation No. 3:**

In paragraph 40 the Committee maintains that no structured links have been developed between the users of all the various regional or minority languages in Norway, and that there seems to be no general policy towards all the regional or minority languages. The government is aware of this, and agrees with the Committee that closer co-operation would help improve tolerance and respect vis-a-vis all the regional or minority languages.

The government initiated a conference held at the Glomdal museum in 1999 titled “The national minorities and the authorities, a conference for contact and dialogue.” We will also draw attention to the governments support scheme for organisations representing national minorities. One of the purposes of this scheme is to encourage dialogue and co-operation between the national minorities.

The Committee states that there seems to be no general policy towards all the regional or minority languages. As far as the users of Romani and Romanes languages are concerned, the Norwegian authorities consulted with representatives of these groups as a part of the preparations for *the Report to the Storting no. 15 (2000-2001) on national minorities*, in order to find out whether the users of these languages wanted special protection and/or promotion.

The users of Romanes did not want an official policy for their language.

The users of Romani pointed out that their language is threatened and expressed concern over its future. However, they also underscored that the Romani language must be kept within their group, and not be exposed to linguistic researchers or teachers from the majority population. One Romani NGO has received some initial funding from the Ministry of Local Government and Regional Development to develop teaching materials for Romani.

**Proposal for recommendation No. 4:**

When Norway presented its initial report to the Secretary General of the Council of Europe in 1999, the Sami Parliament and representatives of the national minorities were not informed. We would, however, like to point out that as a main rule all documents treated by governmental bodies at all levels in Norway are public, cf. The Freedom of Information Act § 2. As a result, anyone can contact the relevant authorities and get a copy of the documents of a file unless specific regulations justify an exception.

Norway's initial report was distributed to the different ministries, the Sami Parliament and representatives of the national minorities in August 2001 for use in the preparation of Norway's second periodical report, which will be presented to the Secretary General in 2002. As soon as this report is available, the Norwegian authorities will make it public in accordance with article 15, paragraph 2 of the Charter.

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Finally, for clarification reasons, we would like to comment on paragraph 10 in the Committee's report. The report referred to in paragraph 10 was made public by The Sami Language Council in October 2000. The report includes that an estimated number of speakers of Sami languages in Norway would be 25 000 persons. The report further estimates that 53% of these people are able to read and write Sami. A copy of the report is enclosed.

Another report, from the Nordic Sami Institute, which is soon to be made public, will focus on information in Sami language from local and central authorities.