

From: KVENLANDSFORBUNDET (KLF) Skibotn, Norway 10.11.2018

To:

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The Association of Norwegian Kvens (NKF)
Local associations of NKF and KLF
Kvensk institutt
Halti kvenkultursenter
The Kven Museum Vadsø
Newspaper Ruijan Kaiku

The KLF's alternative Report to CERD 2018

A supplement to Norway's 23rd to 24th periodic report filed under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination and a supplement to The Norwegian Centre Against Racism's alternative report as well. The report of the Anti-Racism Centre deals with the Kven people on pages 80 to 93.

References

We specifically refer to the International Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 1, Section 1 and Article 2, Item 2. Excerpts:

- In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
- States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

The reports of Anti-Racism Centre on pages 80 to 93 also show more points in this Convention on Norwegian neglect of the Kven people, but without clarifying the underlying causes.

Introduction – Background

The Kven people is a native people on the North Calotte, including what is currently Norwegian territory. We are featured in the Saga literature and had permanent settlements in northern Norway

hundreds of years before the border talks between Denmark - Norway and Sweden with Finland in 1751, and with Russia in 1825. As in previous reports, Norway fails in its 23rd to 24th periodic report to examine the different treatment of the two minorities in northern Norway: The Saami and the Kven people. Whereas the Saami people has continuously improved their conditions; A self-governing body, schools, broadcasting, more newspapers, and so on:

The neglect and invisibility of the Kven people is increasing.

Examples:

- 1) Measures to improve the situation for the Kven language promoted by a saami State Secretary (statssekretær) can in no way save the language.
- 2) In 2018, NRK ended the 12-minute Kven / Finn broadcasts on the official airwaves in Northern Norway. Web-based language broadcast can in no way improve the situation and Kven will remain invisible to the Norwegian public.
- 3) The Association of Norwegian Kvens (NKF) has twice written proposals to the government that Norway should have a State Secretary for the National Minorities. It is fair to claim that a saami State Secretary for the National Minorities can have a conflict of interest in most contexts. We perceive it as such.
- 4) The number of Kven people in Norway is presented at the lowest possible level by the government. It portrays a completely wrong picture of our part of the population, as we undoubtedly can prove it to be ridiculously low. Instead of the 10 to 15 thousand Kven people the authorities are reporting, we can, on the basis of any calculation, make it likely that there are hundreds of thousands of Kven people in Norway.

The situation today

With reference to Articles 1 and 2 of the Convention on the Elimination of All Forms of Racial Discrimination, we will argue that Norway does not comply with its own law (Act of 21 May 1999 - Human Rights Act), the ratified UN human rights conventions, including the Convention on Civil and Political rights (1989), and the Convention on the Rights of the Child (1989).

It is often referred to ILO-Convention 169 on Indigeneous People. (Indigeneous is translated in Norway to “urfolk” meaning the first and “sovereign for millenniums” people) Without justification it is claimed that the Saami people as indigenous people must have special protection. Our claim is that the Kven people is as much or as little indigenous as the Saami people. Both the Kven and the Saami people live in the same areas and, like all other Norwegian citizens, have quite ordinary professions / jobs. One exception in Norway is that the Saami people, since 1930, is the only group of people with an exclusive ethnic business: Reindeer husbandry. Something it was not before. By the way, all citizens in Finland can operate in the reindeer industry.

A judicial review

We have therefore asked lawyer Geir Johan Nilsen cand.jur. to make a legal assessment of the conventions mentioned and the ILO-Convention 169, as well as the European Charter for Regional or Minority Languages (1992) and the Framework Convention for the Protection of National Minorities (1995)

All of these evaluated in association with the Norwegian Human Rights Act of 21 May 1999 No. 30 and the Constitution of Norway.

In short, the legal conclusion

What the three UN conventions asks for, is whether some groups have inferior possibilities or conditions than other groups, i.e. whether laws or practices counteracts the principles of equality, parity and equal opportunities. Also, International law unequivocally establishes that it is not allowed to discriminate between different minorities. Likewise, the United Nations Human Rights Committee firmly expresses this in General Comments No 23 para 6.2.

Furthermore, the ILO-Convention 169 is not incorporated into Norwegian law. Cf, Article 27 of the UN Convention on Civil and Political rights does not differentiate indigenous peoples and national minorities. The investigation also shows that the Kven people (as a national minority) cannot be treated poorer than the Saami people.

Lawyer Nilsen is a partner of law firm Aabø - Evensen & Co. His document is online: [AAECO - #23401479 -v2- Human Rights Note to Privacy Policy.docx](#). In addition to Kven Øst and the Kvenlandsforbundet (KLF), the judicial committee of Norske kveners forbund (NKF) support Nilsens' analysis and conclusion.

Facts and observations

As regards the right to land and water, it must be said that the Kven people have used land and water, such as uncultivated gather areas, freshwater fishing, and hunting (including seals, walrus etc.) in wide ranges from their permanent settlements.

NIM - The Norwegian Institute for Human Rights has recently submitted a proposal with recommendations for giving special rights for the Saami people to fish in the sea (fjords) without the rights and needs of other groups neither mentioned nor examined. In this area, different groups of people do not live separate lives in secluded areas, but among each other.

Even the "Saami"villages of Maze, Kautokeino and Karasjok have also been cultivated by the Kven people. Special rights on ethnic grounds will pit neighbor against neighbor and create ethnic hostilities. Norwegian policy will lead to discriminatory ethnic ghettos.

NIM, previously independent, only administratively attached to the University of Oslo (UiO), is now a subject of the Stortinget (Norwegian parliament) and is tied to the Saami judicial body Galdu. Therefore, the Kven people consider NIM as a governmental agency that opposes our rights. We carry the unilateral burden of the government's unilateral minority policy.

The (Educational Association) Utdanningsforbundet's texts to schools and administration about the national minorities are completely misleading as regards the history, numbers and references of the Kven people.

In the autumn of 2018, the Ministry of Local Government and Modernisation (KMD) decided to transfer the administration and grants on the state budget for the national minorities to the Arts Council Norway. This is a marginalization and makes the national minorities more invisible. And, the national minorities are downgraded to cultural initiatives that must compete with professional state and private cultural institutions for funds.

Another matter, hearing procedures in the Stortinget regarding an amendment to the Saami Act has been heavily criticized by the press, as recent as October 2018. The Ministry of Local Government and Modernisation (KMD) and its' Saami and minority policy department (SAMI), are considering to allow behind closed doors negotiations and no official record of the meetings with the Saami

Parliament. The scheme is also considered for the Stortinget's negotiations with the Saami Parliament.

This means that closed forums can determine matters affecting the majority of the population as well as the minority of the Kven people. An additional problem of no accounts, it will be difficult to know what has been decided.

From a Kven standpoint, this is completely reprehensible and could contribute to corruption in management and political leadership. The Kven people have pointed out the untenable by such an amendment to the Saami Act at the hearing in the Stortinget on October 25th, 2018.

Demands

The situation of the Kven people is deeply critical. The work of the Kven people to revive Kven linguistic, culture, and the right to land and water is in pure words clearly racially resisted.

We demand the following immediate actions to save the Kven from cultural and linguistic extinction:

- 1) The language Kven is raised to level III. Primarily for getting kids started in schools and day care centers. Parents choose between Kven or Finnish. They are exempted from New Norwegian. The judicial status of the language is to be decided later. Norwegian is of course mandatory.
- 2) Norwegian, Kven, and Saami cultural expressions, including intangible artefacts, must be evaluated by a joint committee in Northern Norway. Unfortunately, there are still records of Kven culture registered as Saami records.
- 3) The newspaper Ruijan Kaiku elevated to a weekly paper, and then as soon as possible to a daily newspaper.
- 4) NRK must promptly return to broadcasting Kven programs and expand it to apply throughout the country on both radio and television, and to daily broadcasts.
- 5) End the unequal treatment of the Kven and Saami people. A separate secretariat is established for the national minorities. Confidence in a saami State Secretary for the National Minorities is non-existing. The neutrality of the current State Secretary is in most cases questionable. There must be other candidates that can fill the role as State Secretary.
- 6) The Kven and Saami people are equally entitled to business practice, here under the right to fishing in fjords, within the principle of equal rights for all in the same area.
- 7) The ministry responsible for the policies regarding national minorities must also be in charge of governmental administration and budgeting pertaining minorities.

Mr. Bjørnar Seppola
Head of the Kvenlandsforbundet (KLF)