

# 14

## Human Rights Education

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**ABSTRACT** This chapter examines the realisation of human rights education in Norway, as defined by Article 29 (1) b) and d) of the Convention on the Rights of the Child. It examines the 1) the legal commitments of Parliament, 2) efforts of the government and 3) and data on outcomes concerning attitudes and prejudice against ethnic and religious minorities, children with disabilities, sexual minorities and Sámi people. The outcome evaluation also includes empirical data on bullying of children belonging to these groups. The findings suggest that Norway needs to review the effectiveness of its HRE, but also measure to what extent the teaching is effective in practice.

**KEYWORDS** human rights education | children's rights | outcome indicators | curriculum plan | bullying

### 14.1 INTRODUCTION

Human rights education (HRE) does not feature significantly in Norway's international reporting of its implementation of the Convention on the Rights of the Child (CRC). In the state's reports to the UN Committee on the Rights of the Child in 2016, the topic received a sum total of two lines. The text appears under the heading '*Education on human rights*' and states that: 'The school's role in preventing violence and sexual abuse has been strengthened. A number of competence aims have also been drawn up concerning gender equality' (Government of Norway, 2016, p. 36). On the contrary, the Committee devoted significant attention to the topic in its concluding observations on the country. They emphasise that the government should increase its efforts to conduct disaggregated research on discrimination, develop a new plan of action for promoting gender equality and prevent ethnic discrimination, implement a zero-tolerance approach for discrimination, combat discrimination, hate speech and violence against Sami children and children belonging to Roma and other minorities, and take measures to

strengthen knowledge about indigenous and minorities and their rights (Committee on the Rights of the Child, 2018: paras. 9, 12b, 12c, 29a and 33c).

This stark juxtaposition suggests that human rights education remains an under-prioritised area of children's rights in Norway. The purpose of this chapter is to provide a more substantive answer to the question of realisation of HRE in Norway. Section 2 seeks to operationalise outcome indicators for measuring the realisation of HRE in Norway. Section 3 provides a brief overview of Norwegian law and policy with a critique that HRE has been poorly incorporated. Section 4 then analyses the outcome indicators that seek to illustrate whether children have developed a respect for others human rights. Section 5 concludes.

## 14.2 HRE AND INDICATORS

### 14.2.1 OUTCOME-BASED MEASUREMENT

There are many definitions of human rights education and the concept used in this chapter will be briefly clarified.

The CRC contains two articles on education: Article 28 on access to education and Article 29 on the content of education. This chapter is concerned with Article 29 (1), with a specific focus on the realisation of subparagraph (b). It provides that education shall be directed to: 'The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.' This provision should be seen in relation to subparagraph (d), which emphasises that education shall be directed to: 'The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.'

There is a vast body of literature and opinion on the content of HRE (see Osler 2016; Vesterdal 2016; Starkey 1991; Tomasevski 2006; Alen et al. 2006; Eide, Krause and Rosas 2001; Lenz, Brattland, Kvande 2016).<sup>1</sup> This chapter simply concerns the realisation of Article 29(1)(b), read with sub-paragraph (d).

In my view, the obligation in Article 29(1)(b) can or should be evaluated based on two simple indicators:

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1. Sometimes, for instance, one is talking about HRE in relation to police officers, lawyers, nurses, etc and the legal justification for HRE can be drawn from many sources. For instance the Ministers of the Council of Europe has called for HRE through Recommendation R (87) 7 on 'Teaching and Learning about Human Rights in Schools' (Starkey 1991). In this chapter I only seek to interpret CRC Article 29 (1), not define HRE in general.

- ▀ The proportion of majority students in Norway that learn to respect the rights of vulnerable groups, ethnic and religious minorities and indigenous (Sámi) people
- ▀ The proportion of prejudice and intolerance towards vulnerable groups, minorities and indigenous (Sámi) people

These two indicators are legal conclusions and I will in the following text provide justification for why I have formulated them like this.<sup>2</sup> In addition, when it comes to issue of the Sámi people I have formulated this indicator (which is justified later in section 3.3):

- ▀ The proportion of majority children that have learned about the Norwegianisation policy and the struggle for Sámi rights in a fair, accurate and informative way.

#### 14.2.2 PROMOTING RESPECT AND COMBATING PREJUDICE

What is the legal justification for indicator one and two? If one examines the wording of CRC Article 29(1)(b) and Article 26(2) of the Universal Declaration of Human Rights (UDHR), it is stated in both that education shall be directed to the development of ‘*respect for*’ human rights. It does not say that education shall be directed to the development of knowledge ‘*about*’ human rights. The CRC provision also refers to the development of *respect for* principles of the UN Charter. One of the fundamental aims of the UN enshrined in the UN Charter Article 1 (3) and Article 55 is to promote ‘*respect for human rights*’. Again, the aim is not to promote knowledge ‘*about*’ human rights, but the word ‘*respect*’ is emphasised. When Article 29(1)(b) is read together with subparagraph (d), it becomes clear that HRE is first and foremost to be directed at changing hearts and minds, especially fighting prejudice stereotypes against minorities and marginalised groups. It is about creating the normative and cultural foundation for the rule of human rights law in society. The Committee on the Rights of the Child emphasise that: ‘The education to which every child has a right is one designed to ... promote a culture which is infused by appropriate human rights values’ (Committee on the Rights of the Child, 2001: 2).

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2. For more on how I think indicators should be designed and why I regard indicators as legal conclusions, see Lile 2017.

In 2011, the UN adopted an official definition of the concept of human rights education (HRE) in the UN Declaration on Human Rights Education. In Article 2, the concept is defined as follows:

1. Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.
2. Human rights education and training encompasses:
  - (a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
  - (b) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
  - (c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

In examining this definition, attention should be drawn to references to education 'about', 'through' and 'for' human rights, elaborated in paragraph 2 (a)-(c), and it must be interpreted in light of the first paragraph, which states that HRE is education 'aimed at promoting universal respect' for all human rights, 'developing their attitudes and behaviours' for the promotion of a 'universal culture of human rights'. This is important to stress. If it is enough for a government to teach children something 'about' human rights in general, not only will the implementation of the obligation of HRE become rather simple, but the whole purpose of HRE would be lost and obscured. Racism, xenophobia, prejudices and intolerance towards certain groups can more easily flourish. This declaration is also not legally binding and must be read together with legally binding conventions like the CRC. Moreover, the UDHR's provisions on HRE remain relevant. Like the CRC, it provides that education must be directed to 'strengthening of respect for human rights and fundamental freedoms. The Declaration remains a weighty document, clarifying States' human rights obligations in the UN Charter and it has arguably gained status as an expression of customary international law (Høstmælingen 2003: 38).

Why do the text of the CRC and UDHR emphasise ‘*respect*’ and the promotion of tolerance and understanding? This becomes clearer if one look at the history behind these formulations. During the negotiations of the UDHR, some states argued that the right to education should be limited to specifying a right to *access to education*, leaving the question of *the content* of education to the discretion of each state. However, the question of content was of tremendous importance for the representatives of the Jewish people. The World Jewish Congress pressed for a provision on the content of education and their representative, went so far as to proclaim that the importance of the provision on the ‘spirit of education’ was ‘Possibly greater than that of all the other articles of the Declaration’ (UN Commission on Human Rights, 1948a: 13). The argument might seem curious as the rights to life, protection from torture or a fair trial may seem more important. But it is arguably based on the need to create a foundation for the rule of law. Human rights provisions are not automatically realised by themselves; realisation of law will depend on the social, economic and normative landscape within which it is supposed to function (Mathiesen 2011:75). The World Jewish Congress presumably understood that the UDHR rights would not result in real ‘living law’ unless the attitudes and norms of the majority population changed (Ehrlich 1936:493).<sup>3</sup> The key role of the World Jewish Congress in pushing this provision also underscores its importance for ensuring respect for minorities: the Jews in Germany in 1933 comprised only 0.75% of the total German population but faced the most brutal forms of discrimination at the hands of the majority.<sup>4</sup> Thus, it strengthens the idea that the litmus test of HRE must be how the ‘*majority children*’ learn to ‘*respect the rights of vulnerable groups, ethnic and religious minorities and indigenous (Sámi) people*’.

The proposed text of UDHR Article 26 (2), based on the proposal from the World Jewish Congress, that was sent to the General Assembly for its approval, was formulated like this:

Education shall be directed ... to strengthening of respect for human rights and fundamental freedoms and to combating the spirit of intolerance and hatred against other nations and against racial and religious groups everywhere (UN Commission on Human Rights, 1948b: 13).

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3. According to Eugene Ehrlich Living law is ‘[...] *the law which dominates life itself even though it has not been posited in legal propositions*’. (Ehrlich 1936:493).

4. Holocaust Encyclopedia. ‘Jewish Population of Europe in 1933: Population Data by Country’: <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005161>

The Congress emphasised here the fight against prejudice. However, the Third Committee of the General Assembly thought it would be better for the educational aims to be formulated in a more positive manner, promoting specific values and attitudes rather than 'combating' something. Thus, the final wording was changed from intolerance to tolerance, and so on (Arajärvi 1999:553–554). Accordingly, education shall be directed to: 'promote understanding, tolerance and friendship among all nations, racial or religious groups.' However, although the text was made to promote certain values, the challenge of combating hatred and intolerance towards racial and religious groups remained embedded in the challenge of promoting the values of both UDHR Article 26 (2) and CRC Article 29 (1) (b) and (d). Again, this is why I argue that for the second indicator, education should 'combat prejudice against and promote tolerance and understanding' towards 'vulnerable groups, minorities and indigenous (Sámi) people'.

### 14.2.3 PREJUDICE

What is prejudice? According to a classical definition: 'Ethnic prejudice is an antipathy base upon a faulty and inflexible generalization. It may be felt or expressed. It may be directed toward a group as a whole, or toward an individual because he is a member of that group.' (Allport 2000:23) One should distinguish particularly between prejudice and stereotypes. Stereotypes are faulty over-generalisations of groups or individuals because they belong to a group, but without the '*inflexible*' part. Prejudice has this attitudinal component, making it resistant to change. According to Allport: 'Prejudgments become prejudices only if they are not reversible when exposed to new knowledge' (Allport 2000:23).

In my view, human rights violations often occur because the majority regard their own cultural, religious and moral norms as more important than the legal norms of human rights conventions. Minority and indigenous peoples' legal rights are ignored, distorted or successfully opposed, partly because the voices of the minorities are drowned, ignored or rendered insignificant in the public debate by the majority – because they are not seen as being important. Issues, on the other hand, involving minorities or indigenous peoples doing something perceived to be violating the norms of the majority can often be given significant attention.<sup>5</sup>

## 14.3 LAW AND POLICY

Even if the ultimate determination of Norway's compliance must come down to outcomes, it is importantly to briefly review how Norway has sought to implement

its HRE obligation. It may also provides some clarity on why (or why not) Norway is in compliance with Article 29 of the CRC.

#### 14.3.1 CONSTITUTIONAL ENSHRINEMENT

On 13 May 2013, the Norwegian Parliament (Stortinget) adopted a range of new provisions in the Constitution of Norway. Amongst the new provisions, was Article 109 on the right to education. The provision includes not only the right to access to education, but also a sentence on the content and aims of education. It provides that, ‘education shall safeguard the individual’s abilities and needs, and promote respect for democracy, the rule of law and human rights.’ This wording is, to a significant degree, in conformity with CRC Article 29(1)(b), and apparently ensures HRE in Norway constitutional legal protection. However, in my opinion, as will become clear, the commitment of the legislator is somewhat obscured by a lack of clear direction on how this constitutional provision should be interpreted. In addition, there are repeated statements in educational law and actual legislations suggesting that Norwegian majority values (of Christian and humanist heritage and tradition) has a preference over human rights, defines what human rights are and how it should be interpreted.

The Constitutional Commission, that drafted the new constitutional human rights provisions, emphasized that Article 109 will function as a legal barrier for the legislator to ensure that education will not fall short of the minimum standards of the constitution (Stortinget, 2011: 225). Worryingly, however, the Constitutional Commission argued (without evidence) that Article 109 of the Constitutions only reflected the aims of education enshrined in the purpose clause of the Education Act, Section 1-1.<sup>6</sup> Thus, the government was not to worry about implementing new policies on education in Norway.

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5. As I see it, conventions are contracts between the States. Human rights laws are man-made political compromises, in an unfair world (here, “unfair” is defined according to my own subjective norms, which have nothing to do with the law). Human rights law is not based on the highest moral principles of morality of some sort of objective or natural moral standard; it is the set of agreements left when the negotiations are over – the compromises of a broken world. The alternative is an international ‘State of Nature’ (Hobbes 1985). This position on jurisprudence is based on international legal positivism. River Hustad explains, in her PhD, that ‘Remaining within the canonical method of legal analysis is essential in order to maintain the basic credibility of this study. It is for these reasons that this study adopts as its methodology International Legal Positivism’ (Hustad 2017, p. 20). According to Stephen Ratner and Anne-Marie Slaughter this jurisprudence ‘remains the lingua franca of most international lawyers’ (Ratner & Slaughter 1993, p. 293).

6. Ibid, 225.

### 14.3.2 EDUCATION ACT

Does the purpose clause (section 1-1) of the Education Act promote respect for human rights and does it fulfil the aims of HRE? The concept of *human rights* is mentioned only once in the Education Act. It appears in the second paragraph of the all-important Section 1-1 of the Education Act (the purpose clause). It is stated that:

Education and training shall be based on fundamental values in Christian and humanist heritage and traditions, such as respect for human dignity and nature, on intellectual freedom, charity, forgiveness, equality and solidarity, values that also appear in different religions and beliefs and are rooted in human rights.

A plain reading of the text itself makes it hard to see how the purpose clause promotes respect for human rights. Education shall be based on ‘Christian and humanist heritage and traditions’. A set of examples of this heritage are indicated by the words “such as”. Then, it is merely stated that these examples also appears in “different religions” and are “rooted in human rights”.

As there is no case law that elaborates the concept of human rights in the purpose clause, one must analyse the preparatory works.

Before the present clause was adopted, a government-appointed research commission was mandated to investigate the issue and to present a law reform proposal to the Parliament. The Bostad Commission was deeply divided between members that wanted to promote Christian and humanistic values and those who wanted to emphasize human rights values (Ministry of Education, 2007: 19–25). As a compromise, they proposed the following text, in relation to human rights:

Education in schools [...] shall be based on respect for the human dignity, intellectual freedom, charity, equality and solidarity, as these core values are expressed in Christian and humanistic heritage, different religions and faiths and as they are rooted in human rights (ibid: 14).

In this proposal, the *core values* of education were supposed to be ‘respect for the human dignity, intellectual freedom, charity, equality and solidarity’. However, the parliamentary majority was not satisfied with the relegation of Christian and humanistic values to an apparent secondary position in education. They insisted it should be the core value. Thus, they replaced the core values of education in the proposal with *Christian and humanistic heritage and tradition*.

Section 1-1 of The Education Act also states that:

Education and training shall provide insight into cultural diversity and show respect for the individual's convictions. They are to promote democracy, equality and scientific thinking. [...] All forms of discrimination shall be combated.

Again, however, there are no preparatory works or case law that can provide insight into how these sentences should be understood. Although human rights are not mentioned one could argue that these sentences amount to HRE. However, it is unclear how far this argument can be taken in the light of legal silence on the topic (including the fact that human rights are not mentioned elsewhere in the Act).

Moreover, the words '*insight into cultural diversity*' is not necessarily the same as promoting respect for the rights of minorities and people with different cultures. To promote '*equality*' and combat '*discrimination*' might mean that all human beings have the same rights and that the rights of minorities and indigenous people should be respected equally. But the proliferation of specific human rights conventions on the rights of minorities, indigenous peoples, persons with disabilities, women's rights and children's rights suggests that it is not simply fostering a general antipathy towards discrimination. The premises for what 'equal' means often leads to misunderstandings and disagreements – for example, formal equality is not regarded as sufficient in international human rights law.

### 14.3.3 PRIVATE SCHOOLS AND THE HUMAN RIGHTS ACT PROCESS

The Convention on the Rights of the Child was incorporated into the Human Rights Act in 2003, making the convention a part of Norwegian law, with a higher legal status than the Education Act. However, when the Parliament incorporated the convention, the aims of education enshrined in CRC Article 29(1) were not discussed in relation to Section 1-1 of the Education Act (Ministry of Justice, 2003). Interestingly, the Parliament did change the purpose clause for private schools (Section 1-1 of the Private Education Act), and adopted a text very similar to that of CRC Article 29(1). However, no changes were made for the purpose clause for public schools (Section 1-1 of the Education Act); and most students in Norway attend public schools (Ministry of Justice, 2003: 57–58).

### 14.3.4 CURRICULUM PLAN

The purpose clause (Section 1-1) of the Education Act constitutes the primary law for the design of the curriculum plan, which is the basis for all activity within schools. There are two parts of the curriculum plan – the overriding part and the detailed parts. The former specifies the overriding normative principles of education in Norway and sets out the specific aims of each subject in the detailed Norwegian Curriculum Plan (Utdanningsdirektoratet, 2017). The curriculum plan as a whole provides the foundation for all the subjects, the textbooks and teaching materials and the teacher education, including the teacher education curriculum, in-service training schemes and most of the school policies in general.<sup>7</sup>

On 1 September 2017, the government adopted the new *overriding part* of the curriculum plan, based on a report by a government appointed committee led by the professor in pedagogy, Sten Ludvigsen. He was appointed to review the plans on the basis of the purpose clause of the Education Act (Ministry of Education, 2015). However the Committee contained no members with legal competence or a background in human rights; and no mention is made of any international human rights conventions, or Article 109 of the Constitution (NOU, 2015). The word 'rights' is mentioned twice in the report – once in a sentence about democracy (Ibid. p. 32), and once in a sentence about what "*may be relevant*" in relation to social environmental issues (Ibid. p. 50). The primary emphasis is on innovation, adaption to the working life, relevance to businesses and economic improvement. Following the report, the relevant parliament committee recommendation for a new overriding part contained no mention of rights. Nonetheless, there is a section in the Overriding part of the curriculum plan focused on the dignity of human beings and which mentions the CRC.

Human rights are founded on human dignity and are an important basis for the rule of law. They build on universal values, which applies to anyone no matter who they are, where they come from or where they are. The Convention on the Rights of the Child is a part of human rights and gives children and young people special protection. Education must be in conformity with human rights,

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7. See: Section 1 of the Regulations on the completion of the overall aims and the principle of education in primary and secondary education and in the high school education. And see (Utdanningsdirektoratet, 2017: 2–3).

Regulations Relating to the Framework Plan for Primary and Lower Secondary Teacher Education for Years 1–7, Section 1 (2) and Regulations Relating to the Framework Plan for Primary and Lower Secondary Teacher Education for Years 5–10, Section 1 (2). They can be accessed here: <https://www.regjeringen.no/no/tema/utdanning/hoyere-utdanning/rammeplaner/id435163/>

while at the same time providing students with knowledge about human rights (Utdanningsdirektoratet, 2017, p. 5).

This formulation is, however, very general and provides no concrete directions for the curriculum, only the duty to provide student with knowledge ‘about human rights’ not respect human rights.

The *detailed curriculum* plan is divided into concrete learning outcomes and overall aims for each specific subject according to each grade. This, however, has not been revised and is based on the old General part of the curriculum plan. That said, parts of this detailed plan have been revised during the course of political debates in Norway on certain subjects. In light of the publication of Lile (2011), the Sami Parliament pushed successfully for the inclusion of specific learning outcomes on the rights of Sámi people and to include learning outcomes on the history of oppression and the fight for Sámi rights.<sup>8</sup> This led to these two learning outcomes in social science for 10<sup>th</sup> grade students:

- ▀ Present the main features of the history and culture of Sámi from the mid-19<sup>th</sup> century until today and the consequences of the Norwegianization policy and the Sámi peoples fight for their rights.<sup>9</sup>
- ▀ Give an account of the main principles of the UN Charter, the Universal Declaration of Human Rights and the most essential UN Conventions, including the ILO Convention on the Rights of Indigenous Peoples, show how these appear in legislation, and discuss the consequences of human rights violations.

These formulations should be seen in relation to the recently added main educational aims of the subject social science, which among other things states that: ‘Central to the work of social science is understanding of and support for fundamental human rights, democratic values and equality.’ Some of the learning outcomes do not mention rights specifically, but may contribute to attitudes of respect. For instance students should be able to: ‘Converse about love and respect, variation in sexual orientation and relationships and family, and discuss consequences of lack of respect for differences.’ Again, however, questions can be raised to whether this is sufficient. The concern is not that the concept of human

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8. Sami Parliament (30.4.2013) Sametingets vedtak om reviderte læreplaner og anmodning om konsultasjoner om reviderte læreplaner: <https://www.facebook.com/photo.php?fbid=10151416449866403&set=pb.531231402.-2207520000.1507215096.&type=3&theater>

9. The Norwegianization policy was an assimilation policy that lasted more than a hundred years (Minde, 2005).

rights is missing, or that students are not supposed to learn respect for minorities and people whom are different (Sørumshagen 2017), but rather that the inclusion of human rights in the curriculum plan is fragmeneted and somewhat random.

#### 14.3.5 SCHOOLING AND THE RIGHT TO A GOOD PSYCHOSOCIAL ENVIRONMENT

A school environment, according to the CRC committee, 'must' reflect the values of HRE. They emphasise that: 'A school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of Article 29 (1)' (Committee on the Rights of the Child, 2001: 6). According to Section 9a-2 of the Education Act, all students have the right to a safe and good school environment that promotes health, well-being and learning. Furthermore, according to Section 9A-3 schools shall have 'zero tolerance for offences such as bullying, violence, discrimination and harassment'.

Initially the government did not consider that it was realistic to legislate for a 'right' to a good psychosocial environment and zero tolerance on bullying (Ministry of Education, 2002: 22). However, the Norwegian parliament insisted on making legislative provisions safeguarding the individual's right to a good psychosocial environment and the law was strengthened with a 'zero tolerance' clause in 2017 (Stortinget, 2003: 3; Stortinget, 2017). While a background study concerning complaint cases on the right to a good psychosocial environment to the County Boards concluded that the problem was not the text of the law, but its realization (Welstad and Warp, 2011:5), the Parliament, based on the Ministry's proposal, decided nevertheless to strengthen the text of the law.

The link between this provision and human rights is also weak. One might argue that in order to realise zero tolerance on bullying one must promote respect for human rights, including the rights of minorities. However, Chapter 9A of the Education Act places the responsibility for realizing the right to a good psychosocial environment and zero tolerance on bullying squarely on each school alone. The focus is on combating bad behaviour and monitoring the schools to make sure they take this task seriously. Chapter 9A of the Education Act does not mention the promotion of specific attitudes, including respect for human rights.

The reason for this might be because bullying is viewed as a sub-category of aggressive behaviour and prejudice is not included in anti-bullying programs (Olweus, 1993). According to Dan Olweus (2003:14), one of the leading anti-bullying psychologist in Norway: 'Many also believe erroneously that students who are overweight, wear glasses, have different ethnic origin, or speak with an un-

sual dialect are particularly likely to become victims of bullying. All of these hypotheses have thus far failed to receive clear support from empirical data.’ Roland (2007:44–45) comes to a similar conclusion.

However, international studies point in a different direction. Minton (2016) reviews studies of self-reported bullying by lesbian, gay, bisexual and transgender (LGBT) students in Canada, Ireland, Northern Ireland and Norway; and students with sensory and physical disabilities in England, Ireland and Northern Ireland. He finds that these minority groups report higher incidence rates of being subjected to school bullying (see also Minton 2014; Minton, O’ Mahoney, and Conway-Walsh, 2013). Some of the research discussed in section 4 below also suggests this connection.<sup>10</sup>

#### 14.3.6 INTERNATIONAL CRITIQUE OF NORWAY’S POLICIES

To promote respect for the rights of people subject to prejudices in society is a pedagogical challenge. If the didactical and pedagogical strategy is superficial, the result may worsen attitudes despite the good intentions (See Fishman and McCarthy 2005; Vaughta and Castagnob 2008; Housee 2008; de Freitas and McAuley, 2008; Welply, 2017; McCully and Reilly, 2017). The former Special Rapporteur on Education, Katarina Tomaševski (2001), explains that:

The words of caution about educational programmes merit repeating: “Forcing a prejudiced person to read or hear exhortations on tolerance may only increase his prejudice. Overenthusiastic appraisals of the contributions of a minority may create a reaction of distaste for members of that minority; and programmes improperly presented, even with the best intentions, may create an awareness of group difference that did not previously exist” (Tomaševski, 2002: 16)

The Committee on the Rights of the Child emphasises therefore that:

The effective promotion of article 29 (1) requires the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies. Approaches which do no more than seek to superimpose the aims and values of the article on the existing system without encouraging any deeper changes are clearly inadequate (Committee on the Rights of the Child, 2001: 6).

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10. See below: 14.4.6 Sámi people.

That is why the Committee have also called upon states to develop a national plan of action that address all the aims of education in CRC Article 29 (1), including HRE objectives (Committee on the Rights of the Child, 2001: 7). However, the Government of Norway has not developed a national plan of action to realise Article 29 (1), and they have not addressed the issues dealt with in Article 29 (1) as part of any other plans either. Instead, it has attracted international critique.

During the 2009 Universal Periodic Review (UPR), Norway was criticised for its lack of attention to HRE. The Norwegian government promised in response 'to undertake a study to define any need for improved coordination and further reinforcement of human rights education in Norway' (Human rights Council, 2010: 14). The task was delegated to a consultant in the Norwegian Directorate for Education and Training. He wrote a report called a mapping of human rights democracy found in the Norway curriculum plan. The report is only four pages and lacks a legal analysis (any analysis) of what the obligation of human rights education entails and what it should include. It is simply based on a search for words in the curriculum plan that can be remotely associated with human rights or democracy. Based on this report, the consultant, somewhat surprisingly, concluded that democracy and human rights have been well integrated into the curriculum plan.

In the 2014-Universal Periodic Review at the UN Human Rights Council, Turkmenistan called upon Norway to 'develop a national action plan for human rights education that consists of a thorough needs assessment and programmes for human rights education at all levels' (Human Rights Council, 2014a: 17). Norway did not accept this recommendation, stating that:

An action plan is not considered the optimal measure at this point in time. The topic of human rights is well integrated into educational curricula. Higher education and teacher training institutions are particularly encouraged to increase their cooperation on human rights education. This is expected to lead to intensified efforts while preserving institutional autonomy in higher education (Human Rights Council, 2014b: 4).

However, teacher education curriculums are defined by government regulations specifying that the curriculum shall be based on the Education Act and the National Curriculum Plan, which includes some recognition of human rights but within Christian and humanistic heritage and tradition.<sup>11</sup> The government regula-

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11. See paragraph 3.2 and 3.4 above.

tions do not mention the CRC nor the Constitution Section 109.<sup>12</sup> It is stated, in these regulations, that teachers should have knowledge ‘of child rights’, but not on how to teach *respect* for human rights,<sup>13</sup> which is not the same thing.

These international concerns and critiques underscores the potentially underlying problem in Norway’s law and policy on HRE. Human rights are partly included in the Education Act and curriculum plan but it is difficult to argue that the state has taken sufficient steps to integrate human rights into its educational aims and plans. This may ultimately affect whether education is directed towards ensuring respect for human rights, to which we now turn.

#### 14.4 OUTCOMES

What empirical data can shed light on the proposed outcome indicators (see section 2.1)? What is the proportion of majority students in Norway that learn to respect the rights of vulnerable groups, ethnic and religious minorities and indigenous (Sámi) people? And what is the proportion of prejudice and intolerance towards vulnerable groups, minorities and indigenous (Sámi) people? And how do we determine implementation on the third outcome indicator on Sámi history education?

There is only one socio-legal quantitative study that measures directly the realisation of HRE in Norway. That is my own PhD from 2011, which partly analysed HRE specifically in relation to the Sámi people. In order to present a broader picture, I have sought to assemble data on experienced discrimination, bullying and attitudes among primary, secondary and high school students in Norway.

To be sure, such outcomes data raises questions of causation. If students have learned the requisite respect, knowledge and skills, it might not be because of the law or the HRE-teaching in school. It may be drawn from a movie watched, social media engagement or a number of other factors. In this case, it does not matter. What I seek to do here is only to shed light on what the empirical data say about the reality out there, if it is in line with the aims of the law, regardless of the reasons. In any case, while the data is somewhat difficult to interpret, it seems there is a gap between the aims of HRE and the reality. Moreover, in section 3 above, I have indicated that while the legal basis for HRE seem strong on the surface, in

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12. See Regulations Relating to the Framework Plan for Primary and Lower Secondary Teacher Education for Years 5–10 (FOR-2016-06-07-861), section 1 (2); and Framework Plan for Primary and Lower Secondary Teacher Education for Years 1-7 (FOR-2016-06-07-860), section 1 (2).

13. Ibid, section 2-(2) in both of the regulations.

reality it is rather weak, because it has not been considered as relevant in the design of curriculum plans. Furthermore, the government has refused to adopt any national plan of action to realise HRE, because it is not seen as necessary. However, if there is a gap between the aims of the law and results of the data that describe reality, then examining the HRE curriculum and the legal-policy superstructure might be one good place to start.

#### 14.4.1 EXPERIENCE OF DISCRIMINATION

The most comprehensive quantitative data on discrimination in schools stems from the government's Student Surveys (Elevundersøkelsen) from 2007–2012, which partly measured experiences of discrimination. The data from the Student Survey 2012 is based on answers from 380,183 students (66%) in 5<sup>th</sup> grade to the end of high school (Wendelborg et al. 2012:3–4). Among other things, the students were asked if they had experienced unfair treatment or discrimination based on five different grounds: *Gender, disability, nationality, religion or faith and sexual orientation*. They were also asked how often it might happen: 'Never', 'occasionally', '2 to 3 times a month', 'approximately once a week' or 'many times during a week' (Wendelborg et al. 2012:70–72). As the survey was becoming too large, following 2012, the questions about these five grounds were removed from this yearly student survey. Thus, there are no published numbers from the Student Surveys on these aspects following 2012. However, the questions were kept in the survey as 'optional' and this data is accessible. I include the 2017 numbers in which approximately 30,000 (6.8%) students chose to answer each of these questions. The total number of students that participated in the 2017 Student Survey was 435 213 students.

If one takes the cumulative percentage of those 30 000 students who have answered the questions, based on their experience of unfair treatment or discrimination '2 to 3 times a month' or more often, the numbers vary from 6.1% based on gender, 3.1% based on disability, 6.3% based on nationality, 4.4% based on religion or faith and 3.7% based on sexual orientation. These numbers are slightly higher than in 2012 in which the questions were mandatory and included all the participating students. The Student Survey does not give any data on the proportion of students within these groups.

#### 14.4.2 RELIGION

A total of 30,047 students chose to answer the question in the 2017 Student Survey regarding their experience of discrimination based on 'religion or faith'. Of these

students, 4.4% said they had experienced discrimination ‘2–3 times a month’ or more often. According to the 2009 International Civic and Citizenship Education Study, 81% of students in secondary school are either Christian (54%) or have no religion (27%). A further 9.4% report that they belong to a minority religion; 5% are Muslim, 1% are Buddhist, 0.4% are Jewish and 3% belong to an ‘other’ religion (Mikkelsen, Fjeldstad and Lauglo, 2011:56). If one can assume that the majority of those who have experienced discrimination based on religion or faith belong to this minority group of 9.4%, then 4.4% of the total population of students amounts to 46% of this minority group. Again, if one can assume that Muslims experience more discrimination than other religious minority groups, because of the general hostile environment towards Muslims, 4.4% out of 5% is an alarmingly high number. However, these are only very speculative rough estimations and the precise proportion is unknown.

A general study of attitudes in the Norwegian population, conducted by the Holocaust Centre, indicates that overall ‘34.1 per cent of the population displays marked prejudices against Muslims’ (Hoffmann and Moe, 2017:14). For instance 39% agree with the statement ‘Muslims pose a threat to Norwegian culture’ and 30% with the statement ‘Muslims want to take over Europe’. Nearly thirty per cent (27.8%) say they generally ‘dislike Muslims’, and overall 19.6% would dislike having Muslims as neighbours or in their circle of friends. However, it is also pointed out that older people in general are more negative than younger people. In addition, these attitudes have become slightly more positive since a similar study was conducted in 2011 (Hoffmann and Moe 2017). These findings correspond well with a quantitative study by Ottar Hellevik and Tale Hellevik. Their conclusion is that attitudes towards immigrants, and Muslims in particular, exhibit a positive trend in Norway (Hellevik and Hellevik 2017).

#### 14.4.3 ETHNIC DIVERSITY

What is the proportion of majority students in Norway that learn to respect the rights of ethnic groups that are different from themselves? The 2009 International Civic and Citizenship Education Study included direct questions on student attitudes on ethnic diversity and immigrants. From a sample of 129 randomly selected schools approximately 3300 students in the 8<sup>th</sup> grade, and the same amount in 9<sup>th</sup> grade, answered questions about their views on democracy (Mikkelsen, Fjeldstad and Lauglo 2011:150–151). This included some general questions on the rights of *populations (ethnic groups)* and *immigrants*. The first set of questions concerned the rights of *populations (ethnic groups)* (Ibid: 46):

**TABLE 14.1** Views on ethnic groups

<b>Table 1</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Persons from all populations (ethnic groups) should have the same rights and duties	51%	40%	7%	3%
Persons from all populations (ethnic groups) should be encouraged to stand for election	34%	50%	13%	3%
Schools should honour students and respect all human beings regardless the population (the ethnic group) they belong to.	57%	35%	6%	2%
Persons from all populations (ethnic groups) should have the same opportunity to get a good job in Norway	47%	44%	7%	2%
All populations (ethnic groups) should have the same opportunity to get a good education in Norway.	49%	45%	5%	2%

The overwhelming majority of students give answers that are generally very positive in the direction that one should respect the rights of all human beings. Seven to 16% of students disagree with these statements. However, the questions are so vague that they can be interpreted in multiple directions – students that answered negatively might have seen an exception to the general rule; students that answered positively might hold to an exception in some cases. Children, for instance, cannot vote and do not have the same rights as adults, but they are still ‘persons’.

These questions were followed by a number of questions on the rights of immigrants (Mikkelsen, Fjeldstad and Lauglo 2011:47). Instead of general questions along the lines of ‘everyone should be respected regardless of their nationality’, these questions are slightly more specific, focusing on immigrants. In this second set of questions, a higher percentage of students become more negative, especially in terms of the right to be different – to speak your own language, enjoy your own culture and practice your own religion in accordance with CRC Article 30 and CCPR Article 27. See Table 2.

**TABLE 14.2** Views on immigrants

<b>Table 2</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Immigrants should have the same rights as everybody else in the country	48%	39%	9%	4%
Immigrants should be able to keep their own habits and their own lifestyle	30%	46%	16%	8%
Immigrants that have lived in a country for many years should have the right to participate in elections	38%	43%	14%	5%
Children of immigrants should have the same possibility of education as other children in the country	55%	38%	4%	3%
Immigrants should have the opportunity to continue to speak their own language	23%	50%	19%	8%

Twenty-two per cent of students disagree that immigrants should be able to keep their habits and lifestyle. It might be seen as a violation of CRC Article 30, but then again no groups have unlimited rights to their habits and lifestyles.<sup>14</sup> Almost 30% of the student seem to think that immigrants should not have the right to speak their own language. The authors write that this might mean that students are of the opinion that immigrants should show willingness to integrate into the Norwegian society (Mikkelsen, Fjeldstad and Lauglo 2011:48). However, one might still learn Norwegian and be integrated without abandoning one's own culture. Some students, however, might have interpreted the question to be about the language at school.

Before turning to additional statistical studies on attitudes towards specific minority groups, it is useful to refer to a number of qualitative studies. This partly provides a richer picture on potential attitudes of the majority students.

Knut Vesterdal interviewed 27 teachers in secondary schools, most of them teaching social studies. In one of his interviews, the teacher talks about the attitudes of the students:

14. For example the Committee on the Rights of the Child emphasise that: 'In the case of children, the best interests of the child cannot be neglected or violated in preference for the best interests of the group.' General Comment 11, para. 30.

There are other groups of people, also in this area, but we don't know them sufficiently. And a lot of the students have negative thoughts about other peoples. This includes a lot of them – a great number. It derives from their lack of knowledge about them. It is related to the lack of knowledge. And I try to say that we must meet them, talk with them and see them. (...) We have discussed crime now, and most people thought crime was committed by people with other ethnic origin (Vesterdal 2016:187).

This is an interview of a teacher in an upper secondary school in a rural area, with a minor degree of diversity among the students (Vesterdal 2016:172). One of the primary research questions of Vesterdal was to understand how HRE was taught by teachers. In one of his conclusions he explains that:

First, there is a clear tendency of presenting human rights through their negation, meaning that it is narratives concerning human rights *violations* that dominate their described practice. Here it is often the worst violations that are presented where genocide, ethnic cleansing, and mass atrocities in war-torn, authoritarian and totalitarian societies is the point of reference to discuss human rights. Moreover, there are basically violations outside the Norwegian border that are emphasized in the context of human rights, as the worst abuses occur 'there' and represent clear examples that are expected to motivate and engage the students to work with such issues and to develop solidarity (although freedom of speech and freedom of religion are referred to as a discussion topic in a national context) (Vesterdal 2016:249).

Vesterdal is very critical towards this 'tendency of dichotomization between the harmonic Norway as a human rights heaven and the chaotic, violent world outside' (Vesterdal 2016:249).

In another PhD-study, Heidi Biseth undertook a curricula- and policy study combined with qualitative interviews on *Democracy in Multicultural School Environments*. Her findings indicate that diversity present in the school population is rarely linked to democracy, and hence diversity is turned into an aberration rather than a natural consequence of democracy (Biseth 2012:91–83).

Carla Chinga-Ramirez (2015) spent seven months observing 21 students at three high schools in Norway. Her study was focused on how majority discourses on normality influence minority students. Her studies indicate that majority discourses on *normality* and *equality* creates an idea of equality as *sameness*, based on Norwegian heritage and origin. She argues that the equality principal within the

schools were based on a silent and invisible frame of ‘educational normality’ that favours the majority students (Chinga-Ramirez 2015).

#### 14.4.4 SEXUAL ORIENTATION

In General Comment No.1, the Committee on the Rights of the Child emphasize that: ‘A school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of Article 29(1)’ (Committee on the Rights of the Child, 2001: 6). HRE is not specifically about combating bullying, but if one can show that a specific group of students are being bullied, then that might be an indication of negative attitudes towards that group. According to Article 2 of the CRC ‘States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind.’ According to the Committee on the Rights of the Child, this includes sexual minorities. In fact, they urge:

States to eliminate such practices, ... discriminating against individuals on the basis of their sexual orientation, gender identity or intersex status and adopt laws prohibiting discrimination on those grounds. States should also take effective action to protect all lesbian, gay, bisexual, transgender and intersex adolescents from all forms of violence, discrimination or bullying (Committee on the Rights of the Child, 2016: 10).

Roland and Austad (2009: 19–23), two leading scholars in the field of bullying-research, conducted a study on bullying among 10<sup>th</sup> grade bisexual and homosexual/lesbian students at 27 randomly selected schools. In the survey, bullying is defined for the students in this way:

We call it bullying when one or many (together) are unfriendly and unpleasant towards another person that cannot easily defend themselves, and when this happens repeatedly. For example this can happen by him/her being kicked, beaten or pushed. Bullying can also be when he/she is teased a lot or excluded from the company of the others (Ibid: 20).

The students were asked about different forms of bullying – including digital and direct bullying. According to Roland and Austad, the level of bullying among homosexual students is extremely high, especially among the homosexual boys. 48% of the boys report being bullied ‘two to three times a month’ or more often

digitally <sup>15</sup> or directly compared to 7.3% of the heterosexual boys (Roland and Auestad 2009:32). Here are the numbers for all the groups:

**TABLE 14.3** Bullying and LGBT students

	<b>Heterosexual</b>	<b>Bisexual</b>	<b>Homosexual/lesbian</b>
Boys	109 (7.3%)	10 (23.8%)	24 (48.0%)
Girls	76 (5.7%)	11 (11.5%)	7 (17.7%)
All	186 (6.6%)	21 (15.2%)	31 (34.8%)

The authors also asked questions about homophobic name-calling, being called 'homo' or 'lesbian' and being maligned for this status. 50% of the boys said this happened 'two to three times a month' or more often (Roland and Auestad 2009:36). Here are the rest of the numbers:

**TABLE 14.4** Name-calling and LGBT students

<b>Table 4</b>	<b>Heterosexual</b>	<b>Bisexual</b>	<b>Homosexual/lesbian</b>
Boys	72 (4.8%)	13 (31.0%)	25 (50.0%)
Girls	11 (0.8%)	1 (1.0%)	6 (15.4%)
All	83 (2.9%)	14 (10.0%)	31 (34.8%)

What is clear from the data is that homophobic name-calling and bullying based on sexual orientation is much higher among boys compared to the girls. Still the numbers are quite high among the girls. While the absolute number of students that are homosexual/lesbian or bisexual are quite small, somewhat compromising the statistical significance of the study, the differences are very high. It is safe to say that the rights of bisexual and homosexual/lesbian students are not sufficiently respected by the majority students.

In another study Bendixen and Kennair conducted a survey among 1713 student at 17 high schools in Sør-Trøndelag in 2013 to 2014. They found that 38% of the boys had been called 'homo', 'gay' or something similar during the last year. 30.1% had experienced this twice or more. 24.3% of the students reported that they had called a boy 'homo', 'gay' or something similar twice or more the last

15. Digital bullying includes bullying on the phone, text messages, videos, etc. In addition it includes internet based bullying, through social media, the spreading of videos, etc.

year. The number of girls being called these things is significantly lower (Bendixen and Kennair 2014).

#### 14.4.5 DISABILITY

As mentioned above in the 2017 Student Surveys (Elevundersøkelsen) 3.1% of students have experienced unfair treatment or discrimination based on disability ‘2 to 3 times a month’ or more often. However, this says little about the proportion of students with a disability that have experienced this. Patrick Kermit et. al (2014) sent out written surveys to 785 parents with students that had a sensory disability (hearing or eye sight disability). 0.28% of student in Norway have sensory disabilities. 175 students completed the surveys and 10.7% of these students reported having been bullied ‘2 or 3 times a month’ or more often (Kermit, et al 2014:80). However, it is important to note that the question about bullying was much more rigid than the question about unfair treatment and discrimination. It was stated that:

Bullying means repeated negative and ‘vicious’ conduct from one or several others against one student that have trouble defending themselves. Repeated teasing in an unpleasant and hurtful way is also considered bullying.

17.8% of the students said that they had been bullied ‘*once in a while*’. These numbers are not that high compared to the rest of the student population. However, 7.1% of the students report being bullied 2 or 3 times a month compared to 3,2% of students in general, which is twice as many. The numbers must also be viewed in light of the fact that some students are in segregated schools, with other student with disabilities. A study by Jan Erik Finnvoold indicated that 17% of secondary school students with physical disabilities, are attending segregated schools (Finnvoold 2013:37).

#### 14.4.6 SÁMI PEOPLE

Norway is based on the territory of two peoples, Norwegians and the Sámi.<sup>16</sup> Today the Sámi people are quite few, due to harsh assimilation (Norwegianization) that lasted at least 112 years (Minde 2005; Dahl 1957:109). In my PhD-

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16. On the 7th of October 1997 the King of Norway His Majesty King Harald, acting on behalf of the Kingdom of Norway, opened the Sámi Parliament by stating that: ‘The Norwegian state is founded on the territory of two people – Norwegians and Samis. Sami history is closely intertwined with Norwegian history. Today we must deplore the injustice the Norwegian state has previously inflicted on the Sami people through a harsh Norwegianization policy’ (Hætta, 1998, p. 20).

research, statistical data was collected in 2009, on whether HRE is realised in Norway in accordance with CRC Article 29 (1), based on a sample of 817 students in ninth grade at 15 schools in Sámi and non-Sámi areas from the North to the South of Norway. This research also included written surveys from 190 teachers (41.9% response rate) at the same schools (Lile 2011). The questions were based on a diligent legal analysis of CRC Article 29(1) to ensure a high score on legal relevance (Lile 2011:78–299). This methodology is published elsewhere (Lile 2017).

One of the first things I wanted to know was if students learnt anything about the Sámi people and how they evaluated that education. 73.5% said that they had received no education at all about the Sámi or that the education they had received was ‘not so good’ or ‘bad’. This was followed by questions on the content of education. A student may say that they have learned a lot, but learning ‘about’ the Sámi is not the same as learning the things that are important to ‘develop respect’ for the Sámi people and their rights.<sup>17</sup>

I had several questions on the content of education, but in this chapter, for the purpose of space, I have chosen to say something on history education. As mentioned above, I have concluded that one of the indicators for the evaluation of HRE with regard to the Sámi should be this one:

The proportion of majority children that have learned about the Norwegianisation policy and the fight for Sámi rights in a fair, accurate and informative way.

This indicator can be justified as follows. In order to combat prejudice and realise HRE the Committee on the Rights of the Child states that:

Emphasis must also be placed upon the importance of teaching about racism as it has been practised historically, and particularly as it manifests or has manifested itself within particular communities (Committee on the Rights of the Child, 2001: 4).

The Committee has also emphasised the importance of a fair history education in several concluding observations.<sup>18</sup> In conformity with this, Article 31 of the ILO convention No.169 on Indigenous and Tribal Peoples (1989), which Norway was the first to ratify, emphasise that:

Educational measures shall be taken [...] with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts

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17. See above, section 2.3.

shall be made to ensure that history textbooks [...] provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

Thus both the Committee on the Rights of the Child and the ILO Convention 169 emphasise the importance of history education to combat prejudice. And this history education should, according to the ILO-convention, be ‘fair, accurate and informative’.<sup>19</sup>

The Norwegian state had an assimilation policy called Norwegianisation, which in the words of the Norwegian King, was ‘harsh’, and it lasted at least 112 years (Minde 2005:7). That policy has significantly contributed to the fact that Sámi people today are quite marginalised in Norway. This history is just as much a part of Norwegian history as of the Sámi history. If history education in Norway is going to have a shot at being ‘fair, accurate and informative’, students must learn about this history. The question is; what is most important to learn about the Norwegianisation history? According to Henry Minde:

[I]t was not the advancement and the existence of a policy of assimilation, which made Norway different from other states, but rather the determined, continuous and long-lasting conduct of that policy. This is what makes the historical legacy of the norwegianisation policy morally problematic and politically sensitive even to this day (Minde 2005:7).

Thus, I have concluded that one of the most important things the students must learn to understand about this history, in order for it to be ‘fair, accurate and informative’, is the ‘determined, continuous and long-lasting conduct of that policy’. Thus, students and teachers were asked how long the Norwegianization policy

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18. *Concluding observations: Bulgaria*, UN doc. CRC/C/BGR/CO/2 (2008), para. 72(c); *Concluding observations: Serbia* (2008) para. 74(d); UN doc. CRC/C/SRB/CO/1; *Concluding observations: Slovakia* (2007) UN doc. CRC/C/SVK/CO/2: para. 58 (c); *Concluding observations: Romania* (2003), UN doc. CRC/C/15/Add.199, para. 65 (c); CRC/C/15/Add.201: *Concluding observations: Czech Republic* (2003), para. 68 (c); *Concluding observations: Poland* (2002), UN doc. CRC/C/15/Add.194: para. 53 (c); *Concluding observations: Republic of Moldova* (2002), UN doc. CRC/C/15/Add.192, para. 50 (c); *Concluding observations: Estonia* (2003), UN doc. CRC/C/15/Add.196, para. 53 (b); *Concluding observations: Georgia* (2008), UN doc. CRC/C/GEO/CO/3, para. 77 (d).

19. For more legal sources on the importance of history education see for instance Article 12 (1) of the European Framework Convention for the Protection of National Minorities, artikkel 8 (1) (g) of the European Charter for Regional or Minority Languages. And for a more diligent analysis of these sources and several other legal sources see my PhD (Lile 2011), especially pp. 158–169 and pp. 202–203.

icy lasted. The alternatives were “more than” 20, 30, 50 or 100 years. Here are the results for the 9<sup>th</sup> grade students:

		How long did the Norwegianization policy last?					Total
		100 years	50 years	30 years	20 years	Don't know	
Total	Numbers	88	120	79	41	480	808
	Percentage	10.9%	14.9%	9.8%	5.1%	59.4%	100.0%

As one can see the majority of those who actually tried to answer the question made the wrong guess on 50 years. It is a big difference between 112 years and 50 years. 17 of the 28 students I interviewed about this matter said that they had never heard any talk about the Norwegianization policy. They did not know anything about what the question concerned.

Since then, following two years of pressure from the Sámi Parliament, the government has included a learning outcome on the Norwegianisation policy, in the curriculum plan.<sup>20</sup> However, there is no research that can shed light on whether these efforts have been effective. A recent positive development is also that on the 20th of June 2017, with 53 in favour and 47 opposed, the Parliament of Norway decided that there should be established a commission to investigate the history of Norwegianization of the Sámi and Kven people.<sup>21</sup> The Committee on the Rights of the Child has praised the efforts of Canada and Australia to investigate past events and express regret for what happened during their assimilation policy toward indigenous peoples.<sup>22</sup> Hopefully such a commission will raise the awareness of what happened to the Sámi and Kven people and contribute to increased understanding and respect for the struggle for indigenous human rights in Norway.

While majority children should learn about the Norwegianisation policy, I conclude that they should also learn about the ‘struggle for Sámi rights. Why? According to CRC Article 29 (1) (d) education shall be directed to ‘the preparation

20. See above, Section 3.4.

21. Stortinget, Dokument 8:30 S (2016–2017), Innst. 493 S (2016–2017) Representantforslag om en sannhetskomisjon for fornorskningpolitikk og urett begått mot det samiske og kvenske folk i Norge: <https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Vedtak/Sak/?p=67518> (accessed 30.04.2018).

22. Committee on the Rights of the Child, *Concluding observations: Canada* (2003), UN doc. CRC/C/15/Add.215, para. 58; *Concluding observations: Australia* (2005), UN doc. CRC/C/15/Add.268, para. 32.

of the child for responsible life in a free society, in the spirit of understanding [...] among all peoples [...] and persons of indigenous origin'. To develop 'understanding' for the Sámi people and develop respect for their rights, it is not enough to just learn about oppression. If history education is to be 'fair, accurate and informative' students must learn to 'understand' how Sámi people have fought for their rights. Sámi people are not just an anonymous group of faceless people. Thus, they should learn a little bit about who the protagonists are. Who is the Martin Luther King of the Sámi people? Ole Henrik Magga became the first president of the Sámi Parliament. He was one the most prominent leader of the Alta-river dam conflict that led to the establishment of the Sámi Rights Commission, which formed the basis for many of the Sámi people's rights today. The establishment of the Sámi Parliament was a major victory for the Sámi people. Thus, I would argue that of all the protagonists of the Sámi human rights struggle, Ole Henrik Magga is perhaps the most important (Lile 2011). Therefore, one of the questions I asked was about the first president of the Sámi Parliament. Here are the results:

		What was the name of the first president of the Sámi Parliament?					Totale
		Nils Mattis Hætta	Mikkel Sara Gaup	Ole Henrik Magga	Aili Keskitalo	Don't know	
No.		126	50	103	84	446	809
Percent		15.6%	6.2%	12.7%	10.4%	55.1%	100.0%

The options Nils Mattis Hætta and Mikkel Sara Gaup were just random made-up Sámi names. Aili Keskitalo was the current president at the time. As one can see from the results, the fake made-up name "Nils Mattis Hætta" was the most popular guess among the students. 15.6% went for that. 12.7% of the students either knew the answer or made the right guess.

What was particularly disappointing was that students from two of the core Sámi areas seemed to be particularly unaware of this basic question. Out of 49 students, only two (2) students gave the correct answer. Among teachers a majority (except Oslo) gave the correct answer. The tendency was that the older and more experienced teachers knew the answer (80%) while a larger proportion of the inexperienced teachers (36%) did not know. That might suggest that their knowledge comes from following the news when they were younger, not from the curriculum.

Having asked general questions about the content and quality of the education and some central knowledge questions, I also asked questions concerning attitudes, which were based on the debate about Sámi people's rights. Some of the attitude questions were formulated as statements. The students and the teachers were given these options: 'fully agree', 'somewhat agree', 'neither or', 'somewhat disagree', 'fully disagree' or 'don't know'. I also asked some more direct questions about if they thought Sámi people are 'whiny' and demanding and if they had experienced prejudice against the Sámi people.

To sum up the results briefly, there were large differences between the North and the South. In the North, in Finnmark, the attitudes were significantly more negative among students and teachers compared to the rest of the country. In the South and in Trøndelag, students and teachers generally did not have any opinion due to lack of knowledge or they were quite positive towards the rights of Sámi people. In the North however, the attitudes were quite negative, sometimes quite aggressive, among a large sample of students and teachers.

Thirty-five per cent (35%) (21 out of 59) teachers in Finnmark 'fully' or 'somewhat' agreed that the Sami Parliament should be disbanded. The Sámi Parliament is the democratic voice of the Sámi people, protecting the right of indigenous peoples to speak on behalf of themselves. 28% of teachers 'fully' or 'somewhat' agreed that Sámi rights is '*a threat to democracy*', and 49% said that Sámi people are either 'very' or 'somewhat' '*demanding and whiny*'. If a teacher thought that Sámi people should not have the right to speak on behalf of themselves, that their rights are a threat to democracy and that they are demanding and whiny, it is not clear how they can promote respect for the rights of Sámi people. In the interviews, it became clear that some of these teachers felt that Sámi people had been given too many rights, and they felt that Norwegians were being marginalised and oppressed as a result of Sámi rights (Lile 2011:544). This corresponds well with a longitudinal study by Michael I. Norton and Samuel R. Sommers (2011) that followed 209 white and 208 black Americans from 1950 until 2010. They say that a growing proportion of the white informants felt as if they were victims of 'black racism' as a result of black rights. They reflect on this saying that:

This emerging perspective is particularly notable because by nearly any metric—from employment to police treatment, loan rates to education—statistics continue to indicate drastically poorer outcomes for Black than White Americans (Norton and Sommers 2011:215).

There is this perception among some teachers that Sámi people have been given special rights to land and water. However, there are no special Sámi rights to land or water in Norway.

Among the students in Finnmark, 18% of students ‘somewhat’ or ‘fully’ agreed that the Sámi Parliament should be disbanded, and 50% thought that Sámi people were ‘somewhat’ or ‘very’ ‘demanding and whiny’. In one of the municipalities in Finnmark 59 students (34%) said that they had experienced ‘quite many’ or ‘very many’ incidents of other students saying prejudice (ugly) things about the Sámi people. In the other municipality the number was a bit lower (14%), however in this municipality 52% said that Sámi people are ‘very’ or ‘somewhat’ demanding and whiny, compared to 42% in the other municipality in Finnmark. Thus, it seems clear that quite a large proportion of students in Finnmark have not learned much respect for the rights of the Sámi people. In most other parts of the country the proportion of students with negative attitudes were not as high as in Finnmark.

On the surveys, it was possible for students to provide some additional comments. Some of the students from Finnmark wrote quite disturbing things about Sámi people. A couple of students said that they ‘strongly hated’ and ‘detested’ Sámi people, others said that they were dirty, ugly, smelly, and/or greedy.

This study also covered bullying, but only through interviews with nine Sámi students. It was a difficult topic for interviews. It is very hard to gain the trust of students and create a safe space to talk about bullying. Three of them had been teased or bullied because they were Sámi or because they studied Sámi language. One of the students broke down during the interview and tears flowed down his chins as he told the most heart-breaking story of how he was bullied. The bully said things like ‘all Sámi people should die, and they do not belong in this country’. He was bullied on the internet, at school and on his way to school. At this particular school, the majority of teachers boycotted my survey. The rector said many of them had reacted to the tone in the survey. The school inspector was annoyed about the topic of the survey – it is much more important to do research on the Sámi people’s attitudes towards Norwegians, she said. According to her, Norwegians were victims of Sámi racism, which was a much bigger problem according to her. When I told her about the student who was being bullied she promised to deal professionally with it. However, after three months without news I contacted her to ask what had happened. She wrote to me in an email that she had talked to the parents and the boy and that everything was resolved. Sceptical, I made contact with the mother of the student. She was very surprised; she did not know that her boy was bullied at school. She was worried about him because he had quit his Sámi classes and his performance at school was not good. When I told

her about the email, she was amazed, saying *'that it is a lie; I have never heard anything about this.'* Following her intervention, the vice chancellor (rector) at the school took the matter very seriously. Nevertheless, this story illustrates how attitudes and bullying can be very much interrelated. And, studies by Ketil Lenert Hansen et al. have indicated that a large significant proportion of Sámi people report being discriminated against because of their ethnic identity (Hansen et al, 2008; Hansen and Sørli 2012).

### 14.5 CONCLUSIONS

On its surface, the legal foundations of HRE appear strong in Norway. The relevant provision of the CRC has been incorporated into law with preference over the Education Act. Additionally, the new section 109 in the Constitution specifically states that: 'The education shall [...] promote respect for democracy, the rule of law and human rights.' However, what matters for the actual education in schools is what laws give direction to the Overriding curriculum plan and the detailed curriculum plans. It is only the purpose clause of the Education Act (Section 1-1) that gives direction to these curriculum plans, not the Constitution Article 109, CRC Article 29 (1) nor CESCR Article 13 (1). It is based on 'fundamental values in Christian and Humanist heritage and traditions' – bracketing the potential reach of human rights. Human rights are only included in a fragmented and haphazard manner in the country's curriculum plans raising questions as to whether it is complying with its obligations to direct knowledge towards ensuring respect for human rights. In light of international critique, the Norwegian government should adopt an evidence-based national plan of action in order to revise the curriculum plan with the aim of realising its HRE obligations. Indeed, without any overall plan on HRE, and in light of international research, some of the curriculum learning outcomes might very well instil negative attitudes despite their good intentions.

The chapter then considered whether HRE is being realised in Norway? This was evaluated against two outcomes indicators:

- The proportion of majority students in Norway that learn to respect the rights of vulnerable groups, ethnic and religious minorities and indigenous (Sámi) people
- The proportion of prejudice and intolerance towards vulnerable groups, minorities and indigenous (Sámi) people

It was argued that these represent the most valid means of determining the effectiveness of Norway's implementation. The chapter reviewed different studies on discrimination and attitudes on children's views with a focus on religious and ethnic minorities, Sámi people and two vulnerable groups – sexual minorities and children with disabilities. The studies on respect for religious minorities suffer from data challenges, but assuming that students from minority religions are most likely to be targeted, a relatively high number of students report discrimination or harassment two to three times a month or more. Those who experience bullying the most in schools appear to be homosexual and lesbian students. According to Roland and Austad, the level is extremely high and claim that the evidence strongly suggests that bullying is related sexuality. My own study, that sought to specifically measure the realisation of HRE in Norway with respect to Sámi, found that students in ninth grade learn little about the Sámi people, let alone the things that are important to develop respect for their rights in a spirit of understanding. These findings suggest that Norway needs to review the effectiveness of its HRE but also measure to what extent the teaching is effective in practice.

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